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12-22-81
Vol. 46 No. 245
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federal register

Tuesday
December 22, 1981

Highlights

62056 **Veterans** VA provides for charging of interest on debts and referral of debtor information to consumer reporting agencies.

62059 VA brings effective date for certain educational assistance allowance increases into closer conformance with similar disability compensation increases.

62133 **Grant Programs—Education** ED invites applications for awards under the Graduate and Professional Study Fellowship Program.

62134 **Education** ED lists accrediting and State approval agencies to be reviewed under interim procedure.

62122 **VISTA Program** ACTION outlines certain operating guidelines.

62087 **Pensions** PBGC proposes guidelines for determining whether mergers and transfers between multiemployer plans comply with Employee Retirement Income Security Act.

62226 **Coal** DOE proposes diligence requirements for Federal leases and logical mining units. (Part II of this issue)

62132 **Petroleum—Commodity Futures** CFTC announces availability of proposed contract with Chicago Board of Trade.

CONTINUED INSIDE

Highlights

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

62053 **Federal Reserve System** FRS amends regulations on reserve requirements of depository institutions.

62181 FRS adopts fee schedule for coin wrapping services.

62179 **Radio—Marine Safety** FCC seeks comments on operational standards for equipment mandatorily fitted aboard vessels subject to the Safety of Life at Sea Convention.

62113 **Radio** FCC proposes changes in radiotelephony criteria in 4000 to 23000 kHz band in maritime mobile services.

62077 **Hunting** Interior/FWS establishes procedures for issuance of annual migratory bird hunting regulations.

62056 **"Woodsy Owl"** USDA/FS decides to retain program in present form.

62098 **Water Pollution Control** EPA announces availability of report on impacts of industrial discharges on publicly owned treatment works.

62049 **Rural Electrification** USDA/REA revises specification for wood poles, stubs, and anchor logs.

62081 **Agricultural Commodities** USDA/CCC withdraws proposal on establishment of price support program for 1981-crop gum naval stores.

62131 **Imports** CITA increases restraint level for certain man-made fiber apparel products from Mexico.

62081 **Administrative Practice and Procedure—Nuclear Energy** NRC proposes to revise regulations on administrative claims under the Federal Tort Claims Act.

62045 **Administrative Practice and Procedure—Government Employees** MSPB discontinues providing free transcript copies to apellants and agencies.

62045 MSPB requires parties to serve all pleadings, documents and other items directly on each other and eliminates requirement that pleadings be by certified mail.

62093 **Privacy and Freedom of Information Act Document** SSS

62213 **Sunshine Act Meetings**

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62226 **Part II, DOE**

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MERIT SYS BOARD

5 CFR Part

Practices a Rule

AGENCY: M Board.

ACTION: Int comment.

SUMMARY: regulations it to serve other items instead of serve the p eliminate th pleadings b action is ne uncertainty budgetary Board is cu intended ef to transfer pleadings f In addition comment o

DATES: Effe 1981. Comm writing on

ADDRESS: C submitted i Robert E. T Systems Pr Avenue NW

FOR FURTH William C.

SUPPLEMEN Board's cur requires the pleadings a parties.

The Boar eliminating pleadings o Board. The

Rules and Regulations

Federal Register
Vol. 46, No. 245
Tuesday, December 22, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

Practices and Procedures; Interim Rule

AGENCY: Merit Systems Protection Board.

ACTION: Interim regulation; request for comment.

SUMMARY: The Board amends its regulations to require the parties before it to serve all pleadings, documents, and other items directly on each other instead of having the Board receive and serve the pleadings on the parties and to eliminate the requirement that such pleadings be by certified mail. This action is necessary because of the uncertainty associated with the budgetary limitations under which the Board is currently operating. The intended effect of this action would be to transfer the burden of mailing all pleadings from the Board to the parties. In addition, the Board requests public comment on this regulation.

DATES: Effective date: December 22, 1981. Comments should be submitted in writing on or before January 21, 1982.

ADDRESS: Comments should be submitted in writing and addressed to Robert E. Taylor, Secretary, Merit Systems Protection Board, 1120 Vermont Avenue NW., Washington, D.C. 20419.

FOR FURTHER INFORMATION CONTACT: William C. Jenkins (202) 653–8900.

SUPPLEMENTARY INFORMATION: The Board's current regulation at § 1201.26 requires the Board to serve copies of *all* pleadings and attachments on the parties.

The Board amends 5 CFR 1201.26 by eliminating this requirement for pleadings other than the petition to the Board. The Board would continue to serve on the parties copies of the petition for appeal and the petition for review filed with it under 5 CFR 1201.22 and 1201.114, respectively. In all other filings, service would be made by the parties, assisted by a service list provided by the Board that would explain the concept and provide the necessary information for service. One original and three copies of the petition and one original and one copy of all other pleadings would have to be filed with the Board. The parties would be required to serve on each other one copy of all pleadings other than the petition.

Section 1201.26 also presently requires the Board to serve pleadings by certified mail, return receipt requested. The current regulations at § 1201.122(b) impose a similar requirement for actions brought before the Board by the Special Counsel.

The Board amends § 1201.26 and 1201.122(b) to eliminate the certified mail requirement. Under § 1201.26 as amended, service would be made either by mail or personal delivery. Pleadings filed with the Board would have to be accompanied by a certificate specifying how and when service was made.

The amended regulations shall affect all appeals currently pending with the Board as well as all appeals received on or after the publication date of the regulations.

The Merit Systems Protection Board has determined because of uncertainty with the budgetary limitation under which it is currently operating, that good cause exists to require that these regulations be effective immediately upon publication.

Regulatory Flexibility Act

The Vice Chair, Merit Systems Protection Board, certifies that the Board is not required to prepare an initial or final regulatory analysis of this rule, pursuant to section 603 or 604 of the Regulatory Flexibility Act, because of her determination that this rule would not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

PART 1201—PRACTICES AND PROCEDURES

Accordingly, the Merit Systems Protection Board revises 5 CFR 1201.26 to read as follows:

§ 1201.26 Number of pleadings, service, and response.

(a) *Number.* One original and three copies of a petition for appeal or petition for review must be filed with the appropriate Board office. One original and one copy of all other subsequent pleadings must be filed.

(b) Service.—(1) *Service by the Board.* The Board will serve copies of a petition for appeal or petition for review upon the parties to the proceeding by mail. In doing so, the Board will attach a service list indicating the address of the appellant (or designated representative) and the address of the agency.

(2) *Service by the parties.* The parties shall serve on each other one copy of all pleadings filed with the Board other than a petition for appeal or petition for review. Service may be made by mailing or delivering personally a copy of the pleading submitted to the Board to each party on the service list provided by the Board. The pleading must be accompanied by a certificate of service specifying how and when service was made. It shall be the duty of all parties to notify the Board and one another in writing of any changes in the names or addresses on the service list.

(c) *Time limitations for response to pleadings.* Unless otherwise specified by the presiding official or these regulations, a party shall have 10 days from receipt to respond to a pleading served by another party.

§ 1201.122 [Amended]

The Board amends 5 CFR 1201.122(b) by removing the words "by certified mail."

Dated: December 14, 1981.

For the Board.

Ersa H. Poston,

Vice Chair.

[FR Doc. 81-36355 Filed 12-21-81; 8:45 am]
BILLING CODE 7400-01-M

5 CFR Part 1201

Practices and Procedures; Interim Rule

AGENCY: Merit Systems Protection Board.

ACTION: Interim regulation; request for comment.

SUMMARY: The Merit Systems Protection Board amends its regulations so as to

discontinue the practice of providing copies of transcripts to appellants and agencies free of charge. This action is necessary because of the uncertainty associated with the budgetary limitations under which the Board is currently operating. The intended effect would be to reduce the burden of providing transcripts in all cases to the parties free of charge and to shift the responsibility for request of and payment for copies of transcripts to the parties themselves. In addition, the Board requests public comment on this regulation.

DATES: Effective date: December 22, 1981. Comments should be submitted in writing on or before January 21, 1982.

ADDRESS: Comments should be submitted in writing and addressed to Robert E. Taylor, Secretary, Merit Systems Protection Board, 1120 Vermont Avenue, NW., Washington, D.C. 20419.

FOR FURTHER INFORMATION CONTACT: William C. Jenkins (202) 653–8900.

SUPPLEMENTARY INFORMATION: The Board's current regulation § 1201.53(a) requires presiding officials of the Board to provide copies of the hearing transcript to appellants and agencies free of cost, and to intervenors and other interested parties copies at their own cost.

The Board amends 5 CFR 1201.53(a) to discontinue the practice of providing copies of transcripts to appellants and agencies free of charge. Under the regulation, copies of hearing transcripts would be available to parties upon payment of costs. The Board would continue to provide for a verbatim record to be kept of each Board hearing. This would constitute the sole official record of the proceeding, unless an official transcription is made.

The Board has concluded that this amendment would not abridge or otherwise curtail an appellant's rights under the Civil Service Reform act of 1978. Inasmuch as the legislative history of the Reform Act indicates that Congress intended that the Board provide each appellant the opportunity for a "hearing on the record," the regulation would abide by that intent. The amendment also would accomplish the goal of providing parties with a hearing that is consistent with those described in the Administrative Procedure Act, which provides that a transcript will be made available to the parties only on payment of lawfully prescribed cost.

Moreover, the ultimate availability of hearing transcripts would not be altered by this regulation. The intended effect would be to reduce the burden of providing transcripts in all cases to the parties free of charge and to shift the responsibility for request of and payment for copies of transcripts to the parties themselves.

This regulation shall affect all appeals currently pending in the Board's regional offices and appeals received on or after the publication date of this regulation for which a hearing is scheduled on or after February 1, 1982.

The Merit Systems Protection Board has determined because of the uncertainty associated with the budgetary limitation under which it is currently operating, that good cause exists to require that this regulation be effective immediately upon publication.

Regulatory Flexibility Act

The Vice Chair, Merit Systems Protection Board, certifies that the Board is not required to prepare an initial or final regulatory analysis of this rule, pursuant to section 603 or 604 of the Regulatory Flexibility Act, because of her determination that this rule would not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

PART 1201—PRACTICE AND PROCEDURES

Accordingly, the Merit Systems Protection Board revises 5 CFR 1201.53(a) to read as follows:

§ 1201.53 Transcript.

(a) *Preparation.* A verbatim record made under the supervision of the presiding official shall be kept of every hearing and shall be the sole official record of the proceeding. Upon request, a copy of a transcript of the hearing shall be made available to the parties upon payment of costs. Exceptions to the payment requirement may be granted in extenuating circumstances for good cause shown. Motions for an exception shall be made in writing and accompanied by an affidavit setting forth the reasons for the request and shall be granted upon a showing of good cause. Requests for copies of transcripts shall be directed to the official hearing reporter, or the presiding official as appropriate. The presiding official may, by agreement with the person making the request, make arrangements with the official hearing reporter for required services to be charged to the requester.

* * * * *

Dated: December 14, 1981.

For the Board.

Erna H. Poston,

Vice Chair.

[FR Doc. 81-36354 Filed 12-21-81; 8:45 am]

BILLING CODE 7400-01-M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority; Energy Functions

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture and General Officers of the Department of Agriculture to reflect the establishment of a new Office of Energy and realign certain energy functions within the Department.

EFFECTIVE DATE: December 22, 1981.

FOR FURTHER INFORMATION CONTACT: Earle Gavett, Acting Director, Office of Energy, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–2834.

SUPPLEMENTARY INFORMATION: In order to give added emphasis to energy and energy-related matters, the Department of Agriculture is establishing an Office of Energy. The new office will be responsible for Departmental energy policy development and for the coordination of energy programs and strategies for the allocation of scarce fuel resources. These functions were previously carried out by the Office of Budget and Program Analysis and will be transferred to the new Office of Energy which will report to the Assistant Secretary for Economics.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Lastly, this action is not a rule as defined by Pub. L. 96–354, the Regulatory Flexibility Act and thus is exempt from the provisions of the Act.

Accordingly, Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended as follows:

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, the Under Secretary for Small Community and Rural Development and Assistant Secretaries

1. Section 2.27 is amended by adding a new paragraph (g) as follows:

§ 2.27 Delegations of authority to the Assistant Secretary for Economics.

* * * * *

(g) *Related to energy.* (1) Advise the Secretary and other policy-level officials of the Department on energy policies and programs, including legislative and budget proposals.

(2) Serve as or designate the Department representative at hearings, conferences, meetings and other contacts with respect to energy and energy-related matters, including liaison with the Department of Energy and other governmental agencies and departments.

(3) Provide Department leadership in:

(i) Analyzing and evaluating existing and proposed energy policies and strategies, including those regarding the allocation of scarce resources;

(ii) Developing energy policies and strategies, including those regarding the allocation of scarce resources;

(iii) Reviewing and evaluating Departmental energy and energy-related programs and program progress;

(iv) Developing agricultural and rural components of national energy policy plans;

(v) Preparing reports on energy and energy-related policies and programs required under Acts of Congress and Executive Orders, including those involving testimony and reports on legislative proposals.

(4) Provide Departmental oversight and coordination with respect to resources available for energy and energy-related activities, including funds transferred to USDA from other departments or agencies of the Federal Government pursuant to interagency agreements.

(5) These delegations exclude the energy management actions related to the internal operations of the Department as delegated to the Assistant Secretary for Administration.

Subpart D—Delegations of Authority to Other General Officers and Agency Heads

§ 2.36 [Amended]

2. Section 2.36 is amended by removing paragraphs (m) through (t).

Subpart K—Delegation of Authority by the Assistant Secretary for Economics

3. A new § 2.88 is added to read as follows:

§ 2.88 Director, Office of Energy.

(a) *Delegations.* Pursuant to § 2.27(g), the following delegations of authority are made by the Assistant Secretary for Economics to the Director, Office of Energy.

(1) Provide Department leadership in:

(i) Analyzing and evaluating existing and proposed energy policies and strategies, including those regarding the allocation of scarce resources;

(ii) Developing energy policies and strategies, including those regarding the allocation of scarce resources;

(iii) Reviewing and evaluating Departmental energy and energy-related programs and program progress;

(iv) Developing agricultural and rural components of national energy policy plans;

(v) Preparing reports on energy and energy-related policies and programs required under Acts of Congress and Executive Orders, including those involving testimony and reports on legislative proposals.

(2) Provide Departmental oversight and coordination with respect to resources available for energy and energy-related activities, including funds transferred to USDA from the departments and agencies of the Federal Government pursuant to interagency agreements.

(3) Represent the Assistant Secretary for Economics at conferences, meetings, and other contacts where energy matters are discussed, including liaison with the Department of Energy and other governmental departments and agencies.

(4) Provide the Assistant Secretary for Economics with such assistance as he may request to perform the duties delegated to him concerning energy.

(5) Work with the Assistant Secretary for Governmental and Public Affairs to maintain Congressional and public contacts in energy matters, including development of legislative proposals, preparation of reports on legislation pending in Congress, appearances before Congressional committees and related activities.

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953)

For Subparts C and D:

Dated: December 9, 1981.

John R. Block,

Secretary of Agriculture.

For Subpart K:

Dated: December 16, 1981.

William G. Lesher,

Assistant Secretary for Economics.

[FR Doc. 81-36684 Filed 12-21-81; 8:45 am]

BILLING CODE 3410-01-M

Agricultural Stabilization and Conservation Service

7 CFR Part 725

Proclamation, Determinations and Announcements of National Marketing Quotas and Referendum Results; Removal of Regulations

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Final rule.

SUMMARY: This rule deletes the regulations codified at 7 CFR 725.1 through 725.3 relating to quota proclamations, determinations, and referendum results. The quota announcements and referendum for flue-cured tobacco are published each year in the **Federal Register** and are also later codified in the Code of Federal Regulations. In order to avoid having to amend the Code of Federal Regulations after each quota announcement or referendum result, the quota results and referendums will no longer be codified in the Code of Federal Regulations but will be published in the **Federal Register** in the notice section.

EFFECTIVE DATE: December 22, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Program Specialist, (ASCS), Analysis Division, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. (202) 447-5187.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum 1512-1 and has been classified "not major" since the decodification has no annual effect on the economy. The title and number of the Federal Assistance Program that this notice applies to is: Title—Commodity Loan and Purchases; Number—10.051, as set forth in the Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and

community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since the Agricultural Stabilization and Conservation Service (ASCS) is not required by 5 U.S.C. 553 or any provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

The Agricultural Adjustment Act of 1938, as amended, the "Act", requires the Secretary of Agriculture to proclaim quotas for flue-cured tobacco every three years. Included in the proclamation is the determination and announcement of the national marketing quota for flued-cured tobacco. Within 30 days after such proclamation a referendum is conducted to determine whether producers are in favor of marketing quotas. If producers of flue-cured tobacco favor quotas, the marketing quotas are determined and announced for the ensuing two years. The proclamation of marketing quotas, the determination and announcement of marketing quotas and the results of referendums for flue-cured tobacco were previously published in the **Federal Register** as final rules and codified in the Code of Federal Regulations. Effective with the publication of this rule, the marketing quota proclamations, determinations, and referendum results will hereafter appear only as notices in the **Federal Register.**

Since this final rule makes no substantive change in the regulations but merely deletes the quota announcements and referendum results previously published in the Code of Federal Regulations, it has been determined that no further public rulemaking is required. However, the quota announcements and referendum results previously appearing in 7 CFR 725.1 through 725.3 remain applicable to the crops to which each refers.

Final Rule

PART 725—FLUE-CURED TOBACCO

§§ 725.1–725.3 (Subpart—Proclamations, determinations, and announcements of national marketing quotas and referendum results) [Removed]

Accordingly, the regulations at 7 CFR 725.1 through 725.3 relating to marketing quota proclamations, determinations and referendum results for flue-cured tobacco and the subpart and sections hereto are hereby removed from the Code of Federal Regulations.

(Secs. 301, 313, 317, 375, 52 Stat. 38, 47, 66, as amended, 79 Stat. 66 (7 U.S.C. 1301, 1313, 1314c, 1375))

Signed at Washington, D.C., on December 14, 1981.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 81–36967 Filed 12–21–81; 8:45 am]

BILLING CODE 3410–05–M

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7 CFR Part 729

1981 Peanut Program; Acreage Allotments; Poundage Quotas; Removal of Regulations

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Final rule.

SUMMARY: This rule deletes the regulations codified at 7 CFR 729.100 through 729.104 on acreage allotments, poundage quotas, and the results of the marketing quota referendum. The acreage allotments and poundage quotas for peanuts are published each year in the **Federal Register** and are also later codified in the Code of Federal Regulations.

In order to avoid having to amend the Code of Federal Regulations after each allotment and quota announcement and each marketing quota referendum these determinations will no longer be codified in the Code of Federal Regulations but will be published in the **Federal Register** in the Notice section.

EFFECTIVE DATE: December 22, 1981.

FOR FURTHER INFORMATION CONTACT: Gypsy Banks, Agricultural Economist, (ASCS), Analysis Division, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. (202) 447–5953.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified "not major" since the decodification has no effect on the economy.

The title and number of the Federal Assistance Program that this final rule applies to are: Title—Commodity Loans and Purchases; Number—10.051, as set forth in the Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since the Agricultural Stabilization and Conservation Service (ASCS) is not required by 5 U.S.C. 553 or any provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this final rule.

The Food and Agricultural Act of 1977, hereinafter referred to as the "Act", requires the Secretary of Agriculture to determine and announce acreage allotments and poundage quotas annually. In addition a referendum is conducted to determine whether producers are in favor of marketing quotas. The determinations and announcements of acreage allotments and poundage quotas for peanuts have previously been published in the **Federal Register** as final rules and codified in the Code of Federal Regulations. However, because these determinations are generally made on an annual basis, and are applicable to only a single crop year, it has been found that the permanent codification of such determinations and announcements in the Code of Federal Regulations serves no useful purpose and increases government costs unnecessarily. In most instances, the material contained in these determinations and announcements are obsolete by the time the Code of Federal Regulations is actually compiled and printed. Therefore, effective with the publication of this rule, the allotment and quota determinations, and referendum results will hereafter appear only as notices in the **Federal Register,** and shall not be codified in the Code of Federal Regulations.

Since this final rule makes no substantive change in the regulations but merely deletes the allotment and quota announcements previously published in the Code of Federal Regulations, it has been determined that no further public rulemaking is required. However, the allotment and quota determinations and referendum results previously appearing in 7 CFR 729.100 through 729.104 remain applicable to the crops to which each refers.

Final Rule

PARTS 729—PEANUTS

Accordingly, 7 CFR Part 729 is amended as follows:

§§ 729.100 through 729.104 (Subpart—1981 peanut program; acreage allotments and poundage quotas) [Removed]

1. 7 CFR 729.100 through 729.104, the Subpart and sections there to, are

hereby removed from the Code of Federal Regulations.

2. The material removed by this final rule shall remain in full force and effect with respect to the crop year for which it was published.

(Secs. 301, 358, 375, 52 Stat. 38, as amended, 55 Stat. 88, as amended, 52 Stat. 66, as amended (7 U.S.C. 1301, 1358, 1375))

Signed at Washington, D.C. on December 14, 1981.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 81-36325 Filed 12-21-81; 8:45 am]

BILLING CODE 3410-05-M

Rural Electrification Administration

7 CFR Part 1701

Public Information; REA Bulletins

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: The Rural Electrification Administration (REA) hereby amends Appendix A—REA Bulletins to provide for the revision of REA Bulletin 44–2 (Electric) and 345–1 (Telephone), "Specification for Wood Poles, Stubs, and Anchor Logs and for Preservative Treatment of These Materials to be Purchased by REA Borrowers, Electric and Telephone." The revision reflects changes in national standards, clarifies certain provisions of the 1977 issuance where problems of interpretation arose and involves a change in title to REA Bulletin 44–2 (Electric) and 345–1 (Telephone), "REA Specification for Wood Poles, Stubs, and Anchor Logs."

EFFECTIVE DATE: December 14, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. James A. Taylor, telephone (202) 447–5160. A Final Impact Statement has been prepared and is available from the Director, Engineering Standards Division, Rural Electrification Administration, Room 1270–S, U.S. Department of Agriculture, Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et. seq.), REA hereby amends Appendix A—REA Bulletins to provide for the revision of REA Bulletin 44–2 (Electric) and 345–1 (Telephone), "Specification for Wood Poles, Stubs, and Anchor Logs and for Preservative Treatment of These Materials to be Purchased by REA Borrowers, Electric and Telephone." This revision incorporates the following new title: REA Bulletin 44–2 (Electric) and 345–1 (Telephone), "REA Specification for Wood Poles, Stubs, and Anchor Logs."

This final action has been issued in conformance with Executive Order 12291, Federal Regulation. Since no significant effect on the economy will occur; since no significant increase in costs for electric consumers, telecommunication subscribers, industries or Government will result; and since no significant impact on economic conditions will be caused, this action has been determined to be "not major."

The Regulatory Flexibility Act (Pub. L. 96–354) does not apply to this action; therefore, a Regulatory Flexibility Analysis has not been prepared.

A notice of proposed Rulemaking was published in the **Federal Register** on March 31, 1981, Volume 46, Number 61. As a result of this notice in the **Federal Register** the following significant comments were received:

(a) *First paragraph of Section II C—Manufacturers' Warranty.* Three comments were received on this paragraph. Two of the comments suggested that the proposed statement regarding the pole replacement warranty (which is similar to the one that had been in effect) be reworded such that it apply to material defects, except for preservative retention, which are noted *prior to installation* or within one year, *whichever occurs first.* The third comment suggested that the warranty apply to any nonconforming aspect which, evidently, existed prior to delivery to the user.

The first two comments could considerably nullify the conventional one year warranty. As suggested by these two comments, if a pole is installed soon after the date it is delivered, which is not unusual when building new lines, the warranty would cease upon installation. A third comment suggested that we qualify the statement to emphasize the warranty only to cover obvious manufacturer defects. Some noncomforming pole defects can be hidden by the wood preservative and cannot be readily seen until some time after treatment.

REA proposes to maintain the full one year warranty. Rather than revise this as suggested by the commentors, REA decided to use the text of the 1977 issuance of Specification DT–5C:PE–9 which reads:

C. Poles shall be warranted to conform to this specification. If any pole shall be found nonconforming under this specification, in any detail except preservative retention, within one year from date of shipment, it shall be replaced as promptly as possible by the producer. (Preservative retention, see Table 10, shall meet specifications as a minimum at time of shipment. A reduction in preservative retention of not more than 10 percent will be acceptable within 30 days from date of delivery.)

The third comment also suggested that the nonconforming aspects of poles at the time of manufacture be clearly defined. We feel that paragraph C (above) adequately defines the manufacturing defects intended as those that are not in compliance with the requirements of this specification.

(b) *Second paragraph of Section II C (new paragraph II D)—Quality Control.* One commentor requested that the date of issuance be added to the reference of REA Bulletin 44–4:345–9, "Quality Control and Inspection of Timber Products."

Inasmuch as REA intends for Specification DT–5C:PE–9 to pertain to the latest issuances of REA Bulletin 44–4:345–9, REA did not incorporate this suggestion and omitted the issuance date from this reference. This action will allow for revision of the bulletin without affecting Specification DT–5C:PE–9.

(c) *Third paragraph of Section II C (new paragraph II E)—Inspector' Judgement.* Three comments were received objecting to the limitation on the use of judgement as the basis of acceptance of poles.

Two commentors cited that inspectors' judgement can be used to select a marginal pole rather than reject it. One of these commentors cited as an example using judgement to permit excessive knots in the top or butt of a pole.

Another commentor agreed with the proposed provision in that minimum provisions which are in the specification and which are clearly defined in the specification not be subject to change by inspectors' judgement.

REA believes that inspectors' judgement should not be allowed for specified minimum requirements, especially on the prohibited defects cited in ANSI 05.1–1979. We especially take strong objection to allowing judgement on such aspects as knots which have significant effect on pole strength.

(d) *Paragraph II D (new paragraph II F)—Nonconforming Poles.* Two commentors suggested changes for this paragraph. One commentor suggested that REA differentiate between "repeated violations" and "substantial nonconformities" as compared to an occasional slip-up.

The other commentor suggested that the supplier be given an opportunity to

resolve the differences with the customer before any action is taken.

REA believes that these comments are satisfied by provisions adopted in Section X which new paragraph II F references. Section X discusses this matter of nonconformance in detail and provides for means to determine if there is a single "occasional slip-up" or substantial and repeated violations. Section X also defines provisions for resolving the differences between the supplier and the customer.

(e) *Paragraph II F1 (new paragraph II H1)—Insured Warranty Plan.* One commentor objected to the provision for insured warranty poles. This commentor pointed out that the expenses to locate insured warranty poles and inspect these poles to determine if they are claim poles are such that few purchasers actually bother.

This provision has been an alternative for about twenty years and is preferred by some purchasers. Inasmuch as the insured warranty provision is optional, REA sees no reason to delete this provision.

(f) *Paragraph II F2b (new paragraph II H2b)—Verification of Inspection Reports.* Three commentors suggested that REA delete the provision requiring the manufacturer to place comments on an inspector's report when verifying an inspector's report.

REA has modified the proposed revision to give the manufacturer the *option* of placing comments on the inspection report at the time of verification endorsement. This was mandatory in the proposed draft.

(g) *Paragraph II F2c—Plant Evaluation.* Seven comments were received on the provision to require inspection agencies to report biannually on unsatisfactory conditions which they find at treating plants. Two inspection agencies asked who was going to reimburse them for this plant evaluation. Another agency, in contrast, submitted a detailed inspection form, which it has routinely used for several years to evaluate treating plants for their clients.

Pole manufacturers disagreed with the proposal and indicated that they did not believe that the inspection agencies were capable of properly evaluating their treating plants.

REA has evaluated the impact of implementing this provision and has decided to delete this requirement.

(h) *Paragraph II G (new paragraph II I)—Pole Serial Numbers.* Nineteen comments were received discussing the problem of implementing REA's proposal to place a serial number on all transmission poles.

REA has considered the impact of implementing this provision and has decided to delete this requirement.

(i) *Paragraph II H 3—Quality Assurance Plans.* Five comments were received regarding this provision. Two commentors familiar with user-run quality assurance plans praised the concept. One commentor suggested that manufacturers might want to set up and offer such a plan. Two commentors stated another procurement program is not needed because it either will confuse purchasers or not offer any recourse to the purchaser.

This provision was retained in the specification to enable REA borrowers to consider and develop a concept which will not be confusing to purchasers and which will offer meaningful recourse for nonconforming products.

(j) *Paragraph IIIA—Quality Control Performance.* Five comments were received objecting to the provisions for dealing with evidence of unsatisfactory performance on the part of the manufacturer's quality control personnel.

After considering these comments, REA decided to delete the proposed wording and retain the 1977 specification wording on this provision with some changes. The procedure for handling this situation is the same as had been required in the 1977 specification except that unsatisfactory performance will be subject to review by Technical Standards Committee "A" (Electric).

(k) *Paragraph III A1–5—Quality Control Procedures.* Two comments were received regarding the rules pertaining to the quality control procedures suggesting that the quality control person and inspector should work concurrently but independently so as not to delay production.

The 1977 issuance of Specification DT–5C:PE–9 requires quality control and independent inspection procedures which are essentially taken from AWPA Standard M–2. Both cite procedures which require the quality control person and the independent inspector to perform their specified duties and perform them independently. Both documents require specific steps to be accomplished before, during and after treatment.

After consideration of these comments, REA made changes which will allow material to continue to be processed while certain tests are being completed so as not to delay production, providing that the quality control person and the independent inspector work independent of each other in their analytical procedures.

(l) *Paragraph III D—Inspection Agencies Own Central Laboratory.* Three comments stated that the cost of setting up a central laboratory would be burdensome to some of the smaller inspection agencies.

REA believes that although this provision will involve some expense, it is deemed necessary for proper and adequate referee assaying purposes. REA, therefore, retained this provision in the revised specification. REA further clarified this provision to state that the laboratory shall be equipped in accordance with AWPA standards.

(m) *Paragraph V A—Inspection Prior To Framing.* Four comments were received requesting clarification of the provision which will allow "in the white" inspection of poles prior to framing.

REA considered these comments pertinent and, thus, changed the paragraph to read: "Inspection prior to treatment shall be made after the products are manufactured and ready for treatment or, if the poles are trimmed to length, inspection prior to treatment may be done prior to framing providing inspection hammer brands are not removed during framing. When framing is done after white inspection, the framing shall be inspected after treatment. Inspection during and after treatment shall be made as described in detail in REA Bulletin 44–4:345–9, Section V., Paragraph B."

(n) *Paragraph V F—Transmission Poles.* REA proposed in the draft specification that poles 50 feet and longer be designated as transmission poles. Eight comments were received on this provision suggesting that this designation be revised to 55 feet, 60 feet or as based upon the kV of the line.

The provisions pertaining to the quality of white poles is covered in ANSI 05.1–1979. In reviewing this standard there are various characteristics which are designated as applicable to various pole length categories (mostly of either 50 feet and longer or 55 feet and longer). The predominant category used is 50 feet and longer. Perhaps the most critical strength-effecting characteristic is that of knot size and numbers in a cluster. ANSI recognizes a 50 feet and longer category for knot limitation requirements.

AWPA likewise designates a 50 feet and longer category for the double boring penetration testing of transmission poles.

REA decided to retain the 50 feet and longer category because this is used in the most important provisions of the above-mentioned national standards.

(o) *Paragraph VII B—Pentachlorophenol Preservatives.* Several comments were received suggesting that all pentachlorophenol solvent systems permitted by AWPA be permitted by REA. After careful consideration the following systems were incorporated:

Type A solvent—(Conventional solvent.)

Type B solvent—(Liquified petroleum gas (LPG) used in the Cellon process. This system had some restrictions (in the 1977 specification) which have been removed in the revised specification.)

Type D solvent—(Methylene chloride similar in characteristics to LPG in the Cellon process. This solvent is expensive which probably will limit its usage. However, from a technical standpoint, REA is agreeing to its use.)

Type E solvent—(This solvent is a water dispersed penta system currently in the approval process of AWPA. From a technical standpoint, its characteristics are similar to Cellon.)

Note.—Types B, D, and E are proprietary patented processes which are subject to licensing agreements. REA intends to refer to the proprietary names to properly identify the processes.

Type C solvent—REA decided not to include the Type C solvent. Type C solvent is mineral spirits which is not in general use for pole treatments. Poles that have been treated with Type C solvent have shown early problems. It is also highly flammable until fully evaporated.

(p) *Paragraph VII C—Waterborne Preservatives (Salts).* Several comments were received concerning the note in the proposed specification that "ACA treatments, in some cases, have been shown to cause corrosion of galvanized steel hardware." These commentors felt that this statement was prejudicial to ACA and suggested that the REA proposed note be deleted and the following general statement be placed immediately after the heading "Preservatives."

Note.—All approved preservatives, in some cases, have been shown to cause corrosion of galvanized hardware. Purchasers are advised to contact the treated-pole supplier for specific information about such corrosion and its prevention.

REA believes that this proposal has merit and it was incorporated in the revised specification.

(q) *Paragraph VII C-4—Waterborne Preservatives.* Three comments were received pertaining to limitations on the constituents used in the formulation of chromated copper arsenate (CCA) preservatives suggesting that REA follow the wording in AWPA Standards on this matter. The paragraph in the specification proposal was taken verbatim from AWPA Standard C-4. However, AWPA subsequently revised this paragraph as follows:

"Waterborne preservatives are available either as oxides which form non-ionizing chemical compounds in the wood, or as salts which leave ionizing compounds as well as non-ionizing compounds in the wood. If there is a preference for one formulation as compared with the other, the purchaser should so specify."

REA amended the proposal by incorporating the AWPA revised wording. REA also elected to exercise the preference cited by AWPA. REA deleted the last sentence in the above quote and added the following sentence:

"Formulations which leave ionizing compounds in the wood are not acceptable. Examples of such constituents are: copper sulfate, sulfuric acid, sodium arsenate, sodium pyroarsenate and potassium dichromate and sodium dichromate."

(r) *Paragraph VII C-5—Treatment of Douglas Fir and Western Larch with CCA.* One commentor suggested that we remove the western larch reference from this paragraph. He cites that there are problems obtaining consistent CCA treatment in Douglas fir sapwood but these problems are not apparent in larch.

Western larch is a thin sapwood species similar, in this characteristic, to Douglas fir. Since CCA treated larch cannot be steamed in excess of 6 hours (ANSI 05.1-1979 para. 4.1.2.5) sufficient heat cannot be placed in the wood. Any fungi in the non-sterilized, untreated heart could destroy the heart and untreated sapwood in a few years.

Since the proposed specification provides for other treatments which can be used with these species, this restriction does not eliminate the use of the species. REA, therefore, retained this paragraph.

(s) *Paragraph VIII—Preservative Treatment. A2a—Boulton Drying.* One commentor suggested that the Boulton drying criteria as cited in the proposed revision of this provision be deleted as it appears elsewhere in the specification.

REA has agreed to this suggestion. REA which helps to further define heating time durations also inserted the following clause:

"Frozen poles will require additional heating to thaw the wood. Time of Boulton drying shall be counted from the time the wood surface is warmed to approximately 150°F."

This will require a pole to be thawed before the heating time is counted toward conditioning and give a better indication of the effective hours of seasoning.

(t) *Paragraph VIII—Preservative Treatment. D. Results of Treatment. 2b. Testing for Pentachlorophenol.* Several comments were received objecting to REA's proposal provision to require pentachlorophenol testing to be conducted by the copper pyridine method only. The economic impact that such a requirement would pose to some areas of the country was stressed.

REA considered the impact of imposing such a requirement and deleted the proposal, replacing it with the wording of the January 1977 specification which allows both lime ignition and copper pyridine methods, except the copper pyridine method must be used on poles that have been in contact with salt water or other chloride solutions and on all species native to the Pacific Coast region.

(u) *Paragraph VIII D.—Results of Treatment. 3a(4) Penetration Sampling of Poles. 3b(3).* Four commentors suggested that REA permit two re-treatments of poles as per AWPA Standards. REA has traditionally allowed only one re-treatment.

REA decided to incorporate this suggestion and has revised the specification to permit two re-treatments.

(v) *Paragraph VIII D—Results of Treatment. 5. Penetration Boring of Incised or Radial Drilled Poles.* Two commentors suggested that when poles are incised or radial drilled they be sampled "midway on a diagonal between an incision or hole and the one in the next vertical row above or below."

REA considered this suggestion to be more definitive than the REA proposal. The suggestion was, therefore, incorporated into the revised specification.

(w) *Paragraph VIII E—Re-treat Designation on Poles.* Two commentors questioned why REA desired to have a re-treatment mark placed on the butt of a pole when it has been re-treated.

When poles are treated, they may be steam conditioned. ANSI 05.1 has definite limits on the amount of steam conditioning permitted. When poles are retreated, they should not be double steam conditioned. REA, therefore, feels that a re-treatment mark is essential as a means of determining which poles have been steam conditioned and cannot be again steam conditioned. The re-treatment markings on poles was retained in the revised specification.

(x) *Paragraph X—Destination Inspection.* Several comments were received suggesting that the "lot" size

for poles inspected at destination be specifically designated.

REA considered these comments and decided to delete the last sentence in this paragraph and substitute the following:

"Where a difference of opinion arises as to the compliance of materials with this specification, when inspected at destination, it shall be the responsibility of the supplier to attempt to resolve this matter with the purchaser. When both parties fail to agree, the purchaser may select a neutral inspector, whose company does not inspect for the plant involved, and may seek its opinion in resolving this matter. REA shall be notified of the details of this reinspection. REA may elect to participate in this reinspection. Materials shall be considered in lots of 100 pieces. If there are pieces which fail to meet the specification in excess of 5 percent, or if there are repeated shipments of nonconforming material (four occurrences in a 12-month period), of which more than 2.5 percent (considered in lots of 100) are nonconforming, the Technical Standards Committee "A" (Electric) may review the circumstances and, if warranted, remove the supplier and/or the inspection agency from REA approved lists."

(y) *Appendix A.* Paragraph 2—*Definitions*—(*Check*). Paragraph 4.4.11—*Splits and Checks.* Several commentors requested clarification as to the intent of the additions to the definition of a check in paragraph 2 and the application in paragraph 4.4.11. It was mentioned that describing it in both paragraphs was redundant.

After careful consideration, REA decided that the addition to the definition of a check in paragraph 2 was not necessary and it has been deleted in the revised specification.

It was also decided that the addition in paragraph 4.4.11 be amended. REA, therefore, clarified the addition of a provision for checks at the ends of poles to read:

"(Two checks, of approximately the same width, each check terminating at the pith center and separated by 1/2 inch or less of wood fiber at any point on the pole circumference, shall be considered as a single continuous check.)"

Paragraph 4.1.2.1—*Air Seasoning*—(*Time Limits on Seasoning*). Numerous commentors objected to REA proposed limitations on air seasoning of poles and placement of a serial number on poles as a means of monitoring the seasoning of poles. All commentors stated such proposals would have a severe economic impact on the timber treating industry.

After careful consideration of the present impact that such a proposal would have and after considering the advantages of waiting and basing decisions on the results of ongoing research, REA deleted these proposed requirements.

Paragraph 4.1.2.1—*Air Seasoning—(Heat Sterilization).* Several comments were received on the question of REA requiring heat sterilization of air seasoned poles. Commentors pointed out that this heat sterilization concept was costly in terms of fuel and that in the Pacific Northwest and the Rocky Mountain area kiln capacity was limited.

In 1980, an EPRI report and a Forest Products Journal article reported on research which indicated that many problems of premature failure of poles can be related to decay infection which occurred prior to treatment and which was not adequately sterilized during treatment. Such problems were especially true in thin sapwood species where the refractory heartwood is difficult to treat. After careful consideration REA decided to retain the proposed heat sterilization provision.

Agriculture Handbook 40 (1952) published by the U.S. Forest Products Laboratory is the recognized authoritative reference on heat transfer in wood. In this publication, Dr. J. D. MacLean established that temperatures of 150°F for two hours will kill most wood destroying fungi. Higher temperatures will take shorter periods of time

Based upon this work, which to date is still considered the foremost source on the subject, REA will require heat sterilization of all air seasoned poles.

In oil borne treatments, temperatures of at least 150°F for the times indicated are routine. Steam conditioning at 245°F is used for southern pine. Boulton drying at 220°F is used on Douglas fir and western larch. In other species, treating temperatures of 200°F or more can be used.

For poles to be salt treated, REA is requiring that the poles be kiln dried to sterilize the pole. The kiln drying is also necessary to attain the uniform moisture content required for uniform treatment. Once the salt treatment is set in the wood, the preservative cannot move (like other types of preservatives) and migrate to areas where nonuniform conditions prevent initial treatment. Wood that is adequately salt treated is protected. Untreated wood in the same piece is vulnerable.

Paragraph 4.2 (2)—*Decay in Untreated Poles.* Several commentors stated that REA's proposed clarification of the provisions of ANSI 05.1 which prohibits decay was not clear. REA clarified this provision by requiring permanent rejection of material with fruiting bodies or mycelium.

In the 1977 issuance of DT–5C:PE–9, REA interpreted this provision to prohibit any indication of decay except for the cases cited in Section 4.3 of the ANSI 05.1—1979 Specification. While this interpretation may seem rigid, REA believes it to be the intent of the ANSI 05.1 Specification.

Paragraph 4.4.6—Table 2—*Limits of Knot Sizes.* One commentor suggested changing the provisions, which limit knot sizes in certain sizes of poles and permit greater knot sizes in poles.

The provisions cited in Table 2 are quoted verbatim from a similar table in ANSI 05.1. REA retained this provision because it cannot reduce its requirements on knots below that specified by ANSI 05.1; knots have a significant effect on pole strength.

Shrinkage Provisions. Several commentors noted that the shrinkage provisions in the 1977 specification were deleted from the proposed specification.

In the 1977 issuance of Specification DT–5C:PE–9, REA had a provision which allowed a small percentage of poles which meet the minimum circumference requirements when freshly peeled but which shrink slightly during processing to be accepted as conforming.

In some cases, this provision was taken as license to allow excessive numbers of marginally sized poles be accepted.

REA has chosen to delete this provision from the proposed revision to avoid any further misinterpretation.

Paragraph 6.1—*Bark Removal.* Several commentors suggested that REA revise this section to conform to the current ANSI 05.1 Specification.

REA has quoted almost the entire paragraph verbatim from ANSI 05.1—1979. REA deleted only the provisions which apply to butt treated poles because, as in the 1977 specification, butt treated poles are not permitted in the revised specification. REA also merely added a note further defining the interest of the specification regarding excessive patches of bark on the pole.

Paragraph 6.5—*Marking and Code Letters.* Several commentors suggested changes in this section. The primary suggested change was to delete the requirement for serial numbers on transmission poles and to delete the note pertaining to ACA treatments. These comments have been discussed earlier in this review and the requirements were deleted.

Paragraph 6.7—*Incising—Radial Drilling.* Several comments were received pertaining to incising or radial drilling of transmission poles. Commentors suggested that the incising be required primarily on Douglas fir transmission poles and be within the limit of current industry capabilities.

REA considered these comments and incorporated their intent by revising Sections 6.7.2 and 6.7.3 as follows:

6.7.2 *Transmission Poles.* "All Douglas-fir [coast) transmission poles (poles 50 feet or longer) shall be deep-incised or radial drilled to a minimum depth of 2½ inches in the area 2 feet above and 4 feet below the designated groundline. When indicated by experience, a deeper penetration may be specified *by the purchaser* as shown in the table below.

50 through 65 feet	4.0 inches
70 through 85 feet	4.5 inches
90 feet or longer	5.0 inches

"Deep incising or radial drilling shall be, as a minimum spacing, a 3 x 6-inch vertical diamond pattern. Radial-drilled holes shall not exceed ⅝-inch in diameter."

6.7.3 *Incising or Drilling.* "Incising or drilling shall be cleanly done to prevent tearing or excessive shattering of fibers. Incisions shall be along (in line with) the axis of the pole."

Paragraph 7.1—*Storage.* Four comments were received on the provision prohibiting dead piling of poles. They cited that some dead piling was necessary during manufacture.

REA intended the dead piling prohibition to apply to dead piling for seasoning purposes. In order to clarify this, the provision has been edited to read:

"Unseasoned poles shall not be dead piled at any time for air seasoning. This restriction does not apply to short term piling (e.g., 10 days) associated with normal manufacturing procedures. Where special conditions exist, such as in arid areas, a waver of this dead piling restriction may be requested from REA."

Table 10. Several comments were received on various provisions in Table 10.

Several comments indicated that the values for penta retention as determined by copper pyridine were incorrect. These values were corrected.

The provision for penta assay by lime ignition method had been deleted. Several commentors requested that it be replaced. The values for penta retention as determined by lime ignition were replaced.

Some comments were received suggesting that penetration values conform to AWPA recommendations. Penetration values have been corrected to read as per AWPA Standards.

To respond to comments on various penta treating processes, trade names for various processes used to treat with pentachlorophenol have been added.

Several commentors suggested that the provisions for incising or radial drilling refer only to Douglas fir poles. This suggestion was adopted.

Some comments suggested changes in the proposed retention values in the inner assay zone of large poles and suggested that the retention values recommended by AWPA for lumber in ground contact be used for this inner assay zone. The retention values for the second (inner) assay zone have been revised to require 50 percent of the preservative in the standard assay zone. These values are approximately AWPA's recommendation for treatment of wood in ground contact.

The revision of this bulletin will clarify the content of the 1977 issuance of this specification, bring it into conformance with present American National Standards Institute and American Wood Preservers' Association standards, and otherwise improve the specification to provide for better quality timber products to reduce the number of early failures of poles in rural electrification systems.

All written submissions made pursuant to this action will be made available for public inspection during regular hours at the above address.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees, 10.851—Rural Telephone Loans and Loan Guarantees, 10.852—Rural Telephone Bank Loans, and 10.853—Community Antenna Television Loans and Loan Guarantees.

Dated: December 14, 1981.

Harold V. Hunter,

Administrator.

[FR Doc. 81-36359 Filed 12-21-81; 8:45 am]

BILLING CODE 3410-15-M

FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Docket No. R-0378; Reg. D]

Reserve Requirements of Depository Institutions; Reserve Requirement Ratios

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is amending Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 204)—to adjust the dollar amount of transaction accounts subject to a reserve requirement ratio of 3 per cent for depository institutions, Edge and Agreement Corporations and United States branches and agencies of foreign banks, as required by the Monetary Control Act of 1980 (Title I of Pub. L. 96-221). Under the amendment, the first $28 million of an institution's net transaction accounts will be subject to a 3 per cent reserve ratio, and amounts in excess of $26 million will be subject to a 12 per cent reserve ratio. Presently, only the first $25 million of a depository institution's net transaction accounts are subject to a 3 per cent reserve ratio.

EFFECTIVE DATE: December 31, 1981. The first reserve maintenance period to which the amendment applies commences January 14, 1982.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Associate General Counsel (202/452-3625), Paul S. Pilecki, Senior Attorney (202/452-3281) or Veryl V. Miles, Attorney (202/452-3611), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Monetary Control Act of 1980 (Title I of Pub. L. 96-221) ("MCA") requires each depository institution to maintain with the Federal Reserve System reserves against its transaction accounts and nonpersonal time deposits, as prescribed by Board regulations. Included in the definition of depository institutions that are required to maintain reserves pursuant to the MCA are Federally-insured commercial banks or any such bank that is eligible to apply to become insured by the Federal Deposit Insurance Corporation; any mutual or stock savings bank; any savings and loan association that is a member of a Federal Home Loan Bank or insured by, or eligible to apply for insurance with, the Federal Savings and Loan Insurance Corporation; and any credit union that is insured by, or eligible to apply for insurance with, the National Credit Union Administration Board. One of the major functions of the imposition of universal reserve requirements is to enhance the ability of the Federal Reserve to conduct monetary policy.

The initial reserve requirements imposed under the MCA were set at 3 per cent for each depository institution's transaction accounts of $25 million or less and at 12 per cent on transaction accounts above $25 million, which the Board is authorized to vary between 8 and 14 per cent. The MCA further provides that the Board shall issue a

regulation before December 31 of each year, beginning in 1981, adjusting for the next calendar year the total dollar amount of the transaction account tranche against which reserves must be maintained at a ratio of 3 per cent. The increase in the tranche is to be 80 per cent of the percentage increase in total transaction accounts for all depository institutions determined as of June 30 of each year. The growth in the total net transaction accounts of all depository institutions from June 30, 1980, to June 30, 1981, was 5.25 per cent. In accordance with these provisions of the MCA, the Board is amending Regulation D to increase the amount of the low reserve tranche for transaction accounts for 1982 to $26 million.

The provisions of 5 U.S.C. 553(b) relating to notice and public participation have not been followed in connection with the adoption of this amendment because the change to be effected involves an adjustment prescribed by statute and, thus, the Board believes that notice and public participation is unnecessary. The Board's extended rulemaking procedures (44 FR 3957 (1979)) have not been followed because the amendment relieves a burden on depository institutions and because following such procedures could interfere with necessary and prompt action that would be in the public interest. The effective date of the amendment has not been deferred pursuant to 5 U.S.C. 553(d), since the Board's action relieves a restriction by reducing the reserve requirements of depository institutions and since deferring the effective date would be inconsistent with section 103 of the MCA (12 U.S.C. 461(b)(2)(C)).

PART 204—RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS

Effective December 31, 1981, pursuant to the Board's authority under section 19 of the Federal Reserve Act, 12 U.S.C. 461 *et seq.*, paragraph (a) of § 204.9 of Regulation D, 12 CFR Part 204, is revised to read as follows:

§ 204.9 Reserve requirement ratios.

(a) *Reserve percentages.* The following reserve ratios are prescribed for all depository institutions, Edge and Agreement Corporations and United States branches and agencies of foreign banks:

Category	Reserve requirement
Net transaction accounts:	
0 to $26 million	3 pct of amount.
Over $26 million	$780,000 plus 12 pct of amount over $26 million.
Nonpersonal time deposits:	
By original maturity (or notice period):	
Less than 4 years	3 pct.
4 years or more	0 pct.
Eurocurrency liabilities	3 pct.

By order of the Board of Governors, December 16, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc 81-36486 Filed 12-21-81; 8:45 am]

BILLING CODE 6210-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 294

[Docket No. 39000; Reg. ER-1257]

Canadian Charter Air Taxi Operators; Correction

AGENCY: Civil Aeronautics Board.

ACTION: Correction to final rule.

SUMMARY: The Board adopted a simple registration procedure to grant operating authority to Canadian charter air taxi operators (46 FR 52590, October 27, 1981). This erratum corrects § 294.20 which refers to a subsection that is nonexistent.

DATES: Effective: November 25, 1981. Adopted: October 13, 1981.

FOR FURTHER INFORMATION CONTACT: Ira Leibowitz, Bureau of International Aviation, Legal Division, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5035, or Nancy Pitzer Trowbridge, Bureau of International Aviation, Regulatory Affairs Division, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5134.

SUPPLEMENTARY INFORMATION:

Erratum

Paragraph (a) of 14 CFR 294.20 is corrected to read:[1]

§ 294.20 Applying for registration.

* * * * *

(a) A currently effective certificate of insurance (see § 294.40); and

* * * * *

Dated: December 16, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-36525 Filed 12-21-81; 8:45 am]

BILLING CODE 6320-01-M

[1] 46 FR 52590, 10-27-81.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Sulfamethazine Injectable Solution

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) providing revised labeling for use of an injectable sulfonamide and to codify the revised conditions of approval. The drug is approved for treating cattle for bacterial pneumonia and bovine respiratory disease complex, colibacillosis, necrotic pododermatitis, calf diphtheria, acute mastitis, and acute metritis. The revised labeling complies with the conclusions of the National Academy of Science/National Research Council (NAS/NRC) evaluation of the product. The regulations are also amended to indicate the conditions of use were NAS/NRC evaluated and found effective.

EFFECTIVE DATE: December 22, 1981.

FOR FURTHER INFORMATION CONTACT: Emilio R. Viera, Bureau of Veterinary Medicine (HFV-138), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3410.

SUPPLEMENTARY INFORMATION:

American Cyanamid Co., Berdan Ave., Wayne, NJ 07470, filed supplemental NADA 8-774 providing revised labeling for intravenous use of Sulmet (sulfamethazine sodium) Injectable Solution 25 percent for cattle for the treatment of bacterial pneumonia and bovine respiratory disease complex (shipping fever complex), colibacillosis (bacterial scours), necrotic pododermatitis (foot rot), calf diphtheria, acute mastitis, and acute metritis. The NADA originally became effective January 2, 1953, providing for use of a 12.5 percent sulfamethazine injection for the treatment of swine, horses, cattle, and sheep. Sulmet was the subject of a National Academy of Science/National Research Council (NAS/NRC) evaluation published in the **Federal Register** of September 1, 1970 (35 FR 13854). The NAS/NRC evaluation concluded, and FDA concurred, that the product is probably effective for the treatment of: Bacterial enteritis and bacterial pneumonia in dogs and cats;

bacterial scours and bacterial pneumonia in swine; necrotic pododermatitis, shipping fever, coccidiosis, bacterial pneumonia, bacterial scours, and systemic treatment of mastitis and uterine infections in cattle and sheep; calf diphtheria; and strangles, navel ill (joint ill), bacterial enteritis, and bacterial pneumonia in horses.

The NAS/NRC evaluation stated: (1) The drug should be limited to intravenous administration because of irritation by other routes; (2) instructions are not adequate for lay use; (3) each disease claim should be properly qualified as to causative organisms; (4) dose should be expressed as amount of drug per unit of body weight per unit of time for each animal; and (5) claims made regarding "for prevention of" or "to prevent" should be revised to read "as an aid in the control of" or "to aid in the control of".

American Cyanamid Co. submitted a supplemental NADA providing revised labeling with data supporting revised cattle claims from published scientific literature. The data and information submitted and the revised claims support upgrading the NAS/NRC rating for cattle from probably effective to effective. The firm also submitted a 90-day subchronic toxicity study resulting in findings of no toxic effects and information from previously conducted tissue residue depletion work supporting the residue tolerance of 0.1 ppm in cattle. Further studies supported 10-day slaughter withdrawal time for treated animals.

The supplemental NADA is approved and the regulations are amended to reflect the approval. Approval of identical products for the same conditions of use need not include certain types of effectiveness data required by 21 CFR 514.1(b)(8)(ii) or 514.111(a)(5), but may require submission of bioequivalency or similar data as suggested in the guideline for submitting NADA's for NAS/NRC reviewed generic drugs, available from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this supplement may be seen in the Dockets Management Branch (address above) from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended by adding § 522.2260, to read as follows:

§ 522.2260 Sulfamethazine injectable solution.

(a) *Specifications.* Each milliliter of sterile aqueous solution contains 250 milligrams of sulfamethazine sodium.

(b) *Sponsor.* See No. 010042 in § 510.600(c) of this chapter.

(c) *Related tolerances.* See § 556.670 of this chapter.

(d) *NAS/NRC status.* The conditions of use are NAS/NRC reviewed and found effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

(e) *Conditions of use.*—(1) *Amount.* 20 milliliters for each 50 pounds of body weight (100 milligrams per pound) initially, 20 milliliters per 100 pounds of body weight (50 milligrams per pound) daily thereafter for cattle.

(2) *Indications for use.* For cattle for treatment of bacterial pneumonia and bovine respiratory disease complex (shipping fever complex) (*Pasteurella* spp.), colibacillosis (bacterial scours) (*Escherichia coli*), necrotic pododermatitis (foot rot) (*Fusobacterium necrophorum*), calf diphtheria (*Fusobacterium necrophorum*), acute mastitis and acute metritis (*Streptococcus* spp.) when caused by one or more pathogenic organisms sensitive to sulfamethazine.

(3) *Limitations.* For intravenous use only. Not for use in lactating dairy animals. Withdraw medication from cattle 10 days prior to slaughter for food. If symptoms persist for 2 or 3 days, consult a veterinarian. Adequate water intake is important for animals treated with sulfonamides. Treatment should continue 24 to 48 hours beyond the remission of disease symptoms, but not to exceed a total of 5 consecutive days.

Effective date. December 22, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: December 12, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-36282 Filed 12-21-81; 8:45 am]

BILLING CODE 4160-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

706 Agencies; Amendment and Correction to List

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule; Amendment and Correction.

SUMMARY: The Equal Employment Opportunity Commission is amending its regulations on certified designated 706 agencies by adding the Missouri Commission on Civil Rights.

Additionally, the following correction should be made: Pittsburgh Human Relations Department should be changed to Pittsburgh Commission on Human Relations.

EFFECTIVE DATE: December 22, 1981.

FOR FURTHER INFORMATION CONTACT: Nicholas M. Inzeo, Legal Counsel Division, Office of General Counsel, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506, (202) 634-6595.

SUPPLEMENTARY INFORMATION: Publication of this amendment to § 1601.80 effectuates the designation of the following agency as a Certified 706 Agency: Missouri Commission on Human Rights. In addition to the new designation, changes are being made regarding one previously certified agency. The name Pittsburgh Human Relations Department is changed to read Pittsburgh Commission on Human Relations.

PART 1601—PROCEDURAL REGULATIONS

With the addition of the above mentioned agency and noted correction, in 29 CFR 1601.80, the list is revised as follows:

§ 1601.80 Certified designated 706 agencies.

* * * * *

Alaska Commission for Human Rights
Alexandria (Va.) Human Rights Office
Arizona Civil Rights Division
Baltimore (Md.) Community Relations Commission
California Department of Fair Employment and Housing
Colorado Civil Rights Division
Connecticut Commission on Human Rights and Opportunity
Dade County (Fla.) Fair Housing and Employment Commission
District of Columbia Office of Human Rights
East Chicago (Ind.) Human Rights Commission
Fairfax County (Va.) Human Rights Commission
Fort Wayne (Ind.) Metropolitan Human Relations Commission
Fort Worth (Tex.) Human Relations Commission
Gary (Ind.) Human Relations Commission
Hawaii Department of Labor and Industrial Relations
Idaho Human Rights Commission
Indiana Civil Rights Commission
Iowa Civil Rights Commission
Lexington-Fayette (Ky.) Urban County Human Rights Commission
Maine Human Rights Commission
Maryland Commission on Human Relations
Massachusetts Commission Against Discrimination
Michigan Department of Civil Rights
Minneapolis (Minn.) Department of Civil Rights
Minnesota Department of Human Rights
Missouri Commission on Civil Rights
Montana Human Rights Division
Nebraska Equal Opportunity Commission
Nevada Commission on Equal Rights of Citizens
New Hampshire Commission for Human Rights
New York City (N.Y.) Commission on Human Rights
New York State Division on Human Rights
Ohio Civil Rights Commission
Oklahoma Human Rights Commission
Omaha (Nebr.) Human Relations Department
Oregon Bureau of Labor
Orlando (Fla.) Human Relations Department
Pittsburgh Commission on Human Relations
Rhode Island Commission for Human Rights
Seattle (Wash.) Human Rights Commission
South Bend (Ind.) Human Rights Commission
South Dakota Division of Human Rights
Tacoma (Wash.) Human Relations Division
Utah Industrial Commission, Anti-Discrimination Division
Vermont Attorney General's Office, Civil Rights Division
Virgin Islands Department of Labor
Washington Human Rights Commission
Wisconsin Equal Rights Division, Department of Industry, Labor and Human Relations
Wyoming Fair Employment Practices Commission

Signed at Washington, D.C., this 17th day of December 1981.

For the Commission.

J. Clay Smith, Jr.,

Acting Chairman, Equal Employment Opportunity Commission.

[FR Doc. 81-36486 Filed 12-21-81; 8:45 am]

BILLING CODE 6570-06-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 272

Use of "Woodsy Owl" Symbol; Completion of Review of Regulation

AGENCY: Forest Service, USDA.

ACTION: Completion of review of regulation.

SUMMARY: In compliance with Executive Order 12291, the Forest Service has reviewed 36 CFR Part 272, Use of "Woodsy Owl" Symbol. The regulation defines the "Woodsy Owl" symbol and sets conditions for authorizing use of the symbol. The regulation was published in the **Federal Register**, March 20, 1975. A notice of intent to review the regulation and a request for public comment were published in the **Federal Register** on June 2, 1981.

Based upon review of public comments and internal administrative review, the Forest Service has determined that the regulation should be retained in its present form. The regulation will be reviewed in five years.

FOR FURTHER INFORMATION CONTACT: Interested persons may contact Robert A. Hartwick, Office of Information, Forest Service, USDA, P.O. Box 2417, Washington, DC 20013, 202/447-5060.

SUPPLEMENTARY INFORMATION: Six letters of public comment were received from individuals or organizations. Five of the comments were simply supportive of the Woodsy Owl program in general. The other letter pointed out that a numerical error had been made in the notice the Forest Service published in the **Federal Register**, to wit: a paragraph designated 273 should have read 272.3. This error is not in the Code of Federal Regulations.

Dated: December 15, 1981.

Douglas Leisz,

Associate Chief.

[FR Doc. 81-36487 Filed 12-21-81; 8:45 am]

BILLING CODE 3410-11-M

VETERANS ADMINISTRATION

38 CFR Part 1

Charging of Interest on Debts

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: Pub. L. 96-466, "Veterans Rehabilitation and Education Amendments of 1980," requires the Veterans Administration to charge interest and administrative costs on delinquent debts and to charge interest on the unpaid balance of debts being paid in installments. The charging of interest has been prompted by the growing problem of collecting debts owed to the Government. It is believed that the charging of interest will motivate debtors to pay more promptly, improve the efficiency and effectiveness of agency collection programs, and reduce the need for referring uncollectible debts to the Department of Justice and District Counsels for suit.

Pub. L. 96-466 also allows the Veterans Administration to refer delinquent debts and related information to consumer reporting agencies. Consequently, a new regulation is created to comply with this legislation, as well as GAO regulations for such referral to consumer reporting agencies. This new VA regulation will improve the effectiveness of agency collection efforts.

EFFECTIVE DATE: December 3, 1981.

FOR FURTHER INFORMATION CONTACT: Peter T. Mulhern, (202) 389-3405.

SUPPLEMENTARY INFORMATION: On pages 43058 through 43061 of the **Federal Register** of August 28, 1981 there was published a notice of proposed regulatory development to issue regulations concerning the charging of interest on debts and referral of debtor information to consumer reporting agencies. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

One comment was received from the U.S. Department of Treasury. The comment concerned the cash management impact of our § 1.919 "Interest." Their initial concern was with the proposed VA policy of equating our interest rate, on an annual basis, with the rate set forth in the Treasury Fiscal Requirements Manual (TFRM). Treasury believes that we should calculate our interest rate quarterly, as specified in the TFRM, so as to provide the maximum amount of protection to the Government on overdue amounts. Treasury further suggests, in accordance

with the TFRM, that for installment agreements, the VA should set interest rates equivalent to a borrowing rate of a Treasury debt instrument with the same duration period issued at the time the arrangement is consummated. Finally, Treasury requests that we amend § 1.919 so that interest will begin to accrue on the day after the due date specified in the initial notification, rather than from the date the initial notice of debt is mailed to the debtor, as § 1.919 currently reads.

In revising 38 U.S.C. 3115, Pub. L. 96-466 specifically requires that the VA charge interest on delinquent debts. That law also states that the rate of interest charged by the VA be based on the rate of interest paid by the United States for its borrowing but that the rate itself will ultimately be determined by the VA. We believe that this legislation allows the VA a great deal of discretion in establishing our own program for charging interest. We do, however, understand Treasury's concern for providing the maximum amount of protection to the Government on overdue repayment of debts. As a result, we have revised § 1.919 to allow our annual rate of interest to be based on an average of Treasury's quarterly rates. Finally, we note that the revised 38 U.S.C. 3115(b)(1) specifically states that interest shall accrue from the day on which the initial notification of the amount due is mailed to the person who owes such amount.

The Administrator hereby certifies that these rules will not, if promulgated, have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA) 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), these rules are therefore exempt from the final regulatory flexibility analysis requirement of sections 603 and 604. The reason for this certification is that these rules affect only those individuals indebted to the U.S. Government as a result of participation in the Veterans Administration benefits payment programs.

These regulations have also been reviewed under Executive Order 12291, and have been determined to be non-major because they only affect individuals participating in VA benefit program. There is no Catalog of Federal Domestic Assistance number.

The proposed regulations, as amended, are hereby adopted as final and are set forth below.

Approved: December 3, 1981.

Robert P. Nimmo,

Administrator.

PART 1—GENERAL PROVISIONS

38 CFR Part 1 is amended as follows:

1. Section 1.916 is revised to update gender terminology and reads as follows:

§ 1.916 Liquidation of collateral.

The Veterans Administration will exercise its rights to liquidate security or collateral and apply the proceeds to debts due it through use of a power of sale in the security instrument or a non-judicial foreclosure if the debtor fails to pay his or her debt, within a reasonable time after demand, unless the cost of disposing of the collateral will be disproportionate to its value or the particular circumstances require judicial foreclosure. Collection from other sources, including liquidation of security or collateral, is not a prerequisite to requiring payment by a surety or insurance company unless such action is expressly required by statute or contract.

2. Section 1.919 is revised to read as follows:

§ 1.919 Interest.

(a) Except as otherwise provided by statute, contract, or other regulation to the contrary, the Veterans Administration shall assess: (1) Interest on all indebtedness to the United States arising as a result of Veterans Administration benefit programs which are being paid in installments, and (2) interest and administrative costs of collection on debts where repayment has become delinquent.

(b) Every party entering into an agreement with the Veterans Administration for repayment of indebtedness in installments shall be advised of the interest charges to be added to the debt. All debtors being provided notice of indebtedness, including those entering into repayment agreements, shall be advised that upon the debt becoming delinquent, or in the case of repayment of already delinquent debts, interest and the administrative costs of collection will be added to the principal amount of the debt.

(c) The rate of interest charged by the Veterans Administration shall be equal to the rate paid by the United States for its borrowing as published in Volume I, Part 6, Section 8020.20 of the Treasury Fiscal Requirements Manual. The rate of interest shall be adjusted annually on the first day of the fiscal year to reflect the average rate being charged in accordance with the Treasury Fiscal Requirements Manual. Once the rate of interest has been determined for a particular debt, the rate shall remain unchanged throughout the duration of repayment of that debt.

(d) Interest on amounts covered by § 1.919 shall accrue from the date the initial notice of the debt is mailed to the debtor. Notification shall be considered sufficient when effected by ordinary mail, addressed to the last known address, and such notice is not returned as undeliverable by postal authorities.

(e) Interest under § 1.919 shall not be charged if the debt is paid in full within 30 days of mailing of the initial notice described in paragraph (b) of this section. Once interest begins to accrue, and after expiration of the time period for payment of the debt in full to avoid assessment of interest and administrative costs, any amounts received toward the payment of such debt shall be first applied to payment of the accrued interest and/or costs, and then to principal, unless a different rule is prescribed by statute, contract, or other regulation.

(f) All or any part of the interest and administrative costs assessed under § 1.919 are subject to consideration for waiver under section 3102 of title 38, United States Code and appropriate administrative procedures.

(g) Administrative costs assessed under § 1.919 shall be the average costs of collection of similar debts, or actual collection costs as may be accurately determined in the particular case. No administrative costs of collection will be assessed under § 1.919 in any cases where the indebtedness is paid in full prior to the 30 day period specified in paragraph (e) of this section, or in any case where a repayment plan is proposed by the debtor and accepted by the Veterans Administration within that period, unless such repayment agreement becomes delinquent. (38 U.S.C. 3115)

3. Section 1.920 is amended by changing the word "bases" to "basis" so that the revised material reads as follows:

§ 1.920 Documentation of collection action.

An appropriate file will be maintained for each claim completely documenting all Veterans Administration collection action and the basis for any compromise or for suspension or termination of collection action.

4. A new § 1.922 is added to read as follows:

§ 1.922 Disclosure of debt information to consumer reporting agencies (CRA).

(a) The Veterans Administration may disclose all information determined to be necessary, including the name, address, Veterans Administration file number, Social Security number, and date of birth, to consumer reporting agencies for the purpose of—

(1) Obtaining the location of an individual indebted to the United States as a result of participation in any benefits program administered by the Veterans Administration;

(2) Obtaining a consumer report in order to assess an individuals ability to repay a debt when such individual has failed to respond to the agency's demand for repayment or when such individual has notified the agency that he/she will not repay the indebtedness; or

(3) Obtaining the location of an individual in order to conduct program evaluation studies as required by 38 U.S.C. 219 or any other law.

(b) Information disclosed by the Veterans Administration under paragraph (a) of this section to consumer reporting agencies shall neither expressly nor implicitly indicate that an individual is indebted to the United States nor shall such information be recorded by consumer reporting agencies in a manner that reflects adversely upon the individual. Prior to disclosing this information, the Veterans Administration shall ascertain that consumer reporting agencies with which it contracts are able to comply with this requirement. The Veterans Administration shall also make reasonable efforts to insure compliance by its contractor with this requirement.

(c) Subject to the conditions set forth in paragraph (d) of this section, information concerning individuals may be disclosed to consumer reporting agencies for inclusion in consumer reports pertaining to the individual, or for the purpose of locating the individual. Disclosure of the fact of indebtedness will be made if the individual fails to respond in accordance with written demands for repayment, or refuses to repay a debt to the United States arising out of the individual's participation in any benefits program administered by the Veterans Administration. In making any disclosure under § 1.922, the Veterans Administration will provide consumer reporting agencies with sufficient information to identify the individual, including the individual's name, address, if known, date of birth, Veterans Administration file number, and Social Security number.

(d)(1) Prior to releasing information under paragraph (c) of this section, the Veterans Administration will send a notice to the individual. This notice will inform the individual that—

(i) The Veterans Administration has determined that he or she is indebted to the Veterans Administration;

(ii) The debt is presently delinquent; and

(iii) The fact of delinquency may be reported to consumer reporting agencies after 30 days have elapsed from the date of the notice.

(2)(i) The Veterans Administration will notify each individual of the right to dispute the existence or amount of any debt in accordance with §§ 3.103(e) and 19.109, and to request a waiver of the debt in accordance with §§ 1.955 through 1.970.

(ii) If the Veterans Administration has not previously notified the individual of the rights described in paragrah (d)(2)(i) of this section, the Veterans Administration will include this information in the notice described in paragraph (d)(1) of this section. The individual shall be afforded a minimum of 30 days from the date of the notice to respond to it before information is reported to consumer reporting agencies.

(3) The Veterans Administration will defer reporting information to a consumer reporting agency if the individual disputes the existence or amount of any debt or requests waiver of the debt within the time limits set forth in paragraph (d)(2)(ii) of this section. The Veterans Administration will review any dispute and notify the individual of its findings. If the original decision is determined to be correct, or if the individual's request for waiver is denied, the Veterans Administration may report the fact of delinquency to a consumer reporting agency. However, the individual shall be afforded 30 days from date of the notice of the agency's determination to repay the debt.

(4) Nothing in this section affects an individual's right to appeal an agency decision to the Board of Veterans Appeals. However, information concerning the debt may be disclosed while an appeal is pending before the Board of Veterans Appeals.

(5) Upon request, the Veterans Administration will notify an individual—

(i) Whether information concerning a debt has been reported to consumer reporting agencies;

(ii) Of the name and address of each consumer reporting agency to which information has been released; and

(iii) Of the specific information released.

A notice of the right to request this information will be sent with the notice described in paragraph (d)(1) of this section.

(e) Subsequent to disclosure of information to consumer reporting agencies as described in paragraph (c) of this section, the Veterans Administration shall:

(1) Notify on a monthly basis each consumer reporting agency concerned of any substantial change in the status or amount of indebtedness.

(2) Promptly verify any and all information disclosed if so requested by the consumer reporting agency concerned.

(f) In the absence of a different rule prescribed by statute, contract, or other regulation, an indebtedness is considered delinquent if not paid by the individual by the date due specified in the notice of indebtedness, unless satisfactory arrangements are made by such date.

(g) Notification shall be considered sufficient when effected by ordinary mail, addressed to the last known address, and such notice is not returned as undeliverable by postal authorities.

(h) The Privacy Act (5 U.S.C. 552a) does not apply to any contract between the Veterans Administration and a consumer reporting agency, nor does it apply to a consumer reporting agency and its employees. See 38 U.S.C. 3301(f). This paragraph does not relieve the Veterans Administration of its obligation to comply with the Privacy Act.

(i) The term "consumer reporting agency" means any person or agency which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties or to other consumer reporting agencies. The term "consumer reporting agency" shall also mean any person or agency which serves as a marketing agent under arrangements enabling third parties to obtain such information from consumer reporting agencies, or which obtain such information for the purpose of furnishing it to consumer reporting agencies. (38 U.S.C. 3301 (g), (i); 31 U.S.C. 952)

5. Section 1.516 is amended to update gender terminology so that the revised material reads as follows:

§ 1.516 Disclosure of information to undertaker concerning burial of a deceased veteran.

When an undertaker requests information believed to be necessary in connection with the burial of a deceased veteran, such as the name and address of the beneficiary of the veteran's Government insurance policy, name and address of the next of kin, rank or grade of veteran and organization in which he or she served, character of the veteran's discharge, or date and place of birth of the veteran, and it appears that the undertaker is holding the body awaiting receipt of the information requested, the undertaker, in such instances, may be considered the duly authorized representative of the deceased veteran for the purpose of obtaining said information. In ordinary cases, however, the undertaker will be advised that information concerning the beneficiary of a Government insurance policy is confidential and cannot be disclosed; the beneficiary will be advised immediately of the inquiry, and the furnishing of the desired information will be discretionary with the beneficiary. In no case will the undertaker be informed of the net amount due under the policy or furnished information not specifically mentioned in this paragraph.

6. In § 1.518 paragraph (b) (introductory text) and (b)(1) is revised and a new paragraph (d) is added so that the revised and new material reads as follows:

§ 1.518 Addresses of claimants.

* * * * *

(b) The address of a Veterans Administration claimant as shown by Veterans Administration files may be furnished to:

(1) Duly constituted police or court officials upon official request and the submission of a certified copy either of the indictment returned against the claimant or of the warrant issued for his or her arrest

* * * * *

(d) Subject to the conditions set forth in § 1.922, the Veterans Administration may disclose to consumer reporting agencies information contained in a debtor's claims folder. Such information may include the debtor's name and/or address, Veterans Administration file number, Social Security number, and date of birth. (38 U.S.C. 3301(g))

7. In § 1.519, paragraphs (a)(4) and (f) are amended to correct citations and paragraphs (b) and (c) are amended to correct gender-specific terminology so that the revised material reads as follows:

§ 1.519 Lists of names and addresses.

(a) * * *

(4) Contain a certification that the organization, and all members thereof who will have access to the list, are aware of the penalty provisions of 38 U.S.C. 3301(f) and will not use the list for any purpose other than that stated in the application.

(b) If the Director of the regional office concerned finds that the organization requesting the list of names and addresses of educationally disadvantaged veterans is a nonprofit organization and operates an approved program of special secondary, remedial, preparatory or other educational or supplementary assistance to veterans as provided under subchapter V, title 38, United States Code, then he or she may authorize the release of such names and addresses to the organization requesting them.

(c) The Assistant Deputy Administrator for Reports and Statistics, with the concurrence of the General Counsel, is authorized to release lists of names and addresses to organizations which have applied for such lists in accordance with paragraph (a) of this section if he or she finds that the purpose for which the organization desires the names and addresses is directly connected with the conduct of programs and the utilization of benefits under title 38, United States Code. Lists of names and addresses authorized to be released pursuant to this paragraph shall not duplicate lists released to other elements, segments, or chapters of the same organization.

* * * * *

(f) Section 3301(f), title 38, United States Code, provides that any organization, or member thereof, which uses the names and addresses furnished it for any purpose other than one directly connected with the conduct of programs and the utilization of benefits under title 38, United States Code, shall be fined not more than $500 in the case of the first offense and not more than $5,000 in the case of the subsequent offenses. Any instance in which there is evidence of a violation of these penal provisions will be reported in accordance with § 14.560.

8. Section 1.520 is amended to update gender specific terminology so that the revised material reads as follows:

§ 1.520 Confidentiality of social data.

Persons having access to social data will be conscious of the fact that the family, acquaintances, and even the veteran have been willing to reveal these data only on the promise that they will be held in complete confidence. There will be avoided direct, ill-considered references which may jeopardize the personal safety of these individuals and the relationship existing among them, the patient, and the social worker, or may destroy their mutual confidence and influence, rendering it impossible to secure further cooperation from these individuals and agencies. Physicians in talking with beneficiaries will not quote these data directly but will regard them as indicating possible directions toward which they may wish to guide the patient's self-revelations without reproaching the patient for his or her behavior or arousing natural curiosity or suspicion regarding any informant's statement. The representatives of service organizations and duly authorized representatives of veterans will be especially cautioned as to their grave responsibility in this connection.

(38 U.S.C. 210(c))

[FR Doc. 81-36437 Filed 12-21-81; 8:45 am]

BILLING CODE 8320-01-M

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38 CFR Part 21

Educational Benefits; Effective Date for Increase in Educational Assistance Allowance

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: This regulation brings the effective date for an increase in educational assistance allowance due to an increase in dependents into closer conformance with similar increases in disability compensation. The previous Veterans Administration policy concerning increases in educational allowance due to increases in dependents has been criticized as being more restrictive than the policy regarding similar increases in disability compensation. This proposal is designed to overcome this criticism.

EFFECTIVE DATE: December 3, 1981.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington D.C. 20420 (202-389-2092).

SUPPLEMENTARY INFORMATION: On pages 38547 and 38548 of the **Federal Register** of July 28, 1981, there was published a notice of intent to amend part 21 to change the effective date for an increase in educational assistance allowance following an increase in the number of dependents.

Interested persons were given 30 days in which to submit comments, suggestions or objections regarding the proposal. The Veterans Administration received no comments. Accordingly, the agency is adopting the proposal.

This amended regulation is not a major rule as that term is defined in Executive Order 12291. It will not have an effect on the economy of $100 million or more. It will not cause a major increase in costs for anyone. It will not have any significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), this final rule therefore is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that this rule applies only to individual veterans. It will therefore have no significant direct impact on small entities (i.e. small businesses, small private and nonprofit organizations and small governmental jurisdictions.)

The Catalog of Federal Domestic Assistance number for the program affected by this regulation is 64.111.

The proposed change to § 21.4131 is deemed proper and is hereby approved.

Approved: December 3, 1981.

Robert P. Nimmo,

Administrator.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

In § 21.4131, paragraph (e) is revised to read as follows. The introductory text is shown for the convenience of the reader.

§ 21.4131 Commencing dates.

The commencing date of an award or increased award of educational assistance allowance will be determined under this section.

* * * * *

(e) *Increase for dependent; chapter 34.*

(1) The veteran may acquire one or more dependents before he or she enters or reenters a program of education. When this occurs, the following rules apply:

(i) The effective date of the increase will be the date of entrance or reentrance if—

(A) The Veterans Administration receives the claim for the increase within 1 year of the date of entrance or reentrance, and

(B) The Veterans Administration receives any necessary evidence within 1 year of its request.

(ii) The effective date of the increase will be the date the Veterans Administration receives notice of the dependent's existence if—

(A) The Veterans Administration receives the claim for the increase more than 1 year after the date of entrance or reentrance, and

(B) The Veterans Administration receives any necessary evidence within 1 year of its request.

(iii) The effective date will be the date the Veterans Administration receives all necessary evidence, if that evidence is received more than 1 year from the date the Veterans Administration requested it.

(2) If the veteran acquires a dependent after he or she enters or reenters a program of education, the increase will be effective on the latest of the following dates:

(i) Date of claim. This term means the following listed in order of their applicability:

(A) Date of the veteran's marriage, or birth of his or her child, or his or her adoption of a child, if the evidence of the event is received within 1 year of the event.

(B) Date notice is received of the dependent's existence if evidence is received within 1 year of the Veterans Administration request.

(C) Date the Veterans Administration receives evidence if this date is more than 1 year after the Veterans Administration request.

(ii) Date dependency arises.

(iii) Date the law permits benefits for dependents generally.

(38 U.S.C. 3010(f)(n))

Cross Reference: See § 3.667 of this chapter as to effective dates with regard to children 18 years of age and older who are attending school.

* * * * *

[FR Doc. 81-36436 Filed 12-21-81; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4 FRL 1995-4]

Alabama and Florida: New Source Performance Standards and National Emissions Standards for Hazardous Air Pollutant Regulations

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On June 23, 1981, the Alabama Air Pollution Control Commission (AAPCC) approved and adopted revisions to Chapters 12 and 13 and Appendix C of the AAPCC Rules and Regulations. These regulations adopted by reference EPA regulations on New Source Performance Standards (NSPS) and National Emissions Standards for Hazardous Air Pollutants (NESHAPS), with two minor changes in wording. On June 25, 1980, the Florida Department of Environmental Regulation adopted regulations which adopt in part Federal NSPS and NESHAPS regulations by reference. Parts of the EPA regulations were not adopted for various reasons. EPA hereby approves these revisions to the State Implementation Plans.

DATES: These actions will be effective February 22, 1982 unless notice is received on or before January 21, 1982 that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the materials submitted by the States may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

Library, EPA, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365

Office of the Federal Register, Room 8401, 1100 L Street, N.W., Washington, D.C. 20005

Division of Air Pollution Control, Alabama Air Pollution Control Commission, 645 S. McDonough Street, Montgomery, Alabama 36130

Florida Department of Environmental Regulation, Bureau of Air Quality Management, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32301

FOR FURTHER INFORMATION CONTACT: Mr. Archie Lee, Air Programs Branch, EPA Region IV at the above address and

telephone number 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On March 13, 1981, AAPCC advised EPA of its intention to revise Chapters 12 and 13 of its regulations. A public hearing was held April 14, 1981, at the AAPCC office in Montgomery. The original AAPCC proposal was drafted excluding certain minor sources within Portland cement plants and petroleum refineries which are covered by EPA regulations. As adopted, the revisions make clear that all sources covered by EPA NSPS and NESHAPS regulations are also covered by the state regulations. The revisions were submitted to EPA on June 26, 1981.

The AAPCC regulations differ from EPA's only in that the terms Director and Commission are substituted for Administrator and U.S. Environmental Protection Agency, respectively. While EPA does not object to these changes, it should be made clear that this does not grant to the State Director the authority reserved to the Administrator under 40 CFR Parts 60 and 61 (e.g., approval of alternative testing procedures—40 CFR 60.11(b)).

The Florida Department of Environmental Regulation adopted by reference most of EPA's NSPS and NESHAPS regulations on June 25, 1980. These materials were submitted as SIP revisions on August 28, 1980. The adoption of these regulations was primarily intended to allow the state to receive delegation of authority from EPA to enforce the Federal NSPS and NESHAPS regulations. For various reasons, Florida did not adopt certain parts of the EPA NSPS regulations. Some sections were not adopted because they were inappropriate to state regulations (e.g., list of all EPA and state offices); some, because equivalent state regulations are already in force; others, because the state questioned the technical validity of the regulation (i.e., test methods); others, because litigation challenging the specific EPA regulations is underway (e.g., NSPS Subpart Da for Electric Utility Steam Generating Units); and still others, because certain types of facilities covered by the standards do not exist in the state and are unlikely to be constructed (primary copper and zinc smelters and primary aluminum reduction plants). Certain sections of the NESHAPS regulations were also not adopted, some as inappropriate to state regulations, and others because they were already covered by state regulations as was the case for the NSPS regulations. In addition, certain parts of the asbestos waste disposal regulations were not adopted because they could, under state law, not be enforced by the state air pollution program.

Where substantive differences exist between EPA and state regulations (for example, where the state has failed to adopt NSPS Subpart Da and parts of the NESHAPS asbestos regulation), EPA may be unable to delegate full authority to the state to enforce the EPA regulations not adopted or only partially adopted by the state.

Action

EPA approves the revisions to the Alabama SIP. The revisions only update the existing SIP by adding new source categories which have been promulgated by EPA since the state originally adopted its NSPS and NESHAPS regulations. EPA also approves the revision to the Florida SIP. Because the regulations have been adopted for the purposes of receiving delegation of the program, any substantive difference between the EPA regulations and those adopted by the state will be addressed when determining whether to delegate the NSPS and NESHAPS programs to the state. The approval of these regulations by EPA does not affect in any way EPA's authority to enforce both NSPS and NESHAPS regulations. Because these are minor actions and no comments are expected, EPA is foregoing publication of a notice of proposed rulemaking.

The public should be advised that these actions will be effective February 22, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments on either of these actions, that action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under § 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of this revision is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before February 22, 1982. Under § 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements. The regulations adopted are already enforceable by EPA.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it only approved state actions. It imposes no new requirements.

(Sec. 110, Clean Air Act (42 U.S.C. 7410))

Note.—Incorporation by reference of the State Implementation Plan for the States Alabama and Florida was approved by the Director of the Federal Register on July 1, 1981.

Dated: December 14, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart B—Alabama

1. In § 52.50, paragraph (c) is amended by adding subparagraph (30) as follows:

§ 52.50 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * *

(30) Revisions in Chapters 12 and 13, adopting Federal NSPS and NESHAPS regulations by reference, submitted by the Alabama Air Pollution Control Commission on June 26, 1981.

Subpart K—Florida

2. In § 52.520, paragraph (c) is amended by adding subparagraph (34) as follows:

§ 52.520 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

(34) Revisions in Sections 17-2.21 and 17-2.32 of the Florida Administrative Code, adopting, in part, Federal NSPS and NESHAPS regulations, submitted by the Florida Department of Environmental Regulation on August 28, 1980.

[FR Doc. 81-36641 Filed 12-21-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-1-FRL-2003-2]

Approval and Promulgation of Implementation Plans; Connecticut Revision—Sulfur-in-Fuel Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Revisions to the State Implementation Plan (SIP) for the State of Connecticut were submitted to EPA on November 16, 1981. The purpose of this Notice is to approve the revisions. This will allow the Uniroyal plant in Naugatuck and the Pratt and Whitney Aircraft Division plants in North Haven and Middletown to use fuel oil containing 1.0 percent sulfur by weight or its equivalent under specific operating conditions.

EFFECTIVE DATE: December 22, 1981.

ADDRESSES: Copies of the Connecticut document which is incorporated by reference are available for public inspection during normal business hours at the Environmental Protection Agency, Room 1903 JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C.; the Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C.; and the Connecticut Department of Environmental Protection, Air Compliance Unit, State Office Building, Hartford, Connecticut 06115.

FOR FURTHER INFORMATION CONTACT: Sarah Simon, Air Branch, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223–4448.

SUPPLEMENTARY INFORMATION: On September 11, 1981, EPA proposed approval in the **Federal Register** (46 FR 45378) of revisions to the Connecticut State Implementation Plan (SIP) proposed by the Connecticut Department of Environmental Protection (DEP). This action supplements the 1% sulfur oil revision approval published in the **Federal Register** on November 18, 1981 (46 FR 56812) by approving the new 1% sulfur-in-oil limit for two sources not previously included and approving a 1% sulfur oil equivalent emission rate for a third source whose operating conditions have been revised. These source approvals were submitted to EPA by the Commissioner of the Connecticut DEP on November 16, 1981.

A thorough discussion of the 1% sulfur oil SIP revision, its technical support, EPA's rulemaking procedures, and EPA's reasons for approval were presented in the Notice of Proposed Rulemaking and will not be repeated here. Briefly, the original screening analyses for 17 sources did not demonstrate compliance with the National Ambient Air Quality Standards (NAAQS), but EPA proposed to approve the revision allowing 1.0% sulfur oil use by all sources provided that further modeling demonstrations or enforceable source operating restrictions that ensure NAAQS compliance were presented to EPA.

Further state review of three sources, with operating conditions imposed, has demonstrated compliance with the NAAQS. These reviews and the necessary operating conditions were submitted to EPA for inclusion in the SIP. Based on the state's technical demonstrations, EPA is approving these sources to burn higher sulfur fuel oil. The new source operating restrictions have been specified in revised state orders and are incorporated into the SIP as part of this rulemaking. These sources are:

1. Uniroyal Chemical Incorporated in Naugatuck;
2. United Technologies Corporation, Pratt and Whitney Aircraft Division in Middletown;
3. United Technologies Corporation, Pratt and Whitney Aircraft Division in North Haven.

After evaluation of the state's submittal, the Administrator has determined that these Connecticut revisions meet the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, they are approved as revisions to the Connecticut SIP.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709, January 27, 1981). The attached rules constitute SIP approvals under Section 110 within the terms of the January 27 certification.

This action only approves state actions and it imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. These regulations are not Major because they approve state actions and add no new requirements.

The Agency finds that good cause exists for making this action effective immediately since these implementation plan revisions are already in effect under state law and EPA approval imposes no additional regulatory burden.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's Notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Sec. 110(a) and sec. 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7410 and 7601)

Note.—Incorporation by reference of the State Implementation Plan for the State of Connecticut was approved by the Director of the Federal Register on July 1, 1981.

Dated: December 16, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart H—Connecticut

1. Section 52.370, paragraph (c) is amended by adding subparagraph (19) as follows:

§ 52.370 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(19) Revisions submitted by the Commissioner of the Connecticut Department of Environmental Protection on November 16, 1981. These provisions supersede portions of the revisions identified under (c)(18).

2. Section 52.380 is amended by removing and reserving paragraph (d)(9)(ii) and (9)(iv) as follows:

§ 52.380 Rules and regulations.

* * * * *

(d) Non-Part D—No action:

* * * * *

(9) Use of 1 percent sulfur content fuel by the following residual oil burning sources, identified under section 52.370, subparagraph (c)(18)

* * * * *

(ii) [Reserved]

* * * * *

(iv) [Reserved]

* * * * *

[FR Doc. 81-36441 Filed 12-21-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-2-FRL 1993-8]

Approval and Promulgation of Implementation Plans; Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces that the Environmental Protection Agency (EPA) is approving the deletion of certain transportation control measures from the New York State Implementation Plan (SIP) for the New York City metropolitan area. These measures had been made part of the SIP in 1973. However, they are now being deleted because EPA generally agrees with the State that there has been an adequate demonstration that these 1973 transportation control measures are not reasonably available or that they have been adequately addressed in the 1979 SIP revision.

EFFECTIVE DATE: This action is effective December 22, 1981.

ADDRESSES: Copies of the April 17, 1981 report submitted by New York State, public comments, and a "Rulemaking Support Document" are available for inspection during normal business hours at the following addresses:

Environmental Protection Agency, Region II, Air Programs Branch, Room 1005, 26 Federal Plaza, New York, New York 10278

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460

A copy of the State report is also available for inspection during normal business hours at: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Program Branch, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278 (212) 264-2517.

SUPPLEMENTARY INFORMATION:

I. Introduction

On June 22, 1973 (38 FR 16550) the Environmental Protection Agency (EPA) published its approval of a State submitted revision to the New York State Implementation Plan (SIP). This revision consisted of a number of transportation control measures designed to attain by May 31, 1975 and maintain thereafter national ambient air quality standards for carbon monoxide and ozone in the New York portion of the New Jersey-New York-Connecticut air quality control region (AQCR). These transportation control measures are collectively referred to as the 1973 transportation control plan (1973 TCP).

Under provisions of the 1977 Amendments to the Clean Air Act, on March 3, 1978 (43 FR 8962), the entire New York portion of the New Jersey-New York-Connecticut AQCR was designated as not meeting national standards for ozone and parts were designated as not meeting standards for carbon monoxide. In response to these "nonattainment designations" and as required by Part D of the Clean Air Act, on May 16, 1979, the State of New York submitted a revision to the SIP for the New York City metropolitan area (1979 SIP). This 1979 SIP revision contained a number of transportation control measures as well as a request to make the 1979 SIP a complete successor to the 1973 TCP and thus delete the 1973 TCP from the SIP. On May 21, 1980 (45 FR 33981) and September 9, 1981 (46 FR 44979) EPA conditionally approved this SIP revision, but did not act on the State's request to delete the 1973 TCP. EPA did not have adequate information at the time of its May 21, 1980 action to conclude that the 1979 SIP adequately accounted for the 1973 TCP (i.e., that the 1979 SIP contained necessary commitments to implement, as expeditiously as practicable, all transportation control measures that are currently reasonably available). Subsequent to EPA's conditional approval actions various submissions made by the State in response to these conditions have been approved in separate actions. As a result of these separate actions, the transportation control measures contained in the 1979 SIP are now fully approved by EPA.

On April 17, 1981 EPA received a report prepared by the New York State Department of Environmental Conservation which demonstrated how the 1973 TCP control measures were addressed in the 1979 SIP. EPA reviewed the 1979 SIP in light of the April 17, 1981 report and generally agrees with the State that there has been an adequate demonstration made that either the 1973 TCP measures are not reasonably available or that they have been adequately addressed, at times in modified form, in the 1979 SIP. On August 4, 1981 (46 FR 39812) EPA published a proposal to delete under certain provisions all measures contained in the 1973 TCP.

II. Comments Received

EPA received three comments in response to its August 4, 1981 proposal. These were received from the New York State Department of Environmental Conservation, the Natural Resources Defense Council, and William Hoppen, an attorney. A detailed summary of these comments and EPA's response to them appear in a separate "Rulemaking Support Document."

Generally, the comments reveived were directed at the degree to which the transportation control measures contained in the 1979 SIP adequately replace those in the 1973 TCP. It was noted by the two non-governmental commentators that some measures are not being implemented as comprehensively or as stringently as originally conceived in the 1973 TCP. It was also noted that, in some cases, the current commitments to implement measures are not as firm as was previously the case. In response, EPA believes that where such situations exist, the State is making an effort to implement control measures to the extent that it is reasonable to do so. The 1979 SIP contains a program for the study of measures which will lead in many cases to their further implementation. Moreover, the State is reevaluating its entire control program in preparation of a 1982 SIP revision and is committed to implement all reasonably available control measures.

Comments were also received on the procedural issue of whether the State followed the required statutory procedures in revising its SIP to delete the 1973 TCP. The State, in fact, requested the deletion of the 1973 TCP when it submitted its 1979 SIP. All necessary procedures were followed at that time. The State's April 17, 1981 document is not a SIP revision and need not be treated as one. However, the public was given an opportunity to comment on the State's document and on EPA's proposed action in the August 4, 1981 issue of the **Federal Register**.

With regard to certain provisions identified in EPA's August 4, 1981 notice of proposed rulemaking, one commenter noted that the intention by EPA to accept the soon to be completed New York City Department of Transportation document, "City Streets," as a replacement to the 1973 control measure related to traffic management was premature. It was pointed out that "City Streets" is not yet available. In response, EPA has had informal communications with the New York City Department of Transportation and is satisfied that the document, when completed, could serve as a traffic management plan. Moreover, EPA is confident that the document will be developed with opportunity for input from the public.

In the August 4, 1981 notice of proposed rulemaking, EPA proposed to delete the 1973 TCP control measures related to public transit improvements once related measures contained in the 1979 SIP were approved or conditionally approved. No comments were received on this issue. On September 9, 1981 (46 FR 44979), EPA approved these 1979 SIP measures. Therefore, EPA is also taking action today to delete the public transit improvement measures contained in the 1973 TCP as well as the other measures identified in its August 4, 1981 proposal.

III. EPA's Final Action

EPA is deleting all transportation control measures as contained in the 1973 TCP from the New York SIP. EPA agrees with the State that there has been adequate demonstration that the 1973 transportation control measures are not reasonably available or that they have been adequately addressed in the 1979 SIP.

On May 12, 1980 and again on May 29, 1981, the State requested that EPA delete from its SIP two state regulations, Part 217, Emissions From Motor Vehicles Propelled by Gasoline Engines, and Part 218, Emissions from Vehicles Propelled by Diesel Engines. (See 46 FR 55690, November 12, 1981). Since these two regulations are related to the 1973 TCP and are adequately replaced, where appropriate, by provisions contained in the 1979 SIP, they can be deleted at this time. Therefore, EPA today is deleting Parts 217 and 218 from the SIP. EPA is also deleting the federally promulgated regulation 40 CFR 52.1683, "Transportation and Land Use Controls" from the SIP. This regulation calls for the State to provide legislative authority and the necessary adopted regulations and administrative policies needed to carry out transportation and land use controls. This regulation is no longer needed because the 1979 SIP meets all appropriate requirements including those related to legal authority, regulations and policy.

Today's action is being made effective immediately since it provides no additional burden on the affected parties.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709; January 27, 1981). The attached rule constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it deletes rather than imposes regulatory requirements.

(Secs. 110, 172 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410, 7502, and 7601))

Dated: December 10, 1981.

Anne M. Gorsuch,

Administrator, Environmental Protection Agency.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40, Chapter I, Subchapter C, Part 52, Code of Federal Regulations is amended as follows:

Subpart HH—New York

§ 52.1679 [Amended]

1. Section 52.1679 is amended to remove reference to the New York State regulations Part 217 and Part 218.

§ 52.1683 [Reserved]

2. Section 52.1683 is removed and reserved.

[FR Doc. 81-36443 Filed 12-21-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-10-FRL-1988-8]

Approval and Promulgation of Implementation Plan Revisions; Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: By this Notice EPA announces its approval of the current Washington SIP regulations as applicable State wide for both attainment and non-attainment areas. This action will be effective on February 22, 1982 unless notice is received before January 21, 1982 that someone wishes to submit adverse or critical comments. If such notice is received, EPA will open a formal 30-day comment period prior to final rulemaking on this action.

EFFECTIVE DATE: This action is effective February 22, 1982.

ADDRESSES: Copies of materials submitted to EPA may be examined during normal business hours at:

Central Docket Section (10A-80-9), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, M/S 629, Seattle, Washington 98101.

State of Washington, Department of Ecology, 4224 Sixth Avenue S.E., Lacey, Washington 98503.

Office of Federal Register, 1100 L Street, Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Clark L. Gaulding, Air Programs Branch, M/S 629, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone No. (206) 442-1275, (FTS) 399-1275.

SUPPLEMENTARY INFORMATION: On April 27, 1979 the State of Washington submitted revisions to the Washington SIP designed to "comply with the Federal Clean Air Act requirements to (1) submit a plan for attainment and maintenance of Federal standards in all areas of the State and (2) incorporate additional program elements and procedures into the plan."

EPA's actions to date have been confined to the portion of the SIP dealing with Part D (non-attainment area plans) of the Clean Air Act (herein referred to as the Act). Our purpose was to approve those portions of the plan as soon as possible to avoid imposition of source growth limitations described in Section 110 of the Act. Those actions having been completed, EPA is approving the SIP as described in 40 CFR 52.2470 to be applicable to all areas of the State. Specifically, this approval will clarify the intent of the State and EPA to administer the SIP regulations in all areas of the State, not just in non-attainment areas. This will make the Federally-approved SIP consistent with the current State and local air pollution control programs.

This action will be effective February 22, 1982. However, if notice is received within 30-days from publication that someone wishes to submit adverse or critical comments on any or all of the revisions approved herein, the action on those revisions will be withdrawn and EPA will initiate the normal rulemaking process of proposal and consideration of comments prior to final rulemaking.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60-days of the date of publication of this Notice. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that SIP approvals under 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709, January 27, 1981). This action constitutes a SIP approval under Section 110 and 172 within the terms of the January 27, 1981 certification.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement for regulatory impact analysis. This regulation is not major because EPA is approving an action taken by the State and, therefore, not establishing new requirements.

(Secs. 110 and 172, Clean Air Act as amended (42 U.S.C. 7410(a) and 7502))

Note.—Incorporation by reference of the Implementation Plan for the State of Washington was approved by the Director of the Office of the Federal Register on July 19, 1981.

Dated: December 8, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart WW—Washington

1. Section 52.2479 is amended by adding Note 4 to Table 52.2479

§ 52.2479 Rules and regulations.

* * * * *

Note 4.—The regulations listed in Table 52.2479 are applicable in attainment and nonattainment areas.

[FR Doc. 81-36442 Filed 12-21-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 60

[A-5-FRL 2010-8]

Standards of Performance for New Stationary Sources; Additional Source Categories Delegated to Ohio and Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegation of authority.

SUMMARY: The States of Ohio and Indiana have both received delegation of authority to implement certain new source performance standards (NSPS) under section 111(c) of the Clean Air Act. Both States have requested and received authority to implement the NSPS for additional source categories.

DATES: The effective dates of the delegations are February 6, 1981 for Indiana and November 5, 1979 and August 27, 1980 for Ohio.

FOR FURTHER INFORMATION CONTACT: Ronald J. Van Mersbergen, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6056.

SUPPLEMENTARY INFORMATION:

A. Indiana

The State of Indiana received authority on April 21, 1976 to implement the twelve NSPSs published at 40 CFR Part 60 Subparts D through O (Subparts Da and Ka were not promulgated at that time). the April 21, 1976 delegation, issued in accordance with section 111(c) of the Clean Air Act, was published on September 30, 1976 (41 FR 43237). On June 6, 1977 the delegation was amended and twelve more source categories were added so that the delegation then included Subparts D through AA (Subparts Da and Ka were not promulgated at that time). The revised delegation was published on September 12, 1977 (42 FR 45705).

On January 5, 1981 the State requested authority for eight additional source categories and authority for any revisions to the previously delegated source categories. A revised delegation of authority was granted on February 6, 1981 and is as follows:

February 6, 1981.

Certified Mail Return Requested

Mr. Ralph C. Pickard,
Technical Secretary, Indiana Air Pollution Control Board, 1330 West Michigan Street, Indianapolis, Indiana

Dear Mr. Pickard: Thank you for your January 5, 1981 letter requesting an expansion of your existing delegated authority to include the regulations for additional New Source Performance Standards (NSPS) categories and revisions to NSPS which you already have been delegated.

We have reviewed your request and have found your present new source review programs and procedures to be acceptable. Therefore, the U.S. Environmental Protection Agency (USEPA) is delegating to the State of Indiana authority to implement and enforce the NSPS program for additional categories and for regulation revisions of previously delegated source categories. The following represents the NSPS now delegated to Indiana:

40 CFR Part 60 Sub, arts D through HH as amended by 45 FR 66742 October 7, 1980 and 45 FR 74846 November 12, 1980.

The terms and conditions applicable to this delegation are in the delegation letters of April 21, 1976 and June 6, 1977 except that condition 4 of both letters which prevents State enforcement in Federal Facilities is now eliminated. Section 118(a) of the Clean Air Act provides States with authority to enforce permit requirements in Federal Facilities.

A notice of this delegated authority will be published in the **Federal Register.**

This delegation is effective upon the date of this letter unless the USEPA receives written notice from the IAPCB of objections within 10 days of receipt of this letter.

Sincerely yours,

John McGuire,

Regional Administrator.

B. Ohio

On June 3, 1976, the State of Ohio requested delegation of authority to implement the NSPSs promulgated as of that time. EPA on August 4, 1976 delegated authority to Ohio to implement 40 CFR Part 60 Subparts D through AA (Subparts Da and Ka were not promulgated at that time). That delegation was published on December 21, 1976 (41 FR 55575). On October 31, 1979 and May 12, 1980 Ohio requested authority for additional source categories and any revisions of the previously delegated source categories. These requests were granted on November 5, 1979 and August 27, 1980 respectively. The delegation now includes source categories in Subpart D through Subpart BB and Subparts DD, GG, and HH.

The following letters are amendments to the August 4, 1976 delegation.

November 5, 1979.

Mr. James F. McAvoy,
Director, Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio

Dear Mr. McAvoy: Thank you for your October 3, 1979 letter requesting expansion of your existing Delegation of Authority to include additional New Source Performance Standards (NSPS) categories.

We have reviewed your request, and have found your proposed program and procedures to be acceptable. Therefore, we are delegating to the State of Ohio authority to

implement and enforce the NSPS program for the following source categories:

1. Kraft Pulp Mills (Subpart BB), Promulgation Date—February 23, 1978; Clarifying amendments to the standard and Reference Method 16, Promulgation Date—August 7, 1978.

2. Lignite-fired Steam Generators (Amendments to Subpart D), Promulgation Date—March 7, 1978.

3. Lime Manufacturing Plants (Subpart HH), Promulgation Date—March 7, 1978.

4. New, Modified and Reconstructed Grain Elevators (Subpart DD), Promulgation Date—August 3, 1978.

5. Electric Utility Steam Generating Units (Subpart Da), Promulgation Date—June 11, 1979.

6. (a) Petroleum refineries—Reevaluation of opacity standards, Promulgation Date—June 24, 1977.

(b) Petroleum refinery—Claus sulfur recovery plants, Promulgation Date—March 15, 1978.

(c) Petroleum Refineries—Clarifying Amendments to Subpart J, Promulgation Date—March 12, 1979.

7. Opacity standard for basic oxygen process furnaces (Amendments to Subpart N), Promulgation Date—April 23, 1978.

8. Revisions to Reference Methods 1–8, NSPS Appendix A, Promulgation Date—August 18, 1977; Corrections to Amendments to Reference Methods 1–8 (March 23, 1978).

9. Sewage Sludge Incinerators—Amendments to Subpart O, Promulgation Date—November 16, 1977.

10. Primary Copper Smelters—Amendments to General Provisions and Copper Smelter Standards, Promulgation Date—November 1, 1977.

11. Emission Guidelines and times for compliance for control of sulfuric acid mist (addition to Subpart G), Promulgation Date—October 18, 1977.

12. Revisions to Reference Method 11 for determining the hydrogen sulfide content of fuel gas streams, Promulgation Date—January 10, 1978.

13. Amendments to Reference Method 13 A and B—testing and analysis procedures for fluoride emissions from stationary sources, Promulgation Date—November 29, 1975.

14. Amendment to Reference Method 16—for determining total reduced sulfur emissions from stationary sources, Promulgation Date—January 12, 1979.

15. Amendment to Sec. 60.11(b) Compliance with Standards and Maintenance Requirements, Promulgation Date—May 23, 1977.

We are further amending the existing Delegation of Authority under section 111 dated August 4, 1976, by deleting Condition 3 so that this delegation may reflect recent Amendments to the Clean Air Act which deleted the exception relating to delegated authority with respect to new stationary sources owned or operated by the United States. Ohio can now enforce New Source Performance Standards against Federal sources.

A notice of this amended authority will be published in the **Federal Register** in the near future.

Since this delegation is effective upon the date of this letter, there is no requirement that the Ohio Environmental Protection Agency (OEPA) notify the United States Environmental Protection Agency (USEPA) of its acceptance.

Unless USEPA receives written notice from OEPA of objections within 10 days of the receipt of this letter, the OEPA will be deemed to have accepted all of the terms of this delegation.

Sincerely yours,

John McGuire,

Regional Administrator.

August 27, 1980.

Certified Mail Return Requested

Mr. James F. McAvoy,

Director, Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio.

Dear Mr. McAvoy: Thank you for your May 12, 1980, letter requesting expansion of your existing Delegation of Authority to include additional New Source Performance Standards (NSPS) categories.

We have reviewed your request, and have found your present program and procedures to be acceptable. Therefore, we are delegating to the State of Ohio authority to implement and enforce the NSPS program for the following source categories.

1. Gas turbines in Subpart GG, promulgated September 10, 1979.

2. Petroleum refinery—Claus sulfur recovery plants, amendment to Subpart O, promulgated October 25, 1979.

3. Petroleum liquid storage vessels construction after June 11, 1973 and prior to May 19, 1979, which is a revision to Subpart K, promulgated April 4, 1980.

4. Petroleum liquid storage vessels constructed after May 18, 1979 in subpart Ka, promulgated April 4, 1980.

The terms and conditions applicable to this delegation are in the delegation letter of August 4, 1976, as amended by the November 5, 1979 letter.

A notice of this delegated authority will be published in the **Federal Register.**

Since this delegation is effective upon the date of this letter, there is no requirement that the Ohio Environmental Protection Agency (OEPA) notify the U.S. Environmental Protection Agency (USEPA) of its acceptance.

Unless USEPA receives written notice from OEPA of objections within 10 days of receipt of this letter, the OEPA will be deemed to have accepted all of the terms of this delegation.

Sincerely yours,

John McGuire,

Regional Administrator.

As additional source categories are promulgated by EPA and delegated to States, the delegation of authority agreements will be amended and published in the **Federal Register.**

Dated: December 3, 1981.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 81-36321 Filed 12-21-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 60

[A-10-FRL 2010-6]

Standards of Performance for New Source Performance Standards; Delegation to the State of Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegation.

SUMMARY: On December 3, 1981, EPA delegated to the State of Oregon Department of Environmental Quality additional source categories under the New Source Performance Standards as approved in their OAR 340–25–505 to 535. The additional source categories are: coal preparation plant, ferroalloy production facilities, steel plants—electric arc furnaces, kraft pulp mills, grain elevators, stationary gas turbines, electric utility steam generating units, and glass manufacturing plants. This delegation will amend the November 10, 1975 and April 8, 1978 detegations to the State of Oregon.

EFFECTIVE DATE: December 3, 1981.

ADDRESSES: The related material in support of this delegation may be examined during normal business hours at the following locations:

Central Docket Section, (10A–81–6), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20400.

Air Programs Branch, Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101.

State of Oregon, Department of Environmental Quality, 522 S.W. Fifth Avenue, Portland, Oregon 97207.

FOR FURTHER INFORMATION CONTACT: Mark H. Hooper, Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone: (206) 442–1260, FTS: 399–1260.

SUPPLEMENTARY INFORMATION: On November 10, 1975, the Regional Administrator of EPA, Region 10 delegated to the State of Oregon the authority to implement and enforce NSPS for twelve categories of stationary sources as promulgated by EPA prior to January 1, 1975. A Notice announcing this delegation was published in the **Federal Register** on February 26, 1976 (35 FR 7749). On April 3, 1978 an additional source category under NSPS was delegated to the State and was published in the **Federal Register** on May 10, 1978 (43 FR 20055).

The State of Oregon in a letter dated May 22, 1981 requested delegation of

eight additional source categories under NSPS as promulgated by EPA prior to October 8, 1980. The letter granting this additional delegation of authority to the State of Oregon was dated December 5, 1981 and is as follows:

Hon. Victor Atiyeh,
Governor of Oregon,
Salem, Oregon

Dear Governor Atiyeh: On May 22, 1981, William Young, Director of the Department of Environmental Quality (DEQ), requested that EPA extend the delegation of authority to enforce additional source categories under the New Source Performance Standards (NSPS) granted to the State of Oregon on November 10, 1975. We have reviewed that request and hereby delegate to DEQ the authority to enforce the source categories listed in OAR 340–35–505 to 535 as follows:

Coal Preparation Plants
Ferroalloy Production Facilities
Steel Plants—Electric Arc Furnaces
Kraft Pulp Mills
Grain Elevators
Stationary Gas Turbines
Electric Utility Stream Generating Units
Glass Manufacturing Plants

This delegation is subject to the conditions outlined in the original letter of delegation dated November 10, 1975 and published in the **Federal Register** on February 26, 1976 (36 FR 7749) and in a later delegation dated April 3, 1978 and published in the **Federal Register** on May 10, 1978 (43 FR 20055). In addition, EPA hereby delegates to the State of Oregon the authority to enforce revisions to NSPS which have been promulgated through October 8, 1980.

A Notice announcing this delegation will be published in the **Federal Register** in the future. The Notice will state, among other things, that effective immediately, all reports required pursuant to the Federal NSPS listed in the State should be submitted to the State of Oregon, Department of Environmental Quality, P.O. Box 1760, Portland, Oregon 97207. Any reports which have been or may be received in this Office prior to the publication of the Notice will be forwarded to the Department of Environmental Quality.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice of objections within 10 days of the date of receipt of this letter, the State will be deemed to have accepted all the terms of the delegation.

An advance copy of this **Register** is enclosed for your information.

Sincerely yours,

John R. Spencer,
Regional Administrator.

(Sec. 110, Clean Air Act, 42 U.S.C. 7410(a) and 7502)

Dated: December 3, 1981.

L. Edwin Coate,
Acting Regional Administrator.

[FR Doc. 81–36316 Filed 12–21–81; 8:45 am]
BILLING CODE 6560–38–M

40 CFR Part 60

[A–6–FRL 2010–7]

Delegation of New Source Performance Standards to State of Utah

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegation.

SUMMARY: The Environmental Protection Agency (EPA) hereby places the public on notice of its delegation of additional NSPS authority to Utah. This action is necessary to bring the State of Utah's NSPS program delegation up to date with recent EPA promulgations and amendments of NSPS categories. This action does not create any new regulatory requirements affecting the public. The effect of the delegation is to shift primary program responsibility for the affected NSPS source categories from EPA to the State of Utah.

EFFECTIVE DATE: November 23, 1981.

FOR FURTHER INFORMATION CONTACT: Rex Callaway, 8E–GE, Attorney Advisor, Environmental Protection Agency, (EPA) Region VIII, 1860 Lincoln Street, Denver, Colorado 80295. Telephone (303) 837–2361.

SUPPLEMENTARY INFORMATION: See the letter included in this notice to the Governor of Utah.

Since December 23, 1971, pursuant to section 111 of the Clean Air Act, as amended, the Administrator promulgated several regulations establishing standards of performance (NSPS) for twelve (12) categories of new stationary sources.

Section 111(c) directs the Administrator to delegate his authority to implement and enforce NSPS to any State which has submitted adequate procedures. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to the State.

On July 28, 1975, the Governor of the State of Utah submitted to the EPA Regional Office a request for delegation of authority. Included in that request were procedures for NSPS and information on available resources to implement such review. Also included in that request were copies of the State of Utah regulations which incorporate the Federal emission standards and testing procedures set forth in 40 CFR Part 60. After thorough review of that request and applicable State statutes, the Regional Administrator determined that, for those twelve (12) source categories, delegation was appropriate, subject to certain conditions. On May 13, 1976, by letter to the Governor, NSPS authority was delegated to the State of Utah, subject to certain enumerated conditions. Notice of the delegation appeared in the **Federal Register** on June 15, 1976 (41 FR 24215).

On July 7, 1981, the State of Utah requested a further delegation of authority for all additional NSPS categories. The Environmental Protection Agency revised the twelve (12) categories of new stationary sources delegated to Utah on May 13, 1976, several times between July 28, 1975, and July 7, 1981. The Environmental Protection Agency also established and, subsequently revised the following additional NSPS categories during the same time period: 40 CFR Subparts Da, P, Q, R, S, T, U, V, W, X, Y, Z, AA, BB, CC, DD, HH, GG, JJ, MM and PP.

On July 7, 1981, the Governor of the State of Utah submitted to the EPA Regional Office a request for delegation of authority for these additions and revisions to the NSPS. After a thorough review of the Utah program, the Regional Administrator has determined that, for the source categories set forth in paragraph A of the following official letter to the Governor of the State of Utah, delegation is appropriate. Paragraph B provides that the conditions set forth in paragraphs 1 through 14 of the letter of delegation of May 13, 1976 (41 FR 24215, June 15, 1976) shall be incorporated herein by reference, and shall be fully effective as if they were set forth in full. The text of the letter from the Regional Administrator to the Governor of the State of Utah, dated November 23, 1981, is set forth below:

Dear Governor Matheson: I am pleased to inform you that we are delegating to the State of Utah authority to implement and enforce certain New Source Performance Standards (NSPS) as provided for under the Clean Air Act. This decision is in response to Mr. Alvin E. Rickers' request of July 7, 1981. This delegation includes amendments to 40 CFR Subparts D, E, F, G, H, I, J, K, L, M, N and O as promulgated by EPA through July 7, 1981, and delegation of the following NSPS categories as promulgated and amended by EPA as of July 7, 1981: 40 CFR Subparts Da, P, Q, R, S, T, U, V, W, X, Y, Z, AA, BB, CC, DD, GG, HH, JJ, MM and PP.

We have reviewed the pertinent laws and regulations of the State of Utah and have determined that they provide an adequate and effective procedure for implementation and enforcement of these additional NSPS by the State of Utah. Therefore, we hereby delegate our authority, pursuant to Section 111(c) of the Clean Air Act, as amended, for

implementation and enforcement of the NSPS to the State of Utah as follows:

A. Authority for all sources located in the State of Utah subject to the standards of performance for new stationary sources as amended as of July 7, 1981, including the following categories: Electric Utility Steam Generating Units (40 CFR Subpart Da), Primary Copper Smelters (40 CFR Subpart P), Primary Zinc Smelters (40 CFR Subpart Q), Primary Lead Smelters (40 CFR Subpart R), Primary Aluminum Reduction Plants (40 CFR Subpart S), Phosphate Fertilizer Industry: Wet Process Phosphoric Acid (40 CFR Subpart T), Phosphate Fertilizer Industry: Superphosphoric Acid (40 CFR Subpart U), Phosphate Fertilizer Industry: Diammonium Phosphate (40 CFR Subpart V), Phosphate Fertilizer Industry: Triple Superphosphate (40 CFR Subpart W), Phosphate Fertilizer Industry: Granular Triple Superphosphate (40 CFR Subpart X), Coal Preparation Plants (40 CFR Subpart Y), Ferroalloy Production Facilities (40 CFR Subpart Z), Iron and Steel Plants (40 CFR Subpart AA), Kraft Pulp Mills (40 CFR Subpart BB), Glass Manufacturing Plants (40 CFR Subpart CC), Grain Elevators (40 CFR Subpart DD), Stationary Gas Turbines (40 CFR Subpart GG), Lime Manufacturing Plants (40 CFR Subpart HH), Degreasers (40 CFR Subpart JJ), Automobile and Light-Duty Trucks Surface Coating Operations (40 CFR Subpart MM) and Ammonium Phosphate (40 CFR Subpart PP).

The delegation of these additional categories is based upon the following conditions:

B. All conditions contained in the letter of delegation dated May 13, 1976, from John A. Green, Regional Administrator, Environmental Protection Agency, Region VIII, to Governor Calvin L. Rampton, are incorporated herein by reference, and shall be fully effective as if they were set forth in full.

Since the original delegation to the State of Utah, EPA has also amended the NSPS for certain source categories. EPA revisions to the following categories through July 7, 1981, have been incorporated into the Utah Air Conservation Regulations: Fossil-Fuel Fired Steam Generators (40 CFR Subpart D), Incinerators (40 CFR Subpart E), Portland Cement Plants (40 CFR Subpart F), Nitric Acid Plants (40 CFR Subpart G), sulfuric Acid Plants (40 CFR Subpart H), Asphalt Concrete Plants (40 CFR Subpart I), Petroleum Refineries (40 CFR Subpart J), Storage Vessels for Petroleum Liquids (40 CFR Subpart K), Secondary Lead Smelters (40 CFR Subpart L), Secondary Brass, Bronze and Ingot Production Plants (40 CFR Subpart M), Iron and Steel Plants (40 CFR Subpart N), and Sewage Treatment Plants (40 CFR Subpart O). Authority to implement and enforce these revisions to NSPS is hereby delegated to the State of Utah.

A notice announcing this delegation will be published in the **Federal Register**. Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives written notice of any objections within 10 days of receipt of this letter, the State will be deemed to have accepted all of the terms of this delegation.

As you know, the Clean Air Act gives primary responsibility for control of air pollution to the states, and thus it is EPA's policy to delegate programs such as the New Source Performance Standards to states whenever possible. We look forward to working with the State of Utah in the implementation of the Clean Air Act and other environmental legislation in the challenging days ahead.

Sincerely yours,

Steven J. Durham,

Regional Administrator.

Copies of the request for delegation of authority and the Regional Administrator's letter of delegation are available for public inspection at the following addresses: Utah Air Conservation Committee, State Division of Health, 44 Medical Drive, Salt Lake City, Utah 84113; Environmental Protection Agency, Region VIII, Enforcement Division, 1860 Lincoln Street, Denver, Colorado 80295; Environmental Protection Agency, Division of Stationary Source Enforcement, Waterside Mall, Room 3202, 401 M Street, S.W., Washington, D.C. 20460.

This Notice is issued under the authority of sections 111 and 112 of the Clean Air Act, as amended (42 U.S.C. 1857, *et seq.*) and places the public on notice of the Regional Administrator's delegation which took effect on November 23, 1981.

Dated: November 30, 1981.

Steven J. Durham,

Regional Administrator, Region VIII.

[FR Doc. 81-36017 Filed 12-21-81; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5804

[ORE 013237]

Oregon; Partial Revocation of Reclamation Project Withdrawal

Correction

FR Doc. 81-594 was published at page 2047, in the issue of Thursday, January 8, 1981 and corrected at 46 FR 11973, February 12, 1981. The correction should have read:

On page 2048, first column, third line, following "S½NE¼SW¼," insert "S½SW¼SW¼,".

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA-6223]

National Flood Insurance Program; Suspension of Community Eligibility; Alabama et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended effective the dates listed within this rule because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Acting Director, Natural Hazards Division, (202) 287-0270, 500 C Street Southwest, Donohoe Building, Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date flood insurance is no longer available in the community.

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973

(Pub. L. 93–234), as amended, provides that no direct Federal financial assistance [except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elasped since identification of the community as having flood prone areas, as shown on the Federal Emergency Management Agency's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

Pursuant to the provision of 5 U.S.C. 605(b), the Associate Director of State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood loosses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in non-compliance of the Federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Alabama:					
Tuscaloosa	Northport, city of	010202C	June 13, 1973, emergency; Dec. 5, 1979, regular; Jan. 6, 1982, suspended.	July 9, 1976, Sept. 5, 1979, and Mar. 27, 1981.	Jan. 6, 1982.
Do	Tuscaloosa, city of	010200A	Apr. 5, 1973, emergency; Feb. 1, 1979, regular; Jan. 6, 1982, suspended.	Oct. 24, 1975 and Feb. 1, 1979	Do.
Arizona: Apache	Eager, town of	040100A	Apr. 13, 1976, emergency; Jan. 6, 1982, regular; Jan. 6, 1982, suspended.	Aug. 8, 1975	Do.
California:					
Sacramento	Folsom, city of	060263B	Mar. 10, 1977, emergency; Jan. 6, 1982, regular; Jan. 6, 1982, suspended.	Dec. 3, 1976	Do.
Kern	Ridgecrest, city of	060081B	Sept. 8, 1975, emergency; Jan 6, 1982, regular; Jan. 6, 1982, suspended.	Sept. 6, 1974 and Feb. 4, 1977	Do.
Colorado: Montrose	Naturita, town of	080118B	June 18, 1975, emergency; Jan. 6, 1982, regular; Jan. 6, 1982, suspended.	May 17, 1974 and Jan. 9, 1976	Do.
Connecticut:					
Windham	Chaplin, town of	090179A	Dec. 18, 1975, emergency; Jan. 6, 1982, regular; Jan. 6, 1982, suspended.	Dec. 13, 1974	Do.
Hartford	East Granby, town of	090025B	Apr. 9, 1974; emergency; Jan. 6, 1982, regular; Jan. 6, 1982, suspended.	May 31, 1974 and Aug. 13, 1975.	Do.
Illinois:					
Dupage	Carol Stream, village of	170202C	Sept. 4, 1973, emergency; Jan. 6, 1982, regular; Jan. 6, 1982, suspended.	Apr. 12, 1974, Aug. 27, 1976, and June 15, 1978.	Do.
Rock Island	Hampton, village of	170588B	May 29, 1975, emergency; Jan 6, 1982, regular; Jan. 6, 1982, suspended.	Mar. 1, 1974 and Feb. 14, 1975.	Do.
Kansas: Butler	Unincorporated areas	200037	June 23, 1975, emergency; Mar. 2, 1981, regular; Jan. 6, 1982, suspended.	Feb. 21, 1978 and Mar. 2, 1981	Do.
Maine: Cumberland	Gray, town of	230041A	July 17, 1975, emergency; Jan. 6, 1982, regular; Jan. 6, 1982, suspended.	Feb. 18, 1977	Do.
Massachusetts: Middlesex	Marlborough, city of	250238B	July 25, 1975, emergency; Jan. 6, 1982, regular; Jan 6, 1982, suspended.	July 26, 1974 and Nov. 15, 1977.	Do.
Minnesota:					
Dodge	Hayfield, city of	270550B	Feb. 19, 1974, emergency; Jan 6, 1982, regular; Jan. 6, 1982, suspended.	Aug. 2, 1974 and July 11, 1976	Do.
Houston	Unincorporated areas	270196B	Apr. 30, 1974, emergency; Jan. 6, 1982, regular; Jan 6, 1982, suspended.	Jan 6, 1978	Do.
Scott	Jordan, city of	270430C	Apr. 15, 1974, emergency; Jan. 6, 1982, regular; Jan. 6, 1982, suspended.	Mar. 8, 1974, Apr. 16, 1976, and Dec 31, 1976.	Do.
Dodge	Kasson, city of	270181A	May 20, 1974, emergency; Jan. 6, 1982, regular; Jan. 6, 1982, suspended.	Dec. 27, 1974	Do.
Missouri: Jefferson	Kimmswick, city of	290110A	Apr. 15, 1974, emergency; Jan. 6, 1982, regular; Jan. 6, 1982, suspended.	Nov. 1, 1974	Do.
New Jersey:					
Camden	Camden, city of	340125B	May 16, 1975, emergency; Jan. 6, 1982, regular; Jan. 6, 1982, suspended.	Oct. 22, 1976 and Dec. 1, 1981	Do.
Middlesex	East Brunswick, township of	340260B	Sept. 15, 1972, emergency; Jan. 6, 1982, regular; Jan. 6, 1982, suspended.	Jan. 23, 1974 and Apr. 15, 1977.	Do.
Atlantic	Folsom, borough of	340156A	Feb. 21, 1975, emergency; Jan 6, 1982, regular; Jan. 6, 1982, suspended.	Jan. 31, 1975	Do.
New York:					
Monroe	Clarkson, town of	360412B	Aug. 7, 1974, emergency; Jan. 6, 1982, regular; Jan. 6, 1982, suspended.	June 14, 1974 and July 9, 1976	Do.
Rockland	Haverstraw, town of	360661C	Dec. 13, 1974, emergency; Jan. 6, 1982, regular; Jan. 6, 1982, suspended.	Dec. 13, 1974 and Nov. 2, 1979.	Do.
Do	Hillburn, village of	360638B	June 18, 1975, emergency; Jan. 6, 1982, regular; Jan. 6, 1982, suspended.	Mar. 15, 1974 and Aug. 6, 1976.	Do.
Onondaga	Lysander, town of	360583B	Oct. 15, 1974, emergency; Jan. 6, 1982, regular; Jan. 6, 1982, suspended.	Dec. 13, 1974 and July 2, 1976	Do.
Orange	Monroe, village of	360622B	Mar. 10, 1975, emergency; Jan. 6, 1982, regular; Jan. 6, 1982, suspended.	Aug. 2, 1974 and Dec. 24, 1976.	Do.
Niagara	North Tonawanda, city of	360608B	May 14, 1975, emergency; Jan. 6, 1982, regular; Jan. 6, 1982, suspended.	Apr. 12, 1974 and May 7, 1976	Do.
Do	Pendleton, town of	360509B	Apr. 12, 1974, emergency; Jan. 6, 1982, regular; Jan. 6, 1982, suspended.	May 13, 1974 and Apr. 16, 1976.	Do.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
St. Lawrence	Potsdam, village of	360708B	Aug. 20, 1974, emergency; Jan. 6, 1982, regular; Jan. 6, 1982, suspended.	Mar. 8, 1974 and July 30, 1976	Do.
Rockland	Sloatsburg, village of	360880C	July 7, 1975, emergency; Jan. 6, 1982, regular; Jan. 6, 1982, suspended.	Mar. 22, 1974 and may 28, 1979.	Do.
Ohio: Knox	Centerburg, village of	390307B	June 27, 1975, emergency; Jan. 6, 1982, regular; Jan. 6, 1982, suspended.	May 17, 1974 and Apr. 16, 1976.	Do.
Oregon: Washington	Cornelius, city of	410261A	Apr. 19, 1978, emergency; Jan. 6, 1982, regular; Jan. 6, 1982, suspended.	Nov. 5, 1976	Do.
Clackamas	Wilsonville, city of	410035B	Apr. 30, 1975, emergency; Jan. 6, 1982, regular; Jan. 6, 1982, suspended.	Mar. 29, 1974 and Aug. 6, 1976.	Do.
Pennsylvania: Snyder	Chapman, township of	422094A	Jan. 13, 1975, emergency; Jan. 6, 1982, regular; Jan. 6, 1982, suspended.	Mar. 28, 1975	Do.
Lancaster	Columbia, borough of	4206438	Mar. 9, 1973, emergency; Jan. 6, 1982, regular; Jan. 6, 1982, suspended.	June 15, 1973 and Apr. 30, 1976.	Do.
York	Hanover, borough of	422212B	July 2, 1974, emergency; Jan. 6, 1982, regular; Jan. 6, 1982, suspended.	May 20, 1977	Do.
Fayette	Redstone, township of	421625A	May 16, 1975, emergency; Jan. 6, 1982, regular; Jan. 6, 1982, suspended.	Jan. 17, 1975	Do.
Rhode Island: Providence	Woonsocket, city of	445411B	Oct. 16, 1970, emergency; Oct. 1, 1971, regular; Jan. 6, 1982, suspended.	Jan. 16, 1976 and Oct. 13, 1981.	Do.
South Carolina: Dorchester	Unincorporated areas	4500088	Apr. 11, 1980, emergency; Jan. 6, 1982, regular; Jan. 6, 1982, suspended.	Dec. 23, 1977	Do.
Vermont: Chittenden	Milton, town of	5000388	Nov. 11, 1974, emergency; Jan. 6, 1982, regular; Jan. 6, 1982, suspended.	July 26, 1974 and Apr. 15, 1977.	Do.
Wisconsin: Washington	Kewashum, village of	550474C	July 7, 1975, emergency; Jan. 6, 1982, regular; Jan. 6, 1982, suspended.	Dec. 28, 1973, Apr. 23, 1976, and Mar. 11, 1977.	Do.

[1] Date certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (Title XIII, Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: December 10, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-36294 Filed 12-21-81; 8:45 am]

BILLING CODE 6718-01-M

44 CFR Part 65

[Docket No. FEMA 6222]

List of Communities With Special Hazard Areas Under National Flood Insurance Program; Idaho et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule identifies communities with areas of special flood, mudslide, or erosion hazards as authorized by the National Flood Insurance Program. The identification of such areas is to provide guidance to communities on the reduction of property losses by the adoption of appropriate flood plain management or other measures to minimize damage. It will enable communities to guide future construction, where practicable, away from locations which are threatened by flood or other hazards.

EFFECTIVE DATES: The effective date shown at the top right of the table or January 21, 1982, whichever is later.

FOR FURTHER INFORMATION CONTACT: Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287–0270, 500 C Street Southwest, Donohoe Building—Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93–234) requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply in respect to conventional mortgage loans by federally regulated, insured, supervised, or approved lending institutions.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the **Federal Register** or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the **Federal Register** or the effective date of the Flood Hazard Boundary Map, whichever is later.

This identification is made in accordance with Part 64 of Title 44 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128).

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information or regarding the completed stages of engineering tasks in delineating the special flood hazard areas of the specified community. This rule imposes no new requirements or regulations on participating communities.

Section 65.3 is amended by adding in alphabetical sequence a new entry to the table:

§ 65.3 List of communities with special hazard areas (FHBMs in effect).

EFFECTIVE DATE December 29, 1981

§ 65.3 List of communities with special hazard areas (FHBMs in effect).

EFFECTIVE DATE December 29, 1981

1 STATE	2 IDENT NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF FHBM	9 STATUS OF FIRM	10 PREVIOUS MAP DATES FHBM	10 PREVIOUS MAP DATES FIRM	11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
ID	160098	City of Rexbury Madison County	0001C	I	FL	B	I	3	1	12/17/73 1/16/76 4/8/77	N/A	N/A	N/A	N/A	Mayor, 12 North Center P. O. Box 245, Rexburg, ID 83440 (208) 356-9331
EFFECTIVE DATE: January 1, 1982															
IL	170771	Village of Plainfield Will County	0001B	I	FL	B	I	3	1	11/29/74 1/9/76	N/A	9 10 16	N/A	N/A	Mayor, 1400 Division St. Plainfield, IL. 60544 815-436-7093
IN	180191	Town of Spencer, Owen County	0001B	I	FL	B	I	3	1	12/17/73	N/A	9 10 16	N/A	N/A	John Sherfield, President Town Board, 90 N. West St. Spencer, IN 47460 (812-829-2663)
EFFECTIVE DATE: January 5, 1982															
CA	060085	City of Wasco, Kern Co.	0001B	I	FL	B	I	3	1	5-17-74 2-7-75	N/A	8 9	N/A	N/A	Mayor, 764 E St., Wasco, CA 93280 (805-758-3003)
EFFECTIVE DATE: January 8, 1982															
IN	180180	Town of Brook, Newton County	0001B	I	FL	B	I	3	1	12/7/73 4/9/76	N/A	9 10 16	N/A	N/A	Richard Burton, President Town Board, P. O. Box 182 Brook, IN 47922
EFFECTIVE DATE: January 15, 1982															
MI	260158	City of Greenville Montcalm County	0001B	I	FL	B	I	3	1	1/17/75 5-14-76	N/A	9, 10 & 16	N/A	N/A	Mayor, 411 S. Lafayette St. Greenville, MI 48838
MN	270054	City of Victoria Carver County	0001B	I	FL	B	I	3	1	6/7/74 7/2/76	N/A	9, 10 & 16	N/A	N/A	Mayor, 1600 Arboretum Blvd. Victoria, MN 55386 (612-443-2363)
OH	390137	Drake County Unincorporated Areas	0001B thru 0008B	I	FL	B	I	3	1	12/20/74 9/24/76	N/A	9, 10 & 16	N/A	N/AA	Norman Trittschuh, Co. Pres. 4th & Broadway Greenville, OH 45331
WV	540088	Lincoln County Unincorporated Areas	0001A thru 0009A	I	FL	B	I	3	1	7/18/75	N/A	9, 10 & 16	N/A	N/A	A. J. Curry, President Co. Commissioners Lincoln County Courthouse Hamlin, WV 25523 (304-824-7679)

EFFECTIVE DATE January 15, 1982

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF FHBM	9 STATUS OF FIRM	10 PREVIOUS MAP DATES FHBM	10 PREVIOUS MAP DATES FIRM	11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
TX	481232	Kimble County (Panels Printed # and Suffix) 0025A, 0050A, 0075A, 0100A, 0125A, 0150, 0175A, 0200A, 0225A, 0250A, 0275A, 0300A, 0325A, 050A, 0375A, 0400A, 0425A, 0450A		I	FL	B	I	2	1	N/A	N/A	N/A	N/A	N/A	Wilber Dunk, County Judge Courthouse, Junction, TX 76849
													EFFECTIVE DATE: January 22, 1982		
IN	180255	City of Tipton Tipton County	0001B	I	FL	B	I	3	1	12/20/73 1/30/76	N/A	10	N/A	N/A	Mayor, P. O. Box 289 Tipton, IN 46072 (317-675-7561)
PA	420864	Borough of Youngsville Warren County	0001B	I	FL	B	I	3	1	4/12/74 7/9/76	N/A	9, 10 & 16	N/A	N/A	Bill Saunders, Bor. Manager Borough Hall, 40 Railroad St. Youngsville, PA 16371
WV	540200	Wayne County Unincorporated Areas	0001A thru 0011A	I	FL	B	I	3	1	2/21/75	N/A	9, 10 & 16	N/A	N/A	Don W. Bias, President Co. Commissioners Wayne County Courthouse Wayne, WV 25570 (304-272-5101)
													EFFECTIVE DATE: January 26, 1982		
IA	190187	City of Cedar Rapids Linn County	0001A thru 0005A	I	FL	B	I	3	1	8/2/74	N/A	9, 9 & 10	N/A	N/A	Mayor, City Hall Cedar Rapids, IA 52401 319-398-5012
													EFFECTIVE DATE: January 29, 1982		
OH	390253	City of Kenton Hardin Co.	0001B 0002B	I	FL	B	I	3	1	1/9/74 5/28/76	N/A	9, 10 & 16	N/A	N/A	Mayor, City Building 224 W. Columbus St. Kenton, OH 43326 (419-675-5292)
WV	540153	Pendleton County Unincorporated Areas	0001A thru 0010A 0012A 0013A	I	FL	B	I	3	1	4/25/75	N/A	9, 10 & 16	N/A	N/A	Tom Painter, Co. Commissioner Box 187, Franklin, WV 26807
WI	550229	Village of Gratiot Lafayette Co.	0001B	I	FL	B	I	1	1	1/16/74 5/14/76	N/A	9, 10 & 16	N/A	N/A	Laverne Griffiths, Village President, Gratiot, WI 53541

COMMUNITY MAP ACTIONS

(Codes: Where no entry is necessary use N/A)

COMMUNITY MAP ACTIONS

(Codes: Where no entry is necessary use N/A)

Colum Code:

1. Two letter state designator.

2. FIA Community 6-digit identity number.

3. Community name
   County(ies) name

4. Four digit number and suffix of each FIRM or FHBM panel printed.

5. INL/COAST
   I=INLAND
   O=COASTAL

6. HAZARD
   FL=FLOOD
   MS=MUDSLIDE
   ER=EROSION
   NF=NON FLOOD PRONE
   MF=MINIMALLY FLOOD PRONE

7. 60.3 CODE
   A=Special Hazard not defined, no elevation data (No FHBM)
   B=Special Hazard Designated, no elevation data (FHBM)
   C=FIRM, No Floodway or Coastal High Hazard
   *D=FIRM, Regulatory Floodway Designated
   *E=FIRM, Coastal High Hazard
   *Dual entry is available.

8. PROGRAM STATUS
   1=EMERGENCY
   2=REGULAR
   3=NOT PARTICIPATING, NO MAP
   4=NOT PARTICIPATING, WITH MAP
   5=WITHDREW
   6=SUSPENDED

9. FIRM STATUS
   1=NEVER MAPPED
   2=ORIGINAL
   3=REVISED
   4=RESCINDED
   5=ALL ZONE C-NO PUBLISHED FIRM
   6=ALL ZONE A AND C-NO ELEVATIONS DETERMINED

10. DATES OF ALL PREVIOUS MAPS

11. REVISION CODES
   1. 1916 BFE (Base Flood Elevation) Decrease
   2. 1916 BFE Increase
   3. 1916 SFHA (Special Flood Hazard Area) Change
   4. Change of Zone Designation; revised FIRM
   5. Curvilinear
   6. 1914 Incorporation
   7. 1914 Discorporation
   8. 1914 Annexation
   9. SFHA Reduction
   10. Non-1916 SFHA Increase Without Numbered Zones
   11. Non-1916 SHFA Increase with Numbered Zones
   12. Drafting Correction; Printing Errors
   13. Suffix Change ONLY
   14. Change to Uniform Zone Designations (7/1/74)
   15. Revisions Withdrawn
   16. Refunds Possible
   17. Letter of Map Amendment (1916)
   18. Letter of Map Amendment (1916 without Federal Register publication)
   19. Federal Register Omission
   20. Attention. A previous map (or maps) has been rescinded or withdrawn for this community. This may have affected the sequence of suffixes.
   21. Miscellaneous

13. List of Numbered Floodway Panels Printed

14. Address of Community Map Repository

BILLING CODE 6718-01-C

(National Flood Insurance Act of 1968 (Title XIII, Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: December 10, 1981.

Lee Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-36293 Filed 12-21-81; 8:45 am]

BILLING CODE 4710-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-234; RM-3744 & 3774]

FM Broadcast Stations in Beaumont, Lake Jackson and Port Lavaca, Texas; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action makes the following FM channel substitutions: Channel 300 for Channel 299 at Beaumont, Texas; Channel 298 for Channel 297 at Lake Jackson, Texas; and Channel 227 for Channel 240A at Port Lavaca, Texas. This action also modifies the licenses of Stations KWIC, Beaumont, KGOL, Lake Jackson, and KGUL–FM, Port Lavaca, to specify operations on the newly assigned channels. These actions are taken in response to petitions filed by ABC Houston Radio, Inc., and KIKK, Inc. These channel substitutions will remove short-spacing restrictions on the proposed transmitter relocation of Houston FM Stations KSRR and KIKK.

DATE: Effective: February 5, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: December 1, 1981.

Released: December 10, 1981.

By the Acting Chief, Policy and Rules Division.

1. Before the Commission is a *Notice of Proposed Rule Making*, 46 FR 22008, published April 15, 1981, proposing the following amendments to the FM Table of Assignments: the substitution of FM Channel 300 for Channel 299 at Beaumont, Texas; the substitution of Channel 298 for Channel 297 at Lake Jackson, Texas; and the substitution of Channel 227 or Channel 296A for Channel 240A at Port Lavaca, Texas. Additionally, the licensees of Stations KWIC, Beaumont, Texas, KGOL, Lake Jackson, Texas, and KGUL–FM, Port Lavaca, Texas, were ordered to show cause why their licenses should not be modified to specify operation on the newly assigned channels. These actions were proposed in response to petitions filed by KAUM, Inc., former licensee of Station KSRR(FM), Houston, Texas, and KIKK, Inc., licensee of Station KIKK–FM, Houston, Texas.

2. KSRR and KIKK are two of ten Houston-area FM stations who have applied to the Commission for permission to move their present transmitters from a site in downtown Houston to a site approximately 24 kilometers (15 miles) southwest of the city. According to KSRR and KIKK, this move is necessary because high rise construction adjacent to the stations' present transmitter sites will cause serious signal deterioration which will result in inferior service to the Houston listening area. The new transmitter site was chosen because a tall tower accommodating all 10 stations' transmitters could be constructed there with the Federal Aviation Administration's (FAA) approval. However, if KSRR moves to the proposed new site, its station would be short spaced to Station KGOL in Lake Jackson. Modifying KGOL's license to Channel 298 as proposed would create a short-spacing with Station KWIC, Beaumont, which would also switch to another frequency. Similarly, KIKK's move to the common transmitter site would result in short-spacing with Station KGUL–FM at Port Lavaca, Texas. A substitute channel is proposed for Station KGUL–FM. KSRR and KIKK are proposing these channel substitutions, therefore, in order to remove the short-spacing conflicts.

3. Comments in response to the *Notice* were submitted by ABC Houston Radio, Inc. (formerly KAUM, Inc.), ("KSRR"), licensee of Station KSRR; KIKK, Inc. ("KIKK"), licensee of Station KIKK–FM; joint comments of five Houston-area FM stations, ("Houston stations");[1] Calhoun County Broadcasting, Inc.("Calhoun County"), the previous licensee of Station KGUL–FM, Port Lavaca, Texas; Double R Radio, Inc. ("Double R"), the new licensee of Station KGUL–FM, Port Lavaca; Turner Broadcasting Corporation ("Turner"), licensee of Station KBUC–FM, San Antonio, Texas; and Cosmopolitan Enterprises of Victoria, Inc. ("Cosmopolitan"), licensee of Station KTXN, Victoria, Texas. Reply comments were filed by KSRR; John Brown Broadcasting, Inc. ("JBB"), licensee of Station KGOL, Lake Jackson, Texas; Double R; and Turner. Subsequently, Supplemental Comments were filed by Turner.[2]

Comments applicable to both petitions:

4. In the *Notice*, KSRR and KIKK were requested to indicate the problems which would be encountered if the stations remained at their present transmitter sites, the availability of other non-short spaced sites, and the public interest benefits accruing from the location of the Houston area FM stations at a common antenna site. These three major issues were addressed in detail in the joint comments of the Houston stations. According to the station's engineering study, the buildings being constructed around the existing antenna site will cause "shadowing" to an unusable signal level to approximately 15 percent of the stations' present service area. The Houston stations further assert that multipath interference will cause significant additional problems. The engineering report concludes that ". . . it is not just preferable, but imperative . . ." that the existing antenna location be abandoned.[3] A comparative study of the effects of the tall building construction between the present location and the proposed antenna site southwest of Houston indicates that a signal loss on the order of 26 dB can be expected near the tall buildings, whereas, at a location fifteen miles away, the loss is reduced to approximately 4 dB. A second engineering report details the necessity of the Houston stations to relocate specifically at the proposed site 15 miles southwest of the city. This report indicates that a site was initially found at which the stations could co-locate without causing any new short-spacing, but that the FAA would not permit an antenna of the necessary height at that site. Three sites were than located at which tall antenna towers could be constructed. The first site, approximately 22 miles southeast of the

[1] The stations represented in the joint comments include KSRR, KIKK–FM, KYND, KLEF, and KMJQ.

[2] The Commission's rules do not provide for the filing of "Supplemental Comments" following the close of the pleading cycle. However, in the interest of compiling as accurate a record as possible in this complex proceeding, we shall consider the information submitted by Turner in its Supplemental Comments.

[3] According to the proponents of the site relocations, the FAA will not permit the stations to extend the existing antennas to a height sufficient to overcome the shadowing problem at their present locations.

existing site, was rejected because it created more severe short-spacing than the site ultimately selected plus it would not allow for the placement of a 70 dBu signal over all of Houston. The second site, northeast of the city, was similarly rejected because large sections of Houston would not have received 70 dBu service. For these reasons, the presently proposed site (known as the Senior Road site) was selected as the only site which would allow the construction of antennas of sufficient height to place a 70 dBu signal over the entire metropolitan area. A third engineering report, prepared by an aeronautical consultant, confirms that the Senior Road site is suitable for the construction of tall towers which would meet FAA approval. An environmental statement explaining the ecological advantages of the chosen site is contained in a fourth engineering study. The final engineering study submitted by the Houston stations offers a detailed explanation of the advantages of co-locating the FM transmitters. Briefly, these advantages include: the promotion of safe air navigation by minimizing the number of tall towers; enhancement of the environment; minimization of blanketing interference; and maximizing facilities through use of a tall tower which improves the overall service to the public.[4]

Comments applicable to KSRR's petition:

5. In its individual comments, KSRR reiterates the arguments posed in the Houston stations' comments and adds that Stations KGOL at Lake Jackson, and KWIC at Beaumont have agreed to the channel changes and the levels of reimbursement offered by KSRR. KSRR asserts that the channel substitutions further the public interest by making FM assignments available in other areas such as Port Lavaca, Texas; Lake Charles, Louisiana; Lufkin, Texas; and Abbeville, Louisiana. KSRR concludes, by stating that adequate service to the public can no longer be achieved from its present location, that the only site from which the station can broadcast with sufficient height to serve the Houston metropolitan area is the Senior Road site, and that the Commission should adopt the instant proposals in order to facilitate the proposed transmitter relocation.

6. Turner, the licensee of Station KBUC–FM (Channel 298), San Antonio, objects to the substitution of Channel 298 for Channel 297 at Lake Jackson because Channel 298 at Lake Jackson would be short spaced to the proposed transmitter site relocation of Station KBUC–FM.[5] Turner currently operates KBUC–FM within San Antonio with an antenna of 285 feet HAAT. Turner, in order to improve its service to San Antonio, has applied to relocate its transmitter to a site southeast of the city, where several tall towers are already located. Turner avers that, due to FAA height restrictions, this area southeast of San Antonio is the only area where a tower of the desired height (1,472 feet HAAT) may be located. According to the engineering statement appended to Turner's comments, an antenna of this height is sought in order to comply with the proposals advanced in BC Docket 80–90.[6] The engineering statement further notes that both the FCC and the FAA have favored the co-location of tall antenna towers and that Turner's proposed relocation is in accord with those agencies' policies.

7. In reply comments, KSRR rebuts the position taken by Turner. KSRR notes that Turner submitted its application for a site relocation only ten days before it submitted its comments in this proceeding. KSRR also asserts that Turner has not discussed the availability of other suitable San Antonio sites but has only addressed the "desirability" of the site already selected. KSRR further complains that Turner has failed to explain whether a 1,500 foot tower is necessary to provide adequate service to San Antonio or whether the proposed relocation is the sole means of achieving a better competitive position. KSRR contrasts Turner's situation with that of its own by stating that KBUC–FM presently provides adequate technical service to San Antonio whereas the high-rise construction in Houston is causing severe degradation to FM signals. This degradation compels the relocation of KSRR, while such a compelling showing is not present in KBUC–FM's situation, according to KSRR. Second, KSRR avers that KBUC–FM's technical facilities appear comparable to other FM stations in San Antonio, where no station operates with an effective antenna height of more than 672 feet. KSRR notes that none of the other San Antonio stations have found it necessary to relocate to the "antenna farm" chosen by Turner. Third, KSRR states that there are several alternative sites at which KBUC–FM could improve its facilities while causing no short-spacing to Station KGOL in Lake Jackson. In contrast, KSRR reiterates that the site chosen by the Houston stations is the only location at which sufficient height can be obtained to provide city-grade service to the community of license.

8. John Brown Broadcasting, the licensee of Station KGOL, Lake Jackson, filed reply comments in which it states that an agreement has been reached with KSRR regarding the reimbursement costs for the proposed frequency change. Based on this agreement, JBB states that it has no objection to the proposals.

9. In its reply comments, Turner states that it has attempted to reach a solution of the Lake Jackson-San Antonio short-spacing with Station KGOL–FM at Lake Jackson, and KSRR–FM at Houston. Turner submits that while all the parties have been cooperative, any resolution of the present conflict must come from the Commission. However, Turner states that it is willing to accept the six-mile short-spacing with the Lake Jackson station if that is necessary in order to allow KSRR–FM to participate in its planned move. In its "Supplemental Comments," Turner rebuts three points made by KSRR in its reply. First, Turner submits an engineering statement showing that Station KBUC–FM does not presently cover all of San Antonio with a city-grade signal. With regard to the assertion that other sites are available for KBUC–FM's relocation, Turner admits that there are other locations at which it could increase tower height above its presently authorized height, but that its proposed site is the only location where it is possible to construct a tower providing an effective height greater than 1,001 feet. Finally, Turner counters KSRR's statements that the Senior Road site is the only site to which KSRR can relocate. To support this claim, Turner states that KSRR has already amended its original application to specify a new

[4] The *Notice* also requested information regarding three downtown Houston FM stations which had not applied to move their transmitters to the Senior Road site. The comments of the Houston stations express an opinion why the other three stations have not chosen to relocate. The stations admit that their opinions are based on less than hard facts, but indicate that, in all three cases, the circumstances of the subject station are much different from those seeking to relocate to Senior Road.

[5] The distance between Station KGOL in Lake Jackson and Turner's proposed transmitter site is approximately 174 miles. The required separation between first adjacent Class C stations is 150 miles. Thus, KGOL's present operation on Channel 297 does not conflict with Turner's operation on Channel 298 at the proposed site. However, the mileage separation requirements for co-channel Class C operations is 180 miles. Therefore, Turner's proposed site would be approximately 6 miles short-spaced to KGOL, if KGOL is modified to operate on Channel 298.

[6] *Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Assignments*, 78 F.C.C. 2d 1235 (1980). The Commission has proposed in this rule making, *inter alia*, that licensees operating minimum facilities on Class C channels upgrade their facilities or forfeit their Class C classifications.

site 1.5 miles away from the previously proposed site. Second, Turner notes that Houston Station KQUE, which currently shares a tower with KSRR, has applied to the Commission to increase the height of its present antenna. Turner opines that these facts suggest that other viable alternatives are available to KSRR. In the engineering exhibit submitted with Turner's pleading, mention again is made of KBUC–FM's need to secure an antenna of over 1,001 feet in order to comply with the Commission's proposals in BC Docket 80–90. The study also suggests that a waiver of the spacing requirements may be an acceptable solution of this dilemma because, assuming both stations were operating at 100 kW and 2,000 feet, each 1.0 mV/m contour would receive interference for a distance of only 2.0 miles along the line between the stations. From an equivalent protection standpoint, Turner states that if the stations operate on the same channel at 100 kW and 1,700 feet, the protection received by both would be the equivalent of that for operation with 100 kW at 2,000 feet under normal spacing of 180 miles.

Comments applicable to the KIKK petition.[7]

10. KIKK incorporates in its comments the factors detailed in the Houston stations' comments, but indicates that it will soon amend its transmitter relocation application to specify a new site approximately 1.5 miles from the originally proposed site. According to KIKK, this move will enable the stations to increase the overall height of the tower above average terrain from 1,549 feet to 2,049 feet. KIKK states that it initially proposed to substitute Channel 296A for Channel 240A at Port Lavaca, but that the licensee of Station KGUL–FM prefers the substitution of Class C Channel 227. In this regard, KIKK asserts that it has agreed to reimburse KGUL for expenses incurred in making its channel change. KIKK avers that it is also willing to provide the same reimbursement to Double R, the new licensee of Station KGUL–FM.

11. Calhoun County, the previous licensee of Station KGUL–FM at Port Lavaca, expressed its support for substitution of Channel 227 for Channel 240A at Port Lavaca, and modification of its license to specify operation on Channel 227. In support of the Class C assignment, Calhoun County asserted that a Class C operation at Port Lavaca would provide a first FM service to 286.16 square kilometers (111.26 square miles) with a population of 3,218 persons, and a second FM service to 1,206.06 square kilometers (466.44 square miles) with a population of 11,736 persons. Calhoun County stated that the assignment would not affect existing FM assignments and would have only minimal effects on future FM assignments to other communities. Double R also expressed its support for the substitution to specify operation on that channel.

12. Cosmopolitan, licensee of Station KTXN–FM, Victoria, Texas, objects to the substitution of a Class C channel at Port Lavaca. According to Cosmopolitan, the Class C channel would not provide any first FM service because stations in Victoria already serve the Port Lavaca area. Cosmopolitan also asserts that Port Lavaca stations seek advertising in the Victoria market, and that the allocation of a Class C channel to Port Lavaca would be a "back door" attempt to add a fourth Class C channel to Victoria.[8]

13. In response to the objections of Cosmopolitan, Double R states that Cosmopolitan's main concern with the proposal to add a Class C channel to Port Lavaca is to avoid any economic injury which the additional competition may cause. On this issue, Double R states that Cosmopolitan has failed to make any showing of adverse economic effects and that its objection should not bar the requested assignment.

Discussion

14. Two major issues have been identified in the comments. The first concerns the conflict between KSRR, with its proposed channel substitutions at Lake Jackson and Beaumont, and the proposed transmitter relocation for Station KBUC–FM at San Antonio. The second issue concerns KIKK's proposed substitution at Port Lavaca and whether a Class A or a Class C channel should be substituted for the existing Class A channel. These two issues are addressed, in turn, below.

15. The channel substitutions proposed by KSRR and Turner's opposition to them present an unfortunate dilemma. If KSRR's petition is granted, and channel substitutions are made at Lake Jackson and Beaumont, Turner would be faced with a short-spacing of approximately six miles at its proposed transmitter site. On the other hand, if the proposals are not adopted, as argued by Turner, KSRR's proposed transmitter site would be approximately eight miles short spaced to the Lake Jackson station. Thus, we must base our decision in this case on which transmitter site relocation appears more compelling.

16. After carefully weighing all the evidence submitted in this proceeding, we have concluded that the Houston station's proposal should be adopted. Several considerations prompt this conclusion. First, the circumstances surrounding the KSRR relocation appear more urgent than those surrounding the KBUC–FM move. KSRR is forced to relocate its transmitter in order to avoid an actual diminution of its present service. As the comments of the Houston stations amply demonstrate, the construction of high rise buildings in the vicinity of the existing transmitter will significantly degrade KSRR's signal. KBUC–FM, on the other hand, is seeking to upgrade its present service; there is no threat of deteriorating service at KBUC–FM's present site. In this type of situation, we feel we must favor the party seeking to maintain its present level of service over the party seeking an improvement in existing service. Second, we are persuaded that acceptable site availability around the Houston area is somewhat more limited than in the San Antonio area, at least for the purposes expressed by the parties to this proceeding. KSRR indicates that alternative sites are available to it which would not cause a short-spacing, but demonstrates reception problems from those sites. Turner, however, makes no showing that the site it has chosen is the only site from which an improved signal may be placed over San Antonio. At most, Turner has proven that the location it has selected is the only site on which a tower of more than 1,000 feet may be constructed. The record indicates several other locations at which Turner could relocate and presumably improve Station KBUC–FM's facilities to a somewhat lesser degree.

From the comments in Turner's engineering statements, it appears that Turner is seeking a site which will accommodate a tower over 1,000 feet in order to comply with the Commission's proposed minimum facilities for Class C stations as proposed in BC Docket 80–90. However, the Commission has consistently stated that it will not speculate at this time on the extent to which the proposals in Docket 80–90 may be adopted. In the interim, we will not make important assignment

[7] This petition was previously considered with the KSRR petition because the substitution of channels at Port Lavaca depended on the Lake Jackson substitutions. Although another substitute channel is to be made at Lake Jackson we have not severed the two petitions. Rather, if complications later develop, the requests can move independently of each other.

[8] Cosmopolitan also suggested several changes in the Table of Assignments. Because Cosmopolitan did not submit the necessary data to support additional assignments, we have not considered these suggestions as *bona fide* counterproposals.

decisions on the basis of what might happen if BC Docket 80–90 is adopted as proposed. *Las Piedras, Puerto Rico*, 87 F.C.C. 2d ——, Mimeo No.30046, released October 8, 1981; and *Rhinelander, Wisconsin, et al.*, 49 RR 2d 1113 (Broadcast Bureau 1981).

17. We certainly do not mean by our actions that Turner should be foreclosed from upgrading its facilities. On the contrary, we encourage maximizing facilities to promote the most efficient use of the spectrum. In this case, however, several reasonable alternatives are available. If Turner elects to proceed with the relocation at the presently proposed site, a waiver of the mileage separation requirements may be sought. Also, Turner may be able to avoid any short-spacing by pursuing the same type of channel substitutions which KSRR has proposed. Finally, as stated above, several other locations appear to be available where Turner could relocate and upgrade the facilities of Station KBUC–FM.[9]

18. We now turn to the issue of the appropriate channel substitution for Port Lavaca, Texas. Both Calhoun County Broadcast and Double R state that a Class C channel should be assigned. Cosmopolitan opposes the Class C substitution and states that a Class C station at Port Lavaca will operate as a *de facto* Victoria station. The engineering study submitted by Calhoun County shows that a Class C assignment to Port Lavaca would provide a first and second service to 3,218 and 11,738 persons, respectively. On the basis of this showing, we believe that it is appropriate to substitute Class C Channel 227 for Channel 240A at Port Lavaca. Cosmopolitan's objections to the Class C assignment are speculative and unsupported by any engineering and economic analyses. Thus, we do not consider them a bar to the actions we are taking. Furthermore, as no other party has expressed an interest in the Class C channel at Port Lavaca, we will modify the license of Station KGUL–FM to specify operation on Channel 227, as proposed. See *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976).

19. In accordance with Commission policy and the expressed agreement of the parties, the licensees of Stations KGOL, Lake Jackson, and KWIC, Beaumont, are entitled to reasonable reimbursement from KSRR for the expenses incurred in changing operating frequencies. Likewise, the licensee of Station KGUL–FM, Port Lavaca, is entitled to similar reimbursement from KIKK. The costs of upgrading to the Class C facility, however, must be borne by Double R.

20. Accordingly, it is ordered, That effective February 5, 1982, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, is amended as follows for the communities listed:

City	Channel No.
Beaumont, Texas	231, 236, 248, and 300.
Lake Jackson, Texas	298.
Port Lavaca, Texas	227.

21. It is further ordered, pursuant to the authority contained in Section 316 of the Communications Act of 1934, as amended, That the licenses of Station KWIC, Beaumont, Texas, Station KGOL, Lake Jackson, Texas, and Station KGUL–FM, Port Lavaca, Texas, are modified, to specify operations on Channels 300, 298, and 227, respectively, subject to the following conditions:

(a) At least 30 days before operating on the newly specified channel, the licensee shall file with the Commission a minor change application for a construction permit (Form 301).

(b) Within 10 days after commencing operation on the newly specified channel, the licensee shall submit a license application (Form 302) for the new channel.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to Section 1.1301 of the Commission's Rules.

22. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

23. It is further ordered, That the Secretary of the Commission shall send by certified mail, return receipt requested, a copy of this *Order* to Gibson Broadcasting Company, P.O. Box 6067, Beaumont, Texas 77705; John Brown Broadcasting, Inc., 8500–A Kirby Drive, Houston, Texas 77054; and Double R Radio, Inc., 213 Colorado Street, Port Lavaca, Texas 77979.

24. It is further ordered, That this proceeding is terminated.

25. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81–36195 Filed 12–21–81; 8:45 am]

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[9] In this case we have compared the relative merits of two proposed transmitter site relocations and have concluded that the Houston site relocation is the more compelling of the two. However, this conclusion should not be considered dispositive of the other pending Houston-area assignment proceedings, where the Houston site relocation conflicts with first FM assignments at Freeport and Lockhart, Texas, in Docket 21513 and BC Docket 79–256, respectively.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Special Procedures for Issuance of Annual Migratory Bird Hunting Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: These regulations establish certain procedures to govern the issuance of the annual migratory bird hunting regulations. They provide for public participation in certain meetings of the Service's Migratory Bird Regulations Committee, establish certain requirements to govern the Department's attendance at meetings of the regional waterfowl Flyway Councils, and require that copies or summaries of significant communications occurring during the rulemaking process for the hunting regulations be included in a public file.

EFFECTIVE DATE: January 21, 1982.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (AC 202–254–3207).

SUPPLEMENTARY INFORMATION:

Background

On May 8, 1980, a petition for rulemaking was submitted to the Department on behalf of Defenders of Wildlife, the Sierra Club, the Humane Society of the United States, and Friends of the Earth. The petition requested that the Department charter the Atlantic, Mississippi, Central, and Pacific Flyway Councils and the Service's Migratory Bird Regulations Committee as advisory committees pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I. The petition also requested the issuance of certain regulations to govern any *ex parte* communications which may occur

during informal rulemakings dealing with the hunting of migratory birds.

After review of petition and related correspondence, the Service issued a notice of proposed rulemaking (45 FR 82975; December 17, 1980). For the reasons stated in that notice, the Service omitted from the proposed rules a number of the recommendations made by the petitioners. However, comments on those recommendations were invited and have been considered. The petition is available for public inspection and copying between the hours of 8 a.m. and 4 p.m. at Room 525 B, Matomic Building, 1717 H Street NW., Washington, D.C.

Discussion of Comments

The Service received a number of comments on the proposed rules.

Several organizations expressed general support for the proposed rules as written, and other organizations expressed general opposition to the proposed rules.

Nearly all commenting organizations urged that the rules not impose on the Technical Section of the Flyway Councils the same requirements for notice of meetings and attendance by Department officials as were proposed for the Councils themselves. It was pointed out that the Technical Sections are small, informal working groups with no decision-making authority. They must consider a large volume of complex material and need the flexibility to meet frequently, often on short notice, in response to a wide variety of technical problems. Application of the proposed rules to the Technical Sections was described as "unnecessary, over-encumbering, and possibly downright paralytic * * *" The Service agrees with these comments and has exempted the Technical Sections from the final rules.

It was also recommended that the rules allow Department officials to participate in Flyway Council executive sessions that may be closed to the public. It was asserted that such meetings are not necessarily for the purpose of discussing regulations. In any event, attendance by Department officials, such as Flyway Representatives, is for the purpose of facilitating exchange of technical information.

The Service agrees with these comments and has removed the prohibition on participating in executive sessions from the final rule. Exchange of technical information is an important part of the Flyway Council function. Department officials should be allowed to attend Flyway Council executive sessions, if invited, and provide technical information. However, the public should be informed of any significant communications about proposed rulemakings that may occur. Accordingly, Department officials will be required to describe and summarize any such communications for inclusion in the public file discussed elsewhere in this rulemaking.

Several organizations questioned the desirability of including summaries of oral communications in the public file for the hunting regulations. Oral communications may on occasion be just as significant to the decision-making process as written communications. Accordingly, the Service has decided to retain the requirement that summaries of significant oral communications be included in the public file.

It was pointed out that the word "involving" in the fifth line of the definition of "significant" in paragraph (c) of § 20.152 could be interpreted restrictively to mean that the official concerned must have prepared the data or information. It was suggested that it might be better to refer to data or information "* * * involving, relied upon or influencing * * *" a decision-making official. The Service recognizes the problem with the word "involving," but believes that adding the terms "relied upon or influencing" would also prove troublesome, since whether an official relied upon or was influenced by a particular piece of information often could not be determined until after the decision was made. Instead of inserting additional language, the Service has deleted the term "involving" and substituted in its place the words "received, utilized, or transmitted by."

It was suggested that notices of Regulations Committee meetings to be attended by persons outside the Department state the extent of public involvement as well as the time, place, and subject matter of the meeting. This suggestion has been included in the final rules.

It was recommended that for each meeting of the Regulations Committee to be attended by persons outside the Department provision be made for the submission of written comments in addition to opening the meeting to the public for observation. This recommendation has been adopted in the final rules.

Petitioners and one other organization argued that certain oral communications should be transcribed verbatim before placement in the public file. It was asserted that the benefits of such a requirement would outweigh the administrative burdens. The Service has utilized verbatim transcripts on certain occasions in the past and will do so in the future, but it does not believe that such transcripts should be a requirement. The Administrative Conference of the United States has encouraged the use of summaries, and, as was pointed out in the notice of proposed rulemaking (45 FR 82976), a verbatim transcript requirement would involve a significant burden from the standpoint of physical equipment, to say nothing of other costs.

Petitioners also continued to recommended **Federal Register** notice of each *ex parte* communication, to be followed by a two-week comment period on the communication. The Service declines to adopt this recommendation. The notices of proposed rulemaking for the hunting regulations will set forth the location and inspection hours for the public file. The public file will contain copies of significant written *ex parte* communications and summaries of significant oral communications. The notices of proposed rulemaking will provide that the public file will be open for inspection and copying both during and after the comment period. This procedure will provide reasonable notice of any *ex parte* communications and examination of the file will disclose their contents.

With respect to the two-week comment period, the Administrative Conference of the United States urges that its recommendations concerning placement of *ex parte* communications in the public file should not result in extensions of comment periods unless the agency decides that an extension is appropriate. In certain instances, the nature of the *ex parte* communication may warrant an extension of the comment period and the Service will do so. However, in view of the severe time constraints faced by the Service in issuing the annual hunting regulations, the Service cannot agree that an extension should be mandatory in all cases.

Petitioners continue to insist that the public file should contain a record of *ex parte* communications which occur before a notice of proposed rulemaking if the official involved "knows, or has reason to know, that a notice of proposed rulemaking on the subject of the communication will be issued within a year of the date of the communication." Petitioners assert that it is "* * * probable that decision-making officials within the Department will have significant knowledge of the contents of the proposed waterfowl rules before they are published * * *"

The situation is not as simple as petitioners suppose. While some decision-making officials of the Service

may be able to predict some of the contents of future proposed rulemakings, it cannot be said that all significant decision-makers in the Department would have reason to know the contents of proposed rulemakings occurring months in the future. Also, as was stated in the notice of proposed rulemaking, it may be true that if information obtained before the notice of proposed rulemaking constitutes an important basis for the agency's action it should be made a matter of public record, but in general *ex parte* communications that occur before a notice of proposed rulemaking do not have to be included in the public file.

Petitioners further requested that the public file for hunting regulation rulemakings be organized by species and that it should contain only complete copies of documents rather than references to documents. To grant petitioners' request would require costly duplication of numerous and often voluminous studies which deal with more than one species, and would require such duplication and filing at a time when the Service's support staff is extremely busy trying to keep pace with hunting regulation deadlines.

Petitioners also argued that all Service Regulations Committee meetings should be open to persons outside the Department. The Service disagrees. The full, frank, and free evaluation of ideas and arguments that is vital to sound decision-making on the hunting regulations requires that Department officials be able on occasion to meet privately, with no outsiders present. It must be remembered that the ultimate responsibility for hunting regulation decisions is vested in the Department, and the best governmental decisions usually require some private deliberation and contemplation beyond public observation.

Finally, petitioners contend that the Department should charter the Service's Migratory Bird Regulations Committee and the four regional Flyway Councils as advisory committees under the Federal Advisory Committee Act (FACA), or in the alternative should restructure these groups "* * * so as to fully comply with the notice, open meetings, disclosure, and balanced representation provisions of the Act."

The Service believes that the provisions in these rules requiring notice of meetings, open meetings, and the opportunity for public participation constitute the functional equivalent of compliance with FACA. In any event, the Service continues to maintain that neither the Regulations Committee nor the Flyway Councils are subject to FACA. The fact that non-Government flyway consultants attend two meetings of the Regulations Committee does not cause that Committee to lose its exemption from FACA, because the Committee holds a number of other meetings and its actual members are all "* * * full-time officers or employees of the Federal Government." *See* 5 U.S.C. App. I, § 3(2)(iii). With respect to the Flyway Councils, petitioners' argument that the Councils are not entitled to the contract exemption of FACA ignores the facts that the Service's memoranda of understanding with the Councils are mutual agreements with consideration flowing to each party and that the exemption is based on the contractual nature of the relationship and not on technical compliance with Government contracting procedures.

Description of Final Rules

Section 20.151 describes the purpose and scope of the rules. The rules apply only to the issuance of the annual migratory bird hunting regulations dealing with seasons, bag limits, zones and other seasonal matters. They do not apply to the promulgation of other regulations under the Migratory Bird Treaty Act, such as, for example, the "basic" taking regulations in Subpart C of 50 CFR Part 20. Section 20.152 defines several important terms. For example, the term "significant," when used in reference to a communication or other form of data or information, means that the information relates to the merits of the hunting regulations and is received, utilized, or transmitted by an official of the Department who is or may reasonably be expected to be involved in the decision-making process on the regulations.

Section 20.153 establishes a number of procedures governing notices, minutes, written comments, and public observation and participation with regard to any meetings of the Service's Migratory Bird Regulations Committee which are attended by persons outside the Department. It should be noted that there are a number of internal meetings of the Regulations Committee which are attended only by persons employed by the Department. The provisions of § 20.153 do not apply to these internal meetings.

Section 20.154 establishes certain procedures governing attendence by Departmental personnel of meetings of the regional Flyway Councils. The section requires notice in the **Federal Register** of any Flyway Council meeting to be attended by Department officials.

Section 20.155 requires the establishment of a public file for annual hunting regulation rulemakings. This file will include minutes of Regulations Committee meetings open to the public, comments, significant *ex parte* communications or summaries thereof, and copies of or references to any other significant data or information.

Effective Date

This rule will become effective January 21, 1982. This will afford the public ample time to become aware of the rule before the process for developing migratory bird hunting regulations for the 1982–83 season gets underway.

Pursuant to Executive Order 12291, the Department has determined that this rule is not a major rule, nor does it have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The rule would impose no costs on society, and the public should benefit from the increased opportunities for participation in the hunting regulations process. The rule is not subject to the Regulatory Flexibility Act because it was proposed before January 1, 1981; furthermore, it would have no impact upon small entities as it relates solely to intra-agency procedures.

Authorship

The primary author of this rulemaking is Ronald E. Swan, Office of the Solicitor, Department of the Interior (AC 202–343–2172).

Accordingly, Part 20 of Title 50, Code of Federal Regulations, is hereby amended as follows:

1. The table of contents for Part 20 is amended by adding at the end thereof the following:

Subpart N—Special Procedures for Issuance of Annual Hunting Regulations

Sec.
20.151 Purpose and scope.
20.152 Definitions.
20.153 Regulations committee.
20.154 Flyway Councils.
20.155 Public file.

Authority: 16 U.S.C. 704, 712(2); 5 U.S.C. 301.

2. A new Subpart N is added to read as follows:

Subpart N—Special Procedures for Issuance of Annual Hunting Regulations

§ 20.151 Purpose and scope.

The rules of this Subpart N apply to the issuance of the annual regulations establishing seasons, bag limits, and other requirements for the seasonal hunting of migratory birds. The rules of this Subpart N do not apply to the issuance of regulations under Part 21 of

this title or under Subparts A–J and L–M of this Part 20.

§ 20.152 Definitions.

As used in this Subpart N:

(a) "Flyway Council" means the Atlantic, Mississippi, Central, or Pacific Flyway Council;

(b) "Regulations Committee" means the Migratory Bird Regulations Committee of the Fish and Wildlife Service; and

(c) "Significant," as used in reference to a communication or other form of information or data, means related to the merits of the regulation and received, utilized, or transmitted by an official of the Department who is or may reasonably be expected to be involved in the decisional process on the regulation.

20.153 Regulations committee.

(a) *Notice of meetings.* Notice of each meeting of the Regulations Committee to be attended by any person outside the Department will be published in the **Federal Register** at least two weeks before the meeting. The notice will state the time, place, and general subject(s) of the meeting, as well as the extent of public involvement.

(b) *Public observation and written comment.* Each meeting of the Regulations Committee for which notice is published pursuant to paragraph(a) of this section will be open to the public for observation and the submission of written comments.

(c) *Public participation.* Except for the mid-summer meetings held in Washington, D.C., in conjuction with the public hearing on waterfowl and other late season frameworks, the public may participate in any meeting of the Regulations Committee for which notice is published pursuant to paragraph (a) of this section through the submission of oral statements that comply with the rules stated in the notice.

(d) *Minutes of meetings.* Minutes will be made of each meeting of the Regulations Committee for which notice is published pursuant to paragraph (a) of this section.

20.154 Flyway councils.

(a) *Notice of meetings.* Notice of each meeting of a Flyway Council to be attended by any official of the Department will be published in the **Federal Register** at least two weeks before the meeting or as soon as practicable after the Department learns of the meeting. The notice will state the time, place, and general subject(s) of the meeting.

20.155 Public file.

(a) *Establishment.* A public file will be established for each rulemaking to which this Subpart N is applicable.

(b) *Contents.* Except for information exempt from disclosure under 5 U.S.C. 552, a public file established pursuant to paragraph (a) of this section will contain:

(1) The minutes of Regulations Committee meetings made pursuant to paragraph (d) of § 20.153;

(2) Any written comments and other significant written communications which occur after the notice of proposed rulemaking;

(3) Summaries, identifying the source, of any significant oral communications which occure after the notice of proposed rulemaking; and

(4) Copies of or references to any other significant data or information.

Dated: November 18, 1981.

J. Craig Potter,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-36520 Filed 12-21-81; 8:45 am]

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DEPARTM

Food and

7 CFR Pa

Summer F
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AGENCY: F
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ACTION: E

SUMMARY:
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Proposed Rules

Federal Register
Vol. 46, No. 245
Tuesday, December 22, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 225

Summer Food Service Program; Extension of Comment Period

AGENCY: Food and Nutrition Service, USDA.

ACTION: Extension of comment period.

SUMMARY: This notice informs the public that the comment period for the proposed Summer Food Service Program (SFSP) rulemaking, which appeared in the **Federal Register** on Friday, December 11, 1981 (46 FR 238 P.60592–P.60614), is to be extended until January 11, 1982.

DATE: Comments must be submitted on or before January 11, 1982.

FOR FURTHER INFORMATION CONTACT: Jordan Benderly, Director, or Beverly Walstrom, Child Care and Summer Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Alexandria, Virginia 22302 or by telephone at (703) 756–3888.

SUPPLEMENTARY INFORMATION: The comment period for the proposed Summer Food Service Program (SFSP) rulemaking of December 11, 1981, was established as 20 days. The Department generally allows 60 days for public comment, in keeping with the guidelines implementing Executive Order 12291. However, shorter comment periods are permitted if good reason exists. Since the efficient administration of the SFSP ordinarily requires that the final SFSP rulemaking be published by January 1 of each year, the Department considered that on this occasion the comment period could be no longer than 20 days if timely publication of the final regulation were to be ensured.

Recognizing that 20 days would be an unusually short comment period, the Department took special steps to make the proposed rulemaking available to interested parties in order to allow them sufficient opportunity for comment. Nevertheless, it has been brought to the Department's attention that some parties still may not be able to submit comments prior to December 31, 1981. The Department, therefore, is extending the comment period for 11 days. This action allows for a total comment period of 31 days.

Although the longer comment period will prevent the Department from meeting the January 1, 1982, publication deadline, the Department expects to publish final regulations shortly after the comment period expires. This extension will not, therefore, seriously inconvenience administering agencies or delay the implementation of the 1982 Summer Food Service Program.

(Catalog of Federal Domestic Assistance Program No. 10.559)

(Secs. 803, 807, 809, 816, and 817, Pub. L. 97–35, Secs. 203 and 206, Pub. L. 96–499, secs. 5, 7, 10, Pub. L. 95–627, 95 Stat. 3603 (42 U.S.C. 1771); sec. 2, Pub. L. 95–166, 91 Stat. 1325 (42 U.S.C. 1961); sec. 7, Pub. L. 91–248, 84 Stat. 211 (42 U.S.C. 1859a))

Dated: December 18, 1981.

David B. Alspach,

Acting Administrator.

[FR Doc. 81–36609 Filed 12–21–81; 8:45 am]

BILLING CODE 3410–30–M

Commodity Credit Corporation

7 CFR Part 1438

1981 Crop Gum Naval Stores Support Program; Withdrawal of Proposed Rule

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of withdrawal of proposed rulemaking.

SUMMARY: The purpose of this section is to withdraw the Notice of Proposed Rulemaking published at 45 FR 79492 on December 1, 1980. The proposed rule announced that the Commodity Credit Corporation was considering whether a price support program for the 1981-crop gum naval stores should be established pursuant to section 301 of the Agricultural Act of 1949, as amended, and, if so, level of support. If the program were implemented, price support would have been available to producers for the 1981-crop gum naval stores. Written comments were invited from interested persons. Due to economic considerations and because of the extensive time that has elapsed since the publication of the proposed rule and the apparent lack of public interest on the part of the industry, the Secretary has determined that no price support program will be implemented for 1981-crop gum naval stores. Therefore, the Proposed Rule of December 1, 1980, is hereby withdrawn.

EFFECTIVE DATE: December 22, 1981.

ADDRESS: Tobacco & Peanuts Division, Agricultural Stabilization and Conservation Service, P.O. Box 2415, U.S. Department of Agriculture, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Roger A. P. Cooley, (ASCS) (202) 447–8413.

Signed at Washington, D.C. on December 15, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81–36417 Filed 12–21–81; 8:45 am]

BILLING CODE 3410–05–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 14

Administrative Claims Under Federal Tort Claims Act

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing to revise its regulations on administrative claims under the Federal Tort Claims Act. the proposed regulation is intended to—

(1) Clarify procedures used when the same claim is submitted to the NRC and one or more other agencies when a claims affects NRC and one or more other agencies;

(2) Change the office where claims are filed and the NRC officials who are authorized to act on claims; and

(3) Provide procedures when NRC employee drivers are sued in State courts.

In addition, changes are made in organization and language to improve the clarity of the regulation.

DATES: Comments must be received on or before January 21, 1982. Comments received after this date will be considered if it is practical to do so, but

assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Submit written comments or suggestions to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of documents received may be examined at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. David J. Clarke, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Phone 301–492–7241).

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission is considering an amendment to Part 14 of its regulations. The proposed amendment primarily would:

(1) Clarify the procedures applicable to a claim which is filed with the NRC and one or more other agencies;

(2) Change the NRC office with which claims are filed and the NRC offices which are authorized to adjust, determine, compromise, and settle claims;

(3) Require claimants, to the extent reasonably practicable, to furnish evidence and information of specified types when the claim is initially presented.

(4) Inform claimants that if evidence and information which is necessary for a determination of the claim is not furnished within 6 months from the date the claim was initially presented, the claim will be considered a nullity.

(5) Adopt 28 CFR 14.10 regarding the funds from which claims are paid;

(6) Add provisions found in the governing statute regarding the exclusiveness of the remedy against the United States when a NRC employee driver is acting within the scope of the driver's employment; and

(7) Add provisions found in the governing statute regarding the limit on attorney fees and penalties for exceeding the limit.

Secondarily, the proposed amendment provides procedures when Federal employee drivers are sued in State courts, adds headings to numerous sections, and otherwise clarifies and improves the language and the arrangement of the existing Part 14.

The Federal Tort Claims Act, as amended, provides in part, that the head of each Federal agency, in accordance with regulations prescribed by the Attorney General, may consider, adjust, determine, compromise, and settle any claim for money damages against the United States for damage to or loss of property or personal injury or death caused by the negligent or wrongful act or ommission of any of the agency while acting within the scope of his or her office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred. The regulation prescribed by the Attorney General in 28 CFR Part 14, (31 FR 16616, December 29, 1966, 42 FR 62001, December 8, 1977, and 45 FR 2650, January 14, 1980), authorized each agency to issue regulations and establish procedures consistent with the regulations in 28 CFR Part 14, as amended.

The Nuclear Regulatory Commission's regulation which will be amended is set forth in 10 CFR Part 14. The proposed amendment will delete the current 10 CFR Part 14 and substitute, in lieu thereof, a new Part 14. Some sections and paragraphs of the part to be deleted remain unchanged in the new Part 14. The new Part 14 shall apply to claims presented to the NRC after the effective date of the final rule.

Environmental Impact Statement

This proposed rule does not significantly affect the environment. An environment impact statement is not required under the National Environmental Policy Act of 1969.

Paperwork Reduction Act

Although the proposed rule may involve the "collection of information" as that term is defined in the Paperwork Reduction Act, the exemption provided by the Act applies to this proposed rule. The filing of an administrative claim is a statutory prerequisite to the commencement of a civil action against the United States. 28 U.S.C. 2675(a). The furnishing of evidence and information in support of a claim occurs during the conduct of an administrative action involving the NRC against a specific individual or entity. The collection of such evidence and information is therefore exempt under 44 U.S.C. 3518. The proposed rule imposes no requirement on persons or entitites to maintain specified information, except to the extent necessary to furnish evidence and information in support of a claim.

Regulatory Flexibility Certification Statement

In accordance with Section 605(b) of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the undersigned hereby certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

During the past 4 years, approximately 48 claims were filed with the NRC under the Federal Tort Claims Act. Of these, 22 were filed by car rental agencies and were allowed in the average amount of $242.00; 18 were filed by individuals and were allowed in the average amount of $1,562.00; 6 were for personal injuries alleged to have resulted from radiation accidents or at testing sites and were transferred to other agencies; and 2 were for losses alleged to have resulted from the shut down of nuclear power plants. One of the 2 was filed by the Commonwealth of Massachusetts which asserted losses of $7,740,000.00. The owners of Three Mile Island filed the other claim and asserted losses of $4,010,000,000.00. Both of those claims were denied. It appears, therefore, that the proposed rule will not have a significant economic impact on a substantial number of small entities. Whatever economic impact the proposed rule may have upon small entities (the expense of asserting a claim) in most cases is fully recovered when the claim is allowed.

The Proposed Rule

For the reasons set out in the preamble and pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, section 553 of Title 5, United States Code, the Federal Tort Claims Act, as amended (28 U.S.C. 1346b and 2671–2680) and the regulations of the Department of Justice, as amended (28 CFR Parts 14 and 15), notice is hereby given that the Commission proposes to adopt the following amendment to 10 CFR Part 14.

1. Part 14 is revised to read as follows:

PART 14—ADMINISTRATIVE CLAIMS UNDER FEDERAL TORT CLAIMS ACT

Subpart A—General

Sec.

14.1 Scope of regulations.
14.3 Limit on attorney fees; penalty.

Subpart B—Filing Procedures and Requirements

14.11 Who may file a claim.
14.13 When is a claim presented to NRC.
14.15 Where to present a claim to NRC.
14.17 A claim must be presented to the appropriate agency.
14.19 When a claim is filed with more than one agency.
14.21 Filing a claim after an agency final denial.
14.23 Evidence and information to be submitted.
14.25 Amending a claim.
14.27 Time limit.

Subpart C—Commission Action and Authority

Sec.
14.31 Investigation.
14.33 Officials authorized to act.
14.35 Limitation on NRC's authority.
14.37 Final denial of claim.
14.39 Reconsideration of a claim.
14.41 Payment of approved claims.
14.43 Acceptance of payment constitutes release.

Subpart D—Employee Drivers

14.51 Procedures when employee drivers are sued.
14.53 Scope of employment report.
14.55 Removal of state court proceedings.
14.57 Suit against the United States exclusive remedy.

Authority: Sec. 1, 80 Stat. 306 (28 U.S.C. 2672); Sec. 2679, 62 Stat. 984 as amended (28 U.S.C. 2679); Sec. 161, Pub. L. 83–703, 68 Stat. 951 as amended (42 U.S.C. 2201). 31 FR 16616, 28 CFR 14.11

Subpart A—General

§ 14.1 Scope of regulations.

(a) The terms "Nuclear Regulatory Commission" and "NRC" as used in this part mean the agency established by section 201(a) of the Energy Reorganization Act of 1974, but do not include any contractor with the Nuclear Regulatory Commission.

(b) The regulations in this part supplement the Department of Justice's regulations in 28 CFR Parts 14 and 15.

(c) These regulations apply to administrative claims asserted under the Federal Tort Claims Act, as amended, accruing on or after the effective date of this rule, for money damages against the United States for damage to or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the NRC while acting within the scope of his or her office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

(d) These regulations also set forth the procedures when lawsuits are commenced against an employee of the NRC resulting from the operation of a motor vehicle while acting within the scope of his or her employment.

§ 14.3 Limit on attorney fees; penalty.

(a) An attorney may not charge or receive fees in excess of—

(1) 25 percent of any judgment rendered under section 28 U.S.C. 1346(b);

(2) 25 percent of any settlement made under 28 U.S.C. 2677; or

(3) 20 percent of any award, compromise, or settlement made under 28 U.S.C. 2672.

(b) Any attorney who charges or receives any amount in excess of that allowed under this section is subject to a fine of not more than $2,000 or imprisonment for not more than one year, or both. (28 U.S.C. 2678)

Subpart B—Filing Procedures and Requirements

§ 14.11 Who may file a claim.

(a) A claim for damage to or loss of property may be presented by the owner of the property interest which is the subject of the claim, his or her duly authorized agent, or his or her legal representative.

(b) A claim for personal injury may be presented by the injured person, his or her duly authorized agent, or his or her legal representative.

(c) A claim based on death may be presented by the executor or administrator of the decedent's estate, or by any other person legally entitled to assert the claim under applicable State law.

(d) A claim for loss wholly compensated by an insurer with the rights of a subrogee may be presented by the insurer. A claim for loss partially compensated by an insurer with the rights of a subrogee may be presented by the insurer or the insured individually, to the extent of their respective interests, or jointly. Whenever an insurer presents a claim asserting the rights of a subrogee, the insurer shall present with the claim appropriate evidence that the insurer has the rights of a subrogee.

(e) If a claim is presented by an agent or legal representative that person shall—

(1) Present the claim in the name of the claimant;

(2) Sign the claim;

(3) Show the title or legal capacity of the person signing the claim; and

(4) Include with the claim evidence of his or her authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or other representative.

§ 14.13 When is a claim presented to NRC.

For purposes of the provisions of 28 U.S.C. 2672, a claim is presented when NRC receives from a claimant, or the claimant's duly authorized agent or legal representative, an executed Standard Form 95 or other written notification of an incident. An executed Standard Form 95 or written notification must be accompanied by a claim for money damages in a sum certain for damage to or loss of property, personal injury, or death alleged to have occurred by reason of the incident.

§ 14.15 Where to present a claim to NRC.

A claimant shall mail or deliver the claim to the office of employment of the NRC employee whose negligent or wrongful act or omission is alleged to have caused the loss or injury. If the office of employment is not known, the claimant shall file the claim with the Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555.

§ 14.17 A claim must be presented to the appropriate agency.

A claimant shall present the claim to the Federal agency whose activities gave rise to the claim. If a claim is erroneously presented to the NRC, the NRC shall transfer it to the appropriate agency, if the proper agency can be identified from the claim, and shall advise the claimant of the transfer. If transfer is not feasible, the NRC shall return the claim to the claimant. The fact of transfer does not, in itself, preclude further transfer, return of the claim to the claimant, or other appropriate disposition of the claim. A claim shall be presented, as required by 28 U.S.C. 2401(b), as of the date it is received by the appropriate agency.

§ 14.19 When a claim is filed with more than one agency.

(a) If the NRC and one or more other Federal agencies is or may be involved in the events giving rise to the claim, and if the claim is filed with the NRC, the NRC shall contact all other affected agencies in order to designate the single agency which will investigate and decide the merits of the claim.

(1) In the event that an agreed upon designation cannot be made by the affected agencies, the Department of Justice will be consulted and will designate a primary agency to investigate and decide the merits of the claim. If the NRC is designated as the primary agency, it shall notify the claimant that all future correspondence concerning the claim shall be directed to the NRC.

(2) All involved Federal agencies can agree either to conduct their own administrative reviews and to coordinate the results or to have the investigations conducted by the primary agency. In either event, the primary agency is responsible for the final determination of the claim.

(b) A claimant presenting a claim arising from an incident to more than one agency should identify each agency to which the claim is submitted at the time each claim is presented. If a claim arising from an incident is presented to more than one Federal agency without

any indication that more than one agency is involved, and any one of the concerned Federal agencies takes final action on that claim, the final action is conclusive on the claims presented to the other agencies in regard to the time required for filing suit set forth in 28 U.S.C. 2401(b). However, if NRC, as a subsequently involved Federal agency, desires to take further action with a view towards settling the claim, the NRC may treat the matter as a request for reconsideration of the final denial under 10 CFR 14.39, unless suit has been filed in the interim, and advise the claimant of the action.

§ 14.21 Filing a claim after an agency final denial.

If, after a final denial by another agency, the claimant files with the NRC a claim arising out of the same incident on which the claim filed with the other agency was based, the submission of the claim to NRC will not toll the requirement of 28 U.S.C. 2401(b) that suit must be filed within six months of the final denial by the other agency, unless the other agency specifically and explicitly treats the submission to NRC as a request for reconsideration under 10 CFR 14.30 and advises the claimant of the action.

§ 14.23 Evidence and information to be submitted.

(a) *Death.* In support of a claim based on death, the claimant may be required to submit the following evidence or information:

(1) An authenticated death certificate or other competent evidence showing cause of death, date of death, and age of decedent.

(2) Decedent's employment or occupation at time of death, including his or her monthly or yearly salary or earnings (if any), and the duration of his or here last employment or occupation.

(3) Full names, addresses, birth dates, kinship, and marital status of the decedent's survivors, including identification of those survivors who were dependent for support upon the decedent at the time of death.

(4) Degree of support afforded by the decedent to each survivor dependent upon him or her for support at the time of death.

(5) Decedent's general physical and mental condition before death.

(6) Itemized bills for medical and burial expenses incurred by reason of the incident causing death, or itemized receipts of payment for these expenses.

(7) If damages for pain and suffering prior to death are claimed, a physician's detailed statement specifying the injuries suffered, duration of pain and suffering, any drugs administered for pain, and the decedent's physical condition in the interval between injury and death.

(8) Any other evidence or information which may have a bearing on either the responsibility of the United States for the death or the amount of damages claimed.

(b) *Personal injury.* In support of a claim for personal injury, including pain and suffering, the claimant may be required to submit the following evidence or information:

(1) A written report by the attending physician or dentist setting forth the nature and extent of the injury, nature and extent of treatment, any degree of temporary or permanent disability and prognosis, period of hospitalization, and any diminished earning capacity. In addition, the claimant may be required to submit to a physical or mental examination by a physician employed by the NRC or another Federal agency. The claimant may request in writing a copy of the report of the examining physician if the claimant has—

(i) Furnished the report referred to in paragraph (a)(1) of this section on request; and

(ii) Made or agrees to make available to the NRC all other reports of the claimant's physical or mental condition which have been or are made by any physician.

(2) Itemized bills for medical, dental, and hospital expenses incurred, or itemized receipts of payment for these expenses.

(3) If the prognosis reveals the necessity for future treatment, a statement of expected expenses for the treatment.

(4) If a claim is made for loss of time from employment, a written statement from his or her employer showing actual time lost from employment, whether he or she is a full- or part-time employee, and wages or salary actually lost.

(5) If a claim is made for loss of income and the claimant is self-employed, documentary evidence showing the amount of earnings actually lost.

(6) Any other evidence or information which may have a bearing on either the responsibility of the United States for the personal injury or the damages claimed.

(c) *Property damage.* In support of a claim for damage to or loss of property, real or personal, the claimant may be required to submit the following evidence of information:

(1) Proof of ownership of the property interest which is the subject of the claim.

(2) A detailed statement of the amount claimed with respect to each item of property.

(3) An itemized receipt of payment for necessary repairs or itemized written estimates of the cost of these repairs.

(4) A statement listing date of purchase, purchase price, and salvage value, where repair is not economical.

(5) Any other evidence or information which may have a bearing on either the responsibility of the United States for the injury to or loss of property or the damages claimed.

§ 14.25 Amending a claim.

The claimant may amend a claim presented in compliance with 10 CFR 14.13 at any time prior to final agency action or prior to the exercise of the claimant's option under 28 U.S.C. 2675(a). The claimant or his or her duly authorized agent or legal representative shall sign each amendment and submit it in writing. Upon the timely filing of an amendment to a pending claim, the agency shall have six months in which to make a final disposition of the claim as amended and the claimant's option under 28 U.S.C. 2675(a) does not accrue until six months after the filing of an amendment.

§ 14.27 Time limit.

The claimant shall furnish evidence and information of the types described in 10 CFR 14.23, to the extent reasonably practicable, when the claim is initially presented. If the claimant fails to furnish sufficient evidence and information within six months after the claim was initially presented to enable NRC to adjust, determine, compromise and settle the claim, NRC may consider the claim a nullity.

Subpart C—Commission Action and Authority

§ 14.31 Investigation.

The NRC may—

(a) Require the claimant to furnish any evidence or information which is relevant to its consideration of the claim;

(b) Examine the claimant; or

(c) Investigate, or request any other Federal agency to investigate, a claim filed under this part.

§ 14.33 Officials authorized to act.

The Executive Legal Director or the Executive Legal Director's designee shall exercise the authority to adjust, determine, compromise and settle a claim under the provisions of 28 U.S.C. 2672.

§ 14.35 Limitation on NRC's authority.

(a) The NRC shall effect an award, compromise, or settlement of a claim hereunder in excess of $25,000 only with the prior written approval of the Attorney General or his designee. For the purposes of this paragraph, a principal claim and any derivative or subrogated claim are treated as a single claim.

(b) The NRC may adjust, determine, compromise, or settle a claim under this part only after consultation with the Department of Justice if, in the opinion of the Office of the Executive Legal Director—

(1) A new precedent or a new point of law is involved;

(2) A question of policy is or may be involved;

(3) The United States is or may be entitled to indemnity or contribution from a third party and the NRC is unable to adjust the third party claim; or

(4) The compromise of a particular claim, as a practical matter, will or may control the disposition of a related claim in which the amount to be paid may exceed $25,000.

(c) The NRC may adjust, determine, compromise, or settle a claim under this part only after consultation with the Department of Justice if the NRC is informed or is otherwise aware that the United States, or an employee, agent, or cost-plus contractor of the United States, is involved in litigation based on a claim arising out of the same incident or transaction.

(d) When Department of Justice approval or consultation is required under this section or the advice of the Department of Justice is otherwise requested, the NRC shall direct the referral or request to the Assistant Attorney General, Civil Division, Department of Justice, in writing. The NRC shall ensure that the referral or request contains—

(1) A short and concise statement of the facts and the reasons for the referral or request;

(2) Copies of relevant portions of NRC's claim file; and

(3) A statement of the recommendations or views of the NRC.

A referral or request to the Department of Justice may be made at any time after presentment of a claim to the NRC.

§ 14.37 Final denial of claim.

The NRC shall send notice of a final denial of a claim in writing to the claimant, his or her attorney or legal representative, by certified or registered mail. The notification of final denial may include a statement of the reasons for the denial. The NRC shall include a statement in the notification of final denial that, if the claimant is dissatisfied with NRC's action, he or she may file suit in an appropriate U.S. District Court not later than 6 months after the date of mailing of the notification.

§ 14.39 Reconsideration of a claim.

Prior to the commencement of suit and prior to the expiration of the 6-month period provided in 28 U.S.C. 2401(b), a claimant, of his or her duly authorized agent, or legal representative, may file a written request with the NRC for reconsideration of a final denial of a claim. Upon the timely filing of a request for reconsideration, the NRC shall have 6 months from the date of filing in which to make a final disposition of the claim, and the claimant's option under 28 U.S.C. 2675(a) does not accrue until 6 months after the filing of a request for reconsideration. Final NRC action on a request for reconsideration shall be effected in accordance with the provisions of 10 CFR 14.37.

§ 14.41 Payment of approved claims.

(a) The NRC shall pay any award, compromise, or settlement in an amount of $2,500 or less made under the provisions of 28 U.S. 2672 out of the appropriations available to it. The NRC shall obtain payment of any award, compromise, or settlement in excess of $2,500 from the Department of the Treasury by forwarding Standard Form 1145 to the Payment Branch, Claims Group, General Accounting Office. If an award, compromise, or settlement is in excess of $25,000, Standard Form 1145 must be accompanied by evidence that the award, compromise, or settlement has been approved by the Attorney General or the Attorney General's designee. When the use of Standard Form 1145 is required, it must be executed by the claimant or it must be accompanied by either a claims settlement agreement or a Standard Form 95 executed by the claimant.

(b) If a claimant is represented by an attorney, the voucher for payment must designate both the claimant and his or her attorney as payees, and the check must be delivered to the attorney, whose address appears on the voucher.

§ 14.43 Acceptance of payment constitutes release.

Acceptance by the claimant, his agent, or legal representative, of any award, compromise, or settlement made under the provisions of 28 U.S.C. 2672 or 2677, is final and conclusive on the claimant, his or her agent or legal representative and any other person on whose behalf or for whose benefit the claim has been presented. Acceptance constitutes a complete release of any claim against the United States and against any employee of the Government whose act or omission gave rise to the claim.

Subpart D—Employee Drivers

§ 14.51 Procedures when employee drivers are sued.

(a) Any NRC employee against whom a civil action or proceeding is brought for damage to property, or for personal injury or death, on account of the employee's operation of a motor vehicle in the scope of his of her office or employment with the NRC, shall promptly deliver all process and pleadings served upon the employee, or an attested true copy, to the Office of the Executive Legal Director. If the action is brought against an employee's estate, this procedure applies to the employee's personal representative.

(b) In addition, upon the employee's receipt of any process or pleadings, or any prior information regarding the commencement of a civil action or proceeding, the employee shall immediately advise the Office of the Executive Legal Director by telephone or telegraph.

(c) The Executive Legal Director or designee shall promptly inform the General Counsel of NRC concerning the commencement of the action and furnish to the General Counsel:

(1) Copies of all process and pleadings, and

(2) Copies of all accident, police, and investigation reports and other evidence relating to the action or proceeding.

§ 14.53 Scope of employment report.

Copies of the documents received by the General Counsel from the Executive Legal Director and a report containing all data bearing upon the question whether the employee was acting within the scope of his or her office or employment will be furnished by the General Counsel or designee to the United States Attorney for the district encompassing the place where the civil action or proceeding is brought. A copy of such documents and the report also will be furnished to the Chief of the Torts Section, Civil Division, Department of Justice, at the earliest possible date, or within the time specified by the United States Attorney.

§ 14.55 Removal of state court proceedings.

Upon a certification by the United States Attorney that the defendant employee was acting within the scope of his or her office or employment at the time of the incident out of which the suit arose, any civil action or proceeding commenced in a State court may be

removed to the district court of the United States for the district and division encompassing the place where the action or proceeding is pending in accordance with 28 U.S.C. 2679.

§ 14.57 Suit against United States exclusive remedy.

The remedy against the United States provided by 28 U.S.C. 1346(b) and 2672 for damage to or loss of property or personal injury or death, resulting from the operation by an employee of the Government of any motor vehicle while acting within the scope of his of her office or employment, is exclusive of any other civil action or proceeding by reason of the same subject matter against the employee or his or her estate whose act or omission gave rise to the claim.

Dated at Bethesda, Maryland the 14th day of December 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-36400 Filed 12-21-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Texas—9 Addition II)]

High-Cost Gas Produced From Tight Formations; Notice of Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Railroad Commission of Texas that an additional area of the Travis Peak Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on January 14, 1982.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on December 30, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511 or Walter W. Lawson, (202) 357-8556.

SUPPLEMENTARY INFORMATION:

I. Background

On November 2, 1981, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that an additional area of the Travis Peak Formation located in the northeastern part of the State of Texas and covering Railroad Commission Districts 5 and 6, be designated as a tight formation. The Commission previously adopted recommendations that the Travis Peak Formation in the Sym-Jac, West (Hosston) Field and the Bear Grass Area of east Texas be designated as tight formations (Docket No. RM79-76 (Texas—9) and (Texas—9 Addition), Order No. 154, issued June 10, 1981 and Order No. 180, issued October 8, 1981, respectively). Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that this additional area of the Travis Peak Formation be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas' recommended addition to the Travis Peak Formation is encountered in the northeastern part of the State of Texas, in the east Texas basin, and consists of all of Texas Railroad Commission Districts 5 and 6. This recommendation includes the previously designated areas of the Sym-Jac, West (Hosston) Field and the Bear Grass Area, both of which are located in Texas Railroad Commission District 5. Accordingly, the description of the formation in the rule has been amended to consolidate the three Travis Peak recommendations. The Travis Peak Formation is the basal formation of the Lower Cretaceous series and overlies the Jurassic Cotton Valley Sands and is below the Pettit Formation. The area recommended for designation consists of Lower Cretaceous age, lenticular, alternating sandstone and shale beds. The top of the Travis Peak Formation is encountered immediately below the last limestone zone of the overlying Sligo/Pettit Formation. The base of the Travis Peak is the top of the Cotton Valley Group, where a black shale zone is found. The top of the Travis Peak Formation is found at a depth of 3,140 feet in Lamar County, in the northern area of the east Texas basin, and at 10,850 feet in the southern area of Cherokee County, The Travis Peak Formation ranges in thickness from approximately 500 to 2,500 feet.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing convened by Texas on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing State and Federal regulations assure that development of this formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No, RM80-68 (45 *FR* 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the Travis Peak Formation in Texas Railroad Commission Districts 5 and 6 as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the

Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 14, 1982. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76 (Texas–9 Addition II), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than December 30, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18 Code of Federal Regulations, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703(d) is amended in subparagraph (36) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(36) *Travis Peak Formation in Texas.* RM79–76 (Texas–9).

(i) *Delineation of formation.* The Travis Peak Formation in the east Texas basin consists of the 47 counties that make up Texas Railroad Commission Districts 5 and 6. The area is irregular in shape. The northern boundary is the Texas-Oklahoma border. The eastern boundary is the Texas-Louisiana border. The southern and western boundaries consist of the limits of Railroad Commission Districts 5 and 6.

(ii) *Depth.* The top of the Travis Peak Formation is found at a depth of 3,140 feet in Lamar County, in the northern area of the east Texas basin, and at 10,850 feet in the southern area of Cherokee County. The Travis Peak Formation ranges in thickness from approximately 500 feet to 2,500 feet.

[FR Doc. 81-36612 Filed 12-21-81; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 135

[Docket No. 79P-0441]

Frozen Desserts; Proposal To Establish Standards of Identity for Goat's Milk Ice Cream, Goat's Milk Frozen Custard, and Goat's Milk Ice Cream

Correction

In FR Doc. 81–34937, appearing at page 60007 in the issue of Tuesday, December 8, 1981, the first sentence of the "DATES" paragraph in column three on page 60007 should have read, "Comments by February 8, 1982", and the second line of the last complete paragraph in column two on page 60008 should have read, "February 8, 1982, submit to the Dockets".

BILLING CODE 1505-01-M

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21 CFR Parts 452, 455, and 555

[Docket No. 81N-0245]

Microbiological Turbidimetric Assay for Chloramphenicol and Troleandomycin

Correction

In FR Doc. 81–28307 appearing at page 48714 in the issue for Friday, October 2, 1981, make the following corrections:

1. On page 48715, in the third column,

"§ 452.175c Troleandomycin oral suspension."

should have read

"§ 452.175c Troleandomycin for oral suspension.";

2. On page 48716, in the second column,

"§ 45.110 Chloramphenicol capsules."

should have read

§ 455.110 Chloramphenicol capsules.";

3. On page 48716, in the third column, in the amendatory language for § 455.310c(b)(1), in the second line, "(iii) is revised" should have read "(ii) is revised".

4. On page 48717, in the second column, in § 555.210(b)(1), in the eighth line, "aliquot of the solution" should have read "aliquot of the stock solution."

BILLING CODE 1505-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 2670 and 2672

Mergers and Transfers Between Multiemployer Plans

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Proposed rule.

SUMMARY: This proposed regulation provides guidance for determining whether a merger, spinoff or transfer of assets or liabilities between multiemployer plans complies with the requirements of the Employee Retirement Income Security Act of 1974, as amended. That law requires the Pension Benefit Guaranty Corporation to issue regulations concerning notice requirements for such mergers and transfers. This proposed regulation sets forth those notice requirements and interprets the other requirements of the act. The effect of this regulation if adopted would be to prescribe a procedure under which plan sponsors must notify the PBGC of any merger, spinoff or transfer between multiemployer plans. The regulation if adopted would also provide needed guidance to plan sponsors in complying with other requirements of the law concerning such transactions.

DATE: Comments must be received on or before February 22, 1982.

ADDRESSES: Comments should be addressed to the Assistant Executive Director for Policy and Planning (140), Pension Benefit Guaranty Corporation, Suite 7300, 2020 K Street NW., Washington, D.C. 20006. Written comments will be available for public inspection at the PBGC, Suite 7100, at

the above address, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Office of the Executive Director, Policy and Planning (140), Suite 7300, 2020 K Street NW., Washington, D.C. 20006; 202–254–4862.

SUPPLEMENTARY INFORMATION:

Background

The Multiemployer Pension Plan Amendments Act of 1980, Pub. L. No. 96–364, 94 Stat. 1208, ("Multiemployer Act"), became law on September 26, 1980 and amended the Employee Retirement Income Security Act of 1974 ("ERISA"). (As used herein, "ERISA" means the Act as amended, unless the context requires otherwise.) Under section 4231 of ERISA, mergers between multiemployer plans and transfers of assets and liabilities between multiemployer plans must comply with four requirements:

(1) The plan sponsor must notify the Pension Benefit Guaranty Corporation ("PBGC") at least 120 days before the effective date of the merger or transfer;

(2) No participant's or beneficiary's accrued benefit may be lower immediately after the effective date of the merger or transfer than the benefit immediately before that date;

(3) The benefits of participants and beneficiaries cannot be reasonably expected to be subject to suspension as a result of plan insolvency; and

(4) An actuarial valuation of the assets and liabilities of each of the affected plans must have been performed during the plan year preceding the effective date of the merger or transfer, based upon the most recent data available as of the day before the start of that plan year, or other valuation of such assets and liabilities performed under such standards and procedures as the PBGC may prescribe by regulation.

Section 4231(a) grants authority to the PBGC to vary these requirements by regulation.

Prior to enactment of the Multiemployer Act, section 208 of ERISA and section 414(1) of the Internal Revenue Code prohibited mergers, spinoffs and transfers between pension plans unless "each participant in the plan would (if the plan then terminated) receive a benefit immediately after the merger, consolidation, or transfer which is equal to or greater than the benefit he would have been entitled to receive immediately before the merger, consolidation, or transfer (if the plan had then terminated)."

Both section 208 of ERISA and section 414(1) of the Internal Revenue Code provided that these rules were only applicable to multiemployer plans to the extent the PBGC determined that they should be. PBGC did not apply the rules to multiemployer plans, and in the Multiemployer Act, Congress made sections 208 of ERISA and sections 401(a)(12) and 414(1) of the Internal Revenue Code applicable only to plans that are not multiemployer plans covered by Title IV of ERISA. For mergers, spinoffs and transfers between multiemployer plans, Congress substituted the requirements of section 4231 described above. This regulation deals with those requirements.

Section 4232 of ERISA sets forth requirements for mergers, spinoffs and transfers between a multiemployer plan and a single-employer plan (i.e., a plan that is not a multiemployer plan). For example, a spinoff of a single-employer plan from a multiemployer plan would be covered by section 4232. These transactions are not covered by this proposed regulation.

Definitions

Part 2670 contains all the definitions for Subchapter H in which this regulation will be included. Section 2670.3 defines "merger," "transfer of assets or liabilities," and "spinoff." The definitions are similar to those used in a regulation under section 414(1) of the Internal Revenue Code governing mergers, spinoffs and transfers involving single-employer plans (Treas. Reg. 1.414(1)–1(b) (2), (3), and (4)). Under both the Treasury regulation and the regulation proposed in this notice, a transfer involves both a decrease in the assets or liabilities of one plan and a corresponding increase in the assets or liabilities of another plan. A transfer of assets or liabilities pursuant to a written reciprocity agreement is not treated as a transfer under the proposed regulation, although transfers under reciprocity agreements between single employer plans are treated as transfers under the Treasury regulation. Section 4234(c) of ERISA authorizes the PBGC to issue regulations under which such transfers pursuant to a reciprocity agreement would be subject to the merger and transfer rules. However, PBGC has determined that imposition of the merger and transfer requirements on such transfers is unnecessary at this time to protect participants and beneficiaries and the insurance system.

Several rules in the proposed regulation distinguish between mergers and spinoffs. As under the Treasury regulations, "merger" means the combining of two or more plans into a single plan, and "spinoff" means the splitting of a single plan into two or more plans. Transfers other than spinoffs are divided into significant and non-significant transfers, with significant transfers treated like spinoffs and non-significant transfers treated like mergers. For these purposes, a transfer is significant if assets transferred exceed 15% of the assets of the transferring plan or unfunded liabilities assumed exceed 15% of the assets of the assuming plan.

Accrued Benefits

Under section 4231(b)(2) of ERISA, a merger, spinoff or transfer is prohibited unless each participant and beneficiary is entitled to an accrued benefit immediately after the transaction that equals or exceeds the accrued benefit immediately before the transaction. Under § 2672.3 of this regulation, the plan or plans to which liabilities are transferred must contain a provision stating that no accrued benefits will be reduced as a result of the transaction. Plans involved in a merger, spinoff or transfer frequently have different benefit structures. The inclusion of a provision preserving accrued benefits will permit mergers, spinoffs and transfers involving such plans to satisfy the accrued benefit rule of ERISA without requiring detailed and costly computations by the affected plans and the PBGC.

Valuation Requirement

Under section 4231(b)(4) of ERISA, each plan affected by a merger, spinoff or transfer must have an actuarial valuation performed for the plan year preceding the effective date of the transaction "or other valuation of such assets and liabilities performed under such standards and procedures as the corporation may prescribe by regulation." PBGC has determined that the requirement for a valuation in the year preceding a merger or non-significant transfer would be unnecessarily burdensome. Plans are already required to have an actuarial valuation performed every three years under section 302(c)(9) of ERISA and section 412(c)(9) of the Internal Revenue Code. An additional valuation would add to the plans' expenses and could discourage otherwise desirable mergers and non-significant transfers. Therefore, § 2672.4(a) permits plans to rely on the last actuarial valuation performed for funding purposes within the three years preceding the effective date of the merger or non-significant transfer, updated to reflect any material changes.

The proposed regulation does not waive the requirement of a recent valuation for spinoffs and significant

transfers. Both spinoffs and significant transfers pose a danger that plan assets and the plan's contribution base will be divided in a manner that would favor certain employers or participants, creating a weak plan or weakening an existing plan. This danger does not normally exist with mergers and is less likely in a non-significant transfer. Therefore under proposed § 2672.4(b), plans involved in a spinoff or significant transfer must comply with the statutory requirement that a valuation be performed for the plan year preceding the spinoff or transfer.

The Act requires that the valuation be based on data as of the day before the start of the plan year preceding the spinoff or transfer. Some plans may routinely perform valuations as of a date other than the last day of a plan year. Therefore, § 2672.4(b) permits the actuary to use any date in the last plan year ending before the effective date of the spinoff or transfer. The date used for this valuation must be the same day of the plan year as that used for funding valuations.

Plan Solvency Safe Harbors

Section 4231(b)(3) of ERISA prohibits a merger, spinoff or transfer unless "the benefits of participants and beneficiaries are not reasonably expected to be subject to suspensions under section 4245." Under section 4245, an insolvent plan must suspend benefits above the level guaranteed by PBGC to the extent the plan has insufficient assets to pay such benefits. Section 2672.5 of the proposed regulation provides plan solvency tests that will operate as safe harbors in satisfying section 4231(b)(3). Satisfaction of one of these tests constitutes satisfaction of section 4231(b)(3). Theses tests are designed to demonstrate the ability to pay expected benefits over a long-range period.

For a merger or non-significant transfer, the regulation provides two safe harbors. A plan will satisfy section 4231(b)(3) if assets of the merged plan (or each plan involved in a transfer) equal 5 times the benefit payments made by the plan (or plans) in the last plan year ending before the date on which the notice of the transaction must be filed. Plans are already required to report the fair market value of assets and the amount of benefit payments on the Form 5500. These same numbers may be used in calculating the plan solvency test. Benefit payments may be estimated if data for the full plan year is not available when plan solvency is calculated. Alternatively, plans invloved in a merger or non-significant transfer will satisfy the plan solvency requirement if expected assets plus expected contributions in the 5 full plan years after the merger or transfer are sufficient to meet expected benefit payments in those years.

The regulation establishes a more rigorous safe harbor for spinoffs and significant transfers. The test for spinoffs and significant transfers requires a demonstration for each plan that (1) the plan is expected to satisfy minimum funding standards (including reorganization funding, if applicable) for the five plan years after the spinoff or transfer, (2) assets immediately after the spinoff or transfer will be sufficient to meet expected benefit payments in the first three full plan years after the spinoff or transfer, (3) expected contributions in the first full plan year after the spinoff or transfer are sufficient to meet benefit payments in that year, and (4) future contributions are expected to equal unfunded accrued benefits and future normal costs.

In addition to the safe harbors set forth in the proposed regulation, § 2672.2(a)(3)(ii) of the proposed regulation permits the plan actuary to demonstrate by other means that, based on methods and assumptions acceptable to the PBGC, benefits are not reasonably expected to be suspended due to insolvency. PBGC request members of the public who identify alternative tests for plan solvency to include these alternative tests in their comments on the proposed regulation.

Notice of Intent To Merge or Transfer

Section 4231(b)(1) authorizes the PBGC to establish notice requirements for proposed mergers, spinoffs and transfers. Section 2672.7 of the proposed regulation establishes a procedure for notifying PBGC of a proposed merger, spinoff or transfer. A single notice filed by the plan sponsors of the plans involved in a merger, spinoff or transfer is preferred.

In addition to information necessary to identify the plans involved in the merger, spinoff or transfer and their plan sponsors, the proposed regulation requires that each plan submit: (1) A copy of its most recent actuarial valuation, updated to reflect any material modifications; (2) a statement, signed by an enrolled actuary, that the merger, spinoff or transfer satisfies the applicable plan solvency test or a statement of the other basis on which the actuary has determined that benefits are not likely to be suspended as a result of plan insolvency; and (3) the plan provision that protects accrued benefits. Section 2672.7(e)(6) requires additional information in a notice of a spinoff or significant transfer to enable PBGC to determine how assets and liabilities are being divided.

ERISA requires PBGC to be notified at least 120 days before the effective date of the merger, spinoff or transfer. Section 2672.7(f) permits the PBGC to waive all or a portion of the notice requirement if it determines that refusal to permit the merger, spinoff or transfer when scheduled would adversely affect the participants and beneficiaries.

Compliance Determination

Under section 4231(c) of ERISA, a merger, spinoff or transfer is deemed not to constitute a prohibited transaction under section 406 (a) and (b)(2) of ERISA if the PBGC determines that the merger, spinoff or transfer has satisfied the requirements of section 4231. PBGC will determine whether the transaction complies with section 4231 upon the request of the plan sponsor. Requests for a compliance determination are voluntary.

PBGC will not determine whether a proposed merger, spinoff or transfer would be a prohibited transaction absent compliance with section 4231. Further, PBGC's determination that a transaction fails to comply with section 4231 does not automatically mean that the transaction is a prohibited transaction.

The transactions addressed in this regulation will, in many instances, involve conduct which is also subject to the fiduciary responsibility standards of part 4 of Title 1 of ERISA. Among other things, these standards require that a fiduciary with respect to a plan act prudently, solely in the interest of the participants and beneficiaries, and for the exclusive purpose of providing benefits to participants and their beneficiaries. The fact that a transaction satisfies the conditions of this regulation and the fact that a plan secures a compliance determination under this regulation is not determinative of whether it satisfies the requirements of part 4 of Title 1 other than sections 406 (a) and (b)(2).

To make the determination that a merger, spinoff or transfer complies with section 4231, PBGC cannot rely on a certification. Therefore, in addition to the information required in the notice, a plan sponsor requesting a compliance determination must submit a copy of the proposed merger or transfer agreement and a copy of the calculations on which the actuary based the determination that the plan satisfied the applicable plan solvency requirement. If the actuary did not use the plan solvency tests set forth in the proposed regulation, the calculations on which the actuary based

his or her determination should already be included in the notice. The request for a compliance determination should accompany the notice.

De Minimis Merger or Transfer

Under section 4234(b) of ERISA, the PBGC has authority to exempt *de minimis* mergers and transfers from the requirements of ERISA. Section 2672.7(e)(5)(i) of the proposed regulation provides that the notice of a *de minimis* merger or transfer need not include a determination from an enrolled actuary that the *de minimis* merger or transfer satisfies the plan solvency requirement. Under § 2672.8(c), of the proposed regulation, however, a request that the PBGC make a compliance determination with respect to a *de minimis* merger or transfer must include a certification that the plans meet the plan solvency requirement set forth in § 2672.5(b) of the proposed regulation. The enrolled actuary may use the most recent actuarial valuation in determining that the merger or transfer satisfies the solvency requirement without adjusting for other *de minimis* mergers and transfers that have occurred since the valuation date.

Under § 2672.6(b) of the proposed regulation, a merger is *de minimis* if the accrued benefits of one plan are less than 3% of the assets of the other plan involved in the merger. Similarly, a transfer is *de minimis* if the value of the assets being transferred, if any, is less than 3% of the transferring plan's assets and if the value of the liabilities being assumed, if any, is less than 3% of the assets of the assuming plan. A merger or transfer is not *de minimis*, however, if it exceeds the 3% limits when aggregated with prior mergers or transfers in the same plan year.

Effective Date

The proposed regulation provides that this Part will be effective 30 days after publication of the final regulation in the **Federal Register**. Section 4231(b)(1) of ERISA requires that notices be filed for all mergers, spinoffs or transfers that occur after September 25, 1980. Notices required to be filed before the effective date of the regulation (*i.e.* for transactions occurring less than 120 days after the effective date) will not have to comply with the specific notice requirements of the regulation. Until publication of the final regulation, a notice that identifies the plans involved in the transaction is sufficient to satisfy the Act, although plan sponsors are encouraged to submit additional information. Plans requesting a compliance determination may be required to submit some or all of the data set forth in this proposed regulation before a determination can be made. Plans must, of course, comply with the substantive requirements of section 4231(b) (2) through (4), as well as the notice requirement of section 4231(b)(1).

The Pension Benefit Guaranty Corporation has determined that this regulation is not a "major rule" for the purposes of Executive Order 12291, because it will not have an annual effect on the economy of $100 million or more; or create a major increase in costs or prices for consumers, individual industries, or geographic regions; or have significant adverse effects on competition, employment, investment, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. This conclusion is based on the fact that this regulation, itself, neither permits nor prohibits mergers or transfers between multiemployer pension plans. ERISA permits such transactions subject to certain specified conditions. This regulation merely interprets those conditions.

Under section 605(b) of the Regulatory Flexibility Act, the Pension Benefit Guaranty Corporation certifies that this rule will not have a significant economic impact on a substantial number of small entities. Pension plans with fewer than 100 participants have traditionally been treated as small plans. The proposed regulation affects only multiemployer plans covered by PBGC. Defining "small plans" as those with under 100 participants, such plans represent only 10% of all multiemployer plans covered by PBGC (200 out of 2000). Further, small multiemployer plans represent only .3% of all small plans covered by the PBGC (200 out of 61,200) and less than .05% of all small plans (200 out of 427,900). Therefore compliance with sections 603 and 604 of the Regulatory Flexibility Act is waived.

Interested parties are invited to submit comments on this proposed regulation. Comments should be addressed to: Assistant Executive Director for Policy and Planning, Pension Benefit Guaranty Corporation (140), Suite 7300, 2020 K Street, N.W., Washington, D.C. 20006. Written comments will be available for public inspection at the above address, Suite 7100, between the hours of 9:00 a.m. and 4:00 p.m. Each person submitting comments should include his or her name and address, identify this proposed regulation, and give reasons for any recommendation. This proposal may be changed in light of the comments received.

In developing this proposed regulation, PBGC solicited comments from knowledgeable individuals outside the corporation. Copies of these comments are available for public inspection at the above address.

In consideration of the foregoing, it is proposed to amend Subchapter H of Chapter XXVI of Title 29, Code of Federal Regulations, as follows:

The Table of Contents for Part 2670 is revised to read as follows:

PART 2670—DEFINITIONS

Sec.
2670.1 Purpose and scope.
2670.2 General definitions.
2670.3 Merger and transfer definitions.

Authority: Sec. 4002(b)(3), Pub. L. 93-406, as amended by sec. 403(1), Pub. L. 96-364, 94 Stat. 1208, 1302 (1980) (29 U.S.C. 1302).

2. A new § 2670.3 is added to Part 2670 to read as follows:

§ 2670.3 Merger and transfer definitions.

For purposes of Part 2672—

"Acturial valuation" means a valuation of assets and liabilities performed by an enrolled actuary using the actuarial assumptions used for purposes of determining the charges and credits to the funding standard account under section 302 of ERISA and section 412 of the Code.

"Certified change of collective bargaining representative" means a change of collective bargaining representative certified under the Labor-Management Relations Act of 1947, as amended, or the Railway Labor Act, as amended.

"Merger" means the combining of two or more plans into a single plan. For example, a consolidation of two plans into a new plan is a merger.

"Significant transfer" means the transfer of assets that equal or exceed 15% of the assets of the transferor plan before the transfer or the transfer of unfunded accrued benefits that equal or exceed 15% of the assets of the transferee plan before the transfer.

"Spinoff" means the splitting of a single plan into two or more plans, at least one of which is a new plan.

"Transfer" and "transfer of assets of liabilities" mean a diminution of assets or liabilities with respect to one plan and the acquisition of these assets or the assumption of these liabilities by another plan or plans. However, the shifting of assets or liabilities pursuant to a written reciprocity agreement between two multiemployer plans in which one plan assumes liabilities of another plan is not a transfer of assets or liabilities. In addition, the shifting of assets between several funding media

used for a single plan (such as between trusts, between annuity contracts, or between trusts and annuity contracts) is not a transfer of assets or liabilities.

2. A new Part 2672 is added as follows:

PART 2672—MERGERS AND TRANSFERS BETWEEN MULTIEMPLOYER PLANS

Sec.
2672.1 Purpose and scope.
2672.2 Requirements for mergers, spinoffs and transfers.
2672.3 Preservation of accrued benefits.
2672.4 Valuation requirement.
2672.5 Plan solvency tests.
2672.6 *De minimis* mergers and transfers.
2672.7 Notice of merger, spinoff or transfer.
2672.8 Request for compliance determination.

Authority: Secs. 4002(b)(3), 4231(a), (b)(1) and (b)(4), and 4234(b), Pub. L. 93–406, 88 Stat. 829, 1004 (1974), as amended by secs. 403(1) and 104 (respectively), Pub. L. 96–364, 94 Stat. 1302, 1244 and 1247 (1980) (29 U.S.C. 1302(b)(2), 1411(a), (b)(1) and (b)(4), and 1414(b)).

§ 2672.1 Purpose and scope.

(a) *Purpose.* The purpose of this part is to prescribe notice requirements for mergers, spinoffs and transfers of assets or liabilities among multiemployer pension plans. This part also interprets the other requirements of sections 4231 and 4234 of the Act and prescribes special rules for *de minimis* mergers and transfers.

(b) *Scope.* This part applies to mergers, spinoffs and transfers among multiemployer plans if any of the plans is covered by section 4021(a) of the Act either immediately before or immediately after the merger or transfer. This part applies to those mergers and transfers for which a notice is required to be filed after the effective date of this part.

§ 2672.2 Requirements for mergers, spinoffs and transfers.

(a) *General requirements.* A plan sponsor may not cause a multiemployer plan to merge with one or more multiemployer plans or transfer assets or liabilities (including a spinoff) to or from another multiemployer plan unless the merger, spinoff or transfer satisfies all of the following requirements:

(1) No participant's or beneficiary's accrued benefit will be lower immediately after the effective date of the merger, spinoff or transfer than the benefit immediately before the merger, spinoff or transfer.

(2) Actuarial valuations of the plans involved in the merger, spinoff or transfer have been performed in accordance with § 2672.4.

(3) For each plan involved in the transaction, an enrolled actuary—

(i) Determines that the plan involved meets the plan solvency requirement set forth in § 2672.5; or

(ii) Otherwise demonstrates to the satisfaction of the PBGC that benefits under the plan are not reasonably expected to be subject to suspension under section 4245 of the Act.

(4) The plan sponsor notifies the PBGC of the merger, spinoff or transfer in accordance with § 2672.7.

(b) *Compliance determination.* If a plan sponsor requests a determination that a merger, spinoff or transfer that may otherwise be prohibited by section 406(a) or (b)(2) of the Act satisfies the requirements of section 4231 of the Act, the plan sponsor shall submit the information described in § 2672.8 in addition to the information required by § 2672.7. PBGC may request additional information if necessary to determine whether a merger, spinoff or transfer complies with the requirements of section 4231 and this part. Plan sponsors are not required to request a compliance determination. Under section 4231(c(of the Act, if the PBGC determines that the merger, spinoff or transfer complies with section 4231 of the Act and this part, the merger, spinoff or transfer will not constitute a violation of the prohibited transaction provisions of section 406(a) or (b)(2) of the Act.

(c) *Change in bargaining representative.* Transfers of assets and liabilities pursuant to a change in bargaining representative are governed by section 4235 of the Act. Plan sponsors involved in such transfers are not required to comply with this part. However, under section 4235(f)(1) of the Act, the plan sponsors of the plans involved in the transfer may agree to a transfer that complies with sections 4231 and 4234 of the Act. Plan sponsors that elect to comply with sections 4231 and 4234 must comply with the rules in this part.

§ 2672.3 Preservation of accrued benefits.

Section 4231(b)(2) of the Act and § 2672.2(a)(1) of this part require that no participant's or beneficiary's accrued benefit will be lower immediately after the effective date of the merger, spinoff or transfer than the benefit immediately before the merger, spinoff or transfer. A plan that assumes an obligation to pay benefits for a group of participants satisfies this requirement if the plan contains a provision preserving all accrued benefits, without detailing the benefits. The determination of what is an accrued benefit shall be made in accordance with section 411 of the Code and the regulations thereunder.

§ 2672.4 Valuation requirement.

(a) *Mergers and non-significant transfers.* A merger or a transfer that is not significant ("non-significant transfer") satisfies section 4231(b)(4) of the Act and § 2672.2(a)(2) of this part (requiring an actuarial valuation) if an actuarial valuation has been performed for each plan involved in the merger or transfer based on the assets and liabilities of the plan as of a date not more than three years before the date on which the notice of the merger or transfer is filed.

(b) *Spinoffs and significant transfers.* A spinoff or significant transfer satisfies section 4231(b)(4) of the Act and § 2672.2(a)(2) of this part if an actuarial valuation has been performed for each plan involved in the transfer, based on the assets and liabilities of the plan as of a date not earlier than the first day of the last plan year ending before the effective date of the spinoff or transfer. The valuation should separately identify assets, contributions and liabilities being transferred or spun-off. The valuation should be based on the actuarial assumptions and methods that are reasonably expected to be used for the first plan year beginning after the spinoff or transfer.

(c) *Most recent valuation.* All calculations required by this part must be based on the most recent actuarial valuation, updated to show any material changes.

§ 2672.5 Plan solvency tests.

(a) *Spinoffs and significant transfers.* A spinoff or significant transfer satisfies the plan solvency requirement if all of the following requirements are met for each plan involved in the spinoff or transfer:

(1) Expected contributions shall equal or exceed the estimated amount necessary to satisfy the minimum funding requirement of section 412(a) of the Code for the five plan years beginning on or after the effective date of the spinoff or transfer.

(2) The fair market value of plan assets immediately after the spinoff or transfer shall equal or exceed the total amount of expected benefit payments during the first five plan years beginning on or after the effective date of the spinoff or transfer.

(3) Expected contributions for the first plan year beginning on or after the effective date of the spinoff or transfer shall equal or exceed expected benefit payments for that plan year.

(4) Net contributions for the amortization period shall equal or exceed unfunded accrued benefits.

(i) "Unfunded accrued benefits" means the excess of the present value of accrued benefits over the fair market value of the assets, determined on the basis of the actuarial valuation required under § 2672.4.

(ii) "Net contributions" means the present value of the excess of expected contributions over expected normal costs.

(iii) "Amortization period" means either 25 plan years or the amortization period for the resulting base when the combined charge base and the combined charge base are offset under section 412(b)(4) of the Code. The actuary may select either period.

(b) *Mergers and non-significant transfers.* A merger or non-significant transfer satisfies the plan solvency requirement if, for the merged plan or for each plan that continues after the transfer—

(1) The fair market value of plan assets immediately after the merger or transfer equals or exceeds 5 times the benefit payments in the last plan year ending before the effective date of the merger or transfer; or

(2) In each of the first 5 plan years beginning after the merger or transfer, expected plan assets plus expected contributions and investment earnings equal or exceed expected expenses and benefit payments for the plan year.

(c) *Assumptions to be used.* All calculations required by this part shall be based on methods and assumptions that are reasonable in the aggregate, based on generally accepted actuarial principles. In determining whether a transaction satisfies one of the plan solvency requirements set forth in this section, the following rules apply:

(1) Expected contributions after a merger, spinoff or transfer shall be determined by assuming that contributions will equal contributions received in the last full plan year ending before the date on which the notice of merger, spinoff or transfer is filed with the PBGC. Contributions shall be adjusted, however, to reflect any change in the rate of employer contributions that has been negotiated (whether or not in effect) or a trend of declining contribution base units over the preceding 5 plan years.

(2) Expected normal costs shall be determined under the funding method and assumptions used by the plan actuary for purposes of determining the minimum funding requirement under section 412 of the Code if those assumptions are reasonable in the aggregate. If the plan is using an aggregate funding method, normal costs shall be determined under the entry age normal method.

(3) Expected benefit payments shall be determined by assuming that current benefits remain in effect and that all scheduled changes in benefits occur.

(4) The fair market value of plan assets immediately after the merger or transfer shall be based on the most recent data available to the plan sponsor immediately before the date on which the notice is filed.

(5) Expected investment earnings shall be determined using the same interest assumption used for determining the minimum funding requirement.

(6) Expected expenses shall be determined using expenses in the last plan year ending before the notice is filed, adjusted to reflect any anticipated changes.

(7) Expected plan assets for a plan year shall be determined by adjusting the most current data on fair market value of plan assets to reflect expected contributions, investment earnings, benefit payments and expenses for each plan year in the period between the date of the most recent fair market valuation and the beginning of the plan year for which expected assets are being determined.

§ 2672.6 De minimis mergers and transfers.

(a) *Special plan solvency rule.* For a *de minimis* merger or transfer, the plan assets, expected contributions and expected benefits may be determined for the plan solvency requirement in § 2672.5(b) without regard to any *de minimis* mergers or transfers that have occurred after the last valuation performed to established charges and credits to the minimum funding standard account under section 412(b) of the Code.

(b) De minimis *merger defined.* A merger is *de minimis* if the present value of accrued benefits (whether or not vested) of one plan is less than 3-percent of the fair market value of the other plan's assets.

(c) De minimis *transfer defined.* A transfer of assets or liabilities is *de minimis* if—

(1) The fair market value of the assets transferred, if any, is less than 3 percent of the fair market value of all the assets of the transferor plan; and

(2) The present value of the accrued benefits transferred is less than 3 percent of the fair market value of all assets of the transferee plan.

(d) *Value of assets and benefits.* For purposes of paragraphs (b) and (c), the value of plan assets and accrued benefits may be determined as of any date prior to the proposed effective date of the merger but not earlier than the date for the most recent valuation performed for purposes of section 412(b) of the Code.

(e) *Aggregation required.* In determining whether a merger or transfer is *de minimis*, previous *de minimis* mergers and transfers within the same plan year shall be aggregated as follows:

(1) A merger is not *de minimis* if the total present value of accrued benefits merged into or transferred to a plan, when aggregated with all prior *de minimis* mergers and transfers to that plan effective within the same plan year, equals or exceeds 3 percent of the value of the plan's assets.

(2) A transfer is not *de minimis* if, when aggregated with all previous mergers and transfers effective within the same plan year—

(i) The value of all assets transferred from the plan equals or exceeds 3 percent of the value of the plan's assets; or

(ii) The present value of all accrued benefits transferred to the plan equals or exceeds 3 percent of the plan's assets.

(3) For purposes of paragraph (e)(1) and (2), the value of plan assets is determined as of the date during the plan year on which the total value of the plan's assets is the highest.

§ 2672.7 Notice of merger, spinoff or transfer.

(a) *When to file.* Except as provided in paragraph (e) of this section, a notice of a proposed merger, spinoff or transfer shall be filed not less than 120 days before the effective date of the transaction. For purposes of this part, the effective date of a merger, spinoff or transfer is the earlier of—

(1) The date on which one plan assumes liability for benefits accrued under another plan involved in the transaction; or

(2) The date on which one plan transfers assets to another plan involved in the transaction.

(b) *Who shall file.* The plan sponsors of all plans involved in a merger, spinoff or transfer, or a duly authorized representative acting on behalf of the plan sponsors, shall file the notice required by this section.

(c) *Where to file.* The notice shall be delivered by mail or submitted by hand to the Division of Case Classification and Control (542), Office of Program Operations, Pension Benefit Guaranty Corporation, Room 5300A, 2020 K Street, N.W., Washington, D.C. 20006.

(d) *Filing date.* For purposes of paragraph (a)—

(1) The notice is considered filed on the date of the postmark stamped on the

cover in which the notice is mailed. *Provided,* That—

(i) The postmark was made by the United States Postal Service, and

(ii) The notice was mailed postage prepaid, properly packaged and addressed to the PBGC.

(2) If the conditions stated in paragraph (d)(1)(i) and (ii) are not met, the notice is considered filed on the date it is received by the PBGC. Notices received after regular business hours are considered filed on the next regular business day.

(e) *Information required.* Each notice shall contain the following information:

(1) For each plan involved in the merger, spinoff or transfer—

(i) The name of the plan;

(ii) The name, address and telephone number of the plan sponsor and of the plan sponsor's duly authorized representative, if any; and

(iii) The nine-digit Employer Identification Number (EIN) assigned by the Internal Revenue Service to the plan sponsor and the three-digit Plan Identification Number (PIN) assigned by the plan sponsor to the plan, and, if different, the EIN or PIN last filed with the PBGC. The notice should indicate if no EIN or PIN has been assigned.

(2) The kind of transaction being reported (merger, spinoff, significant transfer or non-significant transfer).

(3) The proposed effective date of the merger, spinoff or transfer.

(4) A copy of the plan provision stating that no participant's or beneficiary's accrued benefit will be lower immediately after the merger, spinoff or transfer than the benefit immediately before the transaction.

(5) One of the following statements, certified by an enrolled actuary:

(i) A statement that the merger or transfer is *de minimis* as defined in § 2672.6. A notice of a *de minimis* merger or transfer is not required to include the information described in paragraph (e) (6) or (7) of this section.

(ii) A statement that the merger, spinoff or transfer satisfies the applicable plan solvency test set forth in § 2672.5, indicating which test was satisfied. For a non-significant transfer, the statement shall include a certification that the transfer is not significant.

(iii) A statement of the basis on which the actuary has determined that benefits under the plan are not reasonably expected to be subject to suspension under section 4245 of the Act, including supporting calculations, assumptions and methods.

(6) For mergers, spinoffs or transfers (other than *de minimis* mergers or transfers), a copy of the most recent actuarial valuation that satisfies the requirements of § 2672.4.

(7) For a spinoff or significant transfer, the following information used in making the plan solvency determination under § 2672.5(a):

(i) The present value of the accrued benefits in each plan after the spinoff or transfer.

(ii) The fair market value of assets in each plan after the spinoff or transfer.

(iii) The expected benefit payments for each plan in the first plan year beginning on or after the effective date of the spinoff or transfer (determined in accordance with § 2672.5(c)(3)).

(iv) The contribution rates in effect for each plan for the first plan year beginning on or after the effective date of the spinoff or transfer.

(v) The expected contributions for each plan in the first plan year beginning on or after the effective date of the spinoff or transfer (determined in accordance with § 2672.5(c)(1)).

(f) *Waiver of notice.* PBGC may waive the notice requirements of this section and section 4231(b)(1) of the Act if the plan sponsor demonstrates to the satisfaction of the PBGC that failure to complete the merger, spinoff or transfer will cause harm to participants or beneficiaries of the plans involved in the merger, spinoff or transfer.

§ 2672.8 Request for compliance determination.

(a) *Submitting request.* A request for a determination that a merger, or transfer complies with the requirements of section 4231 of the Act may be filed by the plan sponsor or sponsors of one or more plans involved in a merger or transfer.

(1) The request shall be delivered to the address set forth in § 2672.7(c). Except as provided in paragraph (a)(2), the request shall be filed at the same time as the notice described in § 2672.7.

(2) Because the plan solvency test for *de minimis* mergers and transfers is based on the most recent valuation (without adjustment for intervening *de minimis* transactions), a plan sponsor may submit a single request for a compliance determination covering all *de minimis* mergers or transfers that occur between one plan valuation and the next. This special *de minimis* transaction determination may be requested at the time the first notice of a *de minimis* merger or transfer is filed after the valuation. Receipt of this *de minimis* transaction determination does not relieve these plan sponsors of the obligation to notify PBGC of each *de minimis* merger or transfer in accordance with § 2672.7.

(b) *Merger or transfer that is not* de minimis. A request for a compliance determination concerning a merger or transfer that is not *de minimis* shall contain—

(1) A copy of the merger or transfer agreement;

(2) A Summary of the required calculations, including a complete description of assumptions and methods on which the enrolled actuary based the certification that the merger or transfer satisfied a plan solvency test described in § 2672.5;

(3) For a spinoff or significant transfer, copies of all actuarial valuations performed within the 5 years preceding the effective date of the spinoff or transfer; and

(c) De minimis *merger or transfer.* A request for a compliance determination concerning a *de minimis* merger or transfer shall contain one of the following statements, certified by an enrolled actuary:

(1) A statement that the merger or transfer has satisfied one of the plan solvency tests set forth in § 2672.5(b).

(2) A statement described in § 2672.7(e)(5)(iii).

Effective date. This part is proposed to be effective 30 days after publication in the final regulation in the Federal Register.

Issued at Washington, D.C. on this 16th day of December, 1981.

Raymond Donovan,

Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors authorizing its Chairman to issue this Notice of Proposed Rulemaking.

Henry Rose,

Secretary, Pension Benefit Guaranty Corporation.

[FR Doc 81-36439 Filed 12-18-81; 8:45 am]
BILLING CODE 7708-01-M

SELECTIVE SERVICE SYSTEM

32 CFR Parts 1608, 1662 and 1665

Selective Service Regulations; Revised Procedures To Implement the Freedom of Information Act and the Privacy Act of 1974

AGENCY: Selective Service System.

ACTION: Proposed rule.

SUMMARY: Procedures under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act of 1974 (5 U.S.C. 552a) are revised in the interest of clarity and efficiency.

DATES: Comment date: Written comments received on or before January 25, 1982 will be considered. Effective

date: Subject to the comments received the amendments are proposed to become effective upon republication in the **Federal Register** not earlier than January 25, 1982.

ADDRESS: Written comments to: Selective Service System, ATTN: Associate Director for Policy Development, Washington, D.C. 20435.

FOR FURTHER INFORMATION CONTACT: Edward A. Frankle, Associate Director for Policy Development, Selective Service System, Washington, D.C. 20435, Phone: (202) 724–0844.

SUPPLEMENTARY INFORMATION: These amendments to Selective Service Regulations are published pursuant to section 13(b) of the Military Selective Service Act (50 U.S.C. App. 463(b) and 5 U.S.C. 552 and 552a. These Regulations implement 5 U.S.C. 552 and 552a. An earlier draft of these amendments was published at 45 FR 80125 (December 3, 1980).

Interested persons are invited to submit written comments on the proposed regulation. All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of the Associate Director for Policy Development from 9:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, I have determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612). I have determined that these regualtions do not have significant economic impact on a substantial number of small entities.

December 17, 1981.

Thomas K. Turnage,

Director of Selective Service.

The amendments are:

PART 1608 [REMOVED]

1. Part 1608—Public Information is removed.

2. Parts 1662 and 1665 are added.

PART 1662—FREEDOM OF INFORMATION ACT (FOIA) PROCEDURES

Sec.

1662.1 Applicability of this Part.
1662.2 Procedure for requesting information.
1662.3 Identification of information requested.
1662.4 Consideration of requests for information.
1662.5 Inspection, copying, and obtaining copies.
1662.6 Fees.

Authority: 5 U.S.C. 552, as amended.

§ 1662.1 Applicability of this part.

The provisions of this part prescribe the procedures for requests for information under 5 U.S.C. 552, as amended (Freedom of Information Act).

§ 1662.2 Procedure for requesting information.

Requests for information under the Freedom of Information Act (FOIA) shall be in writing and should be addressed to the Director, Selective Service System, ATTN: Records Manager, Washington, D.C. 20435.

§ 1662.3 Identification of information requested.

Any person who requests information under FOIA shall provide a reasonably specific description of the information sought so that it may be located without undue search. If the description is not sufficient, the records manager will notify the requester and, to the extent possible, indicate the additional information required. Every reasonable effort shall be made to assist a requester in the identification and location of the record or records sought.

§ 1662.4 Consideration of requests for information.

(a) Upon receipt of any request for information or records, the records manager will determine within 10 days (excepting Saturdays, Sundays, and legal federal holidays) whether it is appropriate to grant the request and will immediately provide written notification to the person making the request. If the request is denied, the written notification to the person making the request will include the reasons therefor and a notice that an appeal may be lodged with the Director of Selective Service.

(b) Appeals shall be in writing and addressed to the Director of Selective Service at the address specified in § 1662.2 of this part. The appeal shall include a statement explaining the basis for the appeal. Determinations of appeals will be in writing and signed by the Director, or his designee, within 20 days (excepting Saturdays, Sundays, and legal federal holidays). If, on appeal, the denial is in whole or in part upheld, the written determination will include the reasons therefor and also contain a notification of the provisions for judicial review.

§ 1662.5 Inspection, copying, and obtaining copies.

When a request for information has been approved in accord with § 1662.4, the person making the request may make an appointment to inspect or copy the materials requested during regular business hours by writing or telephoning the records manager at the address listed in § 1662.2. Such materials may be copied manually without charge, and reasonable facilities will be made available for that purpose. Also, copies of individual pages of such materials will be made available in as specified in § 1662.6; however, the right is reserved to limit to a reasonable quantity the copies of such materials which may be made available in this manner.

§ 1662.6 Fees.

(a) Search of records is made without charge.

(b) The charge for office copy reproduction is 25 cents per page. The charge for shelf stock is 10 cents per page.

(c) Copies will not be released to any requester until the required fee is paid in full by cash, check or money order. Checks and money orders should be made payable to the Selective Service System.

(d) Documents will be furnished without charge or at a reduced charge where it is determined that the waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

PART 1665—PRIVACY ACT PROCEDURES

Sec.

1665.1 Rules for determining if an individual is the subject of a record.
1665.2 Requests for access.
1665.3 Access to the accounting of disclosures from records.
1665.4 Requests to amend records.
1665.5 Request for review.
1665.6 Schedule of fees.
1665.7 Information available to the public or to former employers of registrants.

Authority: 5 U.S.C. 552a.

§ 1665.1 Rules for determining if an individual is the subject of a record.

(a) Individuals desiring to know if a specific system of records maintained by the Selective Service System (SSS) contains a record pertaining to them should address their inquiries to the Director, Selective Service System, ATTN: Records Manager, Washington, D.C. 20435. The written inquiry should contain a specific reference to the system of records maintained by Selective Service listed in the SSS Notices of Systems of Records or it should describe the type of record in sufficient detail to reasonably identify the system of records. Notice of SSS System of Records subject to the Privacy

Act is in the Federal Register and copies of the notices will be available upon request to the records manager. A compilation of such notices will also be made and published by the Office of Federal Register, in accord with section 5 U.S.C. 552a(f).

(b) At a minimum, the request should also contain sufficient information to identify the requester in order to allow SSS to determine if there is a record pertaining to that individual in a particular system of records. In instances when the information is insufficient to insure that disclosure will be to the individual to whom the information pertains, in view of the sensitivity of the information, SSS reserves the right to ask the requester for additional identifying information.

(c) Ordinarily the requester will be informed whether the named system of records contains a record pertaining to the requester within 10 days of receipt of such a request (excluding Saturdays, Sundays, and legal federal holidays). Such a response will also contain or reference the procedures which must be followed by the individual making the request in order to gain access to the record.

(d) Whenever a response cannot be made within the 10 days, the records manager will inform the requester of the reason for the delay and the date by which a response may be anticipated.

§ 1665.2 Requests for access.

(a) *Requirement for written requests.* Individuals desiring to gain access to a record pertaining to them in a system of records maintained by SSS must submit their request in writing in accord with the procedures set forth in paragraph b. below.

(b) *Procedures.*—(1) *Content of the Request.* (i) The request for access to a record in a system of records shall be addressed to the records manager, at the address cited above, and shall name the system of records or contain a description of such system of records. The request should state that the request is pursuant to the Privacy Act of 1974. In the absence of specifying solely the Privacy Act of 1974 and, if the request may be processed under both the Freedom of Information Act and the Privacy Act and the request specifies both or neither act, the procedures under the Privacy Act of 1974 will be employed. The individual will be advised that the procedures of the Privacy Act will be utilized, of the existence and the general effect of the Freedom of Information Act, and the difference between procedures under the two acts (e.g. fees, time limits, access). The request should contain necessary information to verify the identity of the requester (see § 1665.2(b)(2)(vi)). In addition, the requester should include any other information which may assist in the rapid identification of the record for which access is being requested (e.g., maiden name, dates of employment, etc.) as well as any other identifying information contained in and required by SSS Notice of Systems of Records.

(ii) If the request for access follows a prior request under § 1665.1, the same identifying information need not be included in the request for access if a reference is made to that prior correspondence, or a copy of the SSS response to that request is attached.

(iii) If the individual specifically desires a copy of the record, the request should so specify.

(2) *SSS action on request.* A request for access will ordinarily be answered within 10 days, except when the records manager determines that access cannot be afforded in that time, in which case the requester will be informed of the reason for the delay and an estimated date by which the request will be answered. Normally access will be granted within 30 days from the date the request was received by the Selective Service System. At a minimum, the answer to the request for access shall include the following:

(i) A statement that there is a record as requested or a statement that there is not a record in the system of records maintained by SSS;

(ii) A statement as to whether access will be granted only by providing copy of the record through the mail; or the address of the location and the date and time at which the record may be examined. In the event the requester is unable to meet the specified date and time, alternative arrangements may be made with the official specified in § 1665.2(b)(1);

(iii) A statement, when appropriate, that examination in person will be the sole means of granting access only when the records manager has determined that it would not unduly impede the requester's right of access;

(iv) The amount of fees charged, if any (see § 1665.6) (Fees are applicable only to requests for copies.);

(v) The name, title, and telephone number of the SSS official having operational control over the record; and

(vi) The documentation required by SSS to verify the identity of the requester. At a minimum, SSS's verification standards include the following:

(A) *Current or former SSS employees.* Current or former SSS employees requesting access to a record pertaining to them in a system of records maintained by SSS may, in addition to the other requirements of this section, and at the sole discretion of the official having operational control over the record, have his or her identity verified by visual observation. If the current or former SSS employee cannot be so identified by the official having operational control over the records, identification documentation will be required. Employee identification cards, annuitant identification, drivers licenses, or the "employee copy" of any official personnel document in the record are examples of acceptable identification validation.

(B) *Other than current or former SSS employees.* Individuals other than current or former SSS employees requesting access to a record pertaining to them in a system of records maintained by SSS must produce identification documentation of the type described herein, prior to being granted access. The extent of the identification documentation required will depend on the type of record to be accessed. In most cases, identification verification will be accomplished by the presentation of two forms of identification. Any additional requirements are specified in the system notices published pursuant to 5 U.S.C. 552a(e)(4).

(C) *Access granted by mail.* For records to be accessed by mail, the records manager shall, to the extent possible, establish identity by a comparison of signatures in situations where the data in the record is not so sensitive that unauthorized access could cause harm or embarrassment to the individual to whom they pertain. No identification documentation will be required for the disclosure to the requester of information required to be made available to the public by 5 U.S.C. 552. When in the opinion of the records manager the granting of access through the mail could reasonably be expected to result in harm or embarrassment if disclosed to a person other than the individual to whom the record pertains, a notarized statement of identity or some similar assurance of identity will be required.

(D) *Unavailability of identification documentation.* If an individual is unable to produce adequate identification documentation the individual will be required to sign a statement asserting identity and acknowledging that knowingly or willfully seeking or obtaining access to a record about another person under false pretenses may result in a fine of up to $5,000. In addition, depending upon the

sensitivity of the records sought to be accessed, the official having operational control over the records may require such further reasonable assurances as may be considered appropriate; e.g., statements of other individuals who can attest to the identity of the requester. No verification of identity will be required of individuals seeking access to records which are otherwise available to any person under 5 U.S.C. 552, Freedom of Information Act.

(E) *Access by the parent of a minor, or legal guardian.* A parent of a minor, upon presenting suitable personal identification, may access on behalf of the minor any record pertaining to the minor maintained by SSS in a system of records. A legal guardian may similarly act on behalf of an individual declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction. Absent a court order or consent, a parent or legal guardian has no absolute right to have access to a record about a child. Minors are not precluded from exercising on their own behalf rights given to them by the Privacy Act.

(F) *Granting access when accompanied by another individual.* When an individual requesting access to his or her record in a system of records maintained by SSS wishes to be accompanied by another individual during the course of the examination of the record, the individual making the request shall submit to the official having operational control of the record, a signed statement authorizing that person access to the record.

(G) *Denial of access for inadequate identification documentation.* If the official having operational control over the records in a system of records maintained by SSS determines that an individual seeking access has not provided sufficient identification documentation to permit access, the official shall consult with the records manager prior to finally denying the individual access.

(H) *Review of decision to deny access.* Whenever the records manager determines, in accordance with the procedures herein, that access cannot be granted, the response will also include a statement of the procedures to obtain a review of the decision to deny in accord with § 1665.5.

(vii) *Exceptions.* (A) Nothing in these regulations shall be construed to entitle an individual the right to access to any information compiled in reasonable anticipation of a civil action or proceeding. The mere fact that records in a system of records are frequently the subject of litigation does not bring those systems of records within the scope of this provision. This provision is not intended to preclude access by an individual to the records which are available to that individual under the other processes such as the Freedom of Information Act or the rules of civil procedure.

(B) Within any system of records pertaining to possible violations of the Military Selective Service Act, the identity of or any information pertaining to any individual who provides information relating to a suspected violator will not be revealed to the suspected violator. This exemption is made under the provision of 5 U.S.C. 552a(k)(2).

§ 1665.3 Access to the accounting of disclosures from records.

Rules governing the granting of access to the accounting of disclosure are the same as those for granting accesses to the records (including verification of identity) outlined in § 1665.2.

§ 1665.4 Requests to amend records.

(a) *Requirement for written requests.* Individuals desiring to amend a record that pertains to them in a system of records maintained by SSS must submit their request in writing in accord with the procedures set forth herein. Records not subject to the Privacy Act of 1974 will not be amended in accord with these provisions. However, individuals who believe that such records are inaccurate may bring this to the attention of SSS.

(b) *Procedures.* (1)(i) The requests to amend a record in a system of records shall be addressed to the records manager. Included in the request shall be the name of the system and a brief description of the record proposed for amendment. In the event the request to amend the record is the result of the individual's having gained access to the record in accordance with the provisions concerning access to records as set forth above, copies of previous correspondence between the requester and SSS will serve in lieu of a separate description of the record.

(ii) When the individual's identity has been previously verified pursuant to § 1665.2(b)(2)(vi), further verification of identity is not required as long as the communication does not suggest that a need for verification is present. If the individual's identity has not been previously verified, SSS may require identification validation as described in § 1665.2(b)(2)(vi). Individuals desiring assistance in the preparation of a request to amend a record should contact the records manager at the address cited above.

(iii) The exact portion of the record the individual seeks to have amended should be clearly indicated. If possible, the proposed alternative language should also be set forth, or at a minimum, the facts which the individual believes are not accurate, relevant, timely, or complete should be set forth with such particularity as to permit SSS not only to understand the individual's basis for the request, but also to make an appropriate amendment to the record.

(iv) The request must also set forth the reasons why the individual believes his record is not accurate, relevant, timely, or complete. In order to avoid the retention by SSS of personal information merely to permit verification of records, the burden of persuading SSS to amend a record will be upon the individual. The individual must furnish sufficient facts to persuade the official in charge of the system of the inaccuracy, irrelevancy, timelines or incompleteness of the record.

(v) Incomplete or inaccurate requests will not be rejected categorically. The individual will be asked to clarify the request as needed.

(2) *SSS action on the request.* To the extent possible, a decision upon a request to amend a record will be made within 10 days, (excluding Saturday, Sundays, and legal Federal holidays). The response reflecting the decisions upon a request for amendment will include the following:

(i) The decision of the Selective Service System whether to grant in whole, or deny any part of the request to amend the record.

(ii) The reasons for determination for any portion of the request which is denied.

(iii) The name and address of the official with whom an appeal of the denial may be lodged.

(iv) The name and address of the official designated to assist, as necessary and upon request of, the individual making the request in preparation of the appeal.

(v) A description of the review of the appeal with SSS (see § 1665.5).

(vi) A description of any other procedures which may be required of the individual in order to process the appeal.

(3) If the nature of the request for the correction of the system of records precludes a decision within 10 days, the individual making the request will be informed within 10 days of the extended date for a decision. Such a decision will be issued as soon as it is reasonably possible, normally within 30 days from the receipt of the request (excluding

Saturdays, Sundays, and legal Federal holidays) unless unusual circumstances preclude completing action within that time. If the expected completion date for the decision indicated cannot be met, the individual will be advised of the delay and of a revised date when the decision may be expected to be completed.

§ 1665.5 Request for review.

(a) Individuals wishing to request a review of the decision by SSS with regard to any initial request to access or amend a record in accord with the provisions of §§ 1665.2 and 1665.4, should submit the request for review in writing and, to the extent possible, include the information specified in § 1665.5(b). Individuals desiring assistance in the preparation of their request for review should contact the records manager at the address provided herein.

(b) The request for review should contain a brief description of the record involved or in lieu thereof, copies of the correspondence from SSS in which the request to access or to amend was denied and also the reasons why the requester believes that access should be granted or the disputed information amended. The request for review should make reference to the information furnished by the individual in support of his claim and the reasons as required by §§ 1665.2 and 1665.4 set forth by SSS in its decision denying access or amendment. Appeals filed without a complete statement by the requester setting forth the reasons for the review will, of course, be processed. However, in order to make the appellate process as meaningful as possible, the requester's disagreement should be set forth in an understandable manner. In order to avoid the unnecessary retention of personal information, SSS reserves the right to dispose of the material concerning the request to access or amend a record if no request for review in accord with this section is received by SSS within 180 days of the mailing by SSS of its decision upon an initial request. A request for review received after the 180 day period may, at the discretion of the records manager, be treated as an initial request to access or amend a record.

(c) The request for review should be addressed to the Director of Selective Service.

(d) The Director of Selective Service will inform the requester in writing of the decision on the request for review within 20 days (excluding Saturdays, Sundays, and legal federal holidays) from the date of receipt by SSS of the individual's request for review unless the Director extends the 20 days period for good cause. The extension and the reason therefor will be sent by SSS to the requester within the initial 20 day period. Such extensions should not be routine and should not normally exceed an additional thirty days. If the decision does not grant in full the request for amendment, the notice of the decision will provide a description of the steps the individual may take to obtain judicial review of such a decision, a statement that the individual may file a concise statement with SSS setting forth the individual's reasons for his disagreement with the decision and the procedures for filing such a statement of disagreement. The Director of Selective Service has the authority to determine the "conciseness" of the statement, taking into account the scope of the disagreement and the complexity of the issues. Upon the filing of a proper, concise statement by the individual, any subsequent disclosure of the information in dispute will be clearly noted so that the fact that the record is disputed is apparent, a copy of the concise statement furnished and a concise statement by SSS setting forth its reasons for not making the requested changes, if SSS chooses to file such a statement. A notation of a dispute is required to be made only if an individual informs the agency of his disagreement with SSS's determination in accord with §§ 1665.5 (a), (b), and (c). A copy of the individual's statement, and if it chooses, SSS's statement will be sent to any prior transferee of the disputed information who is listed on the accounting required by 5 U.S.C. 552a(c). If the reviewing official determines that the record should be amended in accord with the individual's request, SSS will promptly correct the record, advise the individual, and inform previous recipients if an accounting of the disclosure was made pursuant to 5 U.S.C. 552a(c). The notification of correction pertains to information actually disclosed.

§ 1665.6 Schedule of fees.

(a) Prohibitions against charging fees. Individuals will not be charged for:

(1) The search and review of the record.

(2) Any copies of the record produced as a necessary part of the process of making the record available for access.

or

(3) Any copies of the requested record when it has been determined that access can only be accomplished by providing a copy of the record through the mail.

(4) Where a registrant has been charged under the Military Selective Service Act and must defend himself in a criminal prosecution, or where a registrant submits to induction and thereafter brings habeas corpus proceedings to test the validity of his induction, the Selective Service System will furnish to him, or to any person he may designate, one copy of his Selective Service file free of charge.

(b) *Waiver.* The Director of Selective Service may at no charge, provide copies of a record if it is determined the production of the copies is in the interest of the Government.

(c) *Fee schedule and method of payment.* Fees will be charged as provided below except as provided in paragraphs (a) and (b) of this section.

(1) *Duplication of records.* Records will be duplicated at a rate of $.25 per page.

(2) Fees should be paid in full prior to issuance of requested copies. In the event the requester is in arrears for previous requests, copies will not be provided for any subsequent request until the arrears have been paid in full.

(3) Remittance shall be in the form of cash, a personal check or bank draft drawn on a bank in the United States, or postal money order. Remittances shall be made payable to the order of the Selective Service System and mailed or delivered to the records manager, Selective Service System, Washington, D.C. 20435.

(4) A receipt of fees paid will be given upon request.

§ 1665.7 Information available to the public or to former employers of registrants.

(a) Each area office maintains a classification record which contains the name, Selective Service number, and the current and past classifications for each person assigned to that board. Information in this record may be inspected at the area office at which it is maintained.

(b) Any compensated employee of the Selective Service System may disclose to the former employer of a registrant who is serving in or who has been discharged from the Armed Forces whether the registrant has or has not been discharged and, if discharged, the date thereof, upon reasonable proof that the registrant left a position in the employ of the person requesting such information in order to serve in the Armed Forces.

(c) Whenever an office referred to in this section is closed, the request for information that otherwise would be submitted to it should be submitted to

the National Headquarters, Selective Service System, Washington, D.C. 20435.

[FR Doc. 81-38527 Filed 12-21-81; 8:45 am]

BILLING CODE 8015-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 1

[PRM-FRL-2012-1]

Regulatory Agenda, Corrections

AGENCY: Environmental Protection Agency.

ACTION: Regulatory agenda; correction.

SUMMARY: The Agency published its most recent Regulatory Agenda on October 30, 1981, in the **Federal Register**. This notice corrects certain errors that appeared in the Agenda.

FOR FURTHER INFORMATION CONTACT: David Sahr, Regulation Management Staff, Environmental Protection Agency. PM-223, Washington, D.C. 20460, (202) 382-2730.

SUPPLEMENTARY INFORMATION: EPA published its most recent Regulatory Agenda on October 30, 1981 (46 FR 53990). This notice corrects errors that appeared in that Agenda. It does not update the information in the Agenda to reflect any changes in EPA's plans made since October 30. The corrections appear below.

Page 54015. *Standards Applicable to Owners and Operators of Hazardous Waste Facilities.* SAN 1194. EPA has *proposed* to suspend the effective date of its existing storage surface impoundment standards (see 46 FR 51407, 10/20/81). EPA is under a court order to promulgate by February 1982 permitting standards for existing hazardous waste land disposal facilities, including landfills, land treatment facilities, and disposal surface impoundments.

Page 54016. *Finalize Definition of Existing Facility.* This action temporarily lifts the construction ban on expanding existing facilities.

Page 54034. *Effluent Guidelines for Seafood Processing.* SAN 1625. EPA has *not* cancelled this action. EPA will issue final Best Conventional Technology (BCT) regulations for seafood processing after it revises the BCT methodology.

Page. 50434. *Effluent Guidelines for Meat Packing.* SAN 1514. Same as Seafood Processing.

Page 54036. *Emissions Trading Policy* (formerly *Controlled Trading*). SAN 1605. EPA has *not* cancelled this policy. It will be issued as interim policy in the near future.

Page 54037. *Hazardous Waste Management System: General Requirements for Storage Facilities.* EPA has *not* postponed the July 13 effective date for tanks, containers, and waste piles in 40 CFR 264.

Page 54037. *Paperwork Reduction under RCRA.* The timetable for completing this review was October 1981.

Page 54037. *Incinerator Standards for Hazardous Waste Disposal.* EPA has *proposed* to suspend the effective date for existing incinerator standards under 40 CFR 264 (see 46 FR 51407, 10/20/81).

Roy M. Gamse,

Acting Associate Administrator for Policy and Resource Management.

[FR Doc. 81-38440 Filed 12-21-81; 8:45 am]

BILLING CODE [illegible]

40 CFR Part 403

[WEN-FRL-2010-3]

National Pretreament Program; Availability of Contractor's Report on Regulatory Impact Analysis

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of contractor's report.

SUMMARY: This notice announces the availability of a contractor's report to the Environmental Protection Agency (EPA) on options for possible reform of the National Pretreatment Program entitled "Assessment of the Impacts of Industrial Discharges on Publicly Owned Treatment Works." The report will be used to support a Regulatory Impact Analysis (RIA) of the program under Executive Order 12291. The report presents preliminary results of a study of the environmental, health, and interference impacts of industrial discharges of toxic and other pollutants to publicly owned treatment works (POTWs). The contractor's report also includes a comparison of several pollution control options to address these impacts.

The contractor's report has undergone limited review and comment by EPA staff and may be changed significantly after further analysis and Agency review. The report is being made available to inform the public of progress on the RIA, to solicit additional data to be included in the analysis, and to request comments on the methodology, data base, options, and preliminary results. Generally, the results of the contractor's analysis as described in the report would support a move in the direction of greater local control and responsibility for pretreatment requirements. Therefore, the Agency is focusing further analysis and feasibility reviews on options allowing increased local program flexibility and control and decreased reliance on national technology based standards.

A limited number of reports are available for public distribution free of charge. When this supply is exhausted, the report will be available for copying at EPA Headquarters and regional office libraries at a cost of $.20 per page.

DATES: Comments must be submitted on or before February 5, 1982.

ADDRESSES: Interested persons may request a copy of the draft report from: Pretreatment Section, NPDES Programs Branch, Permits Division (EN-336), U.S. Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460.

Comments and data should be submitted to: Thomas O'Farrell, Office of Water Enforcement and Permits (EN-335), U.S. Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460, (202) 755-6867.

FOR FURTHER INFORMATION CONTACT: William R. Diamond, Office of Water Enforcement and Permits (EN-336), U.S. Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460, (202) 426-4793.

SUPPLEMENTARY INFORMATION: Pursuant to Executive Order 12291, EPA's Office of Water is conducting a Regulatory Impact Analysis of the national pretreatment program. The RIA is a re-examination of the pretreatment program and regulations. The analysis is focused on the impacts of industrial discharges to POTW's in terms of water quality, interference with POTW operation, sludge contamination, worker health and safety, and air pollution. A range of pollution control options to address these impacts will be considered and analyzed.

The initial phase of the RIA involves extensive data gathering and evaluation to create a comprehensive data base. The contractor's report to EPA contains results of preliminary data analyses and comparisons of pollution control options. The report and its appendices do not constitute a complete RIA but do describe the preliminary findings, data, and methods used in the analysis to date.

The contractor's report received limited EPA staff review and may be changed substantially after public comment, detailed Agency review, and further analysis. The contractor's report contains assumptions regarding technical data and Agency policy that are subject to review by Agency

decision-makers. Parts of the report may require revisions to assure consistency with current efforts to reform or re-evaluate related programs (e.g., revision of Construction Grant Regulations; formulation of a comprehensive Agency sludge policy; review of Secondary Treatment Standard).

The Agency is making the interim report available at this time in order to inform the public of the Agency's progress on the RIA, to solicit additional information to be included in the data base, and to invite comment on the analysis methodology, data base, preliminary results, and the options discussed in the report. Anyone wishing to submit relevant technical data or other material to be considered in the analysis should do so during the 45-day comment period.

There are substantial data in the report and appendices which support the current program and a number of alternatives. EPA has not completed the analysis needed to determine the feasibility and legality of the various options. However, a Federal requirement for development of certain aspects of local pretreatment programs appears to be appropriate. Based on the Agency's limited review of the report to date, it may also be appropriate to increase municipal control and flexibility, and to reconsider the value of mandatory, national, technology-based categorical pretreatment standards. The options for the program which EPA will be considering most closely at this time are:

1. Requiring publicly owned treatment works (POTWs) to develop their own pretreatment programs, as needed based on local water quality considerations, and limiting Federal involvement to enforcement of toxic effluent limits (and related conditions) to be included in permits issued to individual POTWs;

2. Allowing POTWs complete discretion to implement categorical pretreatment requirements if they determine that a need exists and limiting Federal involvement to providing non-mandatory guidance on appropriate categorical requirements; and

3. Continuing the present pretreatment program with a provision for waiver of some or all requirements of the program where the POTW demonstrates to EPA that there is no need for the requirements.

These options are very similar to options (4), (6) and (1.b) in the contractor's report, although some variations on regulatory strategies which are not now reflected in the report will be considered for further analysis. EPA specifically invites comments on the environmental, policy, economic, implementation, and resource implications of these options.

During the comment period, the Agency may schedule meetings with groups or individuals to discuss the report and its implications. Subsequent to the comment period, EPA will determine whether administrative action, regulatory changes, or recommendations for statutory modifications should be undertaken. If regulatory changes are appropriate, a notice of proposed rulemaking will provide for public comment on specific regulatory provisions.

Dated: December 8, 1981.

Bruce R. Barrett,

Acting Assistant Administrator for Water.

[FR Doc. 81-35297 Filed 12-21-81; 8:45 am]

BILLING CODE 6560-29-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6218]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Arizona et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., National Flood Insurance Program, (202) 287-0230, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Tucson (city), Pima County	Airport Wash	Intersection of Drexel Road and Airport Wash	*2,477
			Intersection of Ginter Road and Euclid Avenue	*2,526
		Silvercroft Wash	Intersection of West Grant Road and Coyote Drive	*2,301
			25 feet downstream of the intersection of St. Marys Road and Silvercroft Wash.	*2,369
		Tucson Arroyo	Intersection of Brady Avenue and Davis Street	#2
			Intersection of East 6th Street and 9th Avenue	*2,386
			Intersection of North Cherry Avenue and 15th Street	*2,429
		Big Wash	10 feet upstream of the intersection of Mission Road and Big Wash.	*2,418
			Intersection of Placita Sallitlo and Calle Del Ray	#1
		Santa Cruz River	Intersection of West Grant Road and Santa Cruz River	*2,362
			50 feet downstream of the intersection of Silverlake Road and Santa Cruz River.	*2,386
			Intersection of Valencia Road and Santa Cruz River	*2,456
		West Branch Santa Cruz River	Intersection of AJO Way and Phoebe Avenue	#2
		Rillito Creek	2,400 feet north along North Tucson Boulevard from its intersection with East Prince Road.	*2,353
		Pantano Wash	Intersection of East 22nd Street and Pantano Wash	*2,609
		Julian Wash	Intersection of Treat Avenue (extended) and Julian Wash.	*2,646
		Tanque Verde Creek	530 feet north along Arbor Circle from its intersection with Calle Eurse. Then 180 feet north.	*2,567

Maps available for inspection at Department of Engineering, 250 West Alameda, Tucson, Arizona.

Send comments to Honorable Lewis G. Murphy, P.O. Box 27210, Tucson, Arizona 85726.

Arkansas	City of Batesville, Independence County	White River	Just upstream of U.S. Highway 167	*205
		Polk Bayou	Just upstream of Central Avenue (State Highway 69 Bus).	*270
			Just downstream of State Highway 69 Bypass	*290
		Dry Run Creek	Just upstream of State Highway 106	*278
		Miller Creek	Just downstream of State Highway 233	*278
		Unnamed Tributary to White River (Backwater from White River).	Just upstream of 20th Street	*265
		Unnamed Tributary to Miller Creek	Just upstream of Missouri Pacific Railroad	*287

Maps available for inspection at City Hall, 170 South Fourth Street, Batesville, Arkansas 72501.

Send comments to Mayor Jim Shirrell, City Hall, 170 South Fourth Street, Batesville, Arkansas 72501.

Arkansas	Unincorporated areas of Jackson County	White River	Just upstream of U.S. Highway 67	*231
			Just upstream of port entrance	*256
		Village Creek	Just upstream of Missouri Pacific Railroad	*230
			Just upstream of county road	*234
			Just upstream of Arkansas Highway 37	*241
		Maple Ditch	Just downstream of U.S. Highway 226	*243
			Just upstream of Main Street	*244
			Just upstream of U.S. Highway 67	*247
		Tuckerman Ditch	Just upstream of county road	*236
		Swan Pond Ditch	Just upstream of State Highway 37	*237
		Swan Pond Ditch Tributary	Just upstream of State Highway 37	*240

Maps available for inspection at County Judge's Office, Jackson County Courthouse, Third and Main Streets, Newport, Arkansas 72112.

Send comments to Honorable Bobby Miller, Jackson County Judge, County Courthouse, P.O. Box 641, Newport, Arkansas 72212.

Connecticut	Columbia, town, Tolland County	Hop River	Confluence with Willimantic River	*254
			Downstream of Hop River Road	*269
			Upstream of Parker Bridge Road	*283
		Willimantic River	Downstream corporate limits/Road	*252
			Confluence of Hop River	*254

Maps available for inspection at the Columbia Town Hall, Columbia, Connecticut.

Send comments to the Honorable Emile Malek, First Selectman of the Town of Columbia, Tolland County, Connecticut 06232.

Indiana	(T), New Whiteland, Johnson County	East Grassy Creek	Just upstream of 500 North Road	*784
			Just downstream of Mooreland Drive	*781
			Just downstream of U.S. Route 31 Northbound	*797

Maps available for inspection at the Town Hall, 401 Mooreland Drive, New Whiteland, Indiana.

Send comments to the Honorable Elmer D. Ford, Town Board President, Town of New Whiteland, Town Hall, 401 Mooreland Drive, New Whiteland, Indiana 46184.

Indiana	(C), Richmond, Wayne County	East Fork Whitewater River	At downstream extraterritorial limits	*844
			About 250 feet upstream of Test Road	*872
			Just downstream of dam near North 24th Street	*936
			Just downstream of Reservoir Road	*952
			Just upstream of Reservoir Road	*957
			Just downstream of Conrail (about 1,800 feet upstream of Interstate 70)	*977
			Just upstream of Conrail (about 1,800 feet upstream of Interstate 70).	*983
			At State boundary	*988
		West Fork East Fork Whitewater River.	At Mouth	*910
			About 100 feet downstream of Waterfall Road	*929
			Just upstream of Waterfall Road	*948
			Just upstream of Interstate 70	*992
			About 2,400 feet upstream of Old U.S. Route 27	*1,040
		Nolands Fork	About 520 feet downstream of Tingler Road	*1,034
			About 250 feet upstream of Tingler Road	*1,036

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Middle Fork East Fork Whitewater River.	At mouth	*919
			Just downstream of dam	*937
			Just upstream of dam	*993
			Just downstream of State Route 227	*997
		Elkhorn Creek	About 400 feet downstream of Elkhorn Falls	*1,004
			Just downstream of Elkhorn Falls	*1,005
			Just upstream of Elkhorn Falls	*1,036
			Just downstream of Niewoehner Road	*1,048
			About 0.75 mile downstream of Greenmount Road	*1,060
			At State boundary	*1,092
		Lick Creek	At downstream extraterritorial limits	*854
			Just downstream of Test Road	*890
			Just upstream of Test Road	*897
			Just downstream of U.S. Route 40	*955
			Just upstream of Crowe Road	*1,000
			Just downstream of Interstate 70	*1,020
		Clear Creek	Just downstream of U.S. Route 40	*944
			Just downstream of Indiana Avenue	*970
			About 500 feet upstream of U.S. Route 35	*1,051
		Short Creek	At mouth	*855
			Just upstream of Straight Line Pike	*919
			About 200 feet downstream of South 21st Street	*951
			Just downstream of falls near Wernle Road	*1,016
			Just upstream of Wernle Road	*1,032
			Just downstream of Hodgin Road	*1,045
		Scott Ditch	At mouth	*1,030
			Just upstream of Hodgin Road	*1,060
			About 2,300 feet upstream of Beckmeyer Road	*1,065
		South Richmond Ditch	At mouth	*857
			Just downstream of Elks Club Road	*968
			Just upstream of Elks Club Road	*974
			About 200 feet downstream of Chessie System	*984
			About 500 feet downstream of Wernle Road	*990
			Just upstream of Wernle Road	*996
			About 500 feet upstream of South L Street	*1,001

Maps available for inspection at the City Planning Office, City Hall Municipal Building, 50 North Fifth Street, Richmond, Indiana.

Send comments to Honorable Clifford Dickman, Mayor, City of Richmond, Municipal Building, 50 North Fifth Street, Richmond, Indiana 47374.

Indiana	(T), Spring Grove, Wayne County	West Fork East Fork Whitewater River.	About 450 feet downstream of Chessie System	*917
			About 130 feet downstream of Waterfall Road	*925
			Just upstream of Waterfall Road	*945
			About 600 feet upstream of Waterfall Road	*949
		East Fork Whitewater River	Within the corporate limits	*918

Maps available for inspection at 9 Waterfall Road, Richmond, Indiana.

Send comments to Honorable John Meder, Town Board President, Town of Spring Grove, 1528 Chester Boulevard, Spring Grove, Indiana 47374.

Indiana	(Unincorporated) Wayne County	East Fork Whitewater River	About 2,200 feet downstream of Potters Shop Road	*837
			About 5,200 feet upstream of Beelor Road	*844
		West Fork Whitewater River	At downstream county boundary	*853
			At confluence of Greens Fork	*880
			Just downstream of East Milton Road	*908
			Just upstream of East Milton Road	*912
			Just upstream of Delaware Street	*935
			Just upstream of U.S. Route 35	*1,052
			Just downstream of Randolph County Line Road	*1,075
		West Fork East Fork Whitewater River.	At city of Richmond upstream extraterritorial limits	*1,040
			About 6,300 feet upstream of city of Richmond upstream extraterritorial limits.	1,063
		Middle Fork East Fork Whitewater	Just upstream of State Route 227 (at city of Richmond extraterritorial limit)	*997
			Just upstream of Inke Road	*1,052
			About 450 feet upstream of State boundary	*1,116
		Elkhorn Creek	At mouth at East Fork Whitewater River	*833
			Just downstream of U.S. Route 27	*851
			Just upstream of U.S. Route 27	*857
			Just downstream of Beeson Road	*878
			Just upstream of Beeson Road	*883
			About 500 feet upstream of Fouts Road	*998
			Just downstream of Hartman Road	*1,079
		Lick Creek	At mouth at East Fork Whitewater River	*841
			About 2,500 feet upstream of Abington Pike Road	*854
		Nettle Creek	Just upstream of Hoover Road	*1,032
			Just upstream of West Dalton Road	*1,066
			About 3,100 feet upstream of Weaver Road	*1,085
		Martindale Creek	At mouth at West Fork Whitewater River	*915
			Just downstream of U.S. Route 40	*931
			Just upstream of Norfolk and Western Railway	*1,004
			About 400 feet upstream of Economy Road	*1,097
		Nolands Fork	At southern county boundary	*854
			Just upstream of Watt Road	*915
			Just upstream of Conrail	*967
			Just upstream of Conrail (near New Garden Road)	*1,062
			Just downstream of Randolph County Line Road	*1,143
		Greens Fork	At mouth at West Fork Whitewater River	*881
			Just downstream of U.S. Route 40	*941
			Just upstream of Conrail	*947

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just downstream of Davis Road	*960
			Just upstream of U.S. Route 35	*1,057
			Just downstream of Randolph County Line Road	*1,106

Maps available for inspection at the County Planning Office, 400 East Main Street, Courthouse Annex, Richmond, Indiana.

Send comments to Honorable Malvern Price, Planning Administrator, Wayne County, 400 East Main Street, Courthouse Annex, Richmond, Indiana 47374.

Iowa	(C) Hastings, Mills County	Indian Creek	About 1,000 feet downstream of county road M-16	*1,000
			About 3,600 feet upstream of county road M-16 (at corporate limits)	*1,007

Maps available for inspection at the City Clerk's Office, City Hall, Hastings Iowa.

Send comments to Honorable Arthur Goodwin, Mayor, City of Hastings, City Hall, Hastings, Iowa 51540.

Kentucky	City of Grayson, Carter County	Damron Branch	Just upstream Walnut Drive	*600
		Little Sandy River	Just downstream of U.S. Highway 60 (Main Street)	*586
			Just upstream of Old State Highway 7	*589
		Town Branch	Just upstream of Old State Highway 7 (Hord Street)	*596
			Just upstream of Willow Street	*604
		Upper Stinson Creek	Just downstream of U.S. Highway 60	*568

Maps available for inspection at City Hall, 302 East Main Street, Grayson, Kentucky 41143.

Send comments to Mayor Robert Howland or Martha LeMaster, City Clerk, City Hall 302 East Main Street, Grayson, Kentucky 41143.

Kentucky	City of Oliver Hill, Carter County	Tygarts Creek	Approximately 200 feet downstream of the Chessie System.	*757
			Just downstream of State Highway 966 (cross street)	*760
			Approximately 100 feet upstream of the confluence of Perry Branch.	*764
		Mill Branch	Just downstream of walk bridge	*770
		Henderson Branch	Approximately 100 feet upstream of State Highway 2	*771
			Just downstream of the Henderson Branch Road Access.	*798

Maps available for inspection at City Clerk's Office, City Hall, Railroad Street, Olive Hill, Kentucky 41164.

Send comments to Mayor Leonard Logan or Mr. Terry Thompson, City Clerk, City Hall, P.O. Box 460, Olive Hill, Kentucky 41164.

Massachusetts	Bellingham, town, Norfolk County	Charles River	Downstream corporate limits	*184
			Approximately 2,320 feet upstream of Canyville Dam	*192
			Upstream of Maple Street	*200
			Downstream of Interstate 495 Southbound	*207
			Downstream of High Street	*209
			Approximately 3,280 feet downstream of North Main Street downstream of Depot Street.	*213
			Approximately 5,080 feet upstream of Depot Street	*224
			Upstream of Hartford Avenue	*239
			Upstream corporate limits	*239
		Peters River	Downstream corporate limits	*187
			Downstream of Wrentham Road	*187
			Upstream of Pulaski Street	*197
			Downstream of Park Street	*200
			Approximately 3,830 feet upstream of Cross Street	*213
		Beaver Brook	Confluence with Charles River	*221
			Upstream of Beaver Pond Dam	*238
		Arnolds Brook	Confluence with Peters River	*191
			Approximately 455 feet upstream of Lizotte Drive	*203
		Bungay Brook	Confluence with Peters River	*191
			Approximately 1,318 feet upstream of Wrentham Road (3rd crossing)	*204
		Hopping Brook	Confluence with Charles River	*184
			Upstream corporate limits	*189

Maps available for inspection at the Town of Bellingham, Planning Board, 1 Mechanic Street, Bellingham, Massachusetts.

Send comments to the Honorable James McElory, Chairman of the Town of Bellingham Board of Selectmen, 1 Mechanic Street, Bellingham, Massachusetts 02019.

Massachusetts	Hanover, town, Plymouth County	Indian Head River	Confluence of North River	*18
			DAM (upstream side)	*26
			Cross Street (upstream side)	*34
			Winter Street (upstream side)	*45
			Factory Dam (downstream side)	*45
		Drinkwater River	Confluence with Indian Head River	*52
			Confluence of Drinkwater River Tributary	*53
			Access Road (upstream side)	*64
			Confluence of French Stream	*69
			King Street (upstream side)	*70
			Cedar Street (upstream side)	*69
			Confluence of Longwater Brook	*61
		Drinkwater River Tributary	Confluence of Drinkwater River	*53
			Inlet of culvert for Industrial Way	*61
			Confluence with Drinkwater River	*69
		French Stream	Confluence with Drinkwater River	*69
			Corporate Limits	*71
		Longwater Brook	Confluence with Drinkwater River	*61
			Footbridge (downstream side)	*64
			DAM (downstream side)	*64

Maps available for inspection at the Office of the Planning Department, Hanover Town Hall, Hanover, Massachusetts.

Send comments to the Honorable Don Deluca, Chairman of the Town of Hanover Board of Selectmen, Town Hall, Hanover, Massachusetts 02339.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Massachusetts	Harvard, town, Worcester County	Nashua River	Downstream corporate limits	*222
			Jackson Road (upstream)	*226
			Upstream corporate limits	*229
		Bowers Brook	Downstream corporate limits	*228
			Dam (upstream) located approximately 200 feet upstream of Old Mill Road.	*236
			Downstream crossing of Ayer Road (upstream)	*251
			Croft Lane (upstream)	*266
			Upstream crossing of Ayer Road (upstream)	*281
			Harvard Depot Road (upstream)	*326
			Approximately 1,120 feet upstream of Still River Road	*340
			Taharito Trail (upstream)	*367
			Woodside Road	*374
		Cold Spring Brook	Confluence with Bowers Brook	*229
			Approximately 690 feet upstream of upstream crossing of Patton Road.	*240
		Elizabeth Brook	Approximately 1,950 feet downstream of Eldridge Road.	*238
			Eldridge Road (upstream)	*243
			Approximately 120 feet downstream of Northbound Interstate Route 495.	*244
			Approximately 520 feet upstream of Southbound Interstate Route 495.	*252
			Approximately 330 feet downstream of Sherry Road (at corporate limits).	*290
			Sherry Road (downstream)	*317
			Approximately 1,010 feet upstream of Sherry Road	*340
		Tributary to Elizabeth Brook	Confluence with Elizabeth Brook	*250
			Upstream crossing of Stow Road	
		Bennetts Brook	Downstream corporate limits	*266
			Shaker Road (upstream)	*270

Maps available for inspection at the Harvard Planning Board, Town Hall, Woodside Road, Harvard, Massachusetts.

Send comments to the Honorable Peter Coch, Chairman of the Harvard Board of Selectmen, Town Hall, Woodside Road, Harvard, Massachusetts 01451.

Massachusetts	Haverhill, city, Essex County	Merrimack River	Downstream corporate limits	*16
			Confluence of Millvale	*19
			Upstream of Groveland Street	*21
			Upstream of Bridge Street	*25
			Upstream of Interstate Route 495 (southbound)	*26
			Upstream of corporate limits	*31
		Little River	Confluence with Merrimack	*25
			Downstream Boston & Maine	*26
			Upstream Interstate Route 495 (southbound)	*29
			Upstream Rosemont Street	*36
			Upstream corporate limits	*39
		Creek Brook	Confluence with Merrimack River	*27
			Upstream of access road approximately 50' upstream of Broadway	*41
			Approximately 3,300' upstream of Broadway	*70
			Approximately 950' downstream of Lake Street	*115
			Crystal Lake Spillway	*153
		Millvale Reservoir Brook	Confluence with Merrimack River	*19
			Millvale reservoir spillway	*45
		Haverhill Riverside Airport Brook	Confluence with Merrimack River	*20
			Upstream of East Broadway	*20
			Upstream Kenoza Street	*52

Maps available for inspection at the City Engineer's Office, Haverhill City Hall, 4 Summer Street, Room 214, Haverhill, Massachusetts.

Send comments to the Honorable Thomas Vathally, Mayor of the City of Haverhill, City Hall, 4 Summer Street, Haverhill, Massachusetts 01850.

Michigan	(C), Frankenmuth, Saginaw County	Cass River	About 2,700 feet downstream of dam	*607
			About 1.1 mile upstream of South Main Street	*612

Maps available for inspection at the City Hall, 240 West Genesee Street, Frankenmuth, Michigan.

Send comments to the Honorable Richard Krafft, Jr., Mayor, City of Frankenmuth, City Hall, 240 West Genesee Street, Frankenmuth, Michigan 48734.

Michigan	(C), Mount Pleasant, Isabella County	Chippewa River	About 0.92 mile downstream of Pickard Avenue	*744
			Just upstream of Ann Arbor Railroad	*758
			Just upstream of High Street	*760
			About 0.85 mile upstream of High Street	*765

Maps available for inspection at the City Hall, 120 South University Avenue, Mount Pleasant, Michigan.

Send comments to the Honorable Gary Knight, Mayor, Mayor City of Mount Pleasant, City Hall, 120 South University Avenue, Mount Pleasant, Michigan 48858.

Minnesota	(C), Argyle, Marshall County	Middle River	About 3,600 feet downstream of Pacific Avenue (at western corporate limits).	*841
			About 9,800 feet upstream of County Highway 4 (at eastern corporate limits).	*851

Maps available for inspection at the City Hall, Argyle, Minnesota.

Send comments to the Honorable Willard Johnson, Mayor, City of Argyle, City Hall, Argyle, Minnesota 56713.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Minnesota	(C), St. Vincent, Kittson County	Red River of the North	About 4,400 feet downstream of State Highway 171 (at northern corporate limits).	*793
			About 3,800 feet upstream of State Highway 171 (at southern corporate limits).	*794

Maps available for inspection at the City Hall, St. Vincent, Minnesota.

Send comments to the Honorable Frances Ness, Mayor, City of St. Vincent, City Hall, St. Vincent, Minnesota 56755.

Minnesota	(C), Stewartville, Olmsted County	North Branch Root River	About 700 feet downstream of Chicago and North Western Railroad (abandoned).	*1,185
			About 100 feet downstream of Stewartville Dam	*1,193
			Just upstream of Stewartville Dam	*1,200
			At 6th Street Southwest	*1,202

Maps available for inspection at the City Hall, 417 South Main, Stewartville, Minnesota.

Send comments to Honorable Harold Johnston, Mayor, City of Stewartville, City Hall, 417 South Main, Stewartville, Minnesota 55976.

Minnesota	(C), Worthington, Nobles County	County Ditch No. 12	About 3,500 feet downstream of U.S. Highway 59	*1,561
			Just downstream of U.S. Highway 59	*1,566
			Just upstream of U.S. Highway 59	*1,568
			Just downstream of Interstate 90	*1,569
			Just upstream of Interstate 90	*1,572
			Just downstream of Diversion with Whiskey Ditch	*1,578
		Whiskey Ditch	At confluence with Okabena Lake	*1,579
			Just downstream of Oxford Street	*1,584
			Just upstream of Oxford Street	*1,586
		Okabena Creek	At diversion with County Ditch No. 12	*1,586
			Just downstream of Interstate 90	*1,590
		County Ditch No. 6	About 1,250 feet downstream of U.S. Highway 59	*1,570
			Just upstream of Sherwood Street	*1,574
		West Inlet Creek	At confluence with Okabena Lake	*1,579
			Just downstream of County Highway 10	*1,582
			Just upstream of County Highway 10	*1,585
			Just downstream of Fox Farm Road	*1,595

Maps available for inspection at the city Hall, Worthington, Minnesota.

Send comments to Honorable Harlin Owens, Mayor, City of Worthington, City Hall, Worthington, Minnesota 56187.

Missouri	(V), Hartsburg, Boone County	Missouri River	Within corporate limits	*566

Maps available for inspection at the Post Office, Hartsburg, Missouri.

Send comments to Honorable Floyd Steelman, Mayor, Village of Hartsburg, City Hall, Hartsburg, Missouri 65039.

Missouri	(C), Henrietta, Ray County	Missouri River	About 2,100 feet east of the intersection of Main Street and Third Street.	*703
			About 1,900 feet west of the intersection of Elm Street and Seventh Street.	*704

Maps available for inspection at the City Hall, P.O. Box 175, Henrietta, Missouri.

Send comments to Honorable Kenneth Abbott, Mayor, City of Henrietta, City Hall, P.O. Box 175, Henrietta, Missouri 64036.

Nebraska	(Unincorporated), Cass County	Platte River	About 1,000 feet upstream of the confluence with Missouri River.	*955
			Just upstream of Burlington Northern and Missouri-Pacific Railroad.	*972
			About 5,000 feet downstream of State Highway 50	*1,019
			About 11,800 feet downstream of Chicago, Rock Island and Pacific Railroad.	*1,028
			About 1,400 feet upstream of Chicago, Rock Island and Pacific Railroad.	*1,039
			About 4,500 feet upstream of Chicago, Rock Island and Pacific Railroad.	*1,041
			Just upstream of Interstate 80	*1,056
			About 1,700 feet upstream of upstream county boundary.	*1,060
		Missouri River	About 1.8 miles downstream of downstream county boundary.	*[illegible]
			Just downstream of city of Plattsmouth extraterritorial limits.	*958

Maps available for inspection at the Zoning Administrator's Office, Cass County Courthouse, Plattsmouth, Nebraska.

Send comments to Honorable Roger R. Wehrbein, chairman of the County Board of Commissioners, Cass County, Cass County Courthouse, Plattsmouth, Nebraska 68048.

Nebraska	(V), Homer, Dakota County	Omaha Creek	Just upstream of county road (near downstream extra-territorial limits).	*1,092
			Just downstream of Burlington Northern Railroad	*1,107
			About 1.55 miles upstream of John Street (near upstream extraterritorial limits).	*1,122
		Omaha Creek Old Channel	About 3,100 feet downstream of divergency with Omaha Creek.	*1,100
			At divergency with Omaha Creek	*1,106

Maps available for inspection at the City Hall, Homer, Nebraska.

Send comments to Honorable Ron Flaugh, Chairman of the Village Board of Trustees, Village of Homer, City Hall, Homer, Nebraska 68030.

Nevada	Clark County (unincorporated areas)	Las Vegas Wash	Confluence with Duck Creek	*1,568
			Desert Inn Road over the channel	*1,1690
			Intersection of Bentley Avenue and Angle Street	*1,720
			Intersection of Arlington Street and Utah Avenue	*1,735
			Intersection of Carey Avenue and Pecos Road	*1,831
			Intersection of Lamb Boulevard and Owens Avenue	#1
			Intersection of Cecile Avenue and Pecos Road	#1
		Las Vegas Range Wash	Confluence with Las Vegas Wash	*1,697

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Intersection of Mabel Road and Madge Road	*1,732
			Intersection of Linn Lane and Lake Mead Boulevard	*1,786
			Upstream side of Interstate Highways 91 and 93 over the channel	*1,854
		Flamingo Wash	Craig Road over the channel	*1,870
			Intersection of Greentree Avenue and Everglade Street	*1,710
			Intersection of Vegas Valley Drive and Mountain Vista Street	*1,740
			Upstream side of Lamb Boulevard over the channel	*1,778
		Tropicana Wash	Upstream side of Flamingo Road over the channel	*2,022
			Upstream side of Cameron Street over the channel	*2,243
			Russel Road over the channel	*2,286
		Tropicana Wash Tributary	Upstream side of Valley View Boulevard over the channel.	*2,213
		Muddy River	Confluence with Overton Wash	*1,245
			Intersection of Ingram Street and Anderson Avenue	*1,265
			Intersection of State Highway 12 and channel (near Whipple Lane).	*1,355
			Downstream side of Interstate Highway 15/U.S. Highway 91 over the channel.	*1,518
			Westernmost intersection of Warm Springs Road and the channel.	*1,626
		Meadow Valley Wash	Confluence with Muddy River	*1,519
		Virgin River	Confluence with Bunkerville Wash	*1,510
			Confluence with Pulsipher Wash	*1,539
			Upstream side of Bunkerville Bridge over the channel	*1,553
			Confluence with Town Wash	*1,572
		Pulsipher Wash	Interstate Highway 15 culvert inlet	*1,586
		Abbott Wash	Upstream side of U.S. Highway 91 over the channel	*1,599
			Interstate Highway 15 culvert inlet	*1,623
		Town Wash	1st South Street over the channel	*1,589
		Goodsprings Valley Wash	Unnamed Road (intersecting north end of Rivera Street) over the channel.	*1,648
		Bunkerville Wash	Intersection of 1st West Street and Virgin Street	#1
		Blue Diamond Wash	Blue Diamond Road over the channel	*3,231
			Castaka Street over the channel	*3,371
		Wash A	Downstream side of Blue Diamond Road over the channel.	*3,250
		Wash B	Confluence with Blue Diamond Wash	*3,336
		Jean Wash	Gravel Road (State Highway 53—extended) over the channel.	*2,036
		Searchlight Washes	Approximately 500 feet east of the intersection of Montana Street and Cottonwood Cove.	#1
			Approximately 1,600 feet west along Hobson Street from its intersection with U.S. Highway 95.	#1

Maps available for inspection at Department of Public Works, Flood Control & Development, 401 South 4th Street, Las Vegas, Nevada.

Send comments to the Honorable Emanuel Cortez, Bridger Building, Las Vegas, Nevada 89101.

New Hampshire	Rochester, city, Strafford County	Salmon Falls River	Approximately 900 feet, downstream of corporate limits.	*160
			Downstream corporate limits	*163
			Upstream Walnut Grove Road	*186
			Upstream U.S. Route 202	*206
			Upstream Flat Rock Bridge Road	*221
			Downstream Spaulding Avenue	*228
			Upstream corporate limits	*248
		Cocheco River	Downstream corporate limits	*124
			Upstream England Road	*127
			Upstream Dam (1st crossing)	*161
			Upstream Spaulding Turnpike (1st crossing)	*164
			Upstream State Route 125	*185
			Upstream Bridge Street	*219
			Downstream Spaulding Turnpike (2nd crossing)	*226
			Upstream Little Falls Bridge Road	*233
			Upstream corporate limits (3rd crossing)	*236

Maps available for inspection at the Planning Office, Rochester City Hall, Rochester, New Hampshire.

Send comments to the Honorable Richard Green, Mayor of the City of Rochester, City Hall, Rochester, New Hampshire 03867.

New Hampshire	Somersworth, city Strafford County	Salmon Falls River	Downstream corporate limits	*70
			Upstream of Buffumsville Road	*77
			Upstream of most downstream dam	*109
			Upstream of second most downstream dam	*124
			Upstream of Berwick Bridge	*176
			Upstream of Salmon Falls Road	*178
			Upstream corporate limits	*183

Maps available for inspection at the Somersworth Municipal Building, City Planner's Office, 157 Main Street, Somersworth, New Hampshire.

Send comments to the Honorable George M. Bald, Mayor of the City of Somersworth, Municipal Building, 157 Main Street, Somersworth, New Hampshire 13879.

New Jersey	Edison (township), Middlesex County	Atlantic Ocean (Raritan River)	Intersection of Raritan River and center of Interstate 95.	*12
		Mill Brook at Nixon	Intersection of Mill Brook and center of Phillo Boulevard.	*60
		Tributary 1	Intersection of Tributary 1 and center of U.S. Highway 1.	*72
		Mill Brook	Intersection of Mill Brook and center of Campbell Avenue.	*71
		Boundary Branch of Mill Brook	30 feet upstream from center of Highland Avenue	*66
		South Branch Rahway River	100 feet upstream from center of Evergreen Road	*44
		Coopermine Brook	Intersection of Coopermine Brook and center of Martin Avenue.	*94
		Robinsons Branch	80 feet upstream from center of Conrail	*81

Maps available for inspection at Engineer's Office, 100 Municipal Boulevard, Edison, New Jersey.

Send comments to the Honorable Anthony M. Yelencsics, 100 Municipal Boulevard, Edison, New Jersey 08817.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New Jersey	Glassboro, borough, Gloucester County	Mantua Creek	Downstream corporate limits	*67
			Upstream Green Tree Road	*95
			Upstream Fish Pond Road	*111

Maps available for inspection at the Municipal Building, Main and High Streets, Glassboro, New Jersey.

Send comments to the Honorable William L. Dalton, Mayor of Glassboro, Municipal Building, Main and High Streets, Glassboro, New Jersey 08028.

New Jersey	National Park, borough, Gloucester County	Delaware River	Entire shoreline within community	*10
		Woodbury Creek	Entire shoreline within community	*10

Maps available for inspection at the Municipal Building, 7 South Grove Avenue, National Park, New Jersey.

Send comments to the Honorable Francis A. Witt, Mayor of National Park, Municipal Building, 7 South Grove Avenue, National Park, New Jersey 08063.

New Jersey	Paulsboro, borough, Gloucester County	Mantua Creek	Entire shoreline within community	*10
		Delaware River	Entire shoreline within community	*10

Maps available for inspection at the Municipal Building, 1211 Delaware Street, Paulsboro, New Jersey.

Send comments to the Honorable John D. Burzichelli, Mayor of Paulsboro, Municipal Building, 1211 Delaware Street, Paulsboro, New Jersey 08066.

New Jersey	Washington, township, Warren County	Musconetcong River	Downstream corporate limits	*334
			State Route 31 (downstream side)	*344
			New Hampton Road (downstream side)	*356
			Changewater Road (downstream side)	*370
			Upstream corporate limits	*393
		Pohatcong Creek	Downstream corporate limits	*370
			Mill Pond Road (downstream side)	*380
			Kinnaman Avenue (downstream side)	*393
			Approximately 80 feet upstream of Plane Hill Road just upstream of dam	*423
			Mine Hill Road (downstream side)	*422
			Conrail (upstream side)	*453
			Upstream corporate limits	*472
		Shabbecong Creek	Confluence with Pohatcong Creek	*386
			Upstream corporate limits	*388

Maps available for inspection at the Washington Township Municipal Building, Washington, New Jersey.

Send comments to the Honorable Kenneth C. Miller, Mayor of Washington Township, R.D. 1, Box 322B, Washington, New Jersey 07882.

New Jersey	Woolwich, township, Gloucester County	Raccoon Creek	Downstream corporate limits	*9
			Locke Avenue (upstream side)	*9
			Kings Highway (upstream side)	*10

Maps available for inspection at the Municipal Building, Woodstown Road, Swedesboro, New Jersey.

Send comments to the Honorable Albert Strecher, Jr., Mayor of Woolwich Township, Municipal Building, Woodstown Road, Swedesboro, New Jersey 08085.

New York	Brightwaters, village, Suffolk County	Great Bay South	Entire shoreline within community	*6

Maps available for inspection at the Village Hall, 40 Seneca Drive, Brightwaters, New York.

Send comments to the Honorable Gregory Gibson, Mayor of Brightwaters, Village Hall, 40 Seneca Drive, Brightwaters, New York 11718.

New York	Cobleskill, village, Schoharie County	Cobleskill Creek	Downstream corporate limits	*890
			Confluence of Mill Creek	*900
			Upstream corporate limits	*919
		Mill Creek	Confluence with Cobleskill Creek	*900
			Upstream of West Main Street	*925
			Upstream of North Grand Street	*947
			Upstream of Quarry Road	*1,014
			Approximately 2,700' upstream of Quarry Road	*1,064

Maps available for inspection at the Village Office, Main Street, Cobleskill, New York.

Send comments to Honorable Leon Wilson, Mayor of the Village of Cobleskill, Village Office, Main Street, Cobleskill, New York 12043.

New York	Fayetteville, village, Onondaga County	Bishop Brook	Downstream corporate limits	*428
			Upstream North Manlius Street	*449
			Downstream Cashin Drive	*497
			Upstream Cashin Drive	*512
			Downstream East Genesee Street	*541
			Upstream East Genesee Street	*545
			Downstream Pine Ridge Road	*558
			Downstream Old Powder Mill road	*579
			Approximately 60' Downstream Salt Spring Road	*602
			Downstream Salt Spring Road	*605
		Limestone Creek	Downstream corporate limits	*436
			Downstream Genesee Street	*439
			Upstream Genesee Street	*444
			Upstream corporate limits	*457

Maps available for inspection at the Village Hall, 425 East Genesee Street, Fayetteville, New York.

Send comments to Honorable James H. Lannon, Mayor of Fayetteville, 425 East Genesee Street, Fayetteville, New York 13066.

New York	Middleburgh, town, Schoharie County	Schoharie Creek	Downstream corporate limits	*615
			confluence of Line Creek	*615
		Line Creek	Confluence with Schoharie Creek	*643
			Upstream of State Route 30	*663
			Approximately 2,600' upstream of State Route 30	*742

Maps available for inspection at the Municipal Building, Middleburgh, New York.

Send comments to Honorable Leland Lacy, Jr., Supervisor of Middleburgh, Municipal Building, Middleburgh, New York 12122.

New York	Minoa, village, Onondaga County	Limestone Creek	Downstream corporate limits	*409
			Conrail (upstream)	*414
			Costello Parkway (upstream)	*416

Maps available for inspection at the Village Hall, 238 North Main Street, Minoa, New York.

Send comments to Honorable Donald Crawford, Mayor of Minoa, Village Hall, 238 North Main Street, Minoa, New York 13116.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Pulaski, village; Oswego County	Salmon River	Downstream corporate limits	*303
			Approximately 4,000' upstream of corporate limits	*328
			Upstream of South Jefferson Street	*342
			Confluence of Spring Brook	*361
			Upstream of northbound Interstate 81	[illegible]
			Approximately 1,400' upstream of northbound Interstate 81.	*391
		Spring Brook	Confluence with Salmon River	[illegible]
			Upstream of Maple Avenue (3rd crossing)	*381
			Upstream of confluence with Spring Brook Reservoir	[illegible]

Maps available for inspection at the Office of the Village Clerk, Pulaski, New York.

Send comments to Honorable Fred Carpenter, Mayor of Pulaski, 7633 Jefferson Street, Pulaski, New York 13142.

Ohio	(V) Bremen, Fairfield County	Rush Creek	About 3,800 feet downstream of Marietta Road	[illegible]
			About 920 feet upstream of confluence of Little Rush Creek.	*797
		Little Rush Creek	At confluence with Rush Creek	*796
			About 4,800 feet upstream of Conrail	*805

Maps available for inspection at the Mayor's Office, Town Hall, 132 Mulberry Street, Bremen, Ohio.

Send comments to Honorable Joseph Hoover, Mayor, Village of Bremen, Town Hall, 132 Mulberry Street, Bremen, Ohio 43107.ge p22005.011

Ohio	(V) Covington, Miami County	[illegible] River	About 0.46 mile downstream of Gettsburg Road	[illegible]
			About 0.15 mile downstream of confluence of Covington tributary.	*888
			About 0.48 mile upstream of Conrail	*895
		Covington tributary	About 0.0 mile downstream of Main Street	*891
			Just downstream of Main Street	*895
			Just upstream of Main Street	*898
			About 0.02 mile downstream of Broadway	[illegible]
			Just upstream of Broadway	[illegible]
			Just downstream of Conrail	*915
			Just downstream of Fountain Street	*923

Maps available for inspection at the Building Department, Town Hall, 1 South High Street, Covington, Ohio.

Send comments to Honorable Donald E. Garman, Mayor, Village of Covington, Town Hall, 1 South High Street, Covington, Ohio 45318.

Ohio	(V) Junction City, Perry County	Rush Creek	About 200 feet downstream of Conrail	*821
			About 2,150 feet upstream of State Route 668	[illegible]
			About 5,500 feet upstream of State Route 68	*830
		Tributary F	Within the corporate limits	*820

Maps available for inspection at the Clerk's Office, Town Hall, Front Street, Junction City, Ohio.

Send comments to Honorable Dick L. Folk, Mayor, Village of Junction City, Town Hall, Front Street, Junction City, Ohio 43748.

Ohio	(V) Kirkersville,	South fork Licking River	About 2,750 feet downstream of Fifth Street	[illegible]
			About 425 feet upstream of Fifth Street	*926

Maps available for inspection at the Mayor's Office, Town Hall, 120 North Fourth Street, Kirkersville, Ohio.

Send comments to Honorable Charles Watson, Mayor, Village of Kirkersville, Town Hall, 120 North Fourth Street, Kirkersville, Ohio 43033.

Ohio	(V) New Lexington, Perry County	Rush Creek	At downstream corporate limit	*875
			About 1,050 feet upstream of Brooks Street	*869

Maps available for inspection at the City Administrator's Office, Town Hall, 125 South Main Street, New Lexington, Ohio

Send comments to Honorable Delmer M. Denison, Mayor, Village of New Lexington, Town Hall, 125 South Main Street, New Lexington, Ohio 43764.

Ohio	(V) North Baltimore, Wood County	Rocky Ford Creek	Just upstream of Eagleville Road	*720
			Just downstream of Ridge Avenue	*725
		Rocky Ford tributary	Within the community	*726

Maps available for inspection at the Town Hall, 207 North Main Street, North Baltimore, Ohio.

Send comments to Honorable Marcus A. Hanna, Mayor, Village of North Baltimore, Town Hall, 207 North Main Street, North Baltimore, Ohio 45872.

Ohio	(Uninc.) Shelby County	Great Miami River	At downstream county boundary	[illegible]
			Just downstream of Van Demark Road	*914
			Just downstream of Sulphur Heights Hill	[illegible]
			Just upstream of State Route 47	*949
			Just upstream of Johnston-Slagle Road	*959
			Just downstream of Tawawa Maplewood Road	*970
			At upstream county boundary	*973
		Hulls Creek	At mouth	*968
			Just downstream of Chessie System	*986
			Just upstream of Chessie System	*990
			Just downstream of Amsterdam Road	*1,006
		Leatherwood Creek	At mouth	*1,026
			Just upstream of Deam Road	*1,050
			Just downstream of Middletown-Hume Road	*1,063
		Loramie Creek	At downstream county boundry	[illegible]
			Just downstream of Lockington Dam	[illegible]
			About 0.9 mile downstream of Rangeline Road	*933
			Just downstream of State Route 362	*951
			Just upstream of State Route 362	*959
			Just downstream of State Route 29	*962
			Just downstream of Wenger Road	*972
			About 0.83 mile upstream of Interstate 75	*984
		Minster tributary	At mouth	*949
			At upstream county boundary	*949
		Plum Creek	At mouth	*950
			Just upstream of Sidney-Fryeburg Road	*981
			Just upstream of Thompson-Schiff Road	[illegible]
			Just downstream of Fort Loramie-Swanders Road	*1,007
		[illegible] Creek	At mouth	*994

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 500 feet downstream of Fort Loramie-Swanders Road.	*999
		Tawawa Creek	At city of Sidney corporate limits	*999
			Just upstream of State Route 29	*998
			At confluence of Leatherwood Creek	*1,026
		Turtle Creek	Just upstream of Smalley Road	*933
			Just downstream of Russell Road	*956
			About 260 feet upstream of Mason Road	*975
			Just upstream of Fort Loramie-Swanders Road	*999
			About 0.5 mile upstream of Wenger Road	*1,011

Maps available for inspection at the Regional Planning Commission, Shelby County Courthouse, Sidney, Ohio.

Send comments to Honorable Bernard Aaglage, President of the County Board, Shelby County, Shelby County Courthouse, Sidney, Ohio 45365.

Ohio	(V) Sugar Grove, Fairfield County	Hocking River	About 450 feet downstream of confluence with Rush Creek.	*768
			About 3,650 feet upstream of Chessie System	*772
		Rush Creek	At mouth at Hocking River	*768
			At upstream corporate limits	*772

Maps available for inspection at the Mayor's Office, Town Hall, South Main Street, Sugar Grove, Ohio.

Send comments to Honorable Betty Grove, Mayor, Village of Sugar Grove, Town Hall, South Main Street, Sugar Grove, Ohio 43155.

Oklahoma	Unincorporated areas of Tulsa County	Arkansas River	Just upstream of 161st East Avenue extended	*587
			Just downstream of 145th East Avenue extended	*590
			Just upstream of 131st Street extended	*607
			Just upstream of 96th Street (Jenks Bridge)	*615
		Bird Creek	Just downstream of Mingo Valley Expressway	*589
			Just upstream of 86th Street	*610
			Approximately 600 feet upstream of 106th Street	*616
			Just upstream of 136th Street	*628
			Just upstream of 156th Street North extended	*638
		Caney River	Just upstream of U.S. Highway 169	*589
		East Creek	Just downstream of 136th Street	*630
			Just downstream of 146th Street	*606
		Horsepen Creek	Just upstream of 129th East Avenue	*623
			Approximately 400 feet downstream of Memorial Drive	*630
			Approximately 400 feet downstream of 156th Street	*637
		Blackjack Creek	Just downstream of 146th Street	*609
			Just upstream of 136th Street	*626
			Just downstream of 129th Street	*662
		Blackjack Creek tributary A	Just downstream of Atchison Topeka and Santa Fe Railway.	*623
		Cherry Creek (North Tulsa)	Just upstream of 156th Street	*619
			Just downstream of 146th Street	*644
			Just upstream of 136th Street	*661
		Elm Creek	Just upstream of 129th Avenue East	*591
			Just upstream of 26th Street North	*619
		Bird Creek tributary 5A	Just upstream of 76th Street North	*591
		Ranch Creek	Just upstream of 86th Street North	*594
			Just upstream of 106th Street North	*626
			Just downstream of 116th Street	*625
		Ranch Creek tributary A	Just upstream of the Atchison Topeka and Santa Fe Railway.	*597
			Just upstream of 86th Street North	*607
		Ranch Creek tributary B	Just upstream of the Atchison, Topeka and Santa Fe Railway.	*611
			At Mingo Road	*633
		Bird Creek tributary 5B	Just upstream of 76th Street North	*626
			Just upstream of 86th Street North	*626
		Charley Creek	Just upstream of U.S. Highway 75	*634
		Panther Creek	Just downstream of 116th Street	*627
		Delaware Creek	Just upstream of Texas and Pacific Railroad	*613
			Just upstream of Cincinnati Avenue	*619
		Delaware Creek tributary	Just downstream of Trenton Avenue	*616
		Hominy Creek	Just upstream of Cincinnati Avenue	*619
		Coal Creek	Just upstream of Yale Avenue	*653
			Just downstream of Dawson Road	*656
			Just upstream of St. Louis and San Francisco Railroad	*656
		Flat Rock Creek	Just upstream of Cincinnati Avenue	*639
		Mingo Creek	Approximately 800 feet downstream of 56th Street North.	*680
		Berryhill Creek	Approximately 200 feet upstream of 21st Street	*646
			Just upstream of 65th West Avenue	*667
		Berryhill tributary	Just upstream of 31st Street	*670
		Black Boy Creek	Just upstream of Keystone Expressway (U.S. Highway 64).	*656
			Just upstream of Cameron Road	*667
		Black Boy Creek tributary	Just upstream of Keystone Expressway (U.S. Highway 64).	*667
		Harlow Creek	Just upstream of 65th West Avenue	*659
		Harlow Creek tributary	Just upstream of Keystone Expressway (U.S. Highway 64).	*661
		Prattville Creek	Just upstream of 21st Street	*656
		Fisher Creek	Just upstream of 137th West Avenue	*656
			Approximately 200 feet upstream of 21st Street	*682
		Anderson Creek	Just upstream of 41st Street	*701
			Just upstream of 56th Street	*735
		Arkansas River tributary (at Sand Springs).	4th Street	*676
			Just downstream of 6th Street	*692
		Euchee Creek	Just upstream of Keystone Expressway (U.S. Highway 64).	*692
			Just upstream of Willow Street	*679
		Shell Creek	Just upstream of Keystone Expressway	*686
		Sand Creek	Just upstream of the Keystone Expressway (U.S. Highway 64).	*692

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Little Sand Creek	Just upstream of the Keystone Expressway (U.S. Highway 64).	*705
		Posey Creek	Just upstream of Yale Avenue	*[illegible]
			Just upstream of South Harvard Avenue	*[illegible]
			Just upstream of South Lewis Avenue	*[illegible]
		Posey Creek tributary	Just upstream of South Harvard Avenue	*[illegible]
		Polecat Creek	Just upstream of Elwood Avenue	*[illegible]
			Just upstream of U.S. Highway 75	*[illegible]
		Coal Creek (West Tulsa)	Just upstream of Elwood Avenue	*626
			Just upstream of 111th Street	*628
			Just downstream of 121st Street	*644
			Just upstream of 151st Street	*704
		Coal Creek tributary B	Just downstream of 131st Street	*697
		Nickel Creek	Just downstream of 91st Street	*633
		Mooser Creek	Just upstream of 37th West Avenue	*708
		Cherry Creek (West Tulsa)	Just upstream of I-244 (U.S. Highways 66 and 75)	*[illegible]
		Broken Arrow Creek	Just upstream of 131st Street	*633
			Just upstream of 121st Street	*612
			Just downstream of 91st Street	*[illegible]
			Just downstream of 61st Street	*[illegible]
		West Branch Broken Arrow Creek	Just downstream of 121st Street	*616
			Just downstream of 111th Street	*642
		Haikey Creek	Just upstream of 129th East Avenue (Olive Avenue)	*[illegible]
			Just downstream of 131st Street (Jasper Street)	*[illegible]
			Just upstream of 121st Street	*621
			Just downstream of 111th Street	*[illegible]
		White Chruch Creek	Approximately 600 feet downstream of 101st Street	*[illegible]
			Just downstream of 120th East Avenue (Olive Avenue)	*641
			Just upstream of 121st Street	*[illegible]
		Fry ditch No. 1	Just upstream of 111st Street	*[illegible]
		Fry ditch No. 2 (shallow overland flooding No. 4).	Just upstream of downstream crossing of Mingo Road	*602
		Little Haikey Creek	Just downstream of Mingo Road	*[illegible]
			Just Upstream of Memorial Drive	*[illegible]
		East branch Haikey Creek	Just downstream of 129th East Avenue	*650
		Shallow overland flooding area No. 7.	At 151st Street	*[illegible]
		Shallow overland flooding area No. II.	At Northeast of Missouri Pacific Railroad	*600
		Snake Creek	Just downstream of Mingo Road	*606
		Snake Creek tributary	Just downstream of U.S. Highway 64 (Memorial Drive)	*[illegible]
		Duck Creek	Just downstream of Peoria Avenue	*[illegible]
			Just upstream of Okmulgee Expressway (U.S. Highway 75).	*669
		North Duck Creek	Just upstream of Okmulgee Expressway (U.S. Highway 75).	*672
		Arkansas River tributary (at Bixby)	Just upstream of Missouri Pacific Railroad	*600

Maps available for inspection at Tulsa County Courthouse, 500 South Denver Street, Tulsa, Oklahoma 74103.

Send comments to Mr. Terry Young, Chairman of Tulsa's Board of Commissioners, or Mr. Melvin Rice, Acting Chairman, Tulsa County Courthouse, 500 South Denver Street, Tulsa, Oklahoma 74103.

Pennsylvania	Halifax, township, Dauphin County	Susquehanna River	Downstream corporate limits	*366
			Borough of Halifax downstream corporate limits	*371
			Confluence of Gurdy Run	*375
			Upstream corporate limits	*381
		Powell Creek	Downstream corporate limits	*396
			Approximately 750 feet upstream of private road ex-[illegible]	*407
			Upstream of State Route 225	*423
			Upstream of Camp Hebron Road (downstream cross-[illegible]	*427
			Upstream of Konicks Road	*443
			Downstream of upstream crossing of Camp Hebron Road.	*478
		Armstrong Creek	Upstream of State Route 147	*374
			Confluence of New England Run	*385
			Downstream of 1st dam	*395
			Upstream of State Route 225	*405
			Downstream Ridge Road	*420
			Approximately 2,275' upstream of Ridge Road	*429
		Gurdy Run	Upstream State Route 147	*375
			Upstream of downstream footbridge	*384
			Upstream Legislative Route 22029	*403
			Downstream of upstream footbridge	*427

Maps available for inspection by contacting Janet Nobilt, at the Dauphin Township Office, R.D. 3, Box T90, Halifax, Pennsylvania.

Send comments to Honorable Martin Zimmerman, Chairman of the Halifax Board of Supervisors, P.O. Box 417, Halifax, Pennsylvania 17032.

Pennsylvania	Lower Heidelberg, township, Berks County	Tulpehocken Creek	Downstream corporate	*231
			Rebers Bridge Road (downstream)	*236
		Cacoosing Creek	Downstream corporate limits at confluence with Tulpe-[illegible]hocken Creek.	*231
			Most downstream dam (upstream side)	*240
			Swetzer Road (upstream)	*247
			Downstream farm access road (upstream side) (approximately 4,310' upstream of Swetzer Road).	*259
			State Hill Road (upstream)	*272
			Reedy Road (upstream crossing)(upstream side)	*[illegible]
			Upstream of farm access road located approximately 4,800' downstream of U.S. Route 422.	*[illegible]
			U.S. Route 422 (East Penn Avenue) (downstream)	*323
		Quarry Creek	Approximately 2,330 feet downstream of upstream corporate limits.	*342
			Upstream corporate limits	*364

Maps available for inspection at the Township Building, Lower Heidelberg, Pennsylvania.

Send comments to Honorable Warren Lamm, Chairman of the Lower Heidelberg Board of Supervisors, R.D. 5, Sinking Spring, Pennsylvania 19608.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	Upper Moreland, township, Montgomery County	Pennypack Creek	Paper Mill Road (upstream)	*142
			First upstream corporate limits	*162
			Mason Mill Road (upstream)	*179
			Davisville Road (upstream)	*188
			Downstream crossing of Conrail (upstream side)	*210
			Confluence of Flamingo Creek	*213
			Upstream corporate limits	*224
		Southampton Creek	Byberry Road (upstream)	*178
			Conrail (upstream)	*183
			Upstream corporate limits	*185
		Flamingo Creek	Confluence with Pennypack Creek	*213
			West Moreland Avenue (upstream)	*223
			Upstream corporate limits	*232
		Tributary 1	Confluence with Pennypack Creek	*200
			Old York Road	*201
		War Memorial Creek	Confluence with Pennypack Creek	*190
			Brooks Street (upstream)	*227
			Old York and Easton Roads (downstream)	*268
Maps available for inspection at the Upper Moreland Township Municipal Building, Willow Grove, Pennsylvania.				
Send comments to Honorable Brian L. Mook, Manager of Upper Moreland, 117 Park Avenue, Willow Grove, Pennsylvania 19090.				
Tennessee	Shelby County (unincorporated areas)	Mississippi River	Just upstream of Pleasant View Road (extended)	*237
			Just upstream of River Road (extended)	*238
		Nonconnah Creek	Just upstream of Hacks Cross Road	*299
			Just upstream of Sycamore View Road	*351
		Ten Mile Creek	Just upstream of East Shelby Drive	*300
		Johns Creek	Just upstream of Hungerford Road	*300
			Just upstream of Holmes Road	*309
		Johns Creek lateral A	Just upstream of East Shelby Drive	*302
			Just upstream of Holmes Road	*315
		Johns Creek lateral AA	Just downstream of Crumpler Road	*346
		Johns Creek lateral AB	Just downstream of southernmost county limits (flooding affected by backwater from Johns Creek lateral A at this location).	*321
		Johns Creek lateral B	Just upstream of East Shelby Drive	*307
			Just downstream of Holmes Road	*324
		Nonconnah Creek lateral J	Just upstream of Oak Drive (extended)	*293
			Just downstream of Winchester Road	*315
		Nonconnah Creek lateral S	Just upstream of Shelby Drive	*322
			Just upstream of Holmes Road	*329
		Nonconnah Creek lateral SA	Just upstream of Shelby Road	*322
			Just upstream of Holmes Road	*328
		Wolf River	Just upstream of Houston Levee Road	*279
			Just upstream of Collierville Arlington Road	*294
		Fletcher Creek	Just upstream of Appling Road	*276
			Just upstream of Interstate Highway 40	*282
			Just downstream of Germantown Road	*292
			Just downstream of U.S. Highway 64 and State Highway 15.	*362
		Fletcher Creek lateral B	Just downstream of Dexter Road	*272
			Just downstream of Macon Road	*298
		Fletcher Creek lateral BB	Just upstream of County Road	*293
		Fletcher Creek tributary A	Just upstreamn of U.S. Highway 64/State Highway 15	*277
			Just upstream of Appling Road	*290
		Fletcher Creek tributary C	Just downstream of Ellis Road (extended)	*286
		Fletcher Creek tributary D	Just upstream of Liverpool Drive (extended)	*283
		Wolf River lateral F	Just upstream of Dogwood Road	*292
		Gray's Creed	Just downstream of Macon Road	*294
			Just upstream of Pigsah Road	*309
			Just upstream of Airline Road	*323
		Marys Creek	Just upstream of Hall Road	*282
			Just of upstream of Pigsah Road	*294
			Just upstream of Reed Hooter Road	*314
		Wolf River lateral H	Just upstream of Frand Road	*304
			Just downstream of U.S. Highway 72	*329
		Wolf River lateral I	Just downstream of Shelton Road	*300
		Wolf River lateral IA	Just upstream of Shelton Road	*294
			Just downstream of Frank Road	*304
		Wolf River lateral J	Just upstream of Shelton Road	*292
		Wolf River lateral K	Just upstream of unnamed road	*294
			Just downstream of southernmost county limits	*295
		Loosahatchie River drainage canal	Just upstream of State Highway 14	*245
			Just upstream of Brunswick Road	*257
		Big Creek drainage canal	Just upstream of Ward Road	*241
			Just upstream of Sledge Road	*281
			Just upstream of Mudville Road	*313
		Big Creek lateral A	Just upstream of Independence Road	*252
			Just downstream of Woodstock-Cuba Road	*258
		Jakes Creek	Just upstream of Rankin Branch Road	*260
			Just downstream of Cuba-Millington Road	*258
		Bear Creek	Just upstream of County Road 1	*253
			Just upstream of West Union Road	*275
			Just upstream of Charles Bartlett Road	*297
		Bear Creek lateral	Just upstream of Chambers Road	*258
			Just downstream of Bass Road	*262
		Poyster Creek	Just upstream of Shelby Road	*260
			Just upstream of West Union Road	*274
		North Fork Road	Just upstream of U.S. Highway 51	*262
			Just upstream of Walker Road	*303
		North Fork Creek	Just upstream of Shipp Road	*268
			Just upstream of Mathews Road	*318
		Cooper Creek	Just upstream of Navy Road	*284

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of Aycock Road	*303
			Just downstream of Center College Road	*319
		Crooked Creek drainage canal	Just upstream of State Highway 14	*291
			Just upstream of Mudville Road	*342
		Crooked Creek lateral A	Just upstream of Kenville-Rosemark Road	*322
		Crooked Creek lateral B	Just upstream of State Highway 14	*338
		Cypress Creek	Just upstream of U.S. Highway 70	*267
			Approximately 1,600 feet upstream of Interstate Highway 40.	*274
			Just downstream of Collierville-Arlington Road	*286
		Beaver Creek	Just upstream of Galloway Levee Road	*271
			Just downstream of Turkey Road (extended)	*275
		West Beaver Creek	Just upstream of Arlington-Collierville Road	*287
			Just downstream of Moose Road	*302
		Wolf River lateral E	Just downstream of Dogwood Road	*269
			Just upstream of Popular Pike	*317
		Wolf River lateral EA	Just upstream of Ashmont Drive if extended	*320

Maps available for inspection at Shelby County Office of Planning and Development, Memphis City Hall, 4th Floor, 125 Mid-America Mall and Shelby County Department of Roads and Public Works, 160 Mid-America Mall, Suite 660, Memphis, Tennessee 38103.

Send comments to Mr. William Morris, County Mayor, Suite 660, or Mr. Bobby Fisher, Director of Roads and Public Works, Suite 660, 160 Mid-America Mall, Memphis, Tennessee 38103.

Texas	City of Lubbock, Lubbock County	North fork Double Mountain Fork Brazos	Upstream of Parkway Boulevard	*3,153
			Downstream of Topeka and Santa Fe Railway	*3,168
			Upstream of Atchison, Topeka and Santa Fe Railway	*3,169
		Yellow House draw	Upstream of Municipal Drive	*3,170
			Upstream of Atchison, Topeka and Santa Fe Railway	*3,176
		Playa system A1	Just downstream of Atchison, Topeka and Santa Fe Railway.	*3,212
			Upstream of Clovis Road (U.S. Highway 84)	*3,216
		Playa system A2	Approximately 2,300 feet upstream of Quaker Avenue	*3,231
		Playa system B	Downstream of Frankford Avenue	*3,256
		Playa system C	Downstream of loop 289	*3,248
			Upstream of 4th Street	*3,261
			Downstream of Milwaukee Avenue	*3,273
		Playa system D1	Upstream of Avenue W	*3,204
			Downstream of Canton Avenue	*3,211
		Playa system D2	Upstream of Quaker Avenue	*3,227
			Downstream of 19th Street	*3,240
		Playa system E1	Upstream of the intersection of Avenue U and 41st Street.	*3,207
			Downstream of loop 289 (near 70th Street)	*3,222
			Upstream of 57th Street	*3,256
		Playa system E2	Upstream of Elgin Avenue	*3,225
		Playa system F	Upstream of Loop 289	*3,185
			Upstream of U.S. Highway 87	*3,201
		Playa system G1	Approximately 500 feet downstream of 98th Street	*3,203
			Upstream of Flint Avenue	*3,229
		Playa system G2	Upstream of 98th Street	*3,221
		Playa system H	Upstream of Loop 289 (westbound)	*3,216
		Playa system I	Upstream of Zenith Avenue	*3,191
		Playa system J1	Upstream of Erskine Street	*3,196
			Upstream of Guave Avenue	*3,206
		Playa system J2	Upstream of Loop 289	*3,193

• Maps available for inspection at the Building Inspector's Office, City Hall, Lubbock, Texas 79457.

Send comments to Mayor Bill McAllister or Mr. Don Jennings, City Engineer, City Hall, P.O. Box 2000, Lubbock, Texas 79457.

Texas	City of Wharton, Wharton County	Colorado River	Just upstream of U.S. Highway 59	*103
			Approximately 2,640 feet upstream of the Southern Pacific Railroad	*104
		Baughman slough	Just downstream of Fulton Street	*98
			Just upstream of the Southern Pacific Railroad	*102
		Lower Caney Creek	At northernmost corporate limits	*98

Maps available for inspection at City Hall, 101 West Burleson Street, Wharton, Texas 77488.

Send comments to Mayor Don Carlson or Mr. Don E. Taylor, City Manager, City Hall, 101 West Burleson Street, Wharton, Texas 77488.

Virginia	Grundy, town, Buchanan County	Levisa fork	Downstream corporate limits	*1,024
			Swinging bridge (downstream)	*1,029
			Footbridge (downstream)	*1,043
			Confluence of State Creek	*1,054
			Hoot Owl Road (State Route 615) (downstream)	*1,057
			Second corporate limits crossing (downstream)	*1,074
			Upstream corporate limits	*1,081
		State Creek	Confluence with Levisa Fork	*1,054
			Confluence of Newhouse branch	*1,069
			Walnut Street (upstream)	*1,082
			Maple Street (downstream)	*1,092
			Upstream corporate limits	*1,109

Maps available for inspection at the Town Office, Grundy, Virginia.

Send comments to Honorable E. M. Cecil, Mayor of Grundy, P.O. Box 711, Grundy, Virginia 24614.

Washington	Bellingham (city), Whatcom County	Squalicum Creek	100 feet upstream from center of Guide Meridian Street.	*67
		Whatcom Creek	150 feet upstream from center of Interstate Highway 5	*54
		Padden Creek	Intersection of Donovan Avenue and 22nd Street	*YDG
		Baker Creek	Intersection of Guide Meridian Street and northwest on ramp to Interstate Highway 5.	*YDG

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Tributary W	250 feet upstream from center of Interstate Highway 5	*98
		Connelley Creek	50 feet upstream from center of Donovan Avenue	*122
		Bellingham Bay	At mouth of Padden Creek	*8

Maps available for inspection at Planning Department, 210 Lottie Street, Bellingham, Washington 98225.

Send comments to the Honorable Ken Hertz, 210 Lottie Street, Bellingham, Washington 98225.

Washington	McCleary (town), Grays Harbor County	East fork Wildcat Creek	Intersection of creek and center of Old Olympic Highway (State Highway 108)	*218

Maps available for inspection at City Hall, McCleary, Washington.

Send comments to the Honorable Donald Gary Dent, P.O. Box, 360, McCleary, Washington 98557.

West Virginia	Charleston, city, Kanawha County	Kanawha River	Approximately 9,290' downstream of confluence of Twomile Creek	*583
			Chessie System (downstream)	*584
			Confluence of Elk River	*585
			35th Street (downstream)	*586
			Confluence of upper Donnally branch (downstream)	*597
			Yeager Bridge (downstream)	*598
			Upstream extraterritorial limits	*599
		Elk River	Confluence with Kanawha River	*585
			Conrail (downstream)	*595
			Spring Street (upstream)	*597
			Althea Street (extended)	*599
			Upstream corporate limits (downstream)	*599
			Approximately 2,300' downstream of extraterritorial limits	*600
			Upstream extraterritorial limits	*601

Maps available for inspection at the Office of the Planning Director, City Hall, Charleston, West Virginia.

Send comments to Honorable Joseph F. Smith, Mayor of Charleston, City Hall, P.O. Box 2749, Charleston, West Virginia 25330.

West Virginia	New Martinsville, city, Wetzel County	Ohio River	Downstream corporate limits	*635
			Confluence of Williams run	*637
			Confluence of Leininger run	*638
			Upstream corporate limits	*639
		Fishing Creek	Downstream corporate limits	*635
			Upstream corporate limits	*636
		Dustin run	Confluence with Fishing Creek	*636
			Upstream corporate limits	*636
		Williams run	Confluence with Ohio River	*637
			Upstream corporate limits	*637
		Leininger run	Confluence with Ohio River	*638
			Orchard Drive (upstream)	*638

Maps available for inspection at the City Hall, 203 South Main Street, New Martinsville, West Virginia.

Send comments to Honorable Howard T. Jeffers, Mayor of New Martinsville, City Hall, 203 South Main Street, New Martinsville, West Virginia 26155.

Wisconsin	(C) Kenosha, Kenosha County	Lake Michigan	At shoreline	*584
		Pike Creek	About 0.55 mile downstream of 22nd Avenue	*603
			About 0.35 mile upstream of 22nd Avenue	*607
			At 30th Avenue storm sewer inlet	*616
			About 0.35 mile upstream to 30th Avenue storm sewer inlet	*620
			About 0.66 mile upstream of 30th Avenue storm sewer inlet	*629
			At 39th Avenue	*650
			About 0.4 mile upstream of 39th Avenue	*652
			Just upstream of State Highway 142	*661
			Just downstream of 47th Avenue	*667
			At upstream corporate limit	*693
		Von Gunten Creek	Just upstream of 30th Avenue	*632
			About 500 feet upstream of 30th Avenue	*633
			About 1,700 feet upstream of 30th Avenue	*642
		Pike River	At the mouth	*584
			Just downstream of Alford Park Drive	*589
			At State Highway 32	*593
			Just upstream of the Chicago and North Western Railroad	*595

Maps available for inspection at the Planning Department, City Hall, 625 West 52nd Street, Kenosha, Wisconsin.

Send comments to Honorable John Bilotti, Mayor, City of Kenosha, City Hall, 625 West 52nd Street, Kenosha, Wisconsin 53140.

Wisconsin	(C) Waukesha, Waukesha County	Pebble Creek	Just upstream of County Highway D	*797
			About 800 feet upstream of Chicago and North Western Railroad	*808
		Pebble Brook tributary	About 400 feet upstream of mouth	*811
			About 1,000 feet upstream of Southwest Avenue	*816
		Fox River	Just upstream of County Highway A	*793
			Just upstream of North Prairie Avenue	*803
			Just upstream of North Barstow Street	*814
			About 0.3 mile upstream of East Moreland Boulevard	*815

Maps available for inspection at the Director of Public Works' Office, City Hall, Waukesha, Wisconsin.

Send comments to Honorable Joseph LaPorte, Mayor, City of Waukesha, City Hall, Waukesha, Wisconsin 53186.

Issued: December 4, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-36291 Filed 12-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6144]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Illinois, et al.

Correction

In FR Doc. 81-28007, at page 47640, in the issue of Tuesday, September 29, 1981, on page 47641, under the heading "#Depth in feet above ground. *Elevation in feet (NGVD)" correct the 27th entry from "1,827" to "1,837".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-705]

Amendment To Eliminate the Requirement That Licensees Retain Letters Received From the Public; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment/reply comment period.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in BC Docket No. 81-705, regarding elimination of the licensee requirement concerning retention of letters received from the public, in response to a request filed by the National Citizens Committee for Broadcasting, Media Access Project, and Citizens Communications Center.

DATES: Comments must be filed on or before January 7, 1982, and reply comments on or before January 22, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Israel Teitelbaum, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of the Commission's Rules, § 73.1202, to eliminate the requirement that licensees retain letters received from the public, BC Docket No. 81-705.

Adopted: December 2, 1981.

Released: December 7, 1981. (Published at 46 FR 54787; 11-4-81.)

1. On November 24, 1981, the National Citizens Committee for Broadcasting (NCCB), Media Access Project (MAP), and Citizens Communications Center (Citizens) filed a Motion for Extension of Time in which to file comments in this proceeding. Comments are due on December 7, 1981. The petitioners ask that this date be extended to January 7, 1982. We are granting this request for the following reasons.

2. The Commission initiated this proceeding to consider elimination of 47 CFR 73.1202, which requires that licensees retain letters from the public in their public inspection files. The petitioners contend that the period from release of the *Notice of Proposed Rule Making* on October 27, 1981,[1] to the comment date of December 7, 1981, "* * * is unusually brief, particularly in view of the significance of the issue to citizens and public interest organizations around the nation." The petitioners assert that they are undertaking extensive research and outreach efforts to build the best possible record in this rule making. NCCB has run a feature on the rule making in its bi-weekly publication and has mailed a Bulletin on this matter to its group members. Moreover, MAP and Citizens intend to undertake an extensive review of their legal files, and to consult other groups in order to obtain pertinent information.

3. We believe that petitioners have demonstrated good cause for the requested extension of time. While no basis has been provided to support their conclusion that the time for comment is "unusually brief," we believe the public interest is served by providing petitioners additional time to support a case for retention of this rule. With the fullest available record before us, we will be in a position to consider the issue to be resolved in this proceeding.

4. For this reason we conclude that the petitioners have shown good cause for a grant of the requested extension of time. Therefore, it is ordered, that the "Motion for Extension of Time for Filing Comments" submitted by the National Citizens Committee for Broadcasting, Media Access Project and Citizens Communications Center, is granted. The times for filing comments and reply comments in this proceeding are extended to and including January 7, 1982, and January 22, 1982, respectively.

5. Authority for this action is contained in Sections 4(i), 5(d)(1), 303 and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

6. For further information concerning this proceeding, contact Israel Teitelbaum, Broadcast Bureau, (202) 632-7792.

[1] The *Notice* was published in the **Federal Register** on November 4, 1981, 46 FR 54787.

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-36196 Filed 12-21-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Parts 81 and 83

[Docket No. 21349; FCC 81-547]

Changes in Frequencies, Operating Procedures and Other Criteria Relating to Radiotelephony in Certain kHz Band in Maritime Mobile Services.

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This notice proposes to amend the rules to implement the new frequency allotment plan for coast stations operating in the exclusive maritime mobile bands between 4000 and 23000 kHz adopted at the World Maritime Administrative Radio Conference, Geneva, 1974. In addition to the new frequency plan, several rule sections have been editorially reorganized and rewritten. The effect of these amendments would be to bring the rules into conformance with international frequency allotments.

DATES: Comments must be received on or before February 9, 1982, and Reply Comments must be received on or before February 24, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nicholas G. Bagnato, Private Radio Bureau (202) 632-7175.

SUPPLMENTARY INFORMATION:

Adopted: November 24, 1981.

Released: December 11, 1981.

In the matter of amendment of Parts 81 and 83 to implement changes in frequencies, operating procedures and other criteria relating to radiotelephony in the band 4000 to 23000 kHz in the maritime mobile services adopted at the ITU World Maritime Administrative Radio Conference, Geneva, 1974.

1. A Notice of Inquiry (NOI) in this matter was released on August 5, 1977, and was published in the **Federal Register** on August 9, 1977 (42 FR 40224). A subsequent erratum was also released on August 5, 1977, deleting FCC Form 501 which was inadvertently included in the Appendix to the NOI.

2. In the NOI, the Commission sought comments on the assignment of frequencies to radiotelephone public coast and ship stations operating in the

maritime services and on the following topics:

a. Temporary assignments of frequencies in order to develop operational experience and make adjustments to clear interference;

b. Assignment of 4 MHz frequencies to both Class I and Class II coast statons; and

c. Continued use of HF frequencies (4000 to 23000 kHz) operating in the simplex mode on the inland waterways.

3. Comments were filed by the American Commercial Barge Line Company and AMCOM, Inc. (ACBL and AMCOM), the American Telephone & Telegraph Company (AT&T), GTE Service Corporation and its affiliated domestic telephone operating companies (GTE), and Mobile Marine Radio, Inc. (MMR). Late comments were received from WJG Telephone Company (WJG).

Temporary Frequency Assignment Plan

4. In the NOI we stated that we were considering the feasibility of making temporary assignment of approximately half of the frequencies and permanent assignment of the remainder. It was felt that the combination of permanent and temporary assignments would allow more flexibility in arriving at a final assignment plan. AT&T, in its comments, questioned the feasibility of designating certain channels as "temporary assignments". AT&T felt that the users would naturally avoid implementing these channels on their vessels, thereby overloading the permanently assigned channels. MMR suggested that permanent assignment of two frequencies in each band be made to each of the four existing high seas coast stations and the remainder be divided equally among them on a temporary basis.

5. On November 16, 1977, the Commission released an Order, FCC 77-785, which appeared in the **Federal Register** of November 28, 1977, 42 FR 60145, which made temporary assignment of all frequencies to implement the new ITU Radio Regulations (RR) Appendix 25 MAR2 frequencies. The temporary assignment plan was released because there were several problem areas which could not be resolved by following the usual administrative procedures and still permit implementation by January 1, 1978. The frequencies for each station were selected after an analysis of the study by the International Frequency Registration Board (I.F.R.B.) of the provisional assignment notices submitted by administrations. We believed that the major sources of potential interference to and by major maritime nations were identified and considered, and that there would be a minimum number of changes for these reasons. Temporary assignment of all frequencies allocated to the United States was used to obtain operational experience.

6. In the NOI we stated that we would make an evaluation of the temporary assignment plan after an analysis of the utilization reports submitted by the carriers. Both AT&T and MMR supported the requirement that the carriers provide utilization data. MMR suggested that the Commission develop a frequency assignment plan based on a saturation figure of 33,000 completed calls per year on a family of frequencies. MMR endorsed the concept of reevaluating an assignment plan after a period of time. MMR suggested that the Commission detail the type of evaluation to be conducted and the nature of the information that will be required. On March 27, 1980, we requested the carriers to provide utilization data on all assigned frequencies for a period of six months at bi-monthly intervals. After reviewing the first submittal, it was determined that representative information could be obtained in a three month period, and all carriers were so notified on July 8, 1980. Utilization data was requested on assigned frequencies including negative reports on unused frequencies. All carriers, with the exception of WJG, Memphis, Tennessee submitted reports. Since the frequencies for river stations were simplex and assigned on a shared basis, we are proposing frequencies for WJG. We will evaluate WJG's comments to determine whether permanent assignment should be made or the frequencies could be more effectively utilized by other coast stations.

Use of Frequencies Between 4 and 23 MHz on the Mississippi River System[1]

7. In the NOI, we requested comments on whether frequencies between 4 and 23 MHz should continue to be used in the simplex mode on the inland waterways. Comments were also requested on whether a new class of station should be designated to differentiate between public coast stations providing a regional service in the duplex mode and the inland waterways stations operating in the simplex mode.

8. ACBL and AMCOM's comments, as well as those of WJG, supported the continued use of simplex frequencies in the band 4 to 23 MHz. MMR in its comments questioned the need for river stations to have frequencies in the 8-22 MHz band for regional service since these frequencies propagate over long distances. MMR is correct in the statement that these frequencies progagate to distances in excess of what can normally be construed as "regional". MMR regularly communicates with vessels in the Gulf of Mexico and off the coast of South America on 4 MHz frequencies on their Class II-B (regional) license. WJG stated that they failed to see any reason for a "new Class" station designation. It further stated that the facilities of WJG have never been, nor should they ever in the future, be limited to service on the rivers. WJG indicated that they routinely provide service to vessels in the Gulf of Mexico.

9. The Commission was unaware of WJG's communication with vessels in the Gulf of Mexico. WJG is licensed as a Class II station at Memphis, Tennessee to provide a regional service to vessels. Simplex operation[2] on the Mississippi River System is permitted since the service is primarily local and inland and the potential for interference to ship and coast stations operating in the high seas marine radiotelephone service is minimized. However, when a ship station operating on the coast station transmit frequency of a duplex pair is located in the Gulf of Mexico, its potential to interfere with stations operating in accordance with the allotment plan is increased. Therefore, river stations operating in the simplex mode should not be communicating with ships in the Gulf of Mexico.

10. The communications problems experienced from the length of the river system, meandering rivers, loss of range due to attenuation over land masses, make it difficult for communication of a regional character to be supported by frequencies in the 2 MHz band. While the ultimate goal is to have all river traffic on VHF, this will not be practicable until a river system on line of sight frequencies is developed and adequate frequencies to support the system are assigned. In another docket, the Commission has allocated frequencies in the band 216-220 MHz for use by Inland Waterways Communications Systems.[3] Therefore, recognizing that there will be a requirement to continue the present operation until the Inland Waterways Communications System is in full

[1] Mississippi River System means the Mississippi River and connecting waterways.

[2] Simplex frequencies in the U.S. are derived from duplex coast and ship transmit frequencies. Some stations are assigned coast station transmit frequencies and others ship station transmit frequencies.

[3] Report and Order, Gen Docket No. 80-1, FCC 81-24, released March 11, 1981, (46 FR 15690).

operation, we propose to assign frequencies in the band 4–23 MHz to stations operating in the simplex mode on the Mississippi River system.

Discussion of Proposed Frequency Assignments

11. The temporary assignment plan made assignments to public coast stations substantially on a one for one replacement basis for frequencies then assigned. In the temporary assignment plan, we attempted to make an equitable distribution of the available frequencies and eliminate cross licensing as far as practicable. For example, 4 MHz assignments to high seas coast stations by channel numbers, as proposed in the temporary assignment plan are as follows:

KMI (San Francisco)	
401	417 (s)
416 (s)	
WOM (Miami)	
403	417 (s)
412	[illegible]
WOO (New York)	
410	416 (s)
411	[illegible]
WLO (Mobile)	
414	419

(s) shared channel

Each of the AT&T stations except KMI was assigned 3 frequencies for use on an exclusive basis, and in addition one shared frequency. KMI was assigned one exclusive frequency and 2 shared frequencies based on a lower requirement for 4 MHz service on the west coast.[4]

12. The 4 remaining 4 MHz frequencies were temporarily assigned to public coast station operating in the Mississippi River system and the Great Lakes. Station WAK, New Orleans, Louisiana was granted permission to cease operations on Channel 405. WLO, Mobile, Alabama filed an application for the channel. The Commission had reports of interference to station WLC, Rogers City, Michigan from the river stations. In order to provide temporary relief from this interference and to satisfy the request from station WLO, we modified the temporary assignment plan by assigning channel 405 to both stations on a shared basis.

13. During the period of time in which the temporary assignment plan was in effect, the Commission has not received any complaints from user groups. However, there were requests for additional frequencies in the 4 and 8 MHz bands from existing stations serving the Gulf of Mexico and the Caribbean. There are currently two outstanding requests for 4 MHz frequencies to serve ships in the Gulf of Mexico.[5] We have recently received a request for a new high seas radiotelephony station at St. Thomas, U.S. Virgin Islands.[6] These applications will be considered as part of this proceeding.

14. Since all of the frequencies allotted to the United States have been assigned to non-Government or Government stations, these requests can only be satisfied by obtaining additional allotments to the United States, frequencies deleted from existing stations or a sharing arrangement adopted between coast stations. We derived information from the utilization reports which permits us to consider the feasibility of coast stations sharing frequencies on geographical separation, time sharing and service areas. In addition, preliminary review of the utilization reports indicate that some frequencies may be underutilized and may be available for new entry. Accordingly, while we are proposing the continuation of the temporary frequency assignment plan at this time, we request comments on these matters.

15. The requirement for 4 MHz frequencies in the Mississippi River System, as previously discussed in paragraph 8, still exists. The safety system on the Great Lakes is now VHF. While VHF is satisfactory for safety and an automated system provides good communications over most of the Great Lakes, the ship operators find that HF radiotelephone communications is still necessary for efficient control over their ships during the entire voyage. The operations on the Great Lakes and on the river system differ from normal public correspondence in that the coast station generally has a contract to provide specific operators with communications with their ships. This is usually done on a scheduled basis by a roll call in some predetermined sequence and the frequency is occupied for a longer period of time than normal public correspondence. For this reason, it was not possible for the river stations and the Great Lakes stations to share the same frequencies. A temporary assignment of channel 405 was made to station WLC to relieve the interference and to station WLO to satisfy operational requirements. This sharing arrangement has been satisfactory and we are proposing to continue this sharing arrangement.

16. In keeping with the Commission's policy to simplify its rules and regulations, we are also proposing to editorially reorganize and rewrite several rule sections, as shown in the Appendix.

17. The proposed amendments to the rules, as set forth in the Appendix, are issued under authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

18. Under the applicable procedures set forth in § 1.415 of the Rules and Regulations, 47 CFR 1.415, interested persons may file comments on or before February 9, 1982, and reply comments on or before February 24, 1982. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

19. In accordance with the provisions of § 1.419 of the Rules and Regulations, 47 CFR 1.419, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

20. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments)

[4] The report submitted by AT&T on the use of 4 MHz frequencies confirms this earlier decision.

[5] General Telephone Company, Pardee Key, Florida, and Gulf Coast Communications Corporation, Palmetto, Florida.

[6] Global Communications Corporation, FCC File Number 8–M–ML–110, St. Thomas, USVI.

between a person outside the Commision and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231.

21. The frequency plan proposed in this proceeding essentially maintains the status quo among the high seas radiotelephone stations and those operating on the Mississippi River system and the Great Lakes. Therefore, the Commission has determined that Sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) do not apply to this rulemaking proceeding, because the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

22. Regarding questions on matters covered in this document contact Nicholas G. Bagnato, telephone number (202) 632–7175.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALSKA-PUBLIC FIXED STATIONS

1. In § 81.134, paragraph (c)(1) is revised as follows:

§ 81.134 Transmitter power.

* * * * *

(c) * * *

(1) For carrier frequencies other than 2638 kHz and those frequencies listed in § 81.361(a):

Frequency band (kHz)	Class of emission	Power (peak envelope power)
2500 to 4000	A3A, A3H,[1], A3J	500 watts by day. 400 watts by night.
4000 to 27500	A3A, A3J	10 kilowatts.

[1] Use of A3H on 2182 kHz is limited for communications with foreign vessels. When using 2182 kHz for purposes other than distress calls and distress traffic, and urgency and safety signals and messages, the carrier power of limited coast stations shall not exceed 50 watts for A3J emission.

* * * * *

2. In § 81.180, paragraph (d) is revised as follows:

§ 81.186 Hours of service of stations on land.

* * * * *

(d) Unless otherwise specified for particular stations, the hour of service of each public coast station operating in the band 1605–4000 kHz or in the band 156–174 MHz shall, within the scope of its normal operation, be such as to meet the requirements of the particular region served by the station.

* * * * *

3. In § 81.304 the table in paragraph (a) and the introductory language in paragraph (b) is revised, and paragraphs (b)(4), (b)(5), (b)(51) and (b)(61) are removed and reserved as follows:

§ 81.304 Frequencies available.

(a) * * *

Carrier frequency	Conditions of use	
	Section	Limitations
(kHz)		
1618	81.307	11, 29, 50
1622	81.307	11, 29, 50
1643	81.306	11, 29
1646	81.306	11, 29
1649	81.306	11, 29
1662	81.306	11, 29
1705	81.306	11, 29
1708	81.306	11, 29
1709	81.306	11, 29
1712	81.306	11, 29
2003	81.306	11, 29
2006	81.306	11, 29
2066	81.307(a)	3, 21
2115	81.306	11, 29
2118	81.306	11, 29
2182	81.191, 81.306	1, 29, 44, 46
2308	81.306	11, 29
2312	81.306	11, 29
2379	81.307	11, 29
2382	81.307	11, 29, 50
2397	81.306	11, 29
2400	81.306(b)	11, 29
2400	81.306	23
2419	81.306	11, 29
2422	81.306	11, 29
2427	81.306	11, 29
2430	81.306	11, 29
2442	81.306(b)	23
2447	81.306	11, 29
2450	81.306	11, 29
2450	81.306(b)	
2466	81.306(b)	
2470	81.306	11, 29
2482	81.306	11, 29
2482	81.306(b)	
2490	81.306(b)	
2506	81.306	11, 29
2506	81.306(b)	
2509	81.306	11, 29
2512	81.306	11, 29
2514	81.306(b)	2
2522	81.306(b)	
2530	81.306(b)	
2535	81.306	11, 29
2538	81.306	
2538	81.306(b)	
2550	81.306(b)	2
2558	81.306(b)	
2563	81.306	11, 29
2566	81.306	11, 29
2566	81.306(b)	
2572	81.306(b)	
2582	81.306(b)	2
2585	81.306(b)	21
2590	81.306(b)	
2596	81.306(b)	
2618	81.306	11, 29, 52
2630		2
2782	81.307	
3258	81.306	11, 29, 52
3261	81.306	11, 29
4063	81.306	
4087.6	81.306	
4115.7	81.306	
4357.4	81.305	
4363.6	81.305	
4366.7	81.306, 81.309	40
4369.8	81.306, 81.309	20
4382.2	81.306	
4383.8	81.309	2
4385.3	81.305	
4388.4	81.306	
4391.5	81.305	
4397.7	81.306, 81.309	42
4401.0	81.309	37, 42
4407	81.305	
4410.1	81.305, 81.306, 81.308	27
4413.2	81.305, 81.306	
4422.5	81.305, 81.309	38, 41
4425.6	81.305, 81.309	40
6209.3	81.306	
6212.4	81.306	
6515.7	81.306	
6518.8	81.306	
6201.2	81.306	
8213.6	81.306	
8722	81.305	
8725.1	81.306	
8728.2	81.305	
8737.5	81.306	
8740.6	81.305	
8743.7	81.305	
8746.8	81.305	
8749.9	81.305	
8759.2	81.305	
8762.3	81.305	
8784	81.305	
8790.2	81.305	
8793.3	81.305	
8796.4	81.305, 81.306	
8805.7	81.305	
8808.8	81.305	
8811.9	81.305	
12331.1	81.306	
13100.8	81.305	
13103.9	81.305, 81.306	
13107	81.305	
13116.3	81.305	
13122.5	81.305	
13125.6	81.305	
13128.7	81.305	
13131.8	81.305	
13134.9	81.305	
13144.2	81.305	
13165.9	81.306	
13169	81.305	
13175.2	81.305	
13178.3	81.305	
13184.6	81.305	
13187.8	81.305	
13190.7	81.305	
16518.9	81.306	
17232.9	81.306	
17236	81.305	
17239.1	81.305	
17245.3	81.305	
17251.5	81.305	
17257.7	81.305	
17260.8	81.305	
17263.9	81.305	
17270.4	81.305	
17291.8	81.305, 81.306	
17304.2	81.306	

Carrier frequency	Conditions of use	
	Section	Limitations
17310.4	81.305	
17329	81.305	
17356.9	81.305	
22596	81.305	
22608.4	81.305	
22620.9	81.305	
22636.3	81.305	
22639.4	81.305	
22642.5	81.305	
22661.1	81.305	
22664.2	81.305	
22676.6	81.305	
22679.7	81.305	
22689	81.305	
22704.5	81.305	
22707.6	81.305	
(MHz)		
156.750	81.304	26
156.800	81.304	25
156.850	81.185	7
161.800	81.304	6, 22, 24
161.825	81.304	6, 22, 24, 63
161.850	81.304	6, 22, 24
161.875	81.304	6, 22, 24, 63
161.900	81.304	6, 22
161.925	81.304	6, 22, 63
161.950	81.304	6, 22
161.975	81.304	6, 22, 63
162.000	81.304	6, 22
162.025	81.304	22, 62

(b) Authorization and use of carrier frequencies in paragraph (a) of this section shall be in accordance with the following limitations and conditions.

* * * * *

(4) [Reserved]

(5) [Reserved]

* * * * *

(51) [Reserved]

* * * * *

(61) [Reserved]

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4. In § 81.305 the introductory language of paragraph (a) is revised to read as follows:

§ 81.305 Frequencies for calling and distress.

(a) In the band 1605–4000 kHz, the frequency 2182 kHz is the international radiotelephone distress, safety and calling frequency and shall be assigned to all public coast stations operating on frequencies in the band 1605–4000 kHz. In the band 156–162 MHz, the frequency 156.800 MHz is the international distress, safety and calling frequency and shall be assigned to all public coast stations operating in the band 156–162 MHz. 2182 kHz and 156.8 MHz may be used by public coast stations solely for the transmission of:

* * * * *

5. Section 81.306 is revised to read as follows:

§ 81.306 Frequencies available below 27.5 MHz.

(a) Frequencies between 4000 and 23000 kHz available for assignment to public coast stations:

Coast station location	Channel designation	Coast station carrier frequency (kHz)	
		Transmit	Receive
San Francisco, CA	401	4357.4	4063.0
	416	4403.5	4109.5
	417	4407.0	4112.6
	804	8720.2	8204.3
	809	8743.7	8219.8
	814	8759.2	8235.3
	822	8784.0	8260.1
	1201	13,100.8	12,330.0
	1202	13,103.9	12,333.1
	1203	13,107.0	12,336.2
	1229	13,187.6	12,416.8
	1230	13,190.7	12,419.9
	1602	17,236.0	16,463.1
	1603	17,239.1	16,466.2
	1616	17,279.4	16,506.5
	1624	17,304.2	16,531.3
	2214	22,636.3	22,040.3
	2223	22,664.2	22,068.2
	2228	22,679.7	22,083.7
	2236	22,704.5	22,108.5
New York, NY	410	4385.3	4090.9
	411	4388.4	4094.0
	416	4403.9	4109.5
	422	4422.5	4128.1
	806	8740.6	8216.7
	811	8749.9	8226.0
	815	8762.3	8238.4
	826	8796.4	8272.5
	1203	13,107.0	12,336.2
	1210	13,128.7	12,357.9
	1211	13,131.8	12,361.0
	1228	13,184.5	12,413.7
	1230	13,190.7	12,419.9
	1605	17,245.3	16,472.4
	1620	17,291.8	16,518.9
	1626	17,310.4	16,537.5
	1631	17,325.9	16,553.0
	2201	22,596.0	22,000.0
	2205	22,608.4	22,012.4
	2210	22,623.9	22,027.9
Miami, FL	405	4382.2	4087.8
	412	4391.5	4097.1
	417	4407.0	4112.6
	423	4425.6	4131.2

Coast station location	Channel designation	Coast station carrier frequency (kHz)	
		Transmit	Receive
	802	8722.0	8196.1
	805	8731.3	8207.4
	810	8746.8	8222.9
	825	8793.3	8269.4
	831	8811.9	8288.0
	1206	13,116.3	12,345.5
	1208	13,122.5	12,351.7
	1209	13,125.6	12,354.8
	1215	13,144.2	12,373.4
	1223	13,169.0	12,398.2
	1601	17,232.9	16,460.0
	1609	17,257.7	16,484.8
	1610	17,260.8	16,487.9
	1611	17,263.9	16,491.0
	2215	22,639.4	22,043.4
	2216	22,642.5	22,046.5
	2232	22,661.1	22,065.1
Mobile, AL	405	4388.6	4075.4
	414	4397.7	4100.3
	419	4413.2	4118.8
	824	8790.2	8266.3
	829	8805.7	8281.8
	830	8808.8	8284.9
	1212	13,134.9	12,364.1
	1225	13,175.2	12,404.4
	1226	13,178.3	12,407.5
	1607	17,251.5	16,478.6
	1632	17,329.0	16,556.1
	1641	17,356.9	16,584.0
	2227	22,676.6	22,080.6
	2231	22,689.0	22,093.0
	2237	22,707.6	22,111.6
Delcambre, LA	404	4386.7	4072.3
Rogers City, MI	405	4388.6	4075.4
Lorain, OH	409	4382.2	4087.8
Buffalo, NY	418	4410.1	4115.7
Buffalo, NY	826	8796.4	8272.5
Lorain, OH	826	8796.4	8272.5

(b) Frequencies between 1605 and 4000 kHz available for assignment to public coast stations:

Coast station located in the vicinity of	Coast station carrier frequency (kHz)		Conditions of use
	Transmit	Receive	
Agana, Guam	2506	2009	
Boston, MA	2450	2366	
	2506	2406	
New York, NY	2566	2390	2.
	2522	2126	
	2558	2166	
	2590	2198	
Wilmington, DL	2558	2166	
Baltimore, MD	2400	2400	
Norfolk-Quantico, VA	2450	2366	
	2538	2142	
Charleston, SC-Jacksonville, FL	2566	2390	
Miami, FL	2442	2406	2.
	2400	2031.5	
	2514	2118	3.
Tampa, FL	2486	2009	
	2550	2158	3
Mobile, AL	2572	2430	
New Orleans, LA	2482	2382	
	2598	2206	2
Delcambre, LA	2506	2458	2.
Galveston, TX	2450	2366	2, 4
	2530	2134	
Corpus Christi, TX	2538	2142	5
Ponce, PR	2585	2385	
San Juan, PR	2530	2134	
Buffalo, NY	2514	2118	8
Rogers City, MI	2550	2158	8
	2582	2206	8.
Los Angeles-San Diego, CA	2486	2382	1,6.
	2522	2126	7 a.m. to 7 p.m., P.s.t. only.
	2566	2009	
	2598	2206	7 a.m. to 7 p.m., P.s.t. only.
San Francisco-Eureka, CA	2450	2003	
	2506	2406	
Astoria, OR	2442	2009	2.
Astoria-Portland, OR	2598	2206	
Coos Bay, OR	2566	2031.5	7 a.m. to 7 p.m., P.s.t. only.
Seattle, WA	2522	2126	
	2482	2430	7.
Kahului, HI	2530	2134	
St. Thomas Island, VI	2506	2009	8 a.m. to 9 p.m., A.s.t. only.

(1) Available on the condition that harmful interference is not caused to any ship station operating within 3000 nautical miles of New Orleans, LA and is transmitting to a coast station in that port.

(2) Day only.

(3) Unlimited hours of use from December 15 to April 1, annually, and day only from April 1 to December 15, annually, on the condition that harmful interference shall not be caused to the service of any ship station in the Great Lakes area.

(4) Available on the condition that harmful interference is not caused to the service of any coast station located in the vicinity of Boston, Mass., or San Francisco-Eureka, Calif.

(5) Available on the condition that harmful interference is not caused to the service of any coast station located in the vicinity of Norfolk-Quantico, Va.

(6) Available on the condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla.

(7) Authorized for use south of 51 degrees north latitude and east of 142 degrees west longitude exclusively during the following daily periods on the condition that harmful interference is not caused to the service of any station in the Alaska area to which this carrier frequency is assigned: Annually from April 1 to September 30, inclusive, from 5 a.m. to 9 p.m., P.s.t., only; and annually from October 1 to March 31, inclusive, from 6 a.m. to 11 p.m., P.s.t., only.

(8) The frequencies 2514, 2550 and 2582 kHz are authorized for use in the Great Lakes area on a shared basis with stations of Canada. Except in the case of distress, the frequency 2550 kHz shall not be used for transmission to ship stations of Canada since the associated ship station transmit frequency 2158 kHz is not available to Canadian ship stations for transmission and 2582 kHz shall not be used for transmission to U.S. ship stations since the associated ship transmit frequency 2206 kHz is not available to U.S. ship station for transmission.

6. Section 81.307 is revised to read as follows:

§ 81.307 Frequencies below 27.5 MHz available for assignment on the Mississippi River System.[1]

(a) The following frequencies are available for assignment to coast stations located on the inland waterways for use on a simplex basis, as indicated below:

Coast station location	Carrier frequency (kHz)
Jeffersonville, IN	[1] 2086.0
Louisville, KY	2782.0
	4115.7
	[illegible]
	8725.1
	13,103.9
	17,291.8
Memphis, TN	[1] 2086.0
	[illegible]
	4067.0
	6209.3
	[illegible]
	12,331.1
Pittsburgh, PA	[1] 2086.0
	2782.0
	4063.0
	6515.7
	8213.6
	112,333.0
	16,518.9
St. Louis, MO	[1] 2086.0
	27282.0
	4410.1
	6212.4
	8737.5
	13,103.9
	17,291.8

[1] Limited to a maximum output power of 150 watts (PEP).

7. Section 81.308 is revised to read as follows:

§ 81.308 Frequencies available in Alaska.

(a) The carrier frequencies set forth in the following table are authorized for use by common carrier public coast stations in Alaska for communication with ship stations.

Coast station location	Carrier frequency (kHz) [1]	
	Transmit	Receive
Cold Bay	2312	2134
Cordova	[illegible]	[illegible]
Juneau	2400	[illegible]
Ketchikan	2397	[illegible]
Kodiak	[illegible]	2131
Nome	[illegible]	2240
Sitka	2312	2134

[1] Subject to the limitations in § 81.304.

(b) The carrier frequencies set forth in the following table are authorized for use by public coast stations, other than common carrier, in Alaska as indicated below. Frequencies designated for use in a zone of the Alaska area are available only to coast stations located in that zone.

Alaska zone	Carrier frequency (kHz) [1]
All	[illegible]
	[illegible]
	[illegible]
	2382
	[illegible]

Alaska zone	Carrier frequency (kHz) [1]
	4397.7
	[illegible]
1	[illegible]
	1709
	[illegible]
	2419
	2512
	[illegible]
	2616
	[illegible]
	[illegible]
2	[illegible]
	2115
	[illegible]
	[illegible]
	2538
	4422.5
3	1705
	[illegible]
	2450
	[illegible]
	[illegible]
	2525
	[illegible]
4	[illegible]
	1705
	2118
	2427
	2447
	[illegible]
	[illegible]
	3261
	4390.7
5	[illegible]
	1712
	[illegible]
	[illegible]
	2506
	[illegible]
	[illegible]
	[illegible]
6	[illegible]
	2450
	[illegible]
	2506
	[illegible]

[1] Subject to the limitations in § 81.304.

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. In § 83.351, the table in paragraph (a) is amended as follows, and paragraphs (b) (2), (4), (5), (7), (14), (24), (35), (39), (69), (70), (71), (73), and (74) are removed and reserved.

§ 83.351 Frequencies available.

(a) * * *

Carrier frequency (kHz)	Conditions of use	
	Section	Limitations
1619	83.370	15
1622	83.370	15
1643	83.370	15
1646	83.370	15
1649	83.370	15
1652	83.370	15
1705	83.370	15
1708	83.370	15
1709	83.370	15
1712	[illegible]	15
2003	83.366, 83.355	15
2003	83.370	15, 62
2003	[illegible]	15, 40
2006	83.370	15, 62
2009	83.355	15
2031.5	83.355	15
2065.0	83.362	15, 23, 25
2079.0	83.362	15, 23, 25
2082.5	83.358, 83.362	15, 25, 26
2086.0	83.358	3, 15, 25
2093.0	83.362	15, 25, 29

[1] Mississippi River System means the Mississippi River and connecting waters other than the Great Lakes.

Carrier frequency (kHz) [1]	Conditions of use	
	Section	Limitations
4397.7		
4425.0		
1646		
1709		
2000		
2410		
2512		
2535		
2616		
3261		
4403.9		
1649		
2115		
2450		
2509		
2538		
4422.5		
1705		
2422		
2450		
2478		
2512		
2535		
2382		
1643		
1705		
2118		
2427		
2447		
2462		
2509		
2563		
3261		
4366.7		
1652		
1712		
2003		
2430		
2506		
2509		
2560		
3250		
4422.5		
1646		
2450		
2462		
2506		
4403.9		

BOARD

graph

4), (24), (74) are

Limitations
15
15
15
15
15
15
15
15
15
15
15, 62
15, 40
15, 62
15
15
15, 25, 29
15, 25, 29
15, 25, 29
3, 15, 25
15, 25, 29

Carrier frequency (MHz)	Conditions of use	
	Section	Limitations
2096.5	83.360	25
2115	83.370	15
2118	83.355	15
2118	83.370	15
2126	83.355	15
2131	83.370	15, 37
2134	83.355	15
2134	83.370	15, 37
2142	83.355	15
2142	83.358	8, 15, 40
2158	83.355	15
2166	83.355	15
2182	83.106, 83.352, 83.353.	1, 43
2203	83.358	15, 25, 30, 40
2206	83.355	15
2214	83.362	15
2237	83.370	15, 37
2240	83.370	15, 37
2366	83.355	15
2379	83.370	15
2382	83.355	15
2382	83.370	15
2390	83.355	15
2400	83.355	15
2406	83.355	15
2419	83.370	15
2422	83.370	15
2427	83.370	15
2430	83.355	15
2430	83.370	15, 61
2447	83.370	15
2450	83.370	15
2478	83.355	15, 51
2479	83.370	15
2482	83.370	15
2506	83.370	15, 67
2509	83.370	15
2512	83.370	15
2535	83.370	15
2538	83.370	15, 63
2563	83.370	15
2566	83.370	15
2616	83.370	15, 62
2638	83.358	15, 40
2670	83.358, 83.363	15
2738	83.358	15, 40
2739	83.362	15, 41
2782	83.356	15
2830	83.358, 83.362	15, 40
3023.5		75
3258	83.370	15
3261	83.370	15, 62
4063.0	83.354	15
4069.2	83.354	15
4072.3	83.354	15
4075.4	83.354	15
4087.8	83.354	15
4090.9	83.354	15
4094.0	83.354	15
4097.1	83.354	15
4103.3	83.354	15
4109.5	83.354	15
4112.6	83.354	15
4115.7	83.354, 83.356	15, 66
4118.8	83.354	15
4125.0	83.360	13
4126.1	83.354	15
4131.2	83.354	15
4143.6	83.360	13
4383.8	83.370	15, 38
4410.1	83.356	15, 66
4419.4	83.360	13, 15
5680		75
6209.3	83.356	15
6212.4	83.356	15
6218.6	83.360	13, 15
6221.6	83.360	13, 15
6515.7	83.356	15
6518.8	83.356	15
6521.9	83.360	13, 15
8196.1	83.354	15
8201.2	83.356	15, 66
8204.3	83.354	15
8207.4	83.354	15
8213.6	83.356	15, 66
8216.7	83.354	15
8219.8	83.354	15
8222.9	83.354	15
8226.0	83.354	15
8235.3	83.354	15
8238.4	83.354	15

Carrier frequency (MHz)	Conditions of use	
	Section	Limitations
8260.1	83.354	15
8266.3	83.354	15
8269.4	83.354	15
8272.5	83.354	15
8281.8	83.354	15
8284.9	83.354	15
8288.0	83.354	15
8291.1	83.360	13, 15
8294.2	83.360	13, 15
8725.1	83.356	15, 66
8737.5	83.356	15, 66
12330.0	83.354	15, 15
12333.1	83.354	15
12336.2	83.354	15
12345.5	83.354	15
12351.7	83.354	15
12354.8	83.354	15
12357.9	83.354	15
12361.0	83.354	15
12364.1	83.354	15
12373.4	83.355	15
12395.1	83.355	15
12398.2	83.354	15
12404.4	83.354	15
12407.5	83.354	15
12413.7	83.354	15
12416.8	83.354	15
12419.9	83.354	15
12429.2	83.360	13
12432.3	83.360	13
12435.4	83.360	13
13103.9	83.356	3, 15, 66
16460.0	83.354	15
16463.1	83.354	15
16466.2	83.354	15
16472.4	83.354	15
16478.6	83.354	15
16484.8	83.354	15
16487.9	83.354	15
16491.0	83.354	15
16506.5	83.354	15
16518.9	83.354, 83.356	15, 66
16531.3	83.354	15
16537.5	83.354	15
16553.0	83.354	15
16556.1	83.354	15
16584.0	83.354	15
16587.1	83.360	13, 15
16590.1	83.360	13, 15
16593.3	83.360	13, 15
17291.8	83.356	3, 15, 66
22000.0	83.354	15
22012.4	83.354	15
22027.9	83.354	15
22040.3	83.354	15
22043.4	83.354	15
22046.5	83.354	15
22065.1	83.354	15
22068.2	83.354	15
23080.6	83.354	15
22083.7	83.354	15
22093.0	83.354	15
22108.5	83.354	15
22111.6	83.354	15
22124.0	83.360	13, 15
22127.1	83.360	13, 15
22130.2	83.360	13, 15
22133.3	83.360	13, 15
22136.4	83.360	13, 15

[MHz]

156.275	83.359	40, 41, 45

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(b) * * *

(2) [Reserved]

* * * * *

(4) [Reserved]

(5) [Reserved]

* * * * *

(7) [Reserved]

* * * * *

(14) [Reserved]

* * * * *

(24) [Reserved]

* * * * *

(35) [Reserved]

* * * * *

(39) [Reserved]

* * * * *

(69) [Reserved]

(70) [Reserved]

(71) [Reserved]

* * * * *

(73) [Reserved]

(74) [Reserved]

* * * * *

2. Section 83.354 is revised to read as follows:

§ 83.354 Frequencies available for communication with public coast stations on frequencies between 4000 and 23000 kHz.

The following frequencies are authorized for use by ship stations for communications with high seas public coast stations.

Coast station location	Channel designation	Ship carrier frequency [kHz]	
		Transmit	Receive
San Francisco, CA	821	4063.0	4357.4
	416	4109.5	4403.9
	417	4112.6	4407.0
	804	8204.3	8728.2
	809	8219.8	8743.7
	814	8235.3	8759.2
	822	8262.1	8784.0
	1201	12,330.0	13,100.6
	1202	12,333.1	13,103.9
	1203	12,336.2	13,107.0
	1229	12,416.8	13,187.6
	1230	12,419.9	13,190.7
	1602	16,463.1	17,236.0
	1603	16,466.2	17,239.1
	1616	16,506.5	17,279.4
	1624	16,531.3	17,304.2
	2214	22,040.3	22,636.3
	2223	22,068.2	22,664.2
	2228	22,083.7	22,679.7
	2236	22,108.5	22,704.5
New York, NY	410	4060.9	4385.3
	411	4091.0	4388.4
	416	4109.5	4403.9
	422	4126.1	4422.5
	806	8216.7	8740.6
	811	8226.0	8749.9
	815	8238.4	8762.3
	821	8272.5	8796.4
	1203	12,336.2	13,107.0
	1210	12,357.9	13,128.7
	1211	12,361.0	13,131.8
	1228	12,413.7	13,184.5
	1230	12,419.9	13,190.7
	1605	16,472.4	17,245.3
	1620	16,518.9	17,291.8
	1626	16,537.5	17,310.4
	1631	16,553.0	17,325.9
	2201	22,000	22,596.0
	2205	22,012.4	22,608.4
	2210	22,027.9	22,623.9
	2236	22,108.5	22,704.5
Miami, FL	403	4060.2	4384.6
	412	4097.1	4391.5
	417	4112.6	4407.0
	423	4131.2	4425.6
	802	8196.1	8722.0
	805	8207.4	8731.3
	810	8222.9	8746.8
	825	8269.4	8793.3
	831	8288.0	8811.9
	1206	12,345.5	13,116.3
	1208	12,351.7	13,122.5
	1209	12,354.8	13,125.6
	1215	12,373.4	13,144.2
	1223	12,398.2	13,169.0

Coast station location	Channel designation	Ship carrier frequency (kHz)	
		Transmit	Receive
	1631	16,460.0	17,232.9
	1609	16,484.8	17,257.7
	1610	16,487.9	17,260.8
	1611	16,491.0	17,263.9
	2215	22,043.4	22,639.4
	2216	22,046.5	22,642.5
	2222	22,065.1	22,661.1
Mobile, AL	405	4075.4	4369.8
	414	4103.3	4397.7
	415	4118.8	4413.2
	824	8265.3	8790.2
	829	8281.8	8805.7
	830	8284.9	8808.8
	1212	12,364.1	13,134.9
	1225	12,404.4	13,175.2
	1226	12,407.5	13,178.3
	1607	16,478.6	17,251.5
	1632	16,556.1	17,329.0
	1641	16,584.0	17,356.9
	2227	22,080.6	22,676.6
	2231	22,093.0	22,689.0
	2237	22,111.6	22,707.6
Delcambre, LA	404	4072.3	4366.7
Rogers City, MI	405	4075.4	4369.8
Loran, OH	409	4087.6	4382.2
Buffalo, NY	418	4115.7	4410.1
Buffalo, NY	826	8272.5	8796.4
Loran, OH	826	8272.5	8796.4

3. Section 83.355, is revised to read as follows:

§ 83.355 Frequencies available for communications with public coast stations operating in the band between 1605 and 4000 kHz.

(a) The following frequencies are authorized for use by ship stations for communication with regional public coast stations, as indicated below:

Coast station located in the vicinity of	Ship carrier frequency (kHz)		Conditions of use
	Transmit	Receive	
Agana, GU	2009	2506	
Boston, MA	2365	2450	
	2406	2506	
	2390	2566	2.
New York, NY	2362	2482	1.
	2126	2522	
	2158	2558	
	2186	2586	
Wilmington, DE	2166	2558	
Baltimore, MD	2400	2400	
Norfolk-Quantico, VA	2366	2	
	2142		
		2450	
		2538	
Charleston, SC—Jacksonville, FL	2206	2566	
Miami, FL	2406	2442	2.
	2031.5	2400	
	2118	2514	
Tampa, FL	2009	2466	
	2158	2550	3.
Mobile, AL	2430	2572	
New Orleans, LA	2362	2482	
	2158	2558	2
	2206	2586	
Delcambre, LA	2458	2506	2.
Galveston, TX	2506	2450	2, 4
	2134	2530	
Corpus Christi, TX	2142	2538	5.
Ponce, PR	2086	2286	
San Juan, PR	2134	2530	
Buffalo, NY	2118	2514	
Rogers City, MI			
	2158	2550	
	2206	2566	9.
Los Angeles—San Diego, CA	2382	2466	6.
	2126	2522	7 a.m. to 7 p.m., P.s.t. only.
	2009	2566	
	2206	2566	7 a.m. to 7 p.m., P.s.t. only.
San Francisco—Eureka, CA	2003	2450	7.
Astoria, OR	2406	2506	
Astoria-Portland, OR	2009	2442	Day only.
Coos Bay, OR	2206	2566	
	2031.5	2566	7 a.m. to 7 p.m., P.s.t. only.
Seattle, WA	2126	2522	
	2430	2482	8.
Kahuku, HI	2134	2530	
St. Thomas Island, VI	2009	2506	8 a.m. to 9 p.m., P.s.t. only.

(1) Available on the condition harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La.

(2) Day only.

(3) Unlimited hours of use from December 15 to April 1, annually, and day only from April 1, to December 15, annually, on the condition that harmful interference shall not be caused to the service of any ship station in the Great Lakes area.

(4) Available on the condition that harmful interference is not caused to the service of any coast station located in the vicinity of Boston, Mass., or San Francisco-Eureka, Calif.

(5) Available on the condition that harmful interference is not caused to the service of any station located in the vicinity of Norfolk-Quantico, Va.

(6) Available on the condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., or any ship station located in the vicinity of New Orleans.

(7) Available on the condition that harmful interference is not caused to any ship station located in the vicinity of Los Angeles or San Diego, Calif.

(8) Authorized for use south of 51 degrees north latitude and east of 142 degrees west longitude exclusively during the following daily periods on the condition that harmful interference is not caused to the service of any station in the Alaska area to which this carrier frequency is assigned: Annually from April 1 to September 30, inclusive, from 5 a.m. to 9 p.m., P.s.t., only; and annually from October 1 to March 31, inclusive, from 6 a.m. to 11 p.m., P.s.t. only.

(9) Not available to U.S. ship stations for transmission, except in the case of a distress.

4. A new § 83.356 is added to read as follows:

§ 83.356 Frequencies below 27.5 MHz available for use on inland waterways.

The following frequencies are authorized for use by ship stations in a simplex mode for communication with coast stations on inland waterways, as indicated below:

Coast station location	Carrier frequency (kHz)
Jeffersonville, IN	[1] 2086.0
Louisville, KY	2782.0
	4415.7
	6518.8
	8725.1
	13,103.9
	17,291.8
Memphis, TN	[1] 2086.0
	2782.0
	4087.0
	6209.3
	8201.2
	12,331.1
	16,518.9
Pittsburgh, PA	[1] 2086.0
	2782.0
	4063.0
	6515.7
	8213.6
	12,333.1
	16,518.9
St. Louis, MO	[1] 2086.0
	2782.0
	4410.1
	6212.4
	8737.5
	13,103.9
	17,291.8

[1] Limited to a maximum output power of 150 watts (PEP)

5. Section 83.370 is revised to read as follows:

§ 83.370 Frequencies below 27.5 MHz available in Alaska.

(a) The carrier frequencies set forth in the following table are authorized for use by ship stations for communication with common carrier coast stations in Alaska.

Coast station location	Carrier frequency (kHz)	
	Transmit	Receive
Cold Bay	2134	2312
Cordova	2237	2397
Juneau	2190	2400
Ketchikan	2237	2397
Kodiak	2131	2309
Nome	2230	2400
Sitka	2134	2312

(b) The carrier frequencies set forth in the following table are authorized for use by ship stations for communication with public coast stations, other than common carrier, in Alaska. Frequencies designated for use in a zone of the Alaska area are available only to coast stations located in that zone.

Alaska zone	Carrier frequency [1] (kHz)
All	1619
	1622
	2378
	2382
	4397.7
	4425.6
1	1618
	1709

Alaska zone	Carrier frequency [1] (kHz)
	2006
	2419
	2512
	2566
	2616
	3261
	4403.9
2	1649
	2115
	2430
	2509
	2538
	4422.5
3	1705
	2422
	2450
	2479
	2512
	2535

Alaska zone	Carrier frequency [1] (kHz)
	4369.6
4	1643
	1705
	2116
	2427
	2447
	2482
	2509
	2563
	3261
	4366.7
5	1652
	1712
	2003
	2430
	2506
	2566
	3258
	4423.5

Alaska zone	Carrier frequency [1] (kHz)
6	1646
	2450
	2482
	2506
	4403.9

[1] Subject to the limitations of § 83.351.

§ 83.371 [Removed]

6. Section 83.371 is removed.

§ 83.372 [Removed]

7. Section 83.372 is removed.

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Notices

Federal Register
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Tuesday, December 22, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

VISTA Guidelines

AGENCY: ACTION.

ACTION: Final notice of VISTA guidelines.

SUMMARY: This notice outlines some of the guidelines under which the VISTA program will operate. The present three sections of the Guidelines set out the overall program philosophy, the new VISTA Guidance Papers which provides information to sponsors on VISTA's project selection process, and specific policies in the area of project review procedures. The fourth section of the Guidelines is being withheld in order to allow further review by the Agency of the comments received.

EFFECTIVE DATE: The VISTA Guidelines shall take effect on February 5, 1982.

FOR FURTHER INFORMATION CONTACT: Arthur F. Fergenson, General Counsel, ACTION, 806 Connecticut Ave., NW., Washington, D.C. 20525; 202–254–3116.

SUPPLEMENTARY INFORMATION: Section 420 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5060) was amended in 1979 to define the term regulation and to detail the procedures to be followed in prescribing regulations. Through its broad definition of a regulation, the section requires that "any rule, regulation, guideline, interpretation, order, or requirement of general applicability" issued by the Director of ACTION must be published with a 30 day comment period except in certain limited circumstances. These Guidelines, although not regulations under the Administrative Procedure Act (5 U.S.C 551 et seq.), may, in whole or in part, be required by our Act to be published in proposed form for comments.

The Guidelines were published in proposed form in the **Federal Register** for comment on Monday, November 9, 1981 (46 FR 55287–91). At the time of publication in proposed form, the VISTA Guidelines contained the three sections presently being promulgated in final form herein and a fourth section entitled "Invovlement of VISTA Volunteers in Demonstrations." The Agency has considered the public comments received and has determined to adopt as final the first three sections of the proposed Guidelines without change. Below is a brief description of the final Guidelines and the Agency's response to the comments received on the sections published in final herein.

I. Description of the Guidelines

The present VISTA Guidelines are divided into three parts:

I. Program Directions.
II. VISTA Guidance Papers.
III. VISTA Project Review Procedures.

Each of the parts deals with specific areas of the new approach to the VISTA program. The first Part outlines the programmatic approach for VISTA espoused by the new Administration. This approach includes a commitment to encouraging those projects which significantly contribute toward the development of those skills in the poor that enable them to escape from poverty.

The second Part supersedes the VISTA Guidance Papers published on September 10, 1979, at page 52704 *et seq.* of No. 176, Volume 44 of the **Federal Register**, and republishes with minor changes the VISTA Guidance Papers published on April 15, 1981, at Pages 22013–4 of No. 72, Volume 46 of the **Federal Register**. The September 1979 Papers are eliminated and are of no force or effect. The present Guidelines differ from the September 1979 Papers as follows:

(1) Deletion of the requirement that VISTA projects must emphasize community organizing as a necessary element of a VISTA project;

(2) Insertion of the requirement that all VISTA projects have the approval of the Director of VISTA;

(3) Provision of a mechanism for the orderly phasing out of projects which do not meet VISTA requirements; and

(4) Deletion of the "decision day" mechanism in the review process.

Part three outlines specific procedures to be followed by agency personnel in the handling of project reviews. This is to ensure both consistent, nationwide handling of all project reviews and to inform the applicants of the various procedures available to the Agency in any given circumstance.

Discussion of Public Comments

During the formal 30-day comment period, the Agency received many comments from the public. The following is the Agency's response to the comments to each Part of the Guidelines.

Part I. Program Directions

Several comments were received by the Agency questioning the factual basis of the new program philosophy and directions. Specifically, the comments questioned the commitment of the private sector to the poor and thus, the subsequent effectiveness of a cooperative approach being taken by VISTA to fight poverty. It is VISTA's belief that the local, private sector has traditionally been the major force in providing for the poor in their community and has only stopped such endeavors when this area was usurped by the federal government. With the necessary reductions in governmental interference in such areas, and the restimulation of the private sector by VISTA, the role of the local community vis-a-vis its poor will regain its rightful place.

Part II. VISTA Guidance Papers

The majority of comments received in this part involved three areas: The deletion of community organizing as a required emphasis; the requirement of project approval by the Director of VISTA; and the need for more specific criteria for project selection.

The Agency has reviewed the recent hisory of VISTA when community organizing was emphasized. Although there may have been individual successes using this technique and approach, we do not believe that the results it produced justify its previous emphasis. The poor should be treated as individuals, not as the undifferentiated mass which is the approach of those who subscribe to community organizing. In its time remaining, VISTA will focus on the enhancement of the particular skills and abilities of those persons most in need and most able to benefit from the type of personal commitment which is this program's hallmark.

Several other comments viewed with dismay the change in the approval

process, namely that the Director of VISTA has the sole power to approve VISTA projects. The comments alleged that this "politicized" the process and eroded all decision-making power from the local offices. The withdrawal of the final approval to the Director of VISTA was done to ensure that a procedure of review consistent with the new directions of VISTA would occur. Actions taken to ensure consistency are certainly allowable, as are those taken to direct VISTA in new directions within its statutory mandate. The opinions and recommendations of the local and regional offices remain an important and integral part of this present decision-making process. These offices, contrary to when the National Grants Program operated to limit their participation from the process, are involved in every decision concerning the placement of VISTA Volunteers. Indeed, the State and regional offices retain the important authority to deny VISTA projects under this new procedure.

The last area of concern in a majority of the comments received concerning the subject matter of this Part involved the lack of specificity in the criteria used to evaluate projects. The Agency is puzzled by the comments since the present VISTA Guidance Papers delete only one substantive requirement—the emphasis on community organization—and has retained the remaining criteria. The Agency does not wish to limit the acceptable range of diversity that has always characterized the VISTA projects selected. As in the past, sponsors and project activities qualifying for VISTA Volunteers will differ widely as long as the requirements and criteria present in the Guidance Papers are met. To require additional criteria would be a narrowing of the rich diversity of sponsors and activities presently acceptable under the existing Papers.

Another comment suggested an additional criterion be considered in the Agency's selection of a VISTA sponsor; to wit, that the sponsor's philosophy be required to be consistent with the basic philosophy of VISTA. Although the Agency agrees that a sponsoring organization's overall history of performance may be reviewed to determine its ability to fulfill the obligations of a VISTA sponsor, it is outside our authority to require that a sponsors's overall philosophy be consistent with VISTA. Our relationship to the sponsoring organization concerns only its segment that uses VISTA Volunteers. Outside of that particular segment, VISTA may only require information that is necessary to the maintenance of the VISTA project, e.g. nonprofit status of the sponsor; fiscal and financial management, etc.

Part III. VISTA Project Review Procedures

The majority of comments received by the Agency concerning this Part complained that there was a severe problem of timeliness in VISTA's review process for continuation applications. It is precisely because of this problem that the time guidelines were implemented in early 1981 and are included in this Part. Frequently, projects have been tardy in submitting applications; in other instances, the review process has been delayed because projects submitted incomplete application packages. However, the Agency would like to note that regardless of the source of delay in the review, the Agency continues the applicant's present level of funding until a final decision is rendered. Thus the sponsoring organization suffers no financial harm during the time taken by VISTA necessary to ensure a full and deliberate review of each application.

Part I—Program Directions

Underlying Philosophy

The new Administration is commited to the fulfillment of VISTA's statutory mandate "to eliminate poverty and poverty-related human, social, and environmental problems in the United States by encouraging and enabling persons from *all walks of life and all age groups*, including elderly and retired Americans, to perform *meaningful* and *constructive volunteer services* in agencies, institutions, and situations where the application of human talent and dedication may assist in the solution of poverty and poverty-related problems and *secure and exploit opportunities for self-advancement* by persons afflicted with such problems" (42 U.S.C. 4951) (emphasis added). Projects which encourage long-term dependency on government entitlement programs contribute nothing to VISTA's statutory goal of eliminating poverty and encouraging self-advancement on the part of low-income people.

The U.S. economy has severe problems which will take time to solve; but it has tremendous potential to resume its historical pattern of real, rather than illusory, growth. Two major elements of the new Administration's economic plans are curtailment of the recent explosive growth of the public sector and stimulating greater private sector activity. VISTA can best serve the poor by encouraging projects which develop in individuals the skills and attitudes necessary to survive and prosper in the private sector.

Projects recognizing the individuality of those categorized as "the poor" and designed to address the unique set of problems each person has are consistent with the goals of the new Administration. On the other hand, projects which have a substantial risk of resulting primarily in increasing the anger and frustration of the poor without contributing significantly to their chances of working their way out of poverty do not meet such goals; nor are the goals attained by projects designed with more concern for the self-aggrandizement of their leadership than for the needs of the poor.

Organizations which have a demonstrable pattern of approaching people and problems in a constructive, cooperative way have the best chance of fulfilling the goals of the Act and of the particular project. Organizations with a philosophy or pattern of "confrontational" attacks on other segments of the community have little chance of eliciting the aid and support of many of the people who can best assist the poor in improving their lot in life, and will be much less likely to be able to institutionalize their projects when VISTA funds are no longer available.

Both new and renewed VISTA projects should display evidence of local public and/or private sector support or active participation which will enhance their chance of success, as well as plans for institutionalizing the VISTA activities after the volunteers leave.

(42 U.S.C. 4951; 4952)

Part II. Vista Guidance Papers

A. Procedures on Selection of VISTA Sponsors and Projects

1. The following procedures will be employed by ACTION staff in the selection of VISTA sponsors and in the approval of view and continuation VISTA projects. All the stated elements must be found in the applicant's proposal. The project must:

(a) Be poverty-related in scope and otherwise comply with the provisions of the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C. 4951 *et seq.)* applicable to VISTA and all applicable plublished regulations and ACTION policies.

(b) Comply with applicable financial and fiscal requirements established by ACTION or other elements of the Federal Government.

(c) Show that the goals, objectives and volunteer tasks are attainable within the time frame during which the volunteers

will be working on the project and will produce a measurable result.

(d) Provide for reasonable efforts to recruit and involve low-income community residents in the planning, development and implementation of the VISTA project.

(e) Provide for frequent and effective supervision of the volunteers.

(f) Identify resources needed and make them available for volunteers to perform their tasks.

(g) Have the management capability to carry out the project.

2. Additional Factors. ACTION personnel may use the following additional tests in choosing between applicants who meet the criteria specified above:

(a) How important is the proposed project to the target community? Who will benefit from the project?

(b) Does the project show evidence of skillful and careful planning to attain project goals?

(c) Did the sponsor answer project application questions with specificity or somewhat vaguely?

(d) What evidence of local support does the project have? What local opposition does it have?

(e) Does the sponsoring organization have the managerial and technical skills and expertise to implement the project successfully?

(f) Sponsor's staff:

(1) What are the procedures for on-the-job training of the staff?

(2) What kind of supervision do staff members receive?

(3) What are the procedures for staff accountability?

(4) What position on the staff will be responsible for VISTA supervision?

(g) Is the number of volunteers being requested appropriate for project goals and objectives as stated?

3. Prohibited Activities. Applicants and sponsors must furnish adequate assurances that the following prohibitions on volunteer and sponsor activity are observed:

(a) VISTA Volunteers are prohibited by law from participating in:

(1) Partisan and nonpartisan political activities, including voter registration activities.

(2) Direct or indirect attempts to influence legislation, or proposals by initiative petition.

(3) Labor and anti-labor organization and related activities.

(b) VISTA sponsors are prohibited by law from:

(1) Carrying out projects resulting in the identification of such projects with partisan and nonpartisan political activities, including voter registration activities and providing voters with transportation to the polls.

(2) Assigning volunteers to activities which would result in the displacement of employed workers.

(3) Accepting, or permitting the acceptance of compensation for the services of volunteers.

(4) Using volunteers as part of the sponsor organization as opposed to the project. The project sponsor is responsible to insure that all segments of the community are aware of the distinction between the project and the sponsor, and that the VISTA Volunteers work on the former and not for the latter.

4. VISTA Sponsor Selection Process.

Project Approval Process for New Sponsors. In order to assure all potential sponsors equal consideration, the VISTA project approval process for new projects listed below is to be followed.

(1) When a potential sponsor contacts an ACTION State Office to apply for VISTA resources the State Office will send the sponsor a Pre-Application Inquiry Form or a VISTA Project Application Form.

(2) Returned VISTA Project Application Forms should be reviewed by the State Director as they are received.

(a) Potential projects which appear to the State Director to be out of compliance with VISTA policies should be disapproved and the sponsoring agency/organization should be notified in writing.

(b) Potential projects that have been found to meet minimum VISTA requirements should be scheduled for a second review as soon as possible.

(3) Programming Review—The recommendation as to which projects will be developed for the placement of VISTA Volunteers will be made at the second review of the VISTA Project Application Forms to be held by each State/district.

(a) Participating in the review will be:

(1) The State Director and whoever he/she deems necessary from his/her staff.

(2) The Regional Director or his/her designee.

(b) The State Director will rank the VISTA Project Application Forms under consideration. Rank will be determined on the basis of how projects compare to each other as they are judged against both VISTA policies and requirements and the State programming strategy (e.g., rural/urban, program focus, etc.).

(c) The State Director will propose to the Regional Director which projects will be developed according to their rank and the number of training entries which can be placed during the coming quarter.

(d) The Regional Director will send a copy of the joint recommendation of the State and Regional Directors to the Regional of VISTA for approval along with the complete project application package.

(e) The Director of VISTA will promptly notify the Regional and State Directors of all decisions. Formal action necessary to implement the decisions will be initiated by the State Director after all approved VISTA Project Application Forms and necessary auxiliary documents (e.g., Memoranda of Understanding) have been reviewed for technical and legal sufficiency by the Regional Director.

(f) The Regional Office will forward a copy of the complete document file to VISTA headquarters.

Procedures for Existing Sponsors.

(1) Notice. All State Offices will review existing VISTA projects to determine whether they would be in compliance with VISTA requirements if they were applied to the project as currently constituted. Those that do not appear to comply will be notified of this fact with the reasons for noncompliance explained. Sponsors will be reminded that any new application for renewal must comply with VISTA requirements.

(2) Review of Continuation Applications.

(a) Project applications from existing sponsoring organizations which desire renewal will be reviewed by the State and Regional Director and the Director of VISTA. If the application is denied at the State, regional or national level, the sponsor will be notified that ACTION intends to deny the application for renewal, and the sponsor will be given an opportunity to show cause why the application should not be denied in accordance with ACTION procedures. See Part 1206, Title 45, Code of Federal Regulations.

(b) If the application for renewal is approved by the State and Regional Directors and the Director of VISTA, the project will be renewed for one year, subject to the availability of funds.

(42 U.S.C. 4953)

Part III—Vista Project Review Procedures

A. Submission of New or Renewal Project Packages.

B. Extensions of Memoranda of Agreement.

1. Extensions for Less than Six Months.

a. Requests for Approval of Extension.

b. Denial of Extension.

2. Approval of Project Extensions in Lieu of Full Year Renewals.

C. Denial of Project Renewal Applications.

1. Tentative Denial at Regional Level.

2. Continuation of Assistance During Denial of Renewal Process.

D. Freedom of Information Act Requests Related to Project Review.

E. Timeliness.

The following procedures will serve as guidelines for VISTA project review:

A. Submission of New or Renewal Project Packages

Regional Directors requesting approval for full-year renewal or new project applications shall submit such packages at the earliest possible date (see Section E below regarding timeliness of renewal applications). To the extent possible, new or renewal project packages should address all of the "Additional Factors" contained in Section A.2. of the Revised VISTA Guidance Papers. In particular, packages should provide evidence of local public and/or private sector support or active participation which would enhance the project's chance of success, and should indicate plans for "institutionalizing" VISTA-supported activities after volunteers leave.

B. Extension of Memoranda of Agreement

1. *Extensions of Less than Six Months.* a. *Requests for Approval of Extension.* Project packages should be submitted to the Director of VISTA for approval in his/her complete discretion if a Memorandum of Agreement extension is requested in order to allow existing volunteers to complete their first full year of service. In such cases, no more than three (3) additional months of project activity will be permitted if any additional time is allowed at all, with the understanding that a full-year renewal is desired neither by ACTION nor by the sponsoring organization.

The Director of VISTA will notify the Regional and State Directors of his/her decision in writing as soon as possible after receipt of the extension request package. Where an extension is approved, State and Regional Offices will take all necessary actions to implement that decision, including extension of the Memorandum of Agreement and applicable support grants. In no instance shall volunteers assigned to such projects be extended beyond their first year of service.

b. *Denial of Extension.* Regional Directors and the Director of VISTA may deny requests for project extensions of less than six (6) months without allowing for an informal "show cause" meeting, regardless of the duration of the project. In such cases, Regional Directors and the Director of VISTA shall issue a denial letter to the sponsor which shall constitute a *final,* non-appealable decision.

2. *Approval of Project Extensions in Lieu of Full-Year Renewals.* In a number of instances in the past, ACTION State and/or Regional Directors have recommended approval of project extensions of less than 12 months although the sponsor had submitted an application for a full-year renewal. In future similar cases, procedures for denial of refunding as required by 45 CFR 1206.2–4(d) shall apply (*i.e.,* the Regional Director shall issue a tentative denial notice for the one-year request, stating in such notice, however, that he/she is recommending to the Director of VISTA that the project be extended for a specified number of months). Copies of such letters shall be forwarded to the VISTA Director upon issuance.

If an informal meeting is held on a one-year renewal request, the Regional Director shall collect all material furnished by the sponsor and shall forward all such material, the project renewal file, and the Regional Director's own recommendations, to the Director of VISTA for *final* decisions on both the sponsor's renewal application and the Regional Director's extension recommendation. The required documents shall be forwarded to the Director of VISTA within five (5) days of the meeting. (See section C(2) below regarding continuation of assistance.)

If the sponsor does not request an informal meeting as required in the tentative letter, the Regional Director's tentative decision to deny the renewal application will become final. In such cases, only the Regional Director's extension request, together with supporting documents, shall be submitted to the Director of VISTA for final review and decision.

Regardless of their proposed duration these ACTION-initiated project extensions are not covered by the denial of renewal procedures.

C. Denial of Project Renewal Application

1. *Tentative Denial at Regional Level.* All tentative denial decisions made *prior* to a project's submission to the Director of VISTA will be issued by the ACTION Regional Director. The tentative denial notice shall be sent to the sponsor as far in advance of the end date of the current Memorandum of Agreement as possible. It must contain: Reasons for the tentative decision to which the sponsor can address itself should it wish to contest the decision to deny refunding; notification of the date by which the sponsor must request an informal meeting; and a copy of 45 CFR Part 1206, Subpart B.

The Regional Director shall conduct the informal meeting required by 45 CFR Part 1206 2–4(d) as appropriate with the State Director (or designee) in attendance if feasible. Meetings shall be scheduled approximately two weeks after issuance of a tentative denial (assuming the sponsor has responded in a timely manner to the letter and requested a meeting). If the sponsor does not request an informal meeting in a timely manner, the Regional Director's denial decision will become final.

At the informal meeting, the Regional Director shall collect all information furnished by the sponsor and shall indicate to the sponsor only that all such material, the project renewal file, and the Regional Director's own recommendations will be forwarded to the Director of VISTA for a final decision. The required documents shall be forwarded to the VISTA Director within five (5) working days of the meeting. (See section C(2) below regarding continuation of assistance during the appeal process.)

2. *Continuation of Assistance During Denial of Renewal Process.* If the project duration period specified in the Memorandum of Agreement between ACTION and the sponsor expires before a final decision has been made regarding the sponsor's application for renewal or extension (where the sponsor has made timely application as specified in Section E below), the project shall be continued at the same level of support until a final decision is made and communicated to the sponsor.

The Memorandum of Agreement in such cases shall be amended to extend its period "until a final decision is rendered on the project's renewal status"; all volunteers assigned to the project shall be continued in "active" status (with the provision, however, that volunteers who have reached their scheduled termination dates, and who do not wish to continue in service, will be allowed to leave). Support grants for supervision or transportation of volunteers shall be extended for a period not to exceed 30 days.

Where a final decision denies project renewal, volunteers whose terms of service extend beyond the project's expiration date shall be notified by mailgram from the Regional Director that they have been placed on Administrative Hold effective the day after the project's expiration, shall continue to receive all regular

allowances, shall no longer engage in any project-related activities, and shall contact the ACTION State Office within three (3) working days to clarify their status. A follow-up letter shall be sent to such volunteers by the State Office as soon as the volunteers notify the State Office that they wish to be considered for reassignment or wish to resign from VISTA service. If the State Office receives no such notification, or if no reassignment can be found, volunteers shall be terminated from VISTA service pursuant to volunteer termination procedures contained in 45 CFR Part 1210.

D. Freedom of Information Act Requests Related to Project Review

All Freedom of Information Act [FOIA] requests generated by the project review process shall be directed to the FOIA Officer in Washington for reply (even if initially addressed to the State or Regional Offices).

E. Timeliness

Equitable and expeditious treatment of both sponsors and volunteers requires that documentation be submitted and processed at all levels in a timely manner.

All sponsors shall be notified by the appropriate State Office that renewal applications must be submitted to the State Office at least 115 days prior to the expiration date of the current Memorandum of Agreement. Renewal application packages shall be submitted to the Regional Office at least 80 days prior to the expiration date, and to the Director's Office at least 60 days prior to the expiration date.

(42 U.S.C. 4953; 5052)

Dated in Washington, D.C. on December 17, 1981.

Thomas W. Pauken,

Director, ACTION.

[FR Doc. 81-36462 Filed 12-21-81; 8:45 am]

BILLING CODE 6050-01-M

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Intent To Prepare Draft Environmental Impact Statement and Conduct Public Scoping Meetings; Soyland Power Cooperative

Notice is hereby given that the Rural Electrification Administration (REA), if lead agency, intends to prepare a draft Environmental Impact Statement (EIS) and conduct public scoping meetings in order to fulfill its requirements under the National Environmental Policy Act of 1969 in connection with possible financing assistance for Soyland Power Cooperative, Inc., (Soyland), P.O. Box A1606 Decatur, Illinois 62525, for the construction of certain peaking power generation facilities and related transmission facilities. Soyland tentatively proposes that the project be located in the State of Illinois, and is currently investigating possible sites in Menard, Pike and Adams Counties.

The sites are being investigated for a possible 220 MW compressed air energy storage facility. The plant technology will include combustion turbines, a specially designed motor-generator, an air compression system, and underground air storage cavern that is connected by piping to a hydraulic compensation reservoir on the land surface, and other ancillary facilities.

Alternatives to be considered by REA are described in REA Bulletin 20-21:320-21 and may include among other options: (1) No project; (2) load management; (3) purchase power from other utilities; and (4) alternative sites for the proposed plant.

REA will hold public scoping meetings with the following schedule: on January 19, 1982, at the Seymour Elementary School, 404 West State Street, Payson, Illinois, at 7:30 p.m.; on January 20, 1982, at the Pike County Courthouse, Washington Street, in Pittsfield, Illinois, at 7:30 p.m.; and on January 21, 1982, at Porta Junior-Senior High School, Rural Route 2 (at the end of Sheridan Road), Petersburg, Illinois, at 7:30 p.m.

The public scoping meetings, conducted by a representative of REA, will be held to solicit public input and comments including but not limited to the nature of the proposed project, its possible location, alternatives, and any significant issues and environmental concerns that should be addressed in the EIS. A record will be made of the meetings and comments made will be addressed in the draft EIS.

All agencies, groups, and individuals are invited to attend and participate in this series of public scoping meetings. All interested parties are invited to submit written comments to REA prior to, at, or within 30 days after the scoping meetings, in order for the comments to be part of the formal record. Comments should be sent to Mr. Joe S. Zoller, Assistant Administrator—Electric, REA, U.S. Department of Agriculture, Washington, D.C. 20250. Requests for additional information concerning the scoping meeting may be directed to Soyland at the above address.

REA's financing assistance to Soyland will be subject to and contingent upon reaching satisfactory conclusions with respect to the environmental effects of the project, and final action will be taken only after compliance with EIS procedures required by NEPA of 1969 have been satisfied.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 16th day of December 1981.

Harold V. Hunter,

Administrator.

[FR Doc. 81-36346 Filed 12-21-81; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Pollock Recreation Area RC&D Measure, South Dakota; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Robert D. Swenson, State Conservationist, Soil Conservation Service, Federal Building, 200 Fourth Street S. W., Huron, South Dakota 57350, telephone (605) 352-8651, Ext. 333 (commercial), or 782-2333 (FTS).

NOTICE: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice than an environmental impact statement is not being prepared for the Pollock Recreation Area, RC&D Measure, Campbell County, South Dakota.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Robert D. Swenson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for recreation facilities and critical area treatment. The planned works of improvement include access roads, parking and turnaround areas, beach area, campgrounds (3), picnic areas (2), RV dump station, diversion and bank stabilization.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. Basic data developed during the environmental

assessment are on file and may be reviewed by contacting Robert D. Swenson. An environmental impact appraisal has been prepared and sent to various Federal, State and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until January 21, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Robert D. Swenson,

State Conservationist.

December 14, 1981.

[FR Doc. 81-36614 Filed 12-21-81; 8:45 am]

BILLING CODE 3410-16-M

Lower Florida Farm Irrigation RC&D Measure, Colorado

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Sheldon G. Boone, State Conservationist, Soil Conservation Service, P.O. Box 17017, Denver, Colorado 80217, telephone (303) 837-4275.

NOTICE: Pursuant to § 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lower Florida Farm Irrigation RC&D Measure, La Plata County, Colorado.

The environmental assessment of this federally assisted action indicates that the measure will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Sheldon G. Boone, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this measure.

The measure concerns a plan to rehabilitate a farm irrigation system to improve irrigation water management, reduce operation and maintenance and reduce energy costs. The planned works of improvement include replacing irrigation canals and ditches with approximately 7 miles of gravity pressured pipeline. The pipeline will deliver water to the individual farm sprinkler systems from the Florida Canal.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental evaluation are on file and may be reviewed by contacting Mr. Sheldon G. Boone. The FNSI has been sent to various Federal, State and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until January 21, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Date: December 15, 1981.

Sheldon G. Boone,

State Conservationist.

[FR Doc. 81-36616 Filed 12-21-81; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Docket 38638; Order 81-12-69]

Air Carrier Rules Governing Confirmation of Reserved Space; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 11th day of December 1981.

Rules 115 of the domestic passenger rules tariff, CAB No. 352, describes the conditions under which most U.S. airlines confirm reservations on their flights. In Order 80-9-57 (September 12, 1980), the Board tentatively concluded that this rule is unlawful because it does not make clear an airline's obligation to passengers whose reservations do not appear in the airline's reservations records, but who have been issued tickets showing a confirmed status.[1] We asked all interested parties to show cause why we should not order the airlines to amend the rule to clarify their obligations to these people. We have received few objections to our proposed action,[2] and we have decided to make it final.

In Rule 115, most airlines explain that they consider a reservation confirmed when an agent of the airline confirms the requested space and records the transaction in the airline's electronic reservations system. Usually, the rule provides that reservations will then be held for the passenger subject to the timely purchase of a ticket. However, as we explained in Order 80-9-57, we are concerned because Rule 115 does not specifically address the status of passengers whose ticket shows a confirmed reservation, but whose reservations do not appear in the airline's computer. Arguably, Rule 115 now requires both a confirmed ticket and a record of the reservation transaction in the airline's reservations records.

Applying Rule 115 in this manner concerns us for two reasons. First, such an interpretation of Rule 115 means that a passenger with a confirmed ticket whose reservation does not appear in the airline's reservation system might not be considered to have "confirmed reserved space." This is significant because "confirmed reserved space" is a prerequisite to entitlement to compensation or amenities in the event a passenger is not accommodated on a flight. As we noted in Order 80-9-57, we have long considered a passenger with a confirmed ticket to hold "confirmed reserved space" even if there is no other record of the reservation. A possible interpretation of Rule 115 which conflicts with this view is clearly unlawful. Also, we noted in Order 80-9-57 that most airlines do, in fact, honor confirmed tickets even when no other record of the transaction can be found. Undoubtedly they do this because they recognize that most such discrepancies are caused by mistakes of their employees or agents. However, if Rule 115 is read to require both a confirmed ticket and a record of the reservation, the burden of these mistakes is shifted from the airline to the passenger. We think that is unreasonable.[3] The reservations records are in the exclusive control of the airline and there is no realistic way for a passenger to verify their accuracy. Under these

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[1] This is usually indicated by the notation "OK" in the status box on the ticket.

[2] Aloha Airlines, New Haven Airways, Air New England and the Commuter Airline Association of America objected to our proposed actions. Mr. Donald Pevsner objected in part, and the American Society of Travel Agents responded to his suggestion. Pacific Southwest Airlines and Ozark Air Lines commented on our proposal but did not object. No party requested an evidentiary hearing on our proposal and we conclude that none is required.

[3] Section 404(a)(2) of the Federal Aviation Act requires carriers to establish tariff rules which are, *inter alia*, reasonable. Thus, because we conclude that the effect of Rule 115 is unreasonable, we also conclude the rule is unlawful.

circumstances, we believe a carrier must be responsible for the actions of its own employees and agents.

None of the few objections filed in this docket really addressed these issues. Rather they focused on the purported burdens imposed by our denied boarding scheme in general, especially on carriers operating small aircraft. We have recently acted to relieve small aircraft (60-seat or smaller) operators from the burdens of the DBC rules. ER–1237 (August 6, 1981). In addition, we are preparing a comprehensive review of the denied boarding rules, and we can address problems with the rules in that proceeding. The objections filed here are simply misplaced. We have made it clear before that passengers with "OK" tickets have "comfirmed reserved space" even if no other record of the reservation can be found.[4] This action does no more than ensure that Rule 115 accurately reflects that obligation.

No comments provided any evidence that this proposal would be unduly burdensome. This is not surprising since the proposal reflects the actual practice of all but a few airlines.

One comment urged that we limit an airline's obligation to honor "OK" tickets to those written by its own employees. This suggestion was prompted by a fear that airlines might retaliate unfairly against travel agents if forced to pay DBC to their passengers. It is true that this limitation might protect airlines from loss caused by travel agent mistakes, but we do not think this loss should be shifted to passengers. We are confident that airlines have adequate and reasonable means to protect themselves from losses caused by travel agent mistakes, and we do not believe the airlines will unfairly penalize an agent who makes an honest mistake.[5]

Two comments pointed out issues which need to be clarified. First, although we used the customary term "OK" to refer to the ticket notation reflecting confirmed space, we did not intend to imply that airlines must use that notation. Any notation may be used that is recognized by the airlines themselves. Also, we do not intend to require an airline to honor the various types of "write-your-own" tickets [6] unless there is a record of the reservation.

Finally, we will not prescribe language to supplement the present Rule 115. Airlines are free to design their own language, as long as it clearly reflects their obligation to their passengers.

Accordingly,

1. We find that Rule 115 of CAB No. 352 is unjust, unreasonable and unlawful and we direct that Rule 115 be amended to make it clear that a passenger who obtains a ticket that reflects confirmed space on a specific flight and date from a carrier, or its authorized agents, shall be regarded as having confirmed reserved space even if no other record of the reservation can be found.

2. This proceeding is terminated.

We shall serve this order on all U.S. certificated air carriers and all other parties filing comments in this docket. This order will also be published in the **Federal Register.**

Note.—All Members concurred.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–36477 Filed 12–21–81; 8:45 am]

BILLING CODE 6320–01–M

[4] *See, e.g., Air New England Inc. Violations of Part 250,* Order 79–10–52 (October 9, 1979).

[5] In fact, the American Society of Travel Agents filed comments opposing this suggested limitation.

[6] "Write-your-own" tickets, as the name implies, are blank ticket forms made available by airlines to selected passengers. The passenger fills in the chosen destinations, flights and dates, and presents the form to the carrier for passage.

Bassett and Tesini d.b.a. Amerijet International; Application for All-Cargo Air Service Certificate

December 16, 1981.

In accordance with Part 291 (14 CFR Part 291) of the Board's Economic Regulations (effective November 8, 1978), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 40281, from Bassett and Tesini d.b.a. Amerijet International, P.O. Box 21126, Ft. Lauderdale, FL 33335 for an all-cargo air service certificate to provide domestic cargo transportation.

Under the provisions of § 291.12(c) of Part 291, interested persons may file an answer in opposition to this application on or before January 12, 1982. An executed original and six copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and must relate to the fitness, willingness, or ability of the applicant to provide all-cargo air service or to comply with the Act or the Board's orders and regulations. The answer shall be served upon the applicant and state the date of such service.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–36481 Filed 12–21–81; 8:45 am]

BILLING CODE 6320–01–M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations (See, 14 CFR 302.1701 et seq.); Week Ending December 11, 1981

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures, such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Dec. 7, 1981	40288	British Caribbean Airways Limited, c/o Harry A. Bowen, Bowen & Atkin, 1747 Pennsylvania Avenue, N.W., Washington, D.C. 20006. Application of British Caribbean Airways Limited pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests renewal of its foreign air carrier permit for an indefinite period, with respect to property and mail as follows: Between the British Virgin Islands; intermediate points in the U.S. Virgin Islands; Turks and Caicos; San Juan, Puerto Rico; the Leeward Islands; Windward Islands; the Dominican Republic; Barbados; and the terminal point Miami, Florida. Answers may be filed by January 5, 1982.
Dec 8, 1981	40292	Cal-Coast Airlines, Inc., c/o William V. Cheek, 1123 Perfumo Street, San Luis Obispo, California 93401. Application of Cal-Coast Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity to perform scheduled interstate air transportation of persons, property and mail within the State of California between the terminal point Bakersfield, the intermediate points Los Angeles, Santa Maria, San Luis Obispo, and the terminal point San Francisco. Conforming Applications, motions to modify scope, and Answers may be filed by January 5, 1982.

Date filed	Docket No.	Description
Dec. 11, 1981	40302	Global International Airways Corp., Air World Center, 10920, Ambassador Drive, Kansas City, Missouri 64153. Application of Global International Airways Corp. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests issuance of a certificate of public convenience and necessity authorizing it to engage in scheduled foreign air transportation with respect to persons, property and mail as follows: Between a point or points in the United States and point or points in Germany. Conforming Applications, motions to modify scope, and Answers may be filed by January 8, 1982.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-36460 Filed 12-21-81; 8:45 am]
BILLING CODE 6320-01-M

Mansfield Aviation, Inc., d.b.a. Air Vermont, et al.; Commuter Fitness Determination

The Board is proposing to find the following carriers fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that aircraft used in this service conform to applicable safety standards.

Order	Applicant	Response date
81-12-67	Mansfield Aviation, Inc., d.b.a. Air Vermont.	Dec. 30, 1981.
81-12-77	Airpac, Inc.	Jan. 4, 1982.
81-12-78	Dorado Wings, Inc., d.b.a. Crownair.	Jan. 4, 1982.
81-12-79	Newair Flight, Inc.	Jan. 4, 1982.
81-12-94	Devoe Airlines, Inc.	Jan. 4, 1982.

All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed in Attachment A of the respective orders and file response or additional data for Orders 81-12-67, -78, and -94 with the Special Authorities Division, Room 915, for Order 81-12-79 with the Essential Air Services Division, Room 921, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, and for Order 81-12-77 with the Alaska Field Office, Civil Aeronautics Board, 701 C Street, Box 27, Anchorage, Alaska 99513.

The complete text of the orders is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request to the above address.

For further information contact: Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C. 20428 for Order 81-12-67: Mr. James Lawyer, (202) 673-5088; for Order 81-12-78: Mr. J. Kevin Kennedy, (202) 673-5918; for Order 81-12-94: Ms. Patricia Szrom, (202) 673-5088; for Order 81-12-79: Gerard N. Boller, (202) 673-5330; and for Order 81-12-77: Ms. Donna Strain, (907) 271-5148.

By the Civil Aeronautics Board, December 15, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-36479 Filed 12-21-81; 8:45 am]
BILLING CODE 6320-01-M

[Docket Nos. 31619 and 39049]

Ruth C. A. Keene v. Trans International Airlines, Inc.; Transamerica Airlines, Inc., Respondent; Part 252 Enforcement Proceedings; Hearing

Notice is hereby given that a hearing in the above-entitled matters is assigned to be held on February 16, 1982 at 10:00 a.m. (local time) in Room 1003, Hearing Room "B", Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., December 14, 1981.

John M. Vittone,
Administrative Law Judge.

[FR Doc. 81-36470 Filed 12-21-81; 8:45 am]
BILLING CODE 6320-01-M

COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts will next meet in open session on Tuesday, January 12, 1982 at 10:00 a.m. in the Commission's offices at 708 Jackson Place, N.W., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington, D.C.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

Dated in Washington, D.C., December 15, 1981.

Charles H. Atherton,
Secretary.

FR Doc. 81-36462 Filed 12-21-81; 8:45 am]
BILLING CODE 6330-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

[Order No. 41-4; Amdt. 4]

Assistant Secretary for Trade Administration; Organization and Function Order

Effective date: October 30, 1981.

This order further amends ITA Organization and Function Order 41-4 of August 26, 1980 (45 FR 65003, 46 FR 31911, 46 FR 48736) to establish two divisions in the Office of Antiboycott Compliance.

1. A new subparagraph d is added to Part V, Section 2.05 and the succeeding subparagraphs are relettered as e, f, g, and h. New subparagraph d reads:

"d. Director, Enforcement Division, Office of Antiboycott Compliance"

2. Part V, Section 5 is revised to read:

"Section 5. Office of Antoboycott Compliance.

".01 The *Office of the Director* includes the *Director* who shall plan and direct the execution of policies and programs of the Office. The Director serves as the primary contact point relating to administration of Departmental responsibilities under the Export Administration Act of 1979 regarding foreign boycotts against countries friendly to the United States. The Director shall supervise and direct the following organizational components:

".02 The *Enforcement Division* shall investigate suspected violations of the antiboycott regulations and, in consultation with the Department's Office of General Counsel, prepare cases on violations for referral to the Administrative Law Judge or for other legal action; provide support, as requested, to the Department's Office of General Counsel in connection with litigated cases; ensure respondent compliance with terms and conditions of orders entered as a result of enforcement actions; develop intelligence; and maintain liaison with other agencies and groups having mutual enforcement concerns.

".03 The *Compliance Policy Division* shall develop and coordinate policies and measures for opposing restrictive trade practices or boycotts under the Export Administration Act of 1979; review proposed compliance actions for policy consistency; provide advice to the business community on the application of antiboycott regulations; maintain a program for educating the affected public on the Department's antiboycott policies and regulations; maintain liaison with interest groups, other Government agencies, and embassies of foreign governments on antiboycott matters; in consultation with the Department's Office of General Counsel, prepare amendments, interpretations, and clarifications to the antiboycott regulations; and operate the automated boycott reporting system to provide statistical summaries and enforcement data."

3. The attached organization chart [1] supersedes the chart attached to Amendment 3 to ITA Organization and Function Order 41–4 of September 17, 1981.

Approved:

Lionel H. Olmer,

Under Secretary for International Trade.

Lawrence Brady,

Assistant Secretary for Trade Administration.

Vincent F. Decain,

Acting Deputy Assistant Secretary for Export Administration.

[FR Doc. 81-36523 Filed 12-21-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

William H. Hamner; Issuance of Permit To Take Marine Mammals and Endangered Species

On November 12, 1981, Notice was published in the **Federal Register** (46 FR 55739), that an application had been filed with the National Marine Fisheries Service by Dr. William H. Hamner, for a Scientific Research and Scientific Purposes Permit to take an unspecified number of marine mammals by harassment.

Notice is hereby given that on December 13, 1981, the National Marine Fisheries Service issued a Scientific Research and Scientific Purposes Permit as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) to Dr. William H. Hamner subject to certain conditions set forth therein.

[1] Filed as part of the original document.

Issuance of this Permit as required by the Endangered Species Act of 1973 is based on a finding that such Permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of this Permit; (3) will be consistent with the purposes and policies set forth in section 2 of the Endangered Species Act of 1973. This Permit was also issued in accordance with, and is subject to Parts 220–222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: December 14, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-36508 Filed 12-21-81; 8:45 am]

BILLING CODE 3510-22-M

Hochseefischerei Nordstern AG; Receipt of Application for General Marine Mammals Permit

Notice is hereby given that the following application has been received to take marine mammals incidental to the pursuit of commercial fishing operations within the U.S. fishery conservation zone, as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the regulations thereunder.

Hochseefischerei Nordstern AG, Bremerhaven, West Germany has applied for a Category I: "Towed or Dragged Gear" general permit to incidentally take 60 Otariid seals, 60 Phocid seals, and 60 Cetaceans within the U.S. fishery conservation zone in 1982.

The application is available for review in the Office of the Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW, Washington, D.C.

Interested parties may submit written views on the application on or before January 21, 1982, to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235.

Dated: December 14, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-36509 Filed 12-21-81; 8:45 am]

BILLING CODE 3510-22-M

Johns Hopkins School of Hygiene and Public Health; Receipt of Application for Marine Mammals Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531–1544), the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217–222).

1. Applicant:

a. Name: Dr. Darlene R. Ketten (P289).

b. Address: Department of Pathobiology, Johns Hopkins School of Hygiene and Public Health, 615 North Wolfe Street, Baltimore, Maryland 21205.

2. Type of Permit: Scientific Research/Scientific Purposes, Importation and Exportation.

3. Name and Number of Animals: Unspecified number of cetacean specimens

4. Type of Take: Taken legally in the country of origin for scientific purposes. No animals will be taken for the purposes of importation by the Applicant.

5. Location of Activity: Worldwide.

6. Period of Activity: 5 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not

necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: December 15, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-36511 Filed 12-21-81; 8:45 am]

BILLING CODE 3510-22-M

National Marine Mammal Laboratory; Modification of Marine Mammals Permit

Notice is hereby given that, pursuant to the provisions of § 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Scientific Research Permit to take four Northern elephant seals (*Mirounga angustirostris*) issued to the National Marine Mammal Laboratory on July 2, 1979 (44 FR 40540) is modified in the following manner:

The period of validity of the Permit is extended from December 31, 1981 to December 31, 1983.

This modification is effective or December 22, 1981.

The Permit, as modified, and documentation pertaining to the modification is available in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California; and

Regional Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way, N.E., BIN C15700, Seattle, Washington.

Dated: December 14, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-36510 Filed 12-21-81; 8:45 am]

BILLING CODE 3510-22-M

Pacific Whale Foundation; Denial of Marine Mammals Permit Modification Request

On November 3, 1981, Notice was published in the **Federal Register** (46 FR 54620) stating that a Permit Modification Request had been received from Mr. Gregory D. Kaufman, Pacific Whale Foundation, P.O. Box 1038, Makena, Maui, Hawaii 96753 to work in Hawaiian waters surrounding the islands of Molokai, Lanai, Kahoolawe, and the western nearshore of Maui.

Notice is hereby given that on December 11, 1981, the National Marine Fisheries Service denied the request due to a lack of fundamental information about the research. The permittee has been directed to submit a full permit application for consideration.

The modification request and associated documents are available for review by interested persons in the following offices:

Assistant Administrative for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731; and

Administrator, Western Pacific Program Office, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, P.O. Box 3830, Honolulu, Hawaii 96812.

Dated: December 11, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-36507 Filed 12-21-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Increasing Import Restraint Level for Certain Man-Made Fiber Apparel Products Imported From Mexico

December 16, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing from 276,728 dozen to 297,984, the import restraint level established for man-made fiber woven blouses in Category 641, exported from Mexico during the year which began on January 1, 1981, by the application of swing.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409))

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 26, 1979, as amended, between the Governments of the United States and Mexico, provides, among other things, that specific ceilings may be increased by designated percentages (swing). Pursuant to the terms of the bilateral agreement, and at the request of the Government of Mexico, the import restraint level for Category 641 is being increased to 297,984 dozen during the agreement year which began on January 1, 1981 and extends through December 31, 1981, by the application of swing.

EFFECTIVE DATE: December 16, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Boyd, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On December 19, 1980, a letter dated December 16, 1980 was published in the **Federal Register** (45 FR 83648) from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established the levels of restraint applicable to certain specified categories of cotton and man-made fiber textile products, including Category 641, which have been produced or manufactured in Mexico and exported to the United States during the twelve-month period which began on January 1, 1981. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to permit entry for consumption, or withdrawal from warehouse for consumption, of man-made fiber textile products in Category 641 at the increased level of restraint of 297,984 dozen during the agreement year which began on January 1, 1981.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 16, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: On December 16, 1980, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the

twelve-month period beginning on January 1, 1981 and extending through December 31, 1981 of cotton, and man-made fiber textile products in certain specified categories, produced or manufactured in Mexico, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 20, 1979, as amended, between the Governments of the United States and Mexico; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed, effective on December 16, 1981, to increase the twelve-month level of restraint for Category 641 to 297,984 dozen.[2]

The action taken with respect to the Government of Mexico and with respect to imports of man-made fiber textile products from Mexico has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-36409 Filed 12-21-81; 8:45 am]

BILLING CODE 3510-25-M

COMMODITY FUTURES TRADING COMMISSION

Chicago Board of Trade; Proposed Crude Petroleum Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contract.

SUMMARY: The Chicago Board of Trade ("CBOT") has applied for designation as a contract market in crude petroleum. The Commodity Futures Trading Commission (the "Commission") has determined that the terms and conditions of the proposed futures contract are of major economic significance and that, accordingly, making the proposed contract available for public inspection and comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before February 22, 1982.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to the CBOT crude petroleum futures contract.

FOR FURTHER INFORMATION CONTACT: Richard Shilts, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C., (202) 254-7303.

SUPPLEMENTARY INFORMATION: A copy of the terms and conditions of the CBOT proposed crude petroleum futures contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Copies can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by the CBOT in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1981)). Requests for copies of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by the CBOT in support of its application, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by February 22, 1982. Such comment letters will be publicly available except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C. on December 17, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-36475 Filed 12-21-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Milwaukee Waterway; Intent To Prepare Draft Environmental Impact Statement

December 7, 1981.

AGENCY: U.S. Army Corps of Engineers, Seattle District, DOD.

ACTION: Preparation of a draft environmental impact statement (DEIS) for the proposed placement of fill material and riprap in Milwaukee Waterway, Commencement Bay, Tacoma, Washington.

SUMMARY: The Port of Tacoma has applied to the Corps of Engineers for a section 10/404 permit to fill the Milwaukee Waterway in Commencement Bay, Tacoma, Washington. In order to assess the potential impacts of the proposed fill and alternatives to the fill, the Corps of Engineers will prepare a Federal environmental impact statement. The proposed plan calls for the placement of approximately 2,151,000 cubic yards (c.y.) of material in and near Milwaukee Waterway, Commencement Bay, Tacoma, Washington. Approximately 2,013,000 c.y. of material would be generated by hydraulic dredging of nearby waterways and placed in Milwaukee Waterway. This material may contain substantial concentrations of contaminants. The remainder of the material, about 137,000 c.y., would be clean material from an upland source and would be deposited in a 2-foot layer over the top of the dredged material. Retaining walls and weir structures would be constructed near the present mouth of the Milwaukee Waterway to contain the fill material and allow temporary retention of effluent water. The purpose of the proposed fill is to provide land for a containerized cargo terminal in the Port of Tacoma area.

The Corps of Engineers has three alternative courses of action available:

(1) The section 10/404 permit could be denied. This option would prohibit all pile driving and disposal activity, as well as preventing environmental impacts associated with the proposed action.

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 20, 1979, as amended, between the Governments of the United States and Mexico, which provide, in part, that: (1) Specific limits or specific sublimits may be exceeded by not more than seven percent in any agreement period; (2) these same limits may be increased for carryover and carryforward up to 11 percent of the applicable category limit or sublimit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[2] The level of restraint has not been adjusted to reflect any imports after December 31, 1980.

(2) The permit could be issued as described in the public notice.

(3) The permit could be issued with special conditions that would mitigate adverse impacts resulting from the proposed action.

Alternatives to the proposed action currently being considered by the Port of Tacoma include: (a) No action, (b) fill a portion of the waterway, (c) construction of a pier structure in lieu of fill, and (d) use of a different site.

a. *No-action.* This alternative would mean no involvement by the Corps of Engineers. No containerized cargo terminal would be developed.

b. *Filing a portion of Milwaukee Waterway.* This alternative would allow construction of a smaller containerized cargo terminal at the same site. Impacts associated with this alternative would be less than the proposed action due to the smaller area to be filled. The remainder of the waterway would be left in its present condition or modified (as a mitigative measure) to provide shallow water rearing and feeding area for salmonids, or intertidal wetlands.

c. *Construction of a pier structure.* This alternative would provide the area needed for the proposed containerization cargo terminal but would not provide a disposal area for dredged material from the maintenance dredging of nearby waterways. Potential long-term impacts for this alternative would not approach the magnitude of impacts associated with the proposed action.

d. *Use of a different site.* This might be either an existing site requiring little or no modification for use or a site requiring substantial modification to prepare it for construction of the proposed containerization cargo terminal. No specific alternative site is being considered at this time. Any fill or placement of pilings in navigable water would require permits from the Corps of Engineers.

Significant issues to be addressed in the DEIS include: The need for the proposed action, fisheries and food-chain impacts due to removal of shallow water habitat, water quality impacts due to disposal of dredged material, long-term water quality impacts due to removal of shallow water and wetland areas, and alternatives to the proposed action.

Other environmental review and consultation requirements include preparation of a section 404(b)(1) analysis by the Corps of Engineers, acquisition of a Washington State water quality certificate by the applicant, and acquisition of a certificate of compliance with the Coastal Zone Management Act by the applicant.

Public involvement: An EIS scoping meeting is presently scheduled to be held in Seattle, Washington, in january 1982. The purpose of the meeting is to clarify issues of major concern and identify information that is needed in order to analyze and evaluate project impacts. Announcement of the scoping meeting will be mailed, along with an information package, to all persons identified as having interest in this or other actions in Commencement Bay. Further meetings will be scheduled as needed. It is anticipated that at least one public meeting or workshop will be held during the DEIS review period.

DEIS availability: The DEIS for this proposed action is scheduled to be in mid 1982.

ADDRESS: Questions and/or comments on this proposed action or the DEIS should be directed to: David Masters, Environmental Resources Section, U.S. Army Corps of Engineers, Seattle, District, Post Office Box C–3755, Seattle, Washington 98124, Telephone (206) 764–3624 (FTS 399–3624).

Dated: December 14, 1981.

Norman C. Hintz,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 81–38522 Filed 12–21–81; 8:45 am]

BILLING CODE 3710–ER–M

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

Fellowships for Graduate and Professional Study; Application Notice for Fiscal Year 1982

Applications from institutions of higher education for grants to make fellowship awards are invited under the Graduate and Professional Study Fellowship Program (G*POP).

Authority for this program is contained in Part B of Title IX of the Higher Education Act of 1965, as amended. (20 U.S.C. 1134d–1134g)

The Graduate and Professional Study Program provides grants to institutions of higher education to support fellowships for graduate and professional study to students who demonstrate financial need and who are from groups which are underrepresented in graduate and professional study areas of importance to the national interest.

Closing date for transmittal of applications: An application for a grant must be postmarked or hand delivered by February 8, 1982.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.094, Washington, D.C. 20202–3561.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should noter that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the Department of Education, Application Control Center, Room 5673, GSA/ROB–3 Building, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information:

The Graduate and Professional Study Fellowship Program

The budget request of the Department for fiscal year 1982 to continue the Graduate and Professional Study Fellowship Program authorized by Title IX–B of the Higher Education Act was $9,680,000. The Department's budget did not include a request for funds to make institutional awards under authority of Title IX–A, or separate budget requests for funds to support awards for Public Service Education Fellowships or for Domestic Mining and Mineral Fuel Conservation Fellowships. The budget request also asked Congress to waive the minimum ($75,000) fellowship award to each institution.

If funds are appropriated, as requested, for the Graduate and Professional Study Fellowship Program, the Department expects, in academic

year 1982–1983, to provide support for continuation awards to fellows in good standing and to provide funds for approximately 482 new fellowships.

Each institutional applicant applying for new fellowships under this Application Notice will be ranked according to the selection criteria set out as 34 CFR 649.12, governing the Graduate and Professional Fellowship Program. Under these criteria, each institutional applicant may apply for fellowships in up to six academic or professional areas of study, provided, among other criteria, that the choice of the area of study is justified by providing evidence of underrepresentation and evidence of national need. If Congress appropriates funds specifically for either Public Service Education Fellowships or Domestic Mining or Mineral Fuel Conservation Fellowships, the Secretary will accept and rank applications under 34 CFR 649.13 or 34 CFR 649.14, as appropriate. If no funds are specifically appropriated for the cited fellowships, the Secretary will accept and rank applications in these two areas of study as well as other areas of study meeting the criteria in 34 CFR 649.12. The Department, in making fellowship awards, normally allocates two or three new fellowships in each approved academic or professional area of study to an institution receiving an award.

The Department makes only one-year fellowship awards. Any continuation support needed for students to complete degree programs will be provided in subsequent years, subject to conditions in the regulations and the appropriation of funds.

These estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing by December 23, 1981, and may be obtained by writing to the Graduate Programs Branch, Department of Education, (Room 3060, ROB–3), 400 Maryland Avenue, S.W., Washington, D.C. 20202–3366.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. An applicant must submit only one application to cover all fellowship categories in Part B. The Secretary strongly urges that the narrative portion of a Graduate and Professional Opportunities Grant application not exceed 40 pages in length.

Applicable regulations: Regulations applicable to these programs include the following:

(1) Regulations governing the Fellowships for Graduate and Professional Study Program (34 CFR part 649) which were published in final form in the **Federal Register** on November 9, 1981.

(2) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77, formerly 45 CFR Parts 100a and 100c).

Further information: For further information contact Dr. Donald N. Bigelow, Office of Postsecondary Education, U.S. Department of Education (Room 3060, ROB–3), 400 Maryland Avenue, S.W., Washington, D.C. 20202–3366. Telephone: 245–2347.

(20 U.S.C. 1134d–1134g)

(Catalog of Federal Domestic Assistance No. 84.094, Fellowships for Graduate and Professional Study Program)

Dated: December 14, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-36448 Filed 12-21-81; 8:45 am]

BILLING CODE 4000-01-M

List of Accrediting and State Approval Agencies

AGENCY: Department of Education.

ACTION: Notice—List of Accrediting and State approval agencies to be reviewed under an Interim Procedure.

SUMMARY: The Secretary lists nationally recognized accrediting agencies and State approval agencies that he determines to be reliable authorities concerning educational quality. This is the second group of accrediting and State approval agencies to be reviewed under the interim procedure published August 25, 1981.

DATE: Comments on these analyses must be received no later than February 3, 1982.

ADDRESS: Comments may be submitted, in writing, to Dr. L. W. Friedrich, Acting Chief, Agency Evaluation Section, Eligibility and Agency Evaluation Staff, Office of Postsecondary Education, 400 Maryland Avenue, S.W. (Room 3030, ROB–3), U.S. Department of Education, Washington, D.C. 20202–3316.

FOR FURTHER INFORMATION CONTACT: Dr. L. W. Friedrich, Telephone: (202) 245–9573.

SUPPLEMENTARY INFORMATION: In the August 25, 1981 issue of the **Federal Register**, (Vol. 46, No. 164, page 43029), the Secretary announced an interim procedure for listing accrediting and State agencies as required by 20 U.S.C. 1141(a), 20 U.S.C. 1085 (b) and (c), 20 U.S.C. 1094 (b)(3) and other statutes.

This notice provides the names of the second group of agencies, the reports and petitions of which the Secretary is reviewing. The Department's Eligibility and Agency Evaluation Staff has made an analysis of each of these agencies according to the criteria in 34 CFR 603.6 and has prepared proposed recommendations.

The Secretary is offering the public an opportunity to comment on these analyses before the Secretary makes determinations on them.

The reports and petitions of the following agencies are being reviewed.

Interim Reports

American Bar Association, Council of the Section of Legal Education and Admissions to the Bar.

Proposed Recommendation: Accept the report.

American Veterinary Medical Association, Council on Education.

Proposed Recommendation: Accept the report.

Minnesota State Board for Vocational Education.

Proposed Recommendation: Accept the report but indicate that the Board, in its next full review, should provide information concerning whether the policy reviews conducted by its advisory committee comply with that component of criterion (b)(1)(vii) calling for the evaluative process to "support constructive analysis, emphasize factors of critical importance, and reflect the educational and training needs of the student."

Missouri State Board of Education.

Proposed Recommendation: Accept the report.

National Accrediting Commission of Cosmetology Arts and Sciences.

Proposed Recommendation: Accept the report. Indicate that the analysis of the interim report lists concerns which should be addressed during the next review of NACCAS regarding criteria (a)(3)(iii)(A), and (b)(5).

Petitions for Continuation of Recognition

American Association of Nurse Anesthesists, Council on Accreditation of Educational Programs of Nurse Anesthesia.

Proposed Recommendation: Continue recognition for four years.

Council on Social Work Education, Committee on Accreditation.

Proposed Recommendation: Continue recognition for four years.

National Accreditation Council for Agencies Serving the Blind and Visually Handicapped.

Proposed Recommendation: Continue recognition for four years.

National Association for Practical Nurse Education and Service, Inc.

Proposed Recommendation: Continue recognition for four years.

Petitions for Expansion of Scope of Recognition

Accrediting Bureau of Health Education Schools (expansion of scope of recognition to include institutional accreditation of private, postsecondary institutions offering allied health education).

Proposed Recommendation: Grant expansion of scope of recognition for the time extending up to the next regular review of ABHES's current scope of recognition. Request an interim report in one year on the issues identified in the staff analysis.

Invitation to Comment

A copy of the analysis of any of the reports and petitions submitted by the agencies to be reviewed by the Secretary may be obtained from Dr. Lawrence W. Friedrich at the address listed above.

Dated: December 14, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-36435 Filed 12-21-81; 8:45 am]

BILLING CODE 4000-01-M

Office of the Secretary

Ethics in Government Financial Disclosure Records

AGENCY: Department of Education.

ACTION: Notice of ethics in Government financial disclosure records.

SUMMARY: The Secretary of Education issues a Notice of Ethics in Government Financial Disclosure Records for the Department of Education (ED) and designates the Agency Ethics Official and custodian of those records.

FOR FURTHER INFORMATION CONTACT: Ms. Norma Baumgartner, Freedom of Information Specialist, Room 2089, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 245-8907.

SUPPLEMENTARY INFORMATION: This notice is published to implement provisions of the Ethics in Government Act of 1978 (Pub. L. 95-521, as amended), requiring that financial disclosure records of those officers and employees in the Department of Education covered by the Act be made available for public inspection. The Notice also designates the Agency Ethics Official and custodian of those records.

Mr. Richard S. Werksman, Office of the General Counsel, is the Designated Agency Ethics Official and systems manager.

Requests for access to the records should be directed to Mr. Jack L. Billings, custodian of records, in the Office of Legislation and Public Affairs, Room 2089, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: 245-8564

Dated: December 14, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-36445 Filed 12-21-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Enserch Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of a final Consent Order.

EFFECTIVE DATE: December 22, 1981.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager for Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, [phone] (214) 767-7745.

SUPPLEMENTARY INFORMATION: On October 27, 1981, 46 FR 52413 1981, the Office of Enforcement of the ERA published notification in the **Federal Register** that it had executed a proposed Consent Order with Enserch Corporation on September 30, 1981, which would not become effective sooner than thirty days after publication. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order. Although interested persons were invited to submit comments regarding the proposed Consent Order, no comments were received. The proposed Consent Order, therefore, was finalized and made effective on December 22, 1981.

Issued in Dallas, Texas, on the 7th day of December, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-36422 Filed 12-21-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Volume 556]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 11, 1981.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
						TEXAS RAILROAD COMMISSION			
-A H BIBERBERG INC						RECEIVED: 11/19/81 JA: TX			
8206816	F-78-039084	4236700000		102-4		JOE YOUNG #1	CLAYTON (CONGLOMERATE)	150.0	SOUTHWESTERN GAS
-A L SAUDER JR						RECEIVED: 11/19/81 JA: TX			
8206869	F-09-041965	4249731595		108		PERKINS-MITCHELL UNIT 1	BOONSVILLE (BEND CONGLOM	105.8	LONE STAR GAS CO
-ABCO ENERGY CORP						RECEIVED: 11/19/81 JA: TX			
8206958	F-7C-042300	4245130532		102-2		DUFF #1-796	VELREX (CANYON SAND)	83.0	NORTHERN NATURAL
8206958	F-7C-042300	4245130532		103		DUFF #1-796	VELREX (CANYON SAND)	83.0	NORTHERN NATURAL
-ALAN P HEWITT						RECEIVED: 11/19/81 JA: TX			
8206752	F-7A-031967	4208331815		102-4		KNOX-IA WELL #92445	ECHO NW (JENNINGS) FIELD	91.2	SOUTHWESTERN GAS
-AMMEX PETROLEUM INC						RECEIVED: 11/19/81 JA: TX			
8206867	F-03-041581	4205130915		102-2		ALWILDA UNIT #1	GIDDINGS (AUSTIN CHALK)	249.5	CLAJON GAS CO
8206867	F-03-041581	4205130915		103		ALWILDA UNIT #1	GIDDINGS (AUSTIN CHALK)	249.5	CLAJON GAS CO
-AMOCO PRODUCTION CO						RECEIVED: 11/19/81 JA: TX			
8206909	F-06-042164	4220330822		102-4		CECIL B GREER GAS UNIT #1	BLOCKER/COTTON VALLEY/	354.0	UNITED GAS PIPE L
8206909	F-06-042164	4220330822		107-TF		CECIL B GREER GAS UNIT #1	BLOCKER/COTTON VALLEY/	354.0	UNITED GAS PIPE L
8206908	F-06-042161	4220330827		102-4		LENORA ALLEN GAS UNIT #1	BLOCKER/COTTON VALLEY/	354.0	UNITED GAS PIPELI
8206908	F-06-042161	4220330827		107-TF		LENORA ALLEN GAS UNIT #1	BLOCKER/COTTON VALLEY/	354.0	UNITED GAS PIPELI
8207004	F-04-042493	4248930633		103		WILLAMAR WEST FIELD UNIT #144	WILLAMAR WEST FIELD	0.3	NATURAL GAS PIPEL
-ANADARKO PRODUCTION COMPANY						RECEIVED: 11/19/81 JA: TX			
8207011	F-7C-042511	4230300000		102-2		SALLIE FOX "C" #1	SALLIE CISCO	500.0	PANHANDLE EASTERN
8207010	F-7C-042510	4243100000		103		SALLIE FOX "D" I-A	SALLIE CISCO	250.0	PANHANDLE EASTERN
-ANDERSON PETROLEUM INC						RECEIVED: 11/19/81 JA: TX			
8206750	F-7C-038851	4210533886		103		AUSTIN C MILLSPAUGH "A4" 2-70	OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
8206750	F-7C-038851	4210533886		107-TF		AUSTIN C MILLSPAUGH "A4" 2-70	OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
-ANTARES OIL CORPORATION						RECEIVED: 11/19/81 JA: TX			
8206852	F-04-041163	4224931416		103		C W PRICE #4	TERESA (3110)	180.0	UNITED GAS PIPELI
-ARCO OIL AND GAS COMPANY						RECEIVED: 11/19/81 JA: TX			
8206913	F-01-042211	4201331118		103		GARRETT HENDERSON #5	FASHING (EDWARDS LIME A)	584.0	LONE STAR GAS CO
8207009	F-7C-042505	4233331754		103		J R SCOTT ESTATE "56" WELL NO 7	SPRABERRY TREND AREA	10.0	J L DAVIS
8206998	F-10-042434	4233330648		103		MERCHANT-VACUUM NO 7	PANHANDLE HUTCHINSON COU	7.3	PANHANDLE PRODUCI
-BENNETT PRODUCTION CORP						RECEIVED: 11/19/81 JA: TX			
*8206735	F-09-027200	4207700000		108		W F FOREMAN	J C HARRIS CONGL	5.0	CITIES SERVICE OI
-BERT FIELDS JR						RECEIVED: 11/19/81 JA: TX			
8206993	F-06-042416	4220300000		108		J M FURRH #1	WASKOM (TRAVIS PEAK)	18.0	ARKANSAS-LOUISIAN
-BLAIR EXPLORATION INC						RECEIVED: 11/19/81 JA: TX			
8206811	F-04-038382	4224731277		102-8		RAMIREZ #2	LAS COMAS	72.0	VALERO TRANSMISSI
-BLANKS ENERGY CORP						RECEIVED: 11/19/81 JA: TX			
8206903	F-08-042839	4222700000		103		RHOTON #1	W C FIELD (WOLFCAMP)	73.0	GETTY OIL CO
-BLUE RIDGE OIL & GAS EXPLOR INC						RECEIVED: 11/19/81 JA: TX			
8206757	F-7C-033441	4210532952		103		A PHILLIPS #54	ADAMS-BAGGETT RANCH (CAN	3360.0	DETROIT-TEXAS GAT
8206757	F-7C-033441	4210532952		107-TF		A PHILLIPS #54	ADAMS-BAGGETT RANCH (CAN	3360.0	DETROIT-TEXAS GAT

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8206758	F-7C-033442	4210532953			103	A PHILLIPS #55	ADAMS-BAGGETT RANCH (CAN	5280.0	DETROIT-TEXAS GAT
8206758	F-7C-033442	4210532953			107-TF	A PHILLIPS #55	ADAMS-BAGGETT RANCH (CAN	5280.0	DETROIT-TEXAS GAT
8206759	F-7C-033443	4210532954			103	A PHILLIPS #56	ADAMS-BAGGETT RANCH (CAN	3840.0	DETROIT-TEXAS GAT
8206759	F-7C-033443	4210532954			107-TF	A PHILLIPS #56	ADAMS-BAGGETT RANCH (CAN	3840.0	DETROIT-TEXAS GAT
-BLUESKY OIL & GAS INC						RECEIVED: 11/19/81 JA: TX			
8206793	F-03-037100	4214930663			102-3	ARNIM "I" UNIT #9	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
8206793	F-03-037100	4214930663			103	ARNIM "I" UNIT #9	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
8206794	F-03-037106	4214930702			102-3	ARNIM "L" UNIT 12	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
8206794	F-03-037106	4214930702			103	ARNIM "L" UNIT 12	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
8206799	F-03-037418	4214930727			102-3	KELLEY "A" UNIT #1 #13649	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
8206802	F-03-037442	4204130500			102-2	R CONAWAY UNIT I #1 #13054	KURTEN (WOODBINE) FIELD	0.0	PRODUCERS GAS CO
8206801	F-03-037441	4204130532			102-2	R CONAWAY UNIT II #1 #13552	KURTEN (WOODBINE)	0.0	PRODUCERS GAS CO
-BRAZOS PETROLEUM CO						RECEIVED: 11/19/81 JA: TX			
8206775	F-08-035887	4232930933			103	BAUMANN A #1	SPRABERRY (TREND AREA)	20.0	PHILLIPS PETROLEU
-BTA OIL PRODUCERS						RECEIVED: 11/19/81 JA: TX			
8206836	F-08-040421	4217331077			102-4	7813 JV-P COX "B" #4	BLALOCK LAKE SE (WOLFCAM	50.0	PHILLIPS PETROLEU
-C L GAGE JR						RECEIVED: 11/19/81 JA: TX			
8206769	F-78-034558	4236300000			103	R L POLK NO 1	GARNER NE (6,400) REM	730.4	SOUTHWESTERN GAS
-CABOT CORPORATION						RECEIVED: 11/19/81 JA: TX			
8206911	F-10-042188	4228331032			103	MERCHANT IRA C #13	PANHANDLE HUTCHINSON COU	9.0	PANHANDLE EASTERN
8206910	F-10-042187	4223331034			103	MERCHANT IRA C #15	PANHANDLE HUTCHINSON CO	9.0	PANHANDLE EASTERN
-CAL-TEX OIL CO						RECEIVED: 11/19/81 JA: TX			
8207008	F-10-042440	4223300000			108	CARVER AREA WATERFLOOD UNIT #1	PANHANDLE HUTCHINSON COU	0.0	DIAMOND SHAMROCK
-CANYON CO						RECEIVED: 11/19/81 JA: TX			
8206931	F-7C-042265	4210533249			103	HOOVER ESTATE #2-1	AMERICAN (CANYON)	40.0	EL PASO NATURAL G
8206931	F-7C-042265	4210533249			107-TF	HOOVER ESTATE #2-1	AMERICAN (CANYON)	40.0	EL PASO NATURAL G
8207001	F-7C-042448	4210533524			103	HOOVER ESTATE 2-3A	AMERICAN (CANYON)	50.0	EL PASO NATURAL G
8207001	F-7C-042448	4210533524			107-TF	HOOVER ESTATE 2-3A	AMERICAN (CANYON)	50.0	EL PASO NATURAL G
-CARL W JONES						RECEIVED: 11/19/81 JA: TX			
8206839	F-06-040456	4220330721			102-4	LOU-TEX NO 1 WELL ID NO 94579	SWANSON LANDING (6100 TR	100.0	ARKANSAS LOUISIAN
-CARNCO OIL CO						RECEIVED: 11/19/81 JA: TX			
8206800	F-03-037439	4218530247			102-4	GIBBS BROTHERS NO 1	WILDCAT	0.0	LONE STAR GAS CO
-CHAMPLIN PETROLEUM COMPANY						RECEIVED: 11/19/81 JA: TX			
8206742	F-03-028657	4205130869			102-2	ALLAN R RASKA #1	GIDDINGS	100.7	FERGUSON CROSSING
8206730	F-06-020256	4240130692			102-3	BAILEY SHEPPARD #1	WILDCAT	244.0	HYDROCARBON TRANS
8206730	F-06-020256	4240130692			103	BAILEY SHEPPARD #1	WILDCAT	244.0	HYDROCARBON TRANS
*8206795	F-04-037252	4238531794			103	DONALD INGRAM #13	AGUA DULCE (7550)	438.0	TENNESSEE GAS PIP
8206806	F-03-037542	4228700000			102-2	EDWIN ZGABAY NO 3	GIDDINGS	0.0	FERGUSON CROSSING
8206806	F-03-037542	4228700000			103	EDWIN ZGABAY NO 3	GIDDINGS	0.0	FERGUSON CROSSING
8206743	F-03-028660	4205130754			102-2	F M SCHUHMANN NO 1	GIDDINGS	167.0	FERGUSON CROSSING
8206774	F-03-035739	4205100000			102-2	JACK COWEN "A" #1	GIDDINGS	0.0	FERGUSON CROSSING
8206774	F-03-035739	4205100000			103	JACK COWEN "A" #1	GIDDINGS	0.0	FERGUSON CROSSING
8206741	F-03-028653	4205130832			102-2	JOSEPH J SHRIVANEK JR #1	GIDDINGS	62.4	FERGUSON CROSSING
8206780	F-03-036280	4205100000			102-2	LOUIS LOEHR #1	GIDDINGS	0.0	FERGUSON CROSSING
8206780	F-03-036280	4205100000			103	LOUIS LOEHR #1	GIDDINGS	0.0	FERGUSON CROSSING
-CIG EXPLORATION INC						RECEIVED: 11/19/81 JA: TX			
8206814	F-10-038869	4248330803			103	BRITT 108	ALLISON-BRITT (12350)	245.0	COLORADO INTERSTA
-CLAYTON W WILLIAMS JR						RECEIVED: 11/19/81 JA: TX			
8206755	F-03-032941	4205100000			102-2	J W HEINE A #1	GIDDINGS	0.0	VALERO TRANSMISSI
8206815	F-03-038952	4205100000			102-2	ROY HERMANN #5	GIDDINGS	0.0	VALERO TRANSMISSI
-COASTAL OIL & GAS CORP						RECEIVED: 11/19/81 JA: TX			
8206970	F-10-042333	4234130678			103	THOMPSON 208P	PANHANDLE (RED CAVE)	17.0	COLORADO INTERSTA
8206928	F-10-042254	4234130679			103	THOMPSON 209P	PANHANDLE (RED CAVE)	19.0	COLORADO INTERSTA

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-COBRA OIL AND GAS CORPORATION						RECEIVED: 11/19/81 JA: TX			
8206787	F-03-036604	4214900000		102-2		L R MCCLANAHAN #1	GIDDINGS	144.0	PHILLIPS PETROLEU
8206787	F-03-036604	4214900000		103		L R MCCLANAHAN #1	GIDDINGS	144.0	PHILLIPS PETROLEU
8206871	F-03-041693	4214930842		102-9		MELVIN FRITSCHE #3	GIDDINGS (AUSTIN CHALK)	71.0	PHILLIPS PETROLEU
8206786	F-03-036603	4214930719		102-2		ZIMMERHANZEL UNIT #1	GIDDINGS	3.6	PHILLIPS PETROLEU
8206786	F-03-036603	4214930719		103		ZIMMERHANZEL UNIT #1	GIDDINGS	3.6	PHILLIPS PETROLEU
-COCKRELL CORPORATION						RECEIVED: 11/19/81 JA: TX			
8206929	F-04-042258	4242700000		108		PIRTLE ET AL #1 68982	JUDD CITY (11,940') FIEL	15.0	VALERO TRANSMISSI
-COLUMBIA GAS DEVELOPMENT CORP						RECEIVED: 11/19/81 JA: TX			
8207003	F-03-042462	4228731012		102-2		IRA J LEHMAN #3	GIDDINGS (AUSTIN CHALK-3	75.0	PHILLIPS PETROLEU
-CONOCO INC						RECEIVED: 11/19/81 JA: TX			
8206831	F-08-040113	4230100000		107-DP		CONTINENTAL TXL #2	CENTRAL PINAL DOME (WOLF	0.0	TRANSCONTINENTAL
8206905	F-08-042068	4238900000		108		FORD GERALDINE UNIT #314 ID #21021	GERALDINE FORD	1.5	EL PASO NATURAL G
8206779	F-03-036265	4218530257		102-2		G W SCHROEDER #1	WHITEHALL (WILCOX 10800)	100.0	
8206991	F-08-042413	4210931488		103		J C RUSSELL - 4 - #8 ID #23725	GERALDINE (DELAWARE 4000	9.5	EL PASO NATURAL G
8206992	F-08-042414	4210931487		103		J C RUSSELL -4 -#7 ID #23725	GERALDINE (DELAWARE 4000	4.0	EL PASO NATURAL G
-CONSOLIDATED OIL & GAS INC						RECEIVED: 11/19/81 JA: TX			
8206858	F-04-041093	4247931068		108		MACHAR #6	LAREDO (LOBO)	11.0	VALERO TRANSMISSI
8206797	F-03-037412	4220130988		103		TUCKER ESTATE DEEP UNIT #1	NORTH DELHI	140.0	TENNESSEE GAS PIP
-CREST RESOURCES & EXPL CORP						RECEIVED: 11/19/81 JA: TX			
8206983	F-03-042378	4220100000		108		LAURA L KREY #1 - 79620	MEADOWBROOK (COOK MOUNTA	5.4	HOUSTON PIPELINE
8206984	F-03-042379	4220100000		108		MARTIN A BOLEN #1 - 79594	MEADOWBROOK (YEGUA 7450)	7.4	HOUSTON PIPE LINE
8206982	F-03-0402377	4220100000		108		MARTIN A BOLEN #2 - 79593	MEADOWBROOK (COOK MOUNTA	8.4	HOUSTON PIPE LINE
-CRL INC C/O DABNEY ENGINEERING INC						RECEIVED: 11/19/81 JA: TX			
8206790	F-03-036719	4204130552		102-4		M P WALKER NO 1	MULLIGAN NE (AUSTIN CHAL	0.0	CLAJON GAS CO
8206790	F-03-036719	4204130552		103		M P WALKER NO 1	MULLIGAN NE (AUSTIN CHAL	0.0	CLAJON GAS CO
-CROWN EXPLORATION CO						RECEIVED: 11/19/81 JA: TX			
8206907	F-7C-042147	4239900000		102-4		JOHNSON #1 (9485A)	CECILE (GARDNER)	8.0	LONE STAR GAS CO
-DALECO RESOURCES						RECEIVED: 11/19/81 JA: TX			
8206754	F-03-032905	4205100000		102-2		BEN NOVASAD ET AL NO 1	CALDWELL (AUSTIN CHALK)	0.0	CLAJON GAS CO
-DAMERON PETROLEUM CORP						RECEIVED: 11/19/81 JA: TX			
*8206760	F-7C-033516	4210532343		102-2		W P HOOVER #1011A	AMERICAN (CANYON)	45.0	EL PASO NATURAL G
*8206760	F-7C-033516	4210532343		107-TF		W P HOOVER #1011A	AMERICAN (CANYON)	45.0	EL PASO NATURAL G
*8206761	F-7C-033528	4210532339		103		W P HOOVER #102A	AMERICAN (CANYON)	45.0	EL PASO NATURAL G
*8206761	F-7C-033528	4210532339		107-TF		W P HOOVER #102A	AMERICAN (CANYON)	45.0	EL PASO NATURAL G
-DAVID A SCHLACHTER OIL & GAS						RECEIVED: 11/19/81 JA: TX			
8206896	F-08-041986	4213531910		103		COWDEN D #12	DONNELLY (SAN ANDRES)	7.6	PHILLIPS PETROLEU
8206897	F-08-041987	4213532167		103		COWDEN D #13	DONNELLY (SAN ANDRES)	3.0	PHILLIPS PETROLEU
8206892	F-08-041982	4213531911		103		COWDEN F #11	DONNELLY (SAN ANDRES)	13.9	PHILLIPS PETROLEU
8206893	F-08-041983	4213532166		103		COWDEN F #12	DONNELLY (SAN ANDRES)	2.1	PHILLIPS PETROLEU
8206894	F-08-041984	4213532769		103		COWDEN F #13	DONNELLY (SAN ANDRES)	3.8	PHILLIPS PETROLEU
8206895	F-08-041985	4213532935		103		COWDEN F NO 14	DONNELLY (SAN ANDRES)	9.7	PHILLIPS PETROLEU
-DELTA OIL & GAS CO						RECEIVED: 11/19/81 JA: TX			
8206996	F-7B-042428	4242900000		108		BLANCHE WINSTON #4 RRC 80815	WINSTON (STRAWN) 2340	8.9	LONE STAR GAS CO
8206997	F-7B-042429	4242900000		108		D MITCHELL HEIRS #2 RRC 86845	MITCHELL (CONGL)	10.4	LONE STAR GAS CO
-DEPCO INC						RECEIVED: 11/19/81 JA: TX			
8206828	F-8A-040036	4207931378		103		D S WRIGHT #1	LEVELLAND	19.7	
8206829	F-8A-040039	4207931390		103		D S WRIGHT #6	LEVELLAND	2.5	
8206827	F-8A-040037	4207930799		103		WHITEFACE UNIT #103	LEVELLAND	14.8	CITIES SERVICE CO
8206826	F-8A-040036	4207930797		103		WHITEFACE UNIT #104	LEVELLAND	13.4	CITIES SERVICE CO
8206824	F-8A-040032	4207930798		103		WHITEFACE UNIT #105	LEVELLAND	20.0	CITIES SERVICE CO
8206825	F-8A-040035	4207930796		103		WHITEFACE UNIT #106	LEVELLAND	6.3	CITIES SERVICE CO
-DIAMOND SHAMROCK CORPORATION						RECEIVED: 11/19/81 JA:			

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8206731	F-10-026328	4242100000			10H-ER	KEGNER #1	TEXAS-HUGOTON	8.0	NORTHERN NATURAL

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8206731	F-10-026328	4242100000		108-ER		KEGNER #1	TEXAS-HUGOTON	0.0	NORTHERN NATURAL
-DINERO OIL CO				RECEIVED: 11/19/81 JA: TX					
8206948	F-04-042293	4227331533		102-4		KING RANCH INC #3	KINGSVILLE (4260)	164.0	VALERO TRANSMISSI
-DISCOVERY OPERATING INC				RECEIVED: 11/19/81 JA: TX					
*8206863	F-08-041371	4231732371		103		SHELL #1	SPRABERRY (TREND AREA)	14.6	PHILLIPS PETROLEU
-DORCHESTER EXPLORATION INC				RECEIVED: 11/19/81 JA: TX					
*8206879	F-08-041812	4243130991		103		F CONGER 7 #1	CONGER (PENN)	529.0	TEXAS UTILITIES F
*8206887	F-08-041940	4243130908		103		WESTBROOK 29-2	CONGER (PENN)	530.0	TEXAS UTILITIES F
-DURHAM INC				RECEIVED: 11/19/81 JA:					
8206886	F-8A-041926	4226300000		103		MORNING STAR #1	BOOMERANG S (STRAWN LIME	0.0	SUNGAS
-ENERGY RESERVES GROUP INC				RECEIVED: 11/19/81 JA: TX					
8206851	F-09-041158	4249700000		108		D M HOLT #1	ALVORD	5.5	CITIES SERVICE CO
8206849	F-7C-041067	4223500000		108		ELA C SUGG "D" #2	SPRABERRY (TREND AREA)	8.6	NORTHERN NATURAL
-ENRE CORP				RECEIVED: 11/19/81 JA: TX					
8206820	F-7B-039315	4205933106		102-4		LEDBETTER #1	SCRANTON NW (DUFFER)	5.0	BENGAL GAS TRANSM
-ERWIN E GRIMES				RECEIVED: 11/19/81 JA: TX					
*8206872	F-7B-041695	4208332515		102-4		JAMES HUNTER #1	BILLIE-NANCY (FRY)	195.0	EL PASO NATURAL G
-EXXON CORPORATION				RECEIVED: 11/19/81 JA: TX					
8206988	F-08-042391	4249531334		103		BROWN-ALTMAN B #18	EMPEROR EAST (CLEAR FORK	10.0	PIONEER NATURAL G
8206989	F-08-042393	4222732459		103		DOUTHIT UNIT #211	HOWARD GLASSCOCK	1.0	PHILLIPS PETROLEU
8206885	F-04-041924	4204700000		108		MCGILL BROS 352-T (56964)	KELSEY SOUTH (ZONE 21-0	6.3	TRUNKLINE GAS CO
8206830	F-08-040081	4200332553		103		STATE UNIVERSITY EH #1	MCFARLAND (DEVONION)	1.0	
8206869	F-08-041670	4210931468		103		TEXACO FEE B#1	FORD WEST (4100)	8.0	
8206842	F-08-040600	4222732402		102-4		ZANE NEAL #1	DORLAND (FUSSELMAN)	13.0	
-FAGADAU ENERGY CORP				RECEIVED: 11/19/81 JA: TX					
8206736	F-09-027662	4223732608		103		WORTHINGTON-EDWARDS A #1	JACKSBORO N (UPPER ATOKA	0.0	SOUTHWESTERN GAS
-FIRST MATAGORDA CORP				RECEIVED: 11/19/81 JA: TX					
8206749	F-04-030249	4221531044		102-4		SILSBEE GAS UNIT NO 1	MERCEDES (10,300 SD) FIE	0.0	VALERO TRANSMISSI
8206749	F-04-030249	4221531044		103		SILSBEE GAS UNIT NO 1	MERCEDES (10,300 SD) FIE	0.0	VALERO TRANSMISSI
-FLORIDA GAS EXPLORATION COMPANY				RECEIVED: 11/19/81 JA: TX					
8206832	F-7C-040179	4243532545		103		FLORENCE 31 #1	PHYLLIS (SONORA)	1350.0	INTRATEX GAS CO
8206832	F-7C-040179	4243532545		107-TF		FLORENCE 31 #1	PHYLLIS (SONORA)	1350.0	INTRATEX GAS CO
8206781	F-7C-036314	4243532478		103		FLORENCE 32 #1	PHYLLIS SONORA (CANYON L	280.0	INTRATEX GAS CO
8206781	F-7C-036314	4243532478		107-TF		FLORENCE 32 #1	PHYLLIS SONORA (CANYON L	280.0	INTRATEX GAS CO
-FORTUNE PRODUCTION CO				RECEIVED: 11/19/81 JA: TX					
8206859	F-7C-041260	4241331037		103		CHEANEY #1-33	CHEANEY (STRAWN 4,500' S	37.1	NORTHERN NATURAL
-GHR ENERGY CORPORATION				RECEIVED: 11/19/81 JA: TX					
8206854	F-04-041178	4247932907		102-4		VAQUILLAS #7	VAQUILLAS RANCH (WILCOX	37.0	VALERO TRANSMISSI
8206854	F-04-041178	4247932907		107-TF		VAQUILLAS #7	VAQUILLAS RANCH (WILCOX	37.0	VALERO TRANSMISSI
-GLENN COPE				RECEIVED: 11/19/81 JA: TX					
8206844	F-10-040780	4248330717		108		C T PALMER A #1	EAST PANHANDLE	1.0	EL PASO NATURAL G
-GOLDKING PRODUCTION COMPANY				RECEIVED: 11/19/81 JA: TX					
8206776	F-04-035989	4221531104		102-4		HANKAMER "A" NO 2	SAN SALVADOR (7756')	764.0	ESPERANZA PIPE LI
-GRACE PETROLEUM CORPORATION				RECEIVED: 11/19/81 JA: TX					
8206812	F-06-038602	4236530993		103		CAPPS #1	CARTHAGE (TRAVIS PEAK)	0.0	UNITED GAS PIPELI
8206753	F-06-032687	4241930315		102-3		J R GRAVES #1	STOCKMAN (TRAVIS PEAK)	200.0	UNITED GAS PIPE L
8206853	F-09-041168	4249730288		108		U S A #1	BOONSVILLE BEND CONGL GA	20.0	BRAZOS FUEL COMPA
-GRO-TEX				RECEIVED: 11/19/81 JA: TX					
8206906	F-7B-042104	4208932815		103		E L MURPHY #1	BROWN COUNTY REGULAR (MA	225.0	SIOUX PIPELINE CO
-GULF COAST OIL & MINERALS				RECEIVED: 11/19/81 JA: TX					
8206784	F-02-036433	4246931459		103		MILTON E SEALE ET AL #1-A	PROPOSED VICTORIA N (170	90.0	TENNESSEE GAS PIP
-GULF OIL CORPORATION				RECEIVED: 11/19/81 JA: TX					
8207005	F-08-042498	4238900372		108		BOZEMAN D W WELL #1	WORSHAM (DELAWARE SAND)	10.0	TRANSWESTERN PIPE

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8206990	F-05-042411	4236531034			107-TF	CARTHAGE UNIT 111 WELL #2
8207007	F-08042500	4249501812			108	HENDRICK IDA -A- NO 13
8207006	F-08042499	4249501805			108	HENDRICK IDA -A- NO 9
8206914	F-08-042219	4247532335			103	HUTCHINGS STOCK ASSN NO 1127
-GUS EDWARDS CO						
						RECEIVED: 11/19/81 JA: TX
8206772	F-01-035342	4247730402			102-2	TOMACHEFSKY UNIT WELL #1
-HAILEY OIL CO INC						
						RECEIVED: 11/19/81 JA: TX
8206823	F-7C-039863	4213332438			103	MASSENGILL #1
-HAMILTON BROTHERS OIL CO						
						RECEIVED: 11/19/81 JA: TX
8206771	F-10-035081	4221131191			103	GEORGE #1
-HNG OIL COMPANY						
						RECEIVED: 11/19/81 JA: TX
8206959	F-01-042312	4243500000			108	CAUTHORN "85" #3
8206954	F-04-042307	4235500000			108	CHAPMAN HEIRS A 44-1
8206922	F-7C-042240	4243500000			108	KELLY "115" #3
8206927	F-7C-042247	4243500000			108	LANCASTER "182" #2
8206923	F-7C-042243	4243500000			108	LANCASTER "3" #2
8206958	F-7C-042311	4243500000			108	LANCASTER "3" #3
8206953	F-7C-042306	4243500000			108	MAYFIELD "39" #3
8206924	F-7C-042244	4243500000			108	MAYFIELD "41" #1
8206891	F-08-041980	4243130995			103	MC ENTIRE "34" #2
8206961	F-08-042314	4243130998			108	MCENTIRE "34" #1
8206960	F-7C-042313	4241300000			108	MEADOR "57" #1
8206919	F-7C-042235	4243500000			108	RICHARDSON "135" #2
8206904	F-7C-042051	4243531984			103	RICHARDSON "139" #2U
8206956	F-7C-042309	4235500000			108	RICHARDSON "6" #1
8206957	F-7C-042310	4243500000			108	SHURLEY "98" #4
8206925	F-7C-042245	4243500000			108	VANDERSTUCKEN "65" #1
8206926	F-7C-042246	4243500000			108	VANDERSTUCKEN "82" #3
8206921	F-7C-042238	4243500000			108	WALLACE "64" #2
8206955	F-7C-042308	4235500000			108	WALLACE "65" #2
8206918	F-7C-042234	4243500000			108	WALLACE "76" #2
8206920	F-7C-042237	4243500000			108	WASSACE "77" #2
8206890	F-08-041979	4243130916			103	WILKINSON "4" #2
-HOWLE & WHITE						
						RECEIVED: 11/19/81 JA: TX
8206778	F-7B-036889	4242900000			108	R W BROOKS ET AL #8 (03823)
-INDIAN WELLS OIL CO						
						RECEIVED: 11/19/81 JA: TX
8206864	F-7C-041404	4210533462			103	ROBERTSON 6C-3
8206864	F-7C-041404	4210533462			107-TF	ROBERTSON 6C-3
8205798	F-7C-037413	4223531628			103	WILLIAM 11 #1
-J & C ENERGY INC						
						RECEIVED: 11/19/81 JA: TX
8206868	F-7B-041943	4209336920			102-4	ANN YOUNG #2
-J A OIL CO						
						RECEIVED: 11/19/81 JA: TX
8206971	F-10-042342	4223300000			108	GROVES #13
8206975	F-10-042346	4223300000			108	GROVES #14
8206976	F-10-042347	4223300000			108	GROVES #16
8206974	F-10-042345	4223300000			108	GROVES #4
8206972	F-10-042343	4223300000			108	GROVES #7
8206973	F-10-042344	4223300000			108	GROVES #8
-JACK M BLAIR						
						RECEIVED: 11/19/81 JA: TX
8206874	F-7B-041728	4213533668			102-4	WEST RANCH #2
8206873	F-7B-041727	4249531353			102-4	WEST RANCH #3
-JAMES B HARBIN						
						RECEIVED: 11/19/81 JA: TX
8206803	F-7E-037449	4208300000			108	NORRIS 5 01094

FIELD NAME	PROD	PURCHASER
CARTHAGE (COTTON VALLEY)	0.0	UNITED GAS PIPE L
KERMIT	1.0	CABOT CAP
KERMIT	1.0	CABOT CARP
WAGON WHEEL (PENN)	59.0	CABOT CORP
GIDDINGS (AUSTIN CHALK G	0.0	CLAJON GAS CO
EASTLAND COUNTY REGULAR	2.0	LON STAR GAS CO
NOT AVAILABLE	350.0	PANHANDLE EASTERN
HOLMAN RANCH (N PENN)	58.2	INTRATEX GAS CO
ARNOLD DAVID NORTH (FRIO	54.2	HOUSTON PIPE LINE
SAWYER (CANYON)	50.5	INTRATEX GAS CO
SAWYER (CANYON)	58.1	INTRATEX GAS CO
SAWYER (CANYON)	57.3	INTRATEX GAS CO
SAWYER (CANYON)	35.2	INTRATEX GAS CO
SAWYER (STRAW, NORTH)	58.2	INTRATEX GAS CO
SAWYER (CANYON)	58.8	INTRATEX GAS CO
CREDO E (CISCO UPPER)	87.4	INTRATEX GAS CO
CREDO E (CISCO UPPER)	45.5	INTRATEX GAS CO
SAWYER CANYON	54.2	INTRATEX GAS CO
SAWYER (CANYON)	35.2	INTRATEX GAS CO
SAWYER (LEONARD)	459.0	INTRATEX GASCO
SAWYER (LEONARD)	2.3	INTRATEX GAS CO
SAWYER (CANYON)	58.7	INTRATEX GAS CO
SAWYER (CANYON)	41.7	INTRATEX GAS CO
SAWYER (CANYON)	48.5	INTRATEX GAS CO
SAWYER (CANYON)	41.6	INTRATEX GAS CO
SAWYER (CANYON)	12.9	INTRATEX GAS CO
SAWYER (CANYON)	23.1	INTRATEX GAS CO
SAWYER (CANYON)	5.3	INTRATEX GAS CO
CREDO E (CISCO UPPER)	22.0	INTRATEX GAS CO
STEPHENS COUNTY REGULAR	18.0	LONE STAR GAS CO
OZONA (CANYON SAND)	130.0	DELHI PIPELINE CO
OZONA (CANYON SAND)	130.0	DELHI PIPELINE CO
IRION W (CANYON)	35.0	NORTHERN NATURAL
DELEON N (STRAWN)	0.0	SOUTHWESTERN GAS
PANHANDLE HUTCHINSON COU	4.0	PHILLIPS PETROLEU
PANHANDLE HUTCHINSON COU	4.0	PHILLIPS PETROLEU
PANHANDLE HUTCHINSON COU	4.0	PHILLIPS PETROLEU
PANHANDLE HUTCHINSON COU	4.0	PHILLIPS PETROLEU
PANHANDLE HUTCHINSON COU	4.0	PHILLIPS PETROLEU
PANHANDLE HUTCHINSON COU	4.0	PHILLIPS PETROLEU
HOLLIJACK	110.0	PHILLIPS PETROLEU
HOLLIJACK	104.0	PHILLIPS PETROLEU
DUNHAM YOUNG	0.0	LONE STAR GAS CO

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8206967	F-7C-042315	4243500000			108	WALLACE "75" #2
8206968	F-7C-042316	4243500000			108	WALLACE "75" #3
8206969	F-7C-042317	4243500000			108	WALLACE "75" #4
8206970	F-7C-042318	4243500000			108	WALLACE "75" #5
8206966	F-7C-042319	4243500000			108	WALLACE "76" #3
8206965	F-7C-042320	4243500000			108	WALLACE "76" #4
8206964	F-7C-042321	4243500000			108	WALLACE "76" #5
8206963	F-7C-042322	4243500000			108	WALLACE "77" #3
8206962	F-7C-042323	4243500000			108	WALLACE "77" #4
8206977	F-7C-042324	4243500000			108	WALLACE "77" #5
8206978	F-7C-042325	4243500000			108	WALLACE "78" #2
8206979	F-7C-042326	4243500000			108	WALLACE "78" #3
8206980	F-7C-042327	4243500000			108	WALLACE "78" #4
8206981	F-7C-042328	4243500000			108	WALLACE "78" #5
8206982	F-7C-042329	4243500000			108	WALLACE "79" #2
8206983	F-7C-042330	4243500000			108	WALLACE "79" #3
8206984	F-7C-042331	4243500000			108	WALLACE "79" #4
8206985	F-7C-042332	4243500000			108	WALLACE "79" #5
8206986	F-7C-042333	4243500000			108	WALLACE "80" #2
8206987	F-7C-042334	4243500000			108	WALLACE "80" #3
8206988	F-7C-042335	4243500000			108	WALLACE "80" #4
8206989	F-7C-042336	4243500000			108	WALLACE "80" #5
8206991	F-7C-042337	4243500000			108	WALLACE "81" #2
8206992	F-7C-042338	4243500000			108	WALLACE "81" #3
8206993	F-7C-042339	4243500000			108	WALLACE "81" #4
8206994	F-7C-042340	4243500000			108	WALLACE "81" #5
8206995	F-7C-042341	4243500000			108	WALLACE "82" #2
8206996	F-7C-042342	4243500000			108	WALLACE "82" #4
8206997	F-7C-042343	4243500000			108	WALLACE "82" #5
8206998	F-7C-042344	4243500000			108	WALLACE "83" #2
8206999	F-7C-042345	4243500000			108	WALLACE "83" #3
8207000	F-7C-042346	4243500000			108	WALLACE "83" #4
8207001	F-7C-042347	4243500000			108	WALLACE "83" #5
8207002	F-7C-042348	4243500000			108	WALLACE "84" #2
8207003	F-7C-042349	4243500000			108	WALLACE "84" #3
8207004	F-7C-042350	4243500000			108	WALLACE "84" #4
8207005	F-7C-042351	4243500000			108	WALLACE "84" #5
8206916	F-08-042217	4247532335			103	WILLIAMS STOCK ASSN NO 1127
-GUS EDWARDS CO						
						RECEIVED: 11/19/81 JA: TX

FIELD NAME	PROD	PURCHASER
WAGON WHEEL (PENN)	59.0	CABOT CORP
SAWYER (CANYON)	58.2	INTRATEX GAS CO
SAWYER (CANYON)	58.1	INTRATEX GAS CO
SAWYER (CANYON)	57.3	INTRATEX GAS CO
SAWYER (CANYON)	35.2	INTRATEX GAS CO
SAWYER (STRAW, NORTH)	58.2	INTRATEX GAS CO
SAWYER (CANYON)	58.8	INTRATEX GAS CO
CREDO E (CISCO UPPER)	87.4	INTRATEX GAS CO
CREDO E (CISCO UPPER)	45.5	INTRATEX GAS CO
SAWYER CANYON	54.2	INTRATEX GAS CO
SAWYER (CANYON)	35.2	INTRATEX GAS CO
SAWYER (LEONARD)	459.0	INTRATEX GASCO
SAWYER (LEONARD)	2.3	INTRATEX GAS CO
SAWYER (CANYON)	58.7	INTRATEX GAS CO
SAWYER (CANYON)	41.7	INTRATEX GAS CO
SAWYER (CANYON)	48.5	INTRATEX GAS CO
SAWYER (CANYON)	41.6	INTRATEX GAS CO
SAWYER (CANYON)	12.9	INTRATEX GAS CO
SAWYER (CANYON)	23.1	INTRATEX GAS CO
SAWYER (CANYON)	5.3	INTRATEX GAS CO
CREDO E (CISCO UPPER)	22.0	INTRATEX GAS CO
STEPHENS COUNTY REGULAR	18.0	LONE STAR GAS CO
OZONA (CANYON SAND)	130.0	DELHI PIPELINE CO
OZONA (CANYON SAND)	130.0	DELHI PIPELINE CO
IRION W (CANYON)	35.0	NORTHERN NATURAL
DELEON N (STRAWN)	0.0	SOUTHWESTERN GAS
PANHANDLE HUTCHINSON COU	4.0	PHILLIPS PETROLEU
PANHANDLE HUTCHINSON COU	4.0	PHILLIPS PETROLEU
PANHANDLE HUTCHINSON COU	4.0	PHILLIPS PETROLEU
PANHANDLE HUTCHINSON COU	4.0	PHILLIPS PETROLEU
PANHANDLE HUTCHINSON COU	4.0	PHILLIPS PETROLEU
PANHANDLE HUTCHINSON COU	4.0	PHILLIPS PETROLEU
HOLLIJACK	110.0	PHILLIPS PETROLEU
HOLLIJACK	104.0	PHILLIPS PETROLEU
DUNHAM YOUNG	0.0	LONE STAR GAS CO

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8206805	F-7B-037451	4208300000			108	NORRIS A 01094	DUNHAM YOUNG	0.0	LONE STAR GAS CO
8206804	F-7B-037450	4208300800			108	NORRIS 9 01094	DUNHAM YOUNG	0.0	LONE STAR GAS CO
-JOE MCGUIRE						RECEIVED: 11/19/81 JA: TX			
*8206773	F-7C-035688	4210532870			102-4	JOE BEAN SOUTH #3	PIKES PEAK DRAW (CANYON)	126.2	PERMIAN CORP
*8206773	F-7C-035688	4210532870			107-TF	JOE BEAN SOUTH #3	PIKES PEAK DRAW (CANYON)	126.2	PERMIAN CORP
*8206773	F-7C-035688	4210532870			103	JOE BEAN SOUTH #3	PIKES PEAK DRAW (CANYON)	126.2	PERMIAN CORP
-JOHN R THOMPSON OPERATING INC						RECEIVED: 11/19/81 JA: TX			
8206860	F-02-041277	4202500000			103	RUBY STUART WELL #1	NORMANNA S (2050*)	54.8	UNITED GAS PIPELI
-K L H OIL & GAS INC						RECEIVED: 11/19/81 JA: TX			
8206841	F-7B-040485	4204932735			102-4	MOORE ESTATE #3	CHAMBERS (CONGL)	24.0	ODESSA NATURAL CO
8206840	F-7B-040483	4204932697			102-4	D B FOMBY #6	CHAMBERS (CONGL)	360.0	ODESSA NATURAL CO
-KAISER-FRANCIS OIL COMPANY						RECEIVED: 11/19/81 JA: TX			
8206981	F-10-042376	4235700000			108	SCHNEIDER C #1	PERRYTON WEST	19.0	NORTHERN NATURAL
-KEITH D GRAHAM						RECEIVED: 11/19/81 JA: TX			
*8206875	F-03-041734	4205131671			102-2	FOJTIK UNIT #1	GIDDINGS (AUSTIN CHALK-3	105.8	CHAMPLIN PETROLEU
*8206876	F-03-041736	4205131742			102-2	FOJTIK UNIT "A" #1	GIDDINGS (AUSTIN CHALK-3	147.8	CHAMPLIN PETROLEU
-KEM PETROLEUM CORP						RECEIVED: 11/19/81 JA: TX			
8206740	F-02-028623	4223931542			102-4	LORENZEN WELL #4	JOHN COFFEE (6430)	308.0	UNITED TEXAS TRAN
8206740	F-02-028623	4223931542			103	LORENZEN WELL #4	JOHN COFFEE (6430)	308.0	UNITED TEXAS TRAN
8206744	F-02-028732	4223931516			102-4	SCHEEL WELL NO 1	HARMON S (6730)	150.0	DELHI GAS PIPELIN
8206744	F-02-028732	4223931516			103	SCHEEL WELL NO 1	HARMON S (6730)	150.0	DELHI GAS PIPELIN
-LADD PETROLEUM CORPORATION						RECEIVED: 11/19/81 JA: TX			
8206952	F-7B-042304	4236731624			103	BLAIR WOODY UNIT 5-T	TOTO (BEND CONGLOMERATE	110.8	LONE STAR GAS CO
8206951	F-7B-042303	4236731528			103	STANLEY UNIT #4	TOTO (LIME M-1)	223.1	LONE STAR GAS CO
-LANDON CURRY						RECEIVED: 11/19/81 JA: TX			
8206822	F-04-039649	4240931468			102-4	GERDES GAS UNIT WELL NO 1	EWING (1500) FIELD	87.0	UNITED GAS PIPE L
8206822	F-04-039649	4240931468			103	GERDES GAS UNIT WELL NO 1	EWING (1500) FIELD	87.0	UNITED GAS PIPE L
-LANGHAM PETROLEUM EXPLORATION CORP						RECEIVED: 11/19/81 JA: TX			
8206980	F-04-042366	4235531567			102-4	M L RIVERS ESTATE #1 WELL 94042	BRAYTON (7850)	700.0	TENNESSEE GAS PIP
-LARIO OIL & GAS COMPANY						RECEIVED: 11/19/81 JA: TX			
8206969	F-7B-042332	4236732134			102-4	GLENN #1 (9502S)	MOBY DICK (CONGL)	515.0	SOUTHWESTERN GAS
8206792	F-02-037084	4212331059			103	HAROLD ANGERSTEIN #1	SMITH CREEK (WILCOX 9900	136.9	LONE STAR AS CO
-LEAR PETROLEUM CORPORATION						RECEIVED: 11/19/81 JA: TX			
8206728	F-10-010363	4208700000			108	SMITH LEASE #1	EAST PANHANDLE	0.0	EL PASO NATURAL G
-LENTEX PETROLEUM INDUSTRIES INC						RECEIVED: 11/19/81 JA: TX			
8206861	F-7C-041309	4239932006			102-4	WEST HANCOCK #1	BROWN SUGAR (JENNINGS)	176.0	UNION TEXAS PETRO
-MARALO INC						RECEIVED: 11/19/81 JA: TX			
8206947	F-7C-042292	4238331913			103	UNIVERSITY "15" #1	BLOCK 49 (2450)	5.4	NORTHERN NATURAL
8206945	F-7C-042286	4238331914			103	UNIVERSITY "15" #2	BLOCK 49 (2450)	4.3	NORTHERN NATURAL
8206946	F-7C-042287	4238331928			103	UNIVERSITY "15" #3	BLOCK 49 (2450)	3.0	NORTHERN NATURAL
8206949	F-7C-042294	4238331917			103	UNIVERSITY "6" #4	BLOCK 49 (2450)	3.0	NORTHERN NATURAL
-MARSHALL EXPLORATION INC						RECEIVED: 11/19/81 JA: TX			
8206727	F-06-004519	4236500000			108-ER	INTERNATIONAL PAPER CO #1	BELLE BOWER (PALUXY)	0.0	TENNESSEE GAS PIP
-MARSHALL R YOUNG OIL CO						RECEIVED: 11/19/81 JA:			
8206746	F-7C-029656	4210532721			103	UNIVERSITY 14-33	PERNER RANCH (ELLENBERGE	1679.0	INTRATEX GAS COMP
-MARTIN OIL & GAS CO						RECEIVED: 11/19/81 JA: TX			
8206979	F-03-042365	4205100000			102-4	M & C ENGLEMAN NO 1 WELL 12645	CALDWELL (AUSTIN CHALK)	0.0	CLAJON GAS CO
-MAY PETROLEUM INC						RECEIVED: 11/19/81 JA: TX			
8206819	F-1B-039213	4229530619			103	NEWMAN #1 (P2170)	MONMOTH CREEK NORTH (CLE	91.3	NORTHERN NATURAL
-MCBRIDE PRODUCTION CO						RECEIVED: 11/19/81 JA: TX			
8206898	F-7B-042008	4242932836			103	H WINCHELL #3 94190	STEPHENS COUNTY REGULAR	40.0	SOUTHWESTERN GAS
8206899	F-7B-042010	4242932684			103	R TODD #1 16525	STEPHENS COUNTY REGULAR	50.0	SOUTHWESTERN GAS
8206900	F-7B-042011	4242932835			103	R TODD #2 94189	STEPHENS COUNTY REGULAR	45.0	SOUTHWESTERN GAS

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8206901	F-7B-042012	4242932240		103		W FAMBROUGH #5 14746
-MCCORMICK OPERATING CO						
8206862	F-08-041316	4231732333		102-4		DAVIDSON #1
-MCKENZIE OPERATING CO INC						
8206789	F-7B-036644	4236300000		102-2		COLLINS #1
8206788	F-7B-036643	4236300000		102-2		HARRINGTON #1
8206791	F-7B-036885	4236300000		102-2		SHIRES #1
-MCMAHON-SULLINGTON DRLG CO						
8206843	F-7B-040636	4236730380		107-PE		H P MOORE 68863
-MEG PETROLEUM CORP						
*8206881	F-7C-041885	4232730392		102-2		PFLUGER RANCH NORTH #1
*8206881	F-7C-041885	4232730392		103		PFLUGER RANCH NORTH #1
*8206882	F-7C-041886	4232730393		102-2		PFLUGER RANCH NORTH #2
*8206882	F-7C-041886	4232730393		103		PFLUGER RANCH NORTH #2
-MGF OIL CORP						
8206768	F-08-034531	4231732298		103		GULF "B" #1
-MHW INC						
8206883	F-7B-041894	4213300000		108		D HAMILTON ESTATE #3 (08063)
-MITCHELL ENERGY CORPORATION						
8206915	F-03-042223	4237300000		103		BAILEY ARBRA #1 71993
8206796	F-09-037329	4249731971		103		HENRY TACKEL #2-C
8206745	F-09-029432	4249731895		103		J C CHAMPION #3
8206734	F-7B-027100	4236731721		103		J O BAKER "A" #1
8206978	F-09-042359	4249700000		108		J S ADAMS #1
8206977	F-09-042355	4223700000		108		L E BOLEY #4 38475
8206785	F-09-036497	4249722042		103		L V HELMS NO 1
8206767	F-03-034503	4231330300		103		SALLY ZULCH #1
8206916	F-09-042225	4249700000		108		TELLIE WRIGHT #2 84101
8206917	F-09-042232	4249700000		108		W L MACKEY #2 34121
-MOBIL PROD TEXAS & NEW MEXICO INC						
8206813	F-04-038831	4224900000		108		C F H BLUCHER #25
8206848	F-08-040897	4210332564		103		SAND HILLS JUDKINS UNIT #7
-MOORE MCCORMACK OIL & GAS CORP						
8206733	F-04-023032	4247932180		108		HUBBERD "J" #1
-NORTH AMERICAN ROYALTIES INC						
8206810	F-02-038222	4239131410		102-4		F B ROOKE & SONS WELL #1 (94827)
-NRM PETROLEUM CORPORATION						
8207008	F-8A-042504	4211531452		103		NOLEN #1 - 863344
-OLSEN ENERGY INC						
8206880	F-08-041819	4249531366		103		WALTON "C" #1
-ORLA PETCO INC						
8206763	F-08-034281	4210931447		103		HAWKINS-GRUBB NO 5
-PENNZOIL PRODUCING COMPANY						
8207012	F-04-042515	4235505383		108		MABEL ELLIFF #A-2
-PETRO-LEWIS CORPORATION						
8206729	F-03-016562	4215730033		103		HAAS-BACICA #1
8206747	F-03-029690	4215700000		103		J H P DAVIS #2
8206737	F-03-027749	4215700000		103		KNOX B HOWE ESTATE #1
-PETROLEUM CORPORATION OF TEXAS						
8206732	F-03-022642	4216730695		103		HENRY FLAKE JR #1
-PHILLIPS PETROLEUM COMPANY						
8206986	F-08-042362	4213502567		108		CLYDE COWDEN--111
8206987	F-08-042383	4213533168		108		CLYDE COWDEN--167

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FIELD NAME	PROD	PURCHASER
STEPHENS COUNTY REGULAR	5.5	SOUTHWESTERN GAS
W L M (FUSSELMAN)	45.0	NORTHERN NATURAL
M & R (BEND CONGL)	1030.0	INTRASTATE GATHER
M & R (BEND CONGL)	811.0	INTRASTATE GATHER
M & R (BEND CONGL)	863.0	SOUTHWESTERN GAS
MPM (CONGL 4300)	0.0	TEXAS UTILITES F
MENARD N (STRAWN 2775)	135.0	SUN GAS CO
MENARD N (STRAWN 2775)	135.0	SUN GAS CO
MENARD N (STRAWN 2775)	3.6	SUN GAS CO
MENARD N (STRAWN 2775)	3.6	SUN GAS CO
SPRAYBERRY (TREND AREA)	0.0	PHILLIPS PETROLEU
EASTLAND COUNTY REGULAR	0.0	LONE STAR GAS CO
LEGGET (WOODLINE)	9.4	HOUSTON PIPELINE
BOONSVILLE (BEND CONGLOM	600.0	NATURAL GAS PIPEL
BOONSVILLE (BEND CONGLOM	0.0	NATURAL GAS PIPEL
SANDRA K (STRAWN)	200.0	
BOONSVILLE (BEND CONGL G	0.0	NATURAL GAS PIPEL
BOONSVILLE (BEND CONGL G	0.0	NATURAL GAS PIPEL
BOONSVILLE (BEND CONGLOM	0.0	
NORTH ZULCH (SUB-CLARKSV	0.0	
BOONSVILLE (BEND CONGL G	7.6	NATURAL GAS PIPEL
BOONSVILLE (BEND CONGL G	12.0	NATURAL GAS PIPEL
TIJERINA-CANALES-BLUCHER	19.5	NATURAL GAS PIPEL
SAND HILLS JUDKINS	278.5	EL PASO NATURAL G
LIE (6200)	18.0	TENNESSEE GAS PIP
REFUGIO SOUTH (3600)	250.0	LONE STAR GAS CO
LAMESA WEST (SPRABERRY)	7.0	PHILLIPS PETROLEU
HENDERSON	60.5	EL PASO NATURAL G
FORD WEST (4100)	219.0	
AGUA DULCE (E-3)	19.0	UNITED GAS PIPE L
LONG POINT DOME (F-7B)	547.0	DOW CHEMICAL CO
LONG POINT (FRIO)	43.5	DOW CHEMICAL CO
LONG POINT DOME	547.0	DOW CHEMICAL CO
HITCHCOCK N E (FRIO 9100	221.2	SEAGULL PIPELINE
GOLDSMITH (5600)	5.7	EL PASO NATURAL G
GOLDSMITH (5600)	2.9	EL PASO NATURAL G

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8206984	F-08-042360	4213502566		108		CLYDE COWDEN--111
8206985	F-08-042361	4213502568		108		CLYDE COWDEN--167
-PRIDE OIL & GAS PROPERTIES						
8206814	F-04-038832	4224900000		108		C F H BLUCHER #25
-PRIDE PETROLEUM OPERATING						
8206812	F-04-038830	4224900000		108		C F H BLUCHER #25
-PRIDE PRODUCING CO						
8206811	F-04-038829	4224900000		108		C F H BLUCHER #25
-PRIDE PRODUCING CO						
8206815	F-04-038833	4224900000		108		C F H BLUCHER #25
-PRIDE PRODUCING CO						
8206816	F-04-038834	4224900000		108		C F H BLUCHER #25
-PRIDE PRODUCING CO						
8206817	F-04-038835	4224900000		108		C F H BLUCHER #25
-PRIDE PRODUCING CO						

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8206985	F-08-042381	4213503717			108	GOLDSMITH ADOBE UNIT, WELL 4002	GOLDSMITH (5600)	1.9	EL PASO NATURAL G
-PINEWOOD EXPLORATION INC						RECEIVED: 11/19/81 JA: TX			
8206751	F-06-031719	4240100000			103	CHEVALLIER NO 2 GAS UNIT	WEST CYRIL/COTTON VALLEY	450.0	UNITED GAS PIPE L
8206751	F-06-031719	4240100000			107-TF	CHEVALLIER NO 2 GAS UNIT	WEST CYRIL/COTTON VALLEY	450.0	UNITED GAS PIPE L
-R L ZINN						RECEIVED: 11/19/81 JA: TX			
8206868	F-03-041633	4232100000			102-4	PIERCE ESTATE #3 ID # PENDING	SOUTH BAY PRAIRIE	128.0	DOW CHEMICAL CO
-RAY HERRING						RECEIVED: 11/19/81 JA: TX			
8206768	F-78-042335	4256332270			102-4	WILLINGHAM #2	RYAN (CONGL 4365)	75.0	SOUTHWESTERN GAS
-ROBERT L MCCAMEY						RECEIVED: 11/19/81 JA: TX			
8206964	F-78-042324	4215131247			102-4	BIG 3 MABERRY #1	ALKALI CREEK S W	8.5	PALO DURO PIPELIN
8206966	F-78-042326	4215131195			102-4	CADY ROYSTON #1	ALKALI CREEK S W	9.9	PALO DURO PIPELIN
8206965	F-78-042325	4215131140			102-4	DON SMITH #1	ALKALI CREEK S W	8.1	PALO DURO PIPELIN
8206967	F-78-042327	4215131198			102-4	DON SMITH #2	ALKALI CREEK S W	8.4	PALO DURO PIPELIN
8206963	F-78-042323	4215131059			102-4	ROYSTON SMITH #1 UNIT	ALKALI CREEK S W	3.9	PALO DURO PIPELIN
8206962	F-78-042322	4215131141			102-4	ROYSTON STATE #1 UNIT	ALKALI CREEK S W	2.1	PALO DURO PIPELIN
-RONIMES AND WARNER						RECEIVED: 11/19/81 JA: TX			
8206846	F-10-040823	4223300000			108	HUBER-STATE #9 (ID#01297)	PANHANDLE HUTCHINSON	0.3	PHILLIPS PETROLEU
-ROYAL OIL & GAS CORPORATION						RECEIVED: 11/19/81 JA: TX			
8207002	F-01-042457	4231131424			102-4	M C ATKINSON "A" NO 1 WELL	COW CREEK W (7100') FIEL	150.0	VALERO TRANSMISSI
8207002	F-01-042457	4231131424			103	M C ATKINSON "A" NO 1 WELL	COW CREEK W (7100') FIEL	150.0	VALERO TRANSMISSI
-SANCHEZ-OBRIEN OIL & GAS CORP						RECEIVED: 11/19/81 JA: TX			
8206847	F-04-040866	4213133361			102-4	GENARO GARCIA #1	SAN DIEGO SW (TEGUA 5900	500.0	UNITED GAS PIPELI
-SAXON OIL COMPANY						RECEIVED: 11/19/81 JA: TX			
8206999	F-08-042438	4231732372			103	GAY WADE "3" #1A	BREEDLOVE EAST (SPRABERR	34.2	PHILLIPS PETROLEU
8206765	F-08-034332	4231732208			103	KNOX #2	BREEDLOVE EAST (SPRABERR	26.6	PHILLIPS PETROLEU
8206782	F-7C-036368	4246131714			103	NEAL #1	SPRABERRY (TREND AREA)	22.6	PHILLIPS PETROLEU
8206783	F-7C-036370	4246131723			103	NEAL #1 #1	SPRABERRY (TREND AREA)	39.0	MOBIL PRODUCING T
-SEQUOIA FOSSIL FUELS INC						RECEIVED: 11/19/81 JA: TX			
8206995	F-78-042418	4205932469			103	ENLOW #1-10	ISENHOWER SE (DUFFER)	40.0	DELHI GAS PIPELIN
8206994	F-78-042417	4241700000			103	MOORE-SCURLOCK #1-R	SHACKELFORD COUNTY REG (	30.0	LONE STAR GAS CO
-SHELL OIL CO						RECEIVED: 11/19/81 JA: TX			
*8206944	F-8A-042285	4216500000			108	BAUMGART GEORGE -E- NO 20	WASSON 72	3.2	SHELL OIL CO & CO
8206937	F-08-042277	4213500000			108	E HARPER UNIT NO 433	HARPER	0.5	PHILLIPS PETROLEU
8206809	F-04-037942	4221531075			102-4	JONES RANCH "A" NO 5	LA RUCIA (VICKSBURG LO G	400.0	CHANNEL INDUSTRIE
8206935	F-08-042278	4213500000			108	JORDAN UNIVERSITY UNIT NO 316	JORDAN	0.5	PHILLIPS PETROLEU
8206808	F-04-037691	4204736876			102-4	LISANDRO LONGORIA ET AL GAS UNIT 2	LOPEZ RANCH (VICKSBURG 1	350.0	CHANNEL INDUSTRIE
8206941	F-08-042282	4200300000			108	LOGSDON C W -E- NO 3	UNION	0.2	PHILLIPS PETROLEU
8206942	F-08-042283	4200300000			108	LOGSDON-C- NO 7	UNION	3.7	PHILLIPS PETROLEU
8206934	F-8A-042274	4250100000			108	OWNBY SAN ANDRES UNIT NO 4	OWNBY	8.8	AMOCO PRODUCTION
*8206938	F-8A-042278	4216500000			108	S WASSON CLEARFORK UNIT #6501-S	WASSON 72	6.1	SHELL OIL CO
8206940	F-08-042281	4213500000			108	THOMAS -H-TRACT 1 NO 8	TXL (SAN ANDRES)	2.3	SHELL OIL CO
8206939	F-08-042280	4213500000			108	THOMAS-C- NO 7	TXL (SAN ANDRES)	2.7	SHELL OIL CO
8206943	F-08-042284	4200300000			108	UNIVERSITY -B- NO 5	ANDREWS SOUTH (WOLFCAMP)	17.4	EL PASO NATURAL G
8206936	F-08-042276	4200300000			108	UNIVERSITY BLOCK 9/PENN/UNIT #15	UNIVERSITY BLOCK 9 (PENN	2.8	EL PASO NATURAL G
-SPINDLETOP OIL & GAS CO						RECEIVED: 11/19/81 JA: TX			
8206821	F-78-039518	4222130663			102-2	FLORA REED NO 1 (94399)	SUN BELT (ATOKA)	18.0	EMPIRE PIPELINE C
-STAHL PETROLEUM CO						RECEIVED: 11/19/81 JA: TX			
8206838	F-10-040439	4248330721			108	BROWN #1 89481	EAST PANHANDLE	0.0	PHILLIPS PETROLEU
8206912	F-10-042202	4217930739			108	KINNARD "B" #1 #88954	EAST PANHANDLE	0.0	PHILLIPS PETROLEU
8206837	F-10-040438	4248330723			108	TEDDER #1 89626	EAST PANHANDLE	0.0	PHILLIPS PETROLEU
-STALLWORTH OIL & GAS INC						RECEIVED: 11/19/81 JA: TX			
8206756	F-78-033287	4236731855			102-4	TUGGLE WELL #1-T	CLAYTON (CONGL)	0.0	SOUTHWESTERN GAS
8206756	F-78-033287	4236731855			103	TUGGLE WELL #1-T	CLAYTON (CONGL)	0.0	SOUTHWESTERN GAS

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-SUN OIL COMPANY (DELAWARE)						RECEIVED: 11/19/81 JA: TX			
8206764	F-06-034286	4220330782		102-4		CUTBIRTH EST GAS UNIT NO 1	N LANSING	54.0	TEJAS - SW TWO
8206764	F-06-034286	4220330782		107-TF		CUTBIRTH EST GAS UNIT NO 1	N LANSING	54.0	TEJAS - SW TWO
8206878	F-08-041750	4213533487		103		PAUL MOSS #191	COWDEN SOUTH (CANYON B79	40.0	ODESSA NATURAL CO
-TAUBERT & STEED						RECEIVED: 11/19/81 JA: TX			
8206866	F-06-041459	4249930865		102-4		A F PENNINGTON UNIT #1	NEUHOFF (WOODBINE)	11.7	UNITED GAS PIPELI
8206865	F-06-041458	4249930831		102-4		E L WILLIAMS UNIT #1	NEUHOFF (WOODBINE)	73.4	UNITED GAS PIPELI
8206833	F-06-040329	4249930712		102-4		HOWARD MOORE #1	NEUHOFF (COTTON VALLEY S	122.3	UNITED GAS PIPELI
8206833	F-06-040329	4249930712		107-TF		HOWARD MOORE #1	NEUHOFF (COTTON VALLEY S	122.3	UNITED GAS PIPELI
8206834	F-06-040331	4249930782		102-4		LILLIAN TURBEVILLE GAS UNIT #1	NEUHOFF (COTTON VALLEY S	219.0	UNITED GAS PIPELI
8206834	F-06-040331	4249930782		107-TF		LILLIAN TURBEVILLE GAS UNIT #1	NEUHOFF (COTTON VALLEY S	219.0	UNITED GAS PIPELI
8206835	F-06-040332	4249930850		102-4		PUCKETT ESTATE #1	NEUHOFF (COTTON VALLEY M	736.6	UNIED GAS PIPELIN
8206835	F-06-040332	4249930850		107-TF		PUCKETT ESTATE #1	NEUHOFF (COTTON VALLEY M	736.6	UNIED GAS PIPELIN
-TDC ENGINEERING INC						RECEIVED: 11/19/81 JA: TX			
8206870	F-01-041684	4217730869		102-4		LAMPRECHT #1	PEACH CREEK (AUSTIN CHAL	30.0	VALERO TRANSMISSI
*8206855	F-01-041186	4217730753		102-4		MOORE-POLZIN UNIT #1	PEACH CREEK (AUSTIN CHAL	28.0	VALER TRANSMISSIO
-TENNECO OIL COMPANY						RECEIVED: 11/19/81 JA: TX			
8206739	F-04-028021	4235531392		103		W W BOGEL #1	AGUA DULCE	286.0	
-TEX-O PETROLEUM CO						RECEIVED: 11/19/81 JA: TX			
8206845	F-03-040787	4214930976		102-2		WILBERT BRAUN #1	GIDDINGS (AUSTIN CHALK G	720.0	CLAJON GAS CO
-TEXACO INC						RECEIVED: 11/19/81 JA: TX			
8206858	F-10-041252	4217900000		108		J C SHORT #24	PANHANDLE GRAY	2.1	COLTEXO CORP
-TEXAS OIL & GAS CORP						RECEIVED: 11/19/81 JA: TX			
8206778	F-06-036228	4207300000		102-4		PRESTRIEDGE #1	PERCY WHEELER (TRAVIS PE	0.0	
8206778	F-06-036228	4207300069		103		PRESTRIEDGE #1	PERCY WHEELER (TRAVIS PE	0.0	
-THE DOW CHEMICAL COMPANY						RECEIVED: 11/19/81 JA: TX			
8206930	F-7C-042265	4241330938		102-4		UNIVERSITY LANDS "55-11" NO 1	UNIVERSITY 54 (CANYON)	30.0	CRA INC
8206930	F-7C-042265	4241330930		107-TF		UNIVERSITY LANDS "55-11" NO 1	UNIVERSITY 54 (CANYON)	90.0	CRA INC
-THOMAS D COFFMAN INC						RECEIVED: 11/19/81 JA: TX			
8206856	F-03-041197	4214931873		102-2		ROBERTS #1 119781	GIDDINGS (AUSTIN CHALK-3	127.8	PHILLIPS PETROLEU
-TUCKER DRILLING COMPANY INC						RECEIVED: 11/19/81 JA: TX			
8206807	F-7C-037580	4223531643		102-4		HENRY LINDLEY 59-2	MERTZON WEST (WOLFCAMP)	62.3	NORTHERN NATURAL
8206807	F-7C-037580	4223531643		103		HENRY LINDLEY 59-2	MERTZON WEST (WOLFCAMP)	62.3	NORTHERN NATURAL
-TXO PRODUCTION CORP						RECEIVED: 11/19/81 JA: TX			
8206766	F-02-039444	4202531459		102-4		SMITH "DD"#1 RRC ID #94051	YOWARD MACKHANK (7850')	0.0	TRANSCONTINENTAL
-U S OPERATING INC						RECEIVED: 11/19/81 JA: TX			
8206902	F-01-042836	4228330747		103		COYNE "A" UNIT NO 1 RRC ID-07225	PEARSALL (AUSTIN CHALK)	0.0	VALERO TRANSMISSI
-W & W OIL CO						RECEIVED: 11/19/81 JA: TX			
8206777	F-8A-036071	4216500000		103		SEMINOLE TOWNSITE "A" #1	SEMINOLE (SAN ANDRES)	0.0	PHILLIPS PETROLEU
-W L PENNINGTON INC						RECEIVED: 11/19/81 JA: TX			
8206748	F-10-039794	4208700308		108-ER		MCFARLAND 3-1	PANHANDLE EAST	0.0	EL PASO NATURAL G
-WARREN PETR CO A DIV OF GULF OIL CO						RECEIVED: 11/19/81 JA: TX			
8206877	F-08-041739	4210332580		103		W M WADDELL ET AL #1150	SAND HILLS (JUDKINS)	30.0	EL PASO NATURAL G
-WAYMAR OIL & GAS CO						RECEIVED: 11/19/81 JA: TX			
8206932	F-09-042267	4249731871		103		ALVORD TOWNSITE UNIT #1	ALVORD SOUTH (ATOKA)	133.0	LONE STAR GAS CO
8206933	F-09-042268	4249732183		103		DUNAWAY #1	ALVORD (ATOKA 5850)	27.0	LONE STAR GAS CO
-WCS PETROLEUM INC						RECEIVED: 11/19/81 JA: TX			
8206884	F-03-041919	4205131420		102-2		OPPERMANN #2	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-WILLIAM PERLMAN						RECEIVED: 11/19/81 JA: TX			
8206738	F-7C-027784	4243100000		108		GEO BROCKMAN "37" #4	SAWYER (CANYON)	0.0	EL PASO GAS TRANS
-WINDSOR PRODUCING CO						RECEIVED: 11/19/81 JA: TX			
8206857	F-03-041203	4228730985		102-2		CROWTHER UNIT #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8206857	F-03-041203	4228730985		103		CROWTHER UNIT #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8206817	F-01-039145	4217730669	102-2	KOLAR #1	GONZALES (AUSTIN CHALK)	0.0	TIPPERARY CORP
8206817	F-01-039145	4217730669	103	KOLAR #1	GONZALES (AUSTIN CHALK)	4.0	TIPPERARY CORP
8206818	F-01-039146	4217730610	102-2	LAVENDER #1	GONZALES (AUSTIN CHALK)	1.8	TIPPERARY CORP
8206818	F-01-039146	4217730610	103	LAVENDER #1	GONZALES (AUSTIN CHALK)	1.8	TIPPERARY CORP
-ZONERGY INC		RECEIVED: 11/19/81 JA: TX					
8206762	F-83-033948	#205100000	102-2	BALLEW #1	GIDDINGS	0.0	FERGUSON CROSSING

OTHER PURCHASERS VOLUME NO :556

8206735	MOCH OIL CO
8206760	EL PASO NATURAL GAS
8206761	EL PASO NATURAL GAS
8206773	EL PASO NATURAL GAS CO
8206755	COLUMBIA GAS TRANSMISSION CORP
8206855	TIPPERARY GATHERING LTD
8206860	NORTHERN NATURAL GAS CO
8206872	UNION TEXAS PETROLEUM
8206875	FERGUSON CROSSING PIPELINE CO
8206876	FERGUSON CROSSING PIPELINE CO
8206879	VALERO TRANSMISSION CO
8206881	LONE STAR GAS CO
8206882	LONE STAR GAS CO
8206887	VALERO TRANSMISSION CO
8206938	COLTEXO CORP
8206944	COLTEXO CORP

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before January 6, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft. rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36388 Filed 12-21-81; 8:45 am]

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[Volume 557]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 11, 1981.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
-ADOBE OIL & GAS CORP			RECEIVED: 11/19/81 JA: PA						
8207102	9651	3706522225	103			BERTHA KOHLER #2	HENDERSON	24.0	CONSOLIDATED GAS
-ALCOVE INVESTMENTS			RECEIVED: 11/19/81 JA: PA						
8207105	9771	3700521691	108			HAROLD S COULTER #1	COWANSHANNOCK	12.0	APOLLO GAS CO
8207106	9772	3700521983	108			HAROLD S COULTER #2	COWANSHANNOCK	12.0	APOLLO GAS CO
8207104	9770	3700522165	108			HAROLD S COULTER #3	COWANSHANNOCK	12.0	APOLLO GAS CO
8207103	9769	3700522624	103			KENNETH M & DONNA G NEAL #2	COWANSHANNOCK	30.0	APOLLO GAS CO
-ARROWHEAD GAS PRODUCERS INC			RECEIVED: 11/19/81 JA: PA						
8207108	8942	3712328252	107-TF			E JOHNSON #1	SUGAR GROVE	60.0	COLUMBIA GAS TRAN
8207107	8940	3712327866	107-TF			RICHARDSON #1	SUGAR GROVE	0.0	COLUMBIA GAS TRAN
-ATLAS RESOURCES INC			RECEIVED: 11/19/81 JA: PA						
8207109	9784	3706325911	102-2			BASH #3	GREEN	23.0	COLUMBIA GAS TRAN
-BITTINGER DRILLING CO			RECEIVED: 11/19/81 JA: PA						
8207110	9765	3700500000	108			RAYMOND GOWETSKI #1	COWANSHANNOCK	3.0	APOLLO GAS CO
8207111	9766	3700500000	108			RAYMOND GOWETSKI #2	COWANSHANNOCK	3.0	APOLLO GAS CO
8207113	9768	3700520572	108			RAYMOND GOWETSKI #3	COWANSHANNOCK	3.0	APOLLO GAS CO
8207112	9767	3700520614	108			RAYMOND GOWETSKI #4	COWANSHANNOCK	3.0	APOLLO GAS CO
-CABOT OIL & GAS CORP			RECEIVED: 11/19/81 JA: PA						
8207130	8607	3703920692	107-TF			ALLAN HART #2	FAIRFIELD	50.0	TENNESSEE GAS PIP
8207144	8948	3703920856	107-TF			ALLAN HART #4	FAIRFIELD	50.0	TENNESSEE GAS PIP
8207126	8602	3703920693	107-TF			DAVID DUNN #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8207124	8600	3703920769	107-TF			F & H BITENC #2	GREENWOOD	50.0	TENNESSEE GAS PIP
8207125	8601	3703920757	107-TF			F & H BITENC #3	GREENWOOD	50.0	TENNESSEE GAS PIP
8207121	8597	3703920758	107-TF			F & H BITENC #4	GREENWOOD	50.0	TENNESSEE GAS PIP
8207120	8596	3703920759	107-TF			F & H BITENC #5	GREENWOOD	50.0	TENNESSEE GAS PIP
8207118	8594	3703920760	107-TF			F & H BITENC #6	GREENWOOD	50.0	TENNESSEE GAS PIP
8207143	8889	3703921152	107-TF			HELEN DENNIS #2	FAIRFIELD	50.0	TENNESSEE GAS PIP
8207146	8950	3708520214	107-TF			HERALD HELTZEL #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8207145	8949	3703920725	107-TF			HORACE HART #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8207139	8881	3708520217	107-TF			IDA MCCAUGHTRY #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8207140	8883	3703921205	107-TF			JAMES HOLLABAUGH #1	WAYNE	50.0	TENNESSEE GAS PIP
8207133	8768	3708520222	107-TF			JOHN HELTZEL #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8207136	8875	3703921167	107-TF			JOHN SCHNEIDER #2	FAIRFIELD	50.0	TENNESSEE GAS PIP
8207138	8879	3703921153	107-TF			JOSEPH MORAN #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8207123	8599	3703920739	107-TF			LAWRENCE O ABBOTT #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8207129	8606	3703921147	107-TF			MARION HAMILTON #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8207142	8887	3703921106	107-TF			MAURICE DICKSON #1	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8207119	8595	3703920835	107-TF			P & C CORTELYOU #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8207115	8591	3703920869	107-TF			RAYMOND DEISS #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8207114	8590	3703921095	107-TF			RAYMOND DEISS #2	FAIRFIELD	50.0	TENNESSEE GAS PIP
8207116	8592	3703920853	107-TF			RICHARD DALTON #1	FAIRFIELD	50.0	TENNESSEE GAS PIP

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8207141	8885	3703921130		107	-TF	ROBERT DICKSON #1	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8207128	8605	3703921151		107	-TF	ROBERT DUNLAVY #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8207134	8770	3703921168		107	-TF	RONALD KALINOWSKI #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8207137	8877	3702921116		107	-TF	STANLEY ROSPORSKI #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8207135	8873	3703921180		107	-TF	STEVE STUREY #1	WAYNE	50.0	TENNESSEE GAS PIP
8207132	8766	3703920962		107	-TF	THOMAS JOHNSTON #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8207122	8598	3703920764		107	-TF	VICTOR BABYAK #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8207127	8604	3703920761		107	-TF	W L DUNN #4	GREENWOOD	50.0	TENNESSEE GAS PIP
8207117	8593	3703920836		107	-TF	WILLIAM CUMMINGS #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8207131	8764	3703920718		107	-TF	WILLIAM HANSEN #1	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
-CENTER BAR GAS CO				RECEIVED: 11/19/81 JA: PA					
8207148	6716	3703920909		107	-TF	EARL HAMILTON #80-32 PA	CONNEAUT	0.0	COLUMBIA GAS TRAN
8207150	6720	3703920910		107	-TF	GEORGE BARAN #80-34 PA	CONNEAUT	0.0	COLUMBIA GAS TRAN
8207149	6718	3703920714		107	-TF	KENYN BURNS #80-1 PA	CONNEAUT	0.0	COLUMBIA GAS TRAN
8207151	6722	3703920876		107	-TF	SERBIAN ORTHODOX #80-31 PA	CONNEAUT	0.0	COLUMBIA GAS TRAN
8207147	6714	3703920880		107	-TF	SERBIAN ORTHODOX #80-33 PA	CONNEAUT	0.0	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED: 11/19/81 JA: PA					
8207152	9775	3703321116		103		J L BROTHERS WN-1863	BURNSIDE	14.2	GENERAL SYSTEM PU
-DAMSON-LOUDEN CO LTD & MCC-LOUDEN L				RECEIVED: 11/19/81 JA: PA					
8207153	9763	3712900959		108		D N MILLER B425-1	E HUNTINGDON	1.5	TEXAS EASTERN TRA
8207154	9764	3712900000		108		M SAPINSKY B654-1	S HUNTINGDON	3.9	TEXAS EASTERN TRA
-DONALD F WEAVER				RECEIVED: 11/19/81 JA: PA					
8207189	9645	3706321330	D	103		THE SYLVANIA CORPORATION WELL #233	ALLEGHENY PLATEAU	4.0	NATIONAL FUEL GAS
-EDWARD G KRIEBEL GAS CO				RECEIVED: 11/19/81 JA: PA					
8207175	9761	3700300000		108		FISH #1	FRAZER	1.7	APOLLO GAS CO
8207174	9760	3700300000		108		FISH #2	FRAZER	1.7	APOLLO GAS CO
-ENVIROGAS INC				RECEIVED: 11/19/81 JA: PA					
8207157	8344	3704921036		107	-TF	C BURNHAM #4	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8207159	8346	3704921145		107	-TF	D CHESLEY #2	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8207155	8342	3704921045		107	-TF	G ARNOLD #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8207160	8347	3704921183		107	-TF	J COOK #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8207156	8343	3704921166		107	-TF	R ARRIGO #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8207158	8345	3704921032		107	-TF	V CALKINS #1A	ERIE DEEP	18.0	NATIONAL FUEL GAS
-J & J ENTERPRISES INC				RECEIVED: 11/19/81 JA: PA					
8207170	7272	3706321635		108		A & E CONTRUCCI #1	WASHINGTON	3.5	T W PHILLIPS GAS
8207172	7274	3706321692		108		A & E CONTRUCCI #2	WASHINGTON	3.5	T W PHILLIPS GAS
8207167	7252	3706321774		108		C BAUN #2	CANOE	8.1	T W PHILLIPS GAS
8207171	7273	3706321698		108		C G ADAMSON #1	WASHINGTON	5.2	T W PHILLIPS GAS
8207173	7297	3706321760		108		G H REAM #2 A	RAYNE	1.2	T W PHILLIPS GAS
8207165	7197	3706321796		108		GEORGE E WORK #1	CANOE	12.6	T W PHILLIPS GAS
8207161	7176	3706321790		108		HAROLD DOMB #1	CANOE	2.1	T W PHILLIPS GAS
8207164	7192	3706520887		108		ISABEL R HAWK #1	BELL	15.9	T W PHILLIPS GAS
8207169	7271	3706321686		108		J LINGENFELTER #1	RAYNE	5.6	T W PHILLIPS GAS
8207166	7239	3706321746		108		KENNETH SUMMERS #1	CANOE	10.7	T W PHILLIPS GAS
8207168	7265	3706321636		108		L C SHELLHAMER #1	WASHINGTON	3.9	T W PHILLIPS GAS
8207163	7178	3706321731		108		REED SHERRY #1	CANOE	17.0	T W PHILLIPS GAS
8207162	7177	3706321732		108		REED SHERRY #2	CANOE	8.1	T W PHILLIPS GAS
-JAMES F SCOTT				RECEIVED: 11/19/81 JA: PA					
8207188	9514	3706522333		103		JOHN CARCELLA PS-364	OASKILL	12.8	CONSOLIDATED GAS
-LAKE ERIE #1				RECEIVED: 11/19/81 JA: PA					
8207184	6740	3704921156		107	-TF	CARL KRAUTTER #80-21 PA	CONNEAUT	0.0	COLUMBIA GAS TRAN
8207177	6726	3704921074		107	-TF	HELEN LECHEFSKY #80-13 PA	CONNEAUT	0.0	COLUMBIA GAS TRAN
8207180	6732	3704921573		107	-TF	LOUIS BECK #80-10 PA PER ERI-21073	CONNEAUT	0.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8207182	6736	3704921577		107	-TF	LOUIS BECK #80-9 PA PER ERI-21073	CONNEAUT	0.0	COLUMBIA GAS TRAN
8207183	6738	3704921578		107	-TF	LOUIS BECK #80-8 PA PER ERI-21073	CONNEAUT	0.0	COLUMBIA GAS TRAN
8207181	6734	3704921576		107	-TF	LOUIS BECK #80-7 PA PER ERI-21073	CONNEAUT	0.0	COLUMBIA GAS TRAN
8207178	6728	3704921575		107	-TF	LOUIS BECK #80-6 PA PER ERI-21073	CONNEAUT	0.0	COLUMBIA GAS TRAN
8207179	6730	3704921574		107	-TF	LOUIS BECK #80-5 PA PER ERI-21073	CONNEAUT	0.0	COLUMBIA GAS TRAN
8207176	6724	3704921572		107	-TF	LOUIS BECK #80-4 PA PER ERI-21073	CONNEAUT	0.0	COLUMBIA GAS TRAN
-MARVIN A KLEMAN				RECEIVED: 11/19/81 JA: PA					
8207187	9644	3706321329	D	103		THE SYLVANIA CORPORATION WELL #232	ALLEGHENY PLATEAU	4.0	NATIONAL FUEL GAS
-MCCULLOUGH OIL & GAS CO				RECEIVED: 11/19/81 JA: PA					
8207146	9765	3712900000		108		MCCULLOUGH #1	E HUNTINGDON	1.5	TEXAS EASTERN TRA
-MICHAEL P GRACE				RECEIVED: 11/19/81 JA: PA					
8207145	9766	3712900000		108		GRACE #1	E HUNTINGDON	1.5	TEXAS EASTERN TRA
-MOUNTAIN GAS CO				RECEIVED: 11/19/81 JA: PA					
8207144	9767	3712900000		108		MOUNTAIN #1	E HUNTINGDON	1.5	TEXAS EASTERN TRA
-PENNZOIL CO				RECEIVED: 11/19/81 JA: PA					
8207142	9768	3712900000		108		PENNZOIL #1	E HUNTINGDON	1.5	TEXAS EASTERN TRA
-PETRO-LEWIS CORP				RECEIVED: 11/19/81 JA: PA					
8207143	9769	3712900000		108		PETRO-LEWIS #1	E HUNTINGDON	1.5	TEXAS EASTERN TRA
-SOUTHWESTERN ENERGY CO				RECEIVED: 11/19/81 JA: PA					
8207185	9770	3712900000		108		SOUTHWESTERN #1	E HUNTINGDON	1.5	TEXAS EASTERN TRA
-TRANSCONTINENTAL OIL CO				RECEIVED: 11/19/81 JA: PA					
8207186	9771	3712900000		108		TRANSCONTINENTAL #1	E HUNTINGDON	1.5	TEXAS EASTERN TRA

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8207179	6730	3704921145			107-TF	LOUIS BECK #80-19 PA PER ERI-21140	CONNEAUT	0.0	COLUMBIA GAS TRAN
8207176	6724	3704921072			107-TF	ROBERT DENNY #80-6 PA PER ERI-21072	CONNEAUT	0.0	COLUMBIA GAS TRAN
8207182	6736	3704921011			107-TF	ROBERT HERMAN #80-4 PA	CONNEAUT	0.0	COLUMBIA GAS TRAN
8207183	6738	3704921172			107-TF	MODNEY BRANDON #80-24 PA	CONNEAUT	0.0	COLUMBIA GAS TRAN
8207181	6734	3704921081			107-TF	S ROMANOWSKI #80-12 PA	CONNEAUT	0.0	COLUMBIA GAS TRAN
8207178	6728	3704926556			107-TF	S ROMANOWSKI #80-15 PA	CONNEAUT	0.0	COLUMBIA GAS TRAN
8207185	6742	3704921080			107-TF	STANLEY HUDY #80-7 PA PER ERI-21080	CONNEAUT	0.0	COLUMBIA GAS TRAN
-P & G EXPLORATION INC				RECEIVED: 11/19/81 JA: PA					
8207186	9650	3706326325			103	WASH CHURCH ASSOC #1 IND-26325	RAYNE TWP	10.0	T W PHILLIPS GAS
-PHILLIPS PRODUCTION CO				RECEIVED: 11/19/81 JA: PA					
8207187	9745	3706522384			103	EDNA ROBISON ET VIR #1		30.0	
**********									
WEST VIRGINIA DEPARTMENT OF MINES									
**********									
-A W FLESHER GAS CO				RECEIVED: 11/18/81 JA: WV					
8207034		4708524148			108	A W FLESHER H-569	MURPHY DISTRICT	0.4	CONSOLIDATED GAS
-AARON FRIEDLY GAS CO				RECEIVED: 11/18/81 JA: WV					
8207035		4708524139			108	AARON FRIEDLY GAS CO H-661	MURPHY DISTRICT	6.0	CONSOLIDATED GAS
8207045		4708504138			108	AARON FRIEDLY H-680	MURPHY DISTRICT	6.0	CONSOLIDATED GAS
-ADALINE GLOVER GAS CO				RECEIVED: 11/18/81 JA: WV					
8207032		4708524148			108	ADALINE GLOVER H-669	MURPHY DISTRICT	1.0	CONSOLIDATED GAS
-ASHLAND EXPLORATION INC				RECEIVED: 11/18/81 JA: WV					
8207058		4700500958	D		108	CASEY #1 155840	TASA	6.0	INDUSTRIAL GAS CO
8207056		4700500968	D		108	CASEY #4-155850	TASA	2.0	INDUSTRIAL GAS CO
8207077		4703901706			108	EASTERN GAS & FUEL #10-029960	PAINT CREEK	18.0	COLUMBIA GAS TRAN
8207055		4701900156	D		108	POCAHONTAS LAND CO #20-166071	LOUP CREEK	4.0	UNION CARBIDE COR
8207057		4700500962	D		108	SNODGRASS #1-155880	TASA	2.0	INDUSTRIAL GAS CO
-ASHLEY OIL CO				RECEIVED: 11/18/81 JA: WV					
8207079		4701700694			108	COX #3		1.5	CONSOLIDATED GAS
8207078		4701700679			108	DENVER COX #1	JOHN WALTON & COX	1.6	CONSOLIDATED GAS
-BEREA OIL AND GAS CORPORATION				RECEIVED: 11/18/81 JA: WV					
8207019		4710721110			107-DV	WILKINSON #1	UNION	8.0	CONSOLIDATED GAS
8207013		4710721111			107-DV	WILKINSON #2	UNION	2.9	CONSOLIDATED GAS
-CABOT OIL & GAS CORP				RECEIVED: 11/18/81 JA: WV					
8207024		4703903578			107-DV	A MIDDLEBURG #1	WASHINGTON	7.0	TENNESSEE GAS PIP
8207018		4703903624			107-DV	C E BUMFORD #1	JEFFERSON	40.0	TENNESSEE GAS PIP
8207017		4707900985			107-DV	J L MCLEAN A-31	UNION	10.0	TENNESSEE GAS PIP
8207022		4707900977			107-DV	J L MCLEAN A-47	UNION	11.0	TENNESSEE GAS PIP
8207021		4707900978			107-DV	J L MCLEAN A-50	UNION	18.0	TENNESSEE GAS PIP
8207023		4703903611			107-DV	JOHN W FORD #1	JEFFERSON	23.0	TENNESSEE GAS PIP
8207020		4707900981			107-DV	PUTNAM CO B-19	UNION	11.0	TENNESSEE GAS PIP
8207053		4709901719			107-DV	WILSON COAL A-5	LINCOLN	100.0	TENNESSEE GAS PIP
-CARSON PETROLEUM CORP				RECEIVED: 11/18/81 JA: WV					
8207050		4702103734			103	BRANNON #1	LITTLE KANAWHA RIVER	0.0	COLUMBIA GAS TRAN
-CHARLES WOLFE GAS CO				RECEIVED: 11/18/81 JA: WV					
8207029		4708504203			108	CHARLES WOLFE H-671	MURPHY DISTRICT	0.5	CONSOLIDATED GAS
-CHASE PETROLEUM				RECEIVED: 11/18/81 JA: WV					
8207054		4704102751			103	CAYTON #1	VANDALIA	20.0	
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED: 11/18/81 JA: WV					
8207086		4703310610			108	E C TETRICK 12296	SARDIS DISTRICT	11.4	GENERAL SYSTEM PU
8207088		4701900297			108	GAULEY MOUNTAIN COAL CO	FALLS	10.0	GENERAL SYSTEM PU
8207087		4701900298			108	GAULEY MOUNTAIN COAL CO 12240	FALLS	10.0	GENERAL SYSTEM PU
8207085		4703301070			108	JOHN HURST 12294	SARDIS DISTRICT	21.6	GENERAL SYSTEM PU

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8207084		4703301256		108		JOHN T WILLIAMS 12440	COAL DISTRICT	14.7	GENERAL SYSTEM PU
8207063		4708100707		108		JUNIOR LANTZ 11942	WEST VIRGINIA OTHER A857	19.0	GENERAL SYSTEM PU
-DAVID A FRESHWATER				RECEIVED: 11/18/81 JA: WV					
8207049		4701302597		108		PRICY SAMPSON LEASE	RUSH RUN	11.0	CONSOLIDATED GAS
-EASTERN AMERICAN ENERGY CORPORATION				RECEIVED: 11/18/81 JA: WV					
8207100		4702103671		107-DV		B MOORE #6	GLENVILLE	60.0	EQUITABLE GAS CO
8207101		4702103698		107-DV		C G MAYS #7	GLENVILLE	60.0	EQUITABLE GAS CO
8207092		4702103700		107-DV		M B SUMMERS #3		45.0	EQUITABLE GAS CO
8207093		4702103733		107-DV		MESSENGER #3	GLENVILLE NORTH	65.0	EQUITABLE GAS CO
-EDGELL GAS CO				RECEIVED: 11/18/81 JA: WV					
8207041		4708503752		108		EDGELL H-512	MURPHY DISTRICT	17.0	CONSOLIDATED GAS
-ENHANCED OIL RECOVERY INC				RECEIVED: 11/18/81 JA: WV					
8207061		4704101827	D	103		F E TAYLOR #1	HACKERS CREEK	12.0	CONSOLIDATED GAS
-FRANKLIN ADKINS				RECEIVED: 11/18/81 JA: WV					
8207059		4709921712	D	107-DV		MAYNARD #1	LINCOLN DISTRICT	14.3	COLUMBIA GAS TRAN
-GRUBSTAKE PRODUCTION CO				RECEIVED: 11/18/81 JA: WV					
8207038		4704501074		107-DV		M&J CONLEY #2 47-045-1074	CONLEY BRANCH	12.8	COLUMBIA GAS TRAN
8207062		4701100677	D	107-DV		MANVILLE ADKINS #3 47-011-0677	STEER BRANCH CK	9.2	COLUMBIA GAS TRAN
-HUGHES RIVER 78-G				RECEIVED: 11/18/81 JA: WV					
8207031		4708524187		108		WEIDEMAN H-683	MURPHY DISTRICT	2.5	CONSOLIDATED GAS
-HUGHES RIVER 78-H				RECEIVED: 11/18/81 JA: WV					
8207030		4708524188		108		WEIDEMAN H-684	MURPHY DISTRICT	2.5	CONSOLIDATED GAS
-HUGHES RIVER 78-I				RECEIVED: 11/18/81 JA: WV					
8207028		4708524189		108		WEIDEMAN H-685	MURPHY DISTRICT	2.5	CONSOLIDATED GAS
-INTERSTATE DRILLING INC				RECEIVED: 11/18/81 JA: WV					
8207060		4704102989	D	103		JACKSON #1	ROANOKE	12.8	CONSOLIDATED GAS
-J & J ENTERPRISES INC				RECEIVED: 11/18/81 JA: WV					
8207081		4703322150		108		J-63	SARDIS	0.0	CONSOLIDATED GAS
-J A & M OIL & GAS CO				RECEIVED: 11/18/81 JA: WV					
8207064		4710301210		108		L S HOYT #1	GRANT	0.0	PENNZOIL CO
8207065		4710301211		108		L S HOYT #13	GRANT	0.0	PENNZOIL CO
8207066		4710301212		108		L S HOYT #19	GRANT	0.0	PENNZOIL CO
8207067		4710301213		108		L S HOYT #23	GRANT	0.0	PENNZOIL CO
8207068		4710301214		108		L S HOYT #24	GRANT	0.0	PENNZOIL CO
8207069		4710312150		108		L S HOYT #25	GRANT	0.0	PENNZOIL CO
8207070		4710301216		108		L S HOYT #26	GRANT	0.0	PENNZOIL CO
8207071		4710301217		108		L S HOYT #28	GRANT	0.0	PENNZOIL CO
8207072		4710301218		108		L S HOYT #29	GRANT	0.0	PENNZOIL CO
8207073		4710301219		108		L S HOYT #31	GRANT	0.0	PENNZOIL CO
8207074		4710312200		108		L S HOYT #32	GRANT	0.0	PENNZOIL CO
8207075		4710301221		108		L S HOYT #34	GRANT	0.0	PENNZOIL CO
8207076		4710301222		108		L S HOYT #36	GRANT	0.0	PENNZOIL CO
-L & B OIL CO INC				RECEIVED: 11/18/81 JA: WV					
8207047		4707301032		107-DV		BAILEY #2 47-073-1032	ST MARYS	9.0	COLUMBIA GAS TRAN
8207048		4707301073		107-DV		C B TICE #1 47-073-1073	ST MARYS	0.0	COLUMBIA GAS TRAN
8207037		4707300887		107-DV		GLEN E FULMER #B-21	ST MARYS	25.0	COLUMBIA GAS TRAN
8207036		4707300872		107-DV		JAMES C RYMER #B2-2	ST MARYS	21.0	COLUMBIA GAS TRAN
8207027		4707300895		107-DV		L & B #1 WILSON	ST MARYS	20.0	COLUMBIA GAS TRAN
8207026		4707300911		107-DV		L & B #2 (47-073-0911)	ST MARYS	14.6	COLUMBIA GAS TRAN
8207025		4707300918		107-DV		TICE #3 (47-073-0918)	ST MARYS	12.0	COLUMBIA GAS TRAN
8207046		4707300944		107-DV		WRIGHT #1	ST MARYS	25.0	COLUMBIA GAS TRAN
-L & M EXPLORATION INC				RECEIVED: 11/18/81 JA: WV					
8207080		4707321036		107-DV		BILLY ELDER #4		12.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8207045		4707300945		107-DV		WRIGHT #2	ST MARYS	25.0	COLUMBIA GAS TRAN
8207044		4707300946		107-DV		WRIGHT #3	ST MARYS	25.0	COLUMBIA GAS TRAN
-LEATHERWOOD INC				RECEIVED: 11/18/81 JA: WV					
8207042		4708503753		108		LEATHERWOOD H-513	MURPHY DISTRICT	17.0	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207058		4704102988	D	103		JACKSON #2	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207057		4704102987	D	103		JACKSON #3	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207056		4704102986	D	103		JACKSON #4	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207055		4704102985	D	103		JACKSON #5	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207054		4704102984	D	103		JACKSON #6	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207053		4704102983	D	103		JACKSON #7	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207052		4704102982	D	103		JACKSON #8	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207051		4704102981	D	103		JACKSON #9	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207050		4704102980	D	103		JACKSON #10	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207040		4704102990	D	103		JACKSON #11	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207039		4704102991	D	103		JACKSON #12	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207043		4704102992	D	103		JACKSON #13	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207082		4704102993	D	103		JACKSON #14	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207083		4704102994	D	103		JACKSON #15	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207085		4704102995	D	103		JACKSON #16	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207086		4704102996	D	103		JACKSON #17	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207087		4704102997	D	103		JACKSON #18	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207088		4704102998	D	103		JACKSON #19	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207089		4704102999	D	103		JACKSON #20	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207090		4704103000	D	103		JACKSON #21	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207091		4704103001	D	103		JACKSON #22	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207094		4704103002	D	103		JACKSON #23	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207095		4704103003	D	103		JACKSON #24	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207096		4704103004	D	103		JACKSON #25	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207097		4704103005	D	103		JACKSON #26	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207098		4704103006	D	103		JACKSON #27	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207099		4704103007	D	103		JACKSON #28	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207102		4704103008	D	103		JACKSON #29	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207103		4704103009	D	103		JACKSON #30	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207104		4704103010	D	103		JACKSON #31	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207105		4704103011	D	103		JACKSON #32	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207106		4704103012	D	103		JACKSON #33	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207107		4704103013	D	103		JACKSON #34	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207108		4704103014	D	103		JACKSON #35	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207109		4704103015	D	103		JACKSON #36	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207110		4704103016	D	103		JACKSON #37	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207111		4704103017	D	103		JACKSON #38	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207112		4704103018	D	103		JACKSON #39	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207113		4704103019	D	103		JACKSON #40	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207114		4704103020	D	103		JACKSON #41	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207115		4704103021	D	103		JACKSON #42	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207116		4704103022	D	103		JACKSON #43	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207117		4704103023	D	103		JACKSON #44	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207118		4704103024	D	103		JACKSON #45	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207119		4704103025	D	103		JACKSON #46	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207120		4704103026	D	103		JACKSON #47	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207121		4704103027	D	103		JACKSON #48	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207122		4704103028	D	103		JACKSON #49	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207123		4704103029	D	103		JACKSON #50	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207124		4704103030	D	103		JACKSON #51	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207125		4704103031	D	103		JACKSON #52	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207126		4704103032	D	103		JACKSON #53	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207127		4704103033	D	103		JACKSON #54	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207128		4704103034	D	103		JACKSON #55	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207129		4704103035	D	103		JACKSON #56	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207130		4704103036	D	103		JACKSON #57	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207131		4704103037	D	103		JACKSON #58	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207132		4704103038	D	103		JACKSON #59	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207133		4704103039	D	103		JACKSON #60	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207134		4704103040	D	103		JACKSON #61	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207135		4704103041	D	103		JACKSON #62	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207136		4704103042	D	103		JACKSON #63	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207137		4704103043	D	103		JACKSON #64	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207138		4704103044	D	103		JACKSON #65	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207139		4704103045	D	103		JACKSON #66	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207140		4704103046	D	103		JACKSON #67	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207141		4704103047	D	103		JACKSON #68	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207142		4704103048	D	103		JACKSON #69	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207143		4704103049	D	103		JACKSON #70	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207144		4704103050	D	103		JACKSON #71	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207145		4704103051	D	103		JACKSON #72	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207146		4704103052	D	103		JACKSON #73	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207147		4704103053	D	103		JACKSON #74	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207148		4704103054	D	103		JACKSON #75	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207149		4704103055	D	103		JACKSON #76	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207150		4704103056	D	103		JACKSON #77	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207151		4704103057	D	103		JACKSON #78	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207152		4704103058	D	103		JACKSON #79	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207153		4704103059	D	103		JACKSON #80	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207154		4704103060	D	103		JACKSON #81	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207155		4704103061	D	103		JACKSON #82	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207156		4704103062	D	103		JACKSON #83	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207157		4704103063	D	103		JACKSON #84	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207158		4704103064	D	103		JACKSON #85	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207159		4704103065	D	103		JACKSON #86	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207160		4704103066	D	103		JACKSON #87	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207161		4704103067	D	103		JACKSON #88	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207162		4704103068	D	103		JACKSON #89	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207163		4704103069	D	103		JACKSON #90	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207164		4704103070	D	103		JACKSON #91	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207165		4704103071	D	103		JACKSON #92	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207166		4704103072	D	103		JACKSON #93	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207167		4704103073	D	103		JACKSON #94	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207168		4704103074	D	103		JACKSON #95	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207169		4704103075	D	103		JACKSON #96	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207170		4704103076	D	103		JACKSON #97	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207171		4704103077	D	103		JACKSON #98	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207172		4704103078	D	103		JACKSON #99	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207173		4704103079	D	103		JACKSON #100	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207174		4704103080	D	103		JACKSON #101	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207175		4704103081	D	103		JACKSON #102	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207176		4704103082	D	103		JACKSON #103	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207177		4704103083	D	103		JACKSON #104	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207178		4704103084	D	103		JACKSON #105	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207179		4704103085	D	103		JACKSON #106	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207180		4704103086	D	103		JACKSON #107	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207181		4704103087	D	103		JACKSON #108	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207182		4704103088	D	103		JACKSON #109	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207183		4704103089	D	103		JACKSON #110	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207184		4704103090	D	103		JACKSON #111	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207185		4704103091	D	103		JACKSON #112	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207186		4704103092	D	103		JACKSON #113	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207187		4704103093	D	103		JACKSON #114	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207188		4704103094	D	103		JACKSON #115	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207189		4704103095	D	103		JACKSON #116	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207190		4704103096	D	103		JACKSON #117	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207191		4704103097	D	103		JACKSON #118	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207192		4704103098	D	103		JACKSON #119	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207193		4704103099	D	103		JACKSON #120	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207194		4704103100	D	103		JACKSON #121	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207195		4704103101	D	103		JACKSON #122	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207196		4704103102	D	103		JACKSON #123	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207197		4704103103	D	103		JACKSON #124	ROANOKE	12.8	CONSOLIDATED GAS
-MARK ENERGY CORP				RECEIVED: 11/18/81 JA: WV					
8207198		4704103104	D	103		JACKSON #125

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-LEWIS H MORTON OIL & GAS CO		RECEIVED: 11/18/81 JA: WV							
8207043		4708524136		108		LEWIS H MORTON H-658	MURPHY DISTRICT	3.5	CONSOLIDATED GAS
8207044		4708524137		108		LEWIS H MORTON H-659	MURPHY DISTRICT	3.5	CONSOLIDATED GAS
-MARY ELLIOTT HEIRS GAS CO		RECEIVED: 11/18/81 JA: WV							
8207042		4708504059		108		MARY ELLIOTT HEIRS H-641	MURPHY DISTRICT	18.0	CONSOLIDATED GAS
-MONITOR PETROLEUM CORP		RECEIVED: 11/18/81 JA: WV							
8207051		4700121445		103		MONITOR #2 GOLDEN	BARKER	54.0	COLUMBIA GAS TRAN
8207052		4700121453		103		MONITOR #4 GOLDEN	BARKER	54.0	COLUMBIA GAS TRAN
-N & B PETROLEUM INC		RECEIVED: 11/18/81 JA: WV							
8207082		4700101150		108		DURRETT #6	VALLEY	10.8	PARTNERSHIP PROPE
8207083		4700300266		108		R HATHAWAY #1	ROARING CREEK	10.8	PARTNERSHIP PROPE
-SIMMONS GAS CO		RECEIVED: 11/18/81 JA: WV							
8207033		4708524141		108		SIMMONS H-570	MURPHY DISTRICT	0.3	CONSOLIDATED GAS
-STONEWALL GAS CO INC		RECEIVED: 11/18/81 JA: WV							
8207014		4703302532		103		JAMES W SOMMERVILLE #1 30-SH	UNION DISTRICT	0.0	CONSOLIDATED GAS
8207015		4703302533		103		JAMES W SOMMERVILLE #2 31-SH	UNION DISTRICT	0.0	CONSOLIDATED GAS
8207016		4701702993		103		JEFFREY S MEEK #1 28-SH	NEW MILTON DISTRICT	0.0	
-SWIFT ENERGY CO		RECEIVED: 11/18/81 JA: WV							
8207091		4702103681		107-DV		DAVIS "J" #3	GLENVILLE NORTH	50.0	
8207089		4704102912		107-DV		DAVIS J #1	GLENVILLE NORTH	50.0	
8207090		4701702903		107-DV		ERWIN #1	NEW MILTON SOUTH	50.0	COLUMBIA GAS TRAN
-W R & L G HAUGHT GAS CO		RECEIVED: 11/18/81 JA: WV							
8207039		4701702437		108		W R & L G HAUGHT H-745	CENTRAL DISTRICT	6.5	CONSOLIDATED GAS
8207040		4701702438		108		W R & L G HAUGHT H-746	CENTRAL DISTRICT	6.5	CONSOLIDATED GAS
-WACO OIL AND GAS CO INC		RECEIVED: 11/18/81 JA: WV							
8207096		4702103651		107-DV		WHITING #10A	GILMER	12.0	CONSOLIDATED GAS
8207094		4702103749		107-DV		WHITING #11A	GILMER	13.0	CONSOLIDATED GAS
8207095		4702103766		107-DV		WHITING #12A	GILMER	15.0	CONSOLIDATED GAS
8207099		4702103644		107-DV		WHITING #7A	GILMER	10.0	CONSOLIDATED GAS
8207098		4702103649		107-DV		WHITING #8A	GILMER	10.0	CONSOLIDATED GAS
8207097		4702103650		107-DV		WHITING #9A	GILMER	11.0	CONSOLIDATED GAS

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before January 6, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1,000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36389 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Volume 558]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 11, 1981.

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 11, 1981.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION									
-EXXON CORPORATION				RECEIVED: 11/16/81 JA: CA					
8207320	81-3-0002	0408321W00		103		C N WHITE FEE #1	CAT CANYON	180.0	
MONTANA BOARD OF OIL & GAS CONSERVATION									
-CENTURY OIL & GAS CORP				RECEIVED: 11/20/81 JA: MT					
8207319	2-81-11	2507321459		102-2		LUDWIG STATE 36-1	WILDCAT	50.0	
8207318	2-81-10	2507321460		102-2		TOREN #4-1	WILDCAT	0.0	
-DENMARK RESOURCES INC				RECEIVED: 11/20/81 JA: MT					
8207315	2-81-6	2508521156		103		BN PICKARD BROS #1-29	CEDAR CREEK	37.0	MONTANA DAKOTA UT
8207316	2-81-7	2508521154		103		BN PICKARD BROS #1-33	CEDAR CREEK	14.0	MONTANA DAKOTA UT
-MIDLANDS GAS CORPORATION				RECEIVED: 11/18/81 JA: MT					
*8207325	2-81-9	2507121513		108		SCHLEUSNER I 1461	BOWDOIN	19.0	KANSAS-NEBRASKA N
*8207326	3-81-27	2507121163		108		0782 ARCHIE DUNBAR 1-7 0782	WILDCAT	22.0	KANSAS-NEBRASKA N
*8207322	1-81-3	2507121323		108		2342-1	BOWDOIN	28.0	KANSAS-NEBRASKA N
*8207323	1-81-4	2507121328		108		3361 33-34-31	BOWDOIN	27.0	KANSAS-NEBRASKA N
-PATRICK PETROLEUM CORP OF MICHIGAN				RECEIVED: 11/18/81 JA: MT					
8207321	1-81-2	2508521218		102-4		PETERSON #1-7	ANVIL	90.0	TRUE OIL CO
-SHELL OIL CO				RECEIVED: 11/18/81 JA: MT					
8207324	2-81-5	2508521327		102-4		GARREN 31-11	CRANE	312.5	MONTANA DAKOTA UT
-SUGAR CREEK RESOURCES INC				RECEIVED: 11/20/81 JA: MT					
8207317	2-81-8	2508521158		103		BN V L PICKARD #1-1	CEDAR CREEK	10.0	MONTANA DAKOTA UT
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
-AIDA JUDSON BOYER				RECEIVED: 11/19/81 JA: PA					
8207192	9725	3708520796		108		LAUSTER #1 269 B	BLANCO RURAL VALLEY QUAD	7.5	APOLLO GAS CO
8207193	9726	3708500000		108		YOCKEY #1 269 A		3.5	APOLLO GAS CO
-BEREA OIL AND GAS CORPORATION				RECEIVED: 11/19/81 JA: PA					
8207190	9128	3712329187		102-3		A C GRIBSHAW UNIT #2	WILDCAT	20.0	COLUMBIA GAS TRAN
-BOYD & SHRIVER				RECEIVED: 11/19/81 JA: PA					
8207191	9073	3708522354		103		BOWERSOX #516	DISTANT	12.0	COLUMBIA GAS TRAN
-CHESTER WHELESS				RECEIVED: 11/19/81 JA: PA					
8207304	9249	3712700000		108		BUCHANAN #1	PUNXSATAWNEY	0.0	PEOPLES NATURAL G
8207306	9251	3712700000		108		STEELE #1	PUNXSATAWNEY	0.4	PEOPLES NATURAL G
8207305	9250	3712700000		108		STEELE #2	PUNXSATAWNEY	0.4	PEOPLES NATURAL G
-DAMSON-LOUDEN CO LTD & MCC-LOUDEN L				RECEIVED: 11/19/81 JA: PA					
8207206	9686	3712921106		103		A B VANCE B451-1	EAST HUNTINGDON	11.2	TEXAS EASTERN TRA
8207205	9685	3712921131		103		A W CRESSMAN B430-1	E HUNTINGDON	37.4	TEXAS EASTERN TRA
8207228	9709	3712921422		103		D A PORTER & R E PORTER B890-1	EAST HUNTINGDON	30.8	TEXAS EASTERN TRA
8207217	9697	3712921322		103		D W CRAMER B798-1	EAST HUNTINGDON	4.7	TEXAS EASTERN TRA

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8207202	9682	3712921271		103		D W LEONARD B400-2	S HUNTINGDON	8.5	TEXAS EASTERN TRA
8207215	9695	3712921242		103		E A KOCH B793-1	EAST HUNTINGDON	32.5	TEXAS EASTERN TRA
8207225	9706	3712921384		103		E C BAKER B846-1	EAST HUNTINGDON	25.9	TEXAS EASTERN TRA
8207209	9689	3712921339		103		E R BRILHART B765-1	EAST HUNTINGDON	22.0	TEXAS EASTERN TRA
8207216	9696	3712921247		103		E S BYERS B796-1	EAST HUNTINGDON	19.0	TEXAS EASTERN TRA
8207197	9714	3712921024		102-2		F N STONER TRUST B761-1	EAST HUNTINGDON	11.9	TEXAS EASTERN TRA
8207199	9679	3712920941		103		G F CROUSHORE JR B368-1	E HUNTINGDON	8.3	TEXAS EASTERN TRA
8207194	9711	3712921391		102-2		G FELGAR B833-1	E HUNTINGDON	43.7	TEXAS EASTERN TRA
8207196	9713	3712921272		102-2		G W & F POORBAUGH B797-1	E HUNTINGDON	15.8	TEXAS EASTERN TRA
8207227	9708	3712921455		103		H LEIGHTY B882-1	EAST HUNTINGDON	14.6	TEXAS EASTERN TRA
8207223	9704	3712921215		103		H M GRIMM B824-1	EAST HUNTINGDON	6.9	TEXAS EASTERN TRA
8207195	9712	3712921137		102-2		I BOWSER B819-1	EAST HUNTINGDON	32.2	TEXAS EASTERN TRA
8207203	9683	3712921105		103		J E LYNCH B411-1	E HUNTINGDON	9.5	TEXAS EASTERN TRA
8207212	9692	3712921246		103		J H BROWN B788-1	EAST HUNTINGDON	16.8	TEXAS EASTERN TRA
8207219	9700	3712921138		103		J H MOORE B818-1	EAST HUNTINGDON	26.4	TEXAS EASTERN TRA
8207220	4701	3712921434		103		J H MOORE B818-2	EAST HUNTINGDON	22.3	TEXAS EASTERN TRA
8207229	9710	3712921340		103		J P SKOVIRA B891-1	EAST HUNTINGDON	17.0	TEXAS EASTERN TRA
8207218	9698	3712921133		103		J W GAUT B800-1	EAST HUNTINGDON	15.8	TEXAS EASTERN TRA
8207213	9693	3712921146		103		K HIXSON B789-1	EAST HUNTINGDON	20.0	TEXAS EASTERN TRA
8207214	9694	3712921392		103		K HIXSON B789-2	EAST HUNTINGDON	14.9	TEXAS EASTERN TRA
8207204	9684	3712921120		103		M L MORENDA B429-1	EAST HUNTINGDON	5.0	TEXAS EASTERN TRA
8207207	9687	3712921135		103		M LONG B716-2	EAST HUNTINGDON	21.9	TEXAS EASTERN TRA
8207201	9681	3712920940		103		M S CROUSHORE B388-1	E HUNTINGDON	2.3	TEXAS EASTERN TRA
8207210	9690	3712921268		103		R E GAUT B779-1	EAST HUNTINGDON	67.5	TEXAS EASTERN TRA
8207211	9691	3712921385		103		R E GAUT B779-2	EAST HUNTINGDON	42.9	TEXAS EASTERN TRA
8207224	9705	3712921214		103		R L BYERS B842-1	SOUTH HUNTINGDON	12.7	TEXAS EASTERN TRA
8207208	9688	3712921116		103		R O LOVE B764-1	EAST HUNTINGDON	12.5	TEXAS EASTERN TRA
8207200	9680	3712921007		103		S H LYNN & F P ALLEGRA B378-2	EAST HUNTINGDON	12.0	TEXAS EASTERN TRA
8207198	9715	3712921257		102-2		SOUTHMORELAND SCHOOL DIST B748I	EAST HUNTINGDON	13.7	TEXAS EASTERN TRA
8207221	9702	3712921151		103		T J CATALINA B822-1	EAST HUNTINGDON	1.0	TEXAS EASTERN TRA
8207222	9703	3712921321		103		W C LAYMAN B823-1	EAST HUNTINGDON	72.9	TEXAS EASTERN TRA
8207226	9707	3712921325		103		W M ADAMS B877-1	EAST HUNTINGDON	4.8	TEXAS EASTERN TRA
-DOC-NCC SERVICE CO		RECEIVED: 11/19/81 JA: PA							
8207246	9677	3712921839		103		C D ADAMS 1546-1	EAST HUNTINGDON	30.0	TEXAS EASTERN TRA
8207243	9674	3712921779		103		C R HENNON 933-1	EAST HUNTINGDON	30.0	TEXAS EASTERN TRA
8207245	9675	3712921778		103		D S BRILHART 1462-1	EAST HUNTINGDON	30.0	TEXAS EASTERN TRA
8207240	9668	3712921764		103		D A & R E PORTER 890-2	EAST HUNTINGDON	30.0	TEXAS EASTERN TRA
8207239	9658	3712921861		103		E A KOCH 793-2	EAST HUNTINGDON	30.0	TEXAS EASTERN TRA
8207236	9722	3712921781		102-2		F N STONER TRUST 761-2	EAST HUNTINGDON	30.0	TEXAS EASTERN TRA
8207235	9721	3712921902		102-2		F N STONER TRUST 761-5	EAST HUNTINGDON	30.0	TEXAS EASTERN TRA
8207232	9718	3712921786		102-2		I BOWSER 819-2	EAST HUNTINGDON	30.0	TEXAS EASTERN TRA
8207241	9672	3712921763		103		J B SUTER 901-2	EAST HUNTINGDON	30.0	TEXAS EASTERN TRA
8207231	9717	3712921797		102-2		J D POORBAUGH 828-1	EAST HUNTINGDON	30.0	TEXAS EASTERN TRA
8207247	9678	3712921837		103		J J KOLAR 1550-1	EAST HUNTINGDON	30.0	TEXAS EASTERN TRA
8207244	9676	3712921792		103		J L MILLER 1452-1	EAST HUNTINGDON	30.0	TEXAS EASTERN TRA
8207242	9673	3712921775		103		J N LORI 919-1	EAST HUNTINGDON	30.0	TEXAS EASTERN TRA
8207233	9719	3712921844		102-2		J W GAUT 800-3	EAST HUNTINGDON	30.0	TEXAS EASTERN TRA
8207230	9716	3712921825		102-2		SOUTHMORELAND SCHOOL DISTRICT 748-2	EAST HUNTINGDON	30.0	TEXAS EASTERN TRA
8207237	9723	3712921824		102-2		SOUTHMORELAND SCHOOL DISTRICT 748-3	EAST HUNTINGDON	30.0	TEXAS EASTERN TRA
8207234	9720	3712921803		102-2		V D & W E STILLMAN 768-1	EAST HUNTINGDON	30.0	TEXAS EASTERN TRA
8207238	9724	3712921823		102-2		W M ADAMS 877-2	EAST HUNTINGDON	30.0	TEXAS EASTERN TRA
-DORAN & ASSOCIATES INC		RECEIVED: 11/19/81 JA: PA							
8207248	9195	3706532128		103		DALE L MILLER KN-10	UPPER DEVONIAN SAND	30.0	T W PHILLIPS GAS

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JD NO	JA DKT	API NO	L	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8207249	9196	3706532129		103		DALE L MILLER KN-11	UPPER DEVONIAN SAND	30.0	T W PHILLIPS GAS
8207250	9197	3706532130		103		DALE L MILLER KN-12	UPPER DEVONIAN SAND	30.0	T W PHILLIPS GAS
8207251	9198	3706532131		103		DALE L MILLER KN-13	UPPER DEVONIAN SAND	30.0	T W PHILLIPS GAS

JD NO	JA DKT	API NO	L SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-EDWARD G KRIEBEL GAS CO			RECEIVED: 11/19/81 JA: PA				
8207284	9762	3700500000	108	CARTER #1	REDBANK	4.1	APOLLO GAS CO
-FOX OIL & GAS INC			RECEIVED: 11/19/81 JA: PA				
8207254	9093	3706325828	102-2	FLORENCE O'HARRAH #2	MONTGOMERY	25.5	COLUMBIA GAS TRAN
8207256	9098	3706300000	102-2	FLORENCE O'HARRAH #3	MONTGOMERY	25.5	COLUMBIA GAS TRAN
8207249	9087	3706324443	102-2	FLORENCE O'HARRAH 1	MONTGOMERY	25.5	COLUMBIA GAS TRAN
8207258	9104	3706300000	102-2	GERALD FLEMING #1	MONTGOMERY	25.5	COLUMBIA GAS TRAN
8207250	9088	3706324455	102-2	HARRY GARDNER #1	MONTGOMERY	25.5	COLUMBIA GAS TRAN
8207252	9091	3706324434	102-2	J O CLARK #2	MONTGOMERY	25.5	COLUMBIA GAS TRAN
8207251	9090	3706324564	102-2	JACK HAZELET #1	MONTGOMERY	25.5	COLUMBIA GAS TRAN
8207255	9096	3706325780	102-2	JACK HAZELET #3	MONTGOMERY	25.5	COLUMBIA GAS TRAN
8207259	9106	3706300000	102-2	JAMES DOUGLASS #3	MONTGOMERY	25.5	COLUMBIA GAS TRAN
8207260	9107	3706300000	102-2	MICHAEL GLOBUN #2	MONTGOMERY	25.5	COLUMBIA GAS TRAN
8207253	9092	3706325184	102-2	MICHAEL GLOBUN #3	MONTGOMERY	25.5	COLUMBIA GAS TRAN
8207257	9102	3706300000	102-2	WM RUTERBAUGH #1	MONTGOMERY	25.5	COLUMBIA GAS TRAN
-H D MOUGH DRILLING PROJECT 5			RECEIVED: 11/19/81 JA: PA				
8207262	9752	3700523363	108	HARRIS C SHICK #1	DAYTON QUADRANGLE	2.0	PEOPLES NATURAL G
8207261	9751	3700522876	108	HARRIS C SHICK #2	DAYTON QUADRANGLE	2.0	PEOPLES NATURAL G
8207263	9753	3700522305	108	HARRY J SNYDER #1	DAYTON QUADRANGLE	2.0	PEOPLES NATURAL G
8207265	9755	3700522311	108	HARRY J SNYDER #2	DISTANT QUADRANGLE	2.0	PEOPLES NATURAL G
8207264	9754	3700522306	108	HARRY J SNYDER #3	DAYTON QUADRANGLE	2.0	PEOPLES NATURAL G
-J & J ENTERPRISES INC			RECEIVED: 11/19/81 JA: PA				
8207274	7240	3706321765	108	C BUAN #1	CANOE	5.5	T W PHILLIPS GAS
8207281	7307	3706321494	108	CALVIN WILDESON #1	CANOE	11.1	T W PHILLIPS GAS
8207268	7193	3706520552	108	CLAIR R SMITH #1	BELL	4.4	T W PHILLIPS GAS
8207275	7250	3706520866	108	CLAIR R SMITH #2	YOUNG	10.0	T W PHILLIPS GAS
8207269	7194	3706520888	108	CLAIR R SMITH #3	BELL	4.4	T W PHILLIPS GAS
8207277	7254	3706321786	108	DON WHITE #2	CANOE	8.7	T W PHILLIPS GAS
8207276	7253	3706321777	108	DON WHITE #3	CANOE	9.7	T W PHILLIPS GAS
8207266	9588	3706522352	103	GORDON MILLER #1	PUNXSUTAWNEY BORO	0.0	T W PHILLIPS GAS
8207278	7270	3706321738	108	H BERNARDO #1	CANOE	7.3	T W PHILLIPS GAS
8207266	7179	3706520872	108	HARRY BISHOP #1	BELL	5.6	T W PHILLIPS GAS
8207279	7296	3706321788	108	HAZEL HARROLD #1	CANOE	14.2	T W PHILLIPS GAS
8207280	7306	3706520895	108	JAMES HUMBLE #1	BELL	3.3	T W PHILLIPS GAS
8207272	7207	3706321744	108	LUTHER T GASTON #1	CANOE	6.7	T W PHILLIPS GAS
8207271	7206	3706321745	108	LUTHER T GASTON #2	CANOE	6.7	T W PHILLIPS GAS
8207267	7180	3706520508	108	MARLIN BISHOP #1	BELL	4.8	T W PHILLIPS GAS
8207273	7238	3706321493	108	WAYNE BAUN #2	CANOE	8.1	T W PHILLIPS GAS
8207270	7196	3706321776	108	WAYNE BAUN #3	CANOE	8.1	T W PHILLIPS GAS
-JAMES DRILLING CORP			RECEIVED: 11/19/81 JA: PA				
8207282	9749	3712920539	108	ANNA E JELLEY #1	DERRY	10.0	PEOPLES NATURAL G
8207283	9750	3706320756	108	S T D CORP #2	BURRELL	3.5	PEOPLES NATURAL G
-LONG II			RECEIVED: 11/19/81 JA: PA				
8207285	9360	3706522219	103	HIMES #1	BROOKVILLE	25.0	COLUMBIA GAS TRAN
-MERIDIAN EXPLORATION CORP			RECEIVED: 11/19/81 JA: PA				
8207287	9592	3704921254	102-2	G WRIGHT #555-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8207288	9739	3704921393	102-2	HOBBS #560-1	EDINBORO NORTH	30.0	NATIONAL FUEL GAS
8207290	9744	3704921391	102-2	J REID #558-1	EDINBORO NORTH	30.0	NATIONAL FUEL GAS
8207289	9740	3704921390	102-2	REED #563-2	EDINBORO NORTH	30.0	NATIONAL FUEL GAS
-PEMCO GAS INC			RECEIVED: 11/19/81 JA: PA				
8207296	9732	3706320651	108	CLYDE MCCONAUGHEY #1 IND 651	W PA UPPER DEVONIAN SAND	10.0	APOLLO GAS CO
8207297	9733	3706324060	108	CLYDE MCCONAUGHEY #2 IND 24060	W PA UPPER DEVONIAN SAND	10.0	APOLLO GAS CO
8207301	9737	3700521859	108	GENEVIEVE WHITE #1 ARM 21859	W PA UPPER DEVONIAN SAND	16.0	APOLLO GAS CO

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8207292	9728	3706320692		108		JOHN A FOOSE #1 IND 692	W PA UPPER DEVONIAN SAND	8.0	APOLLO GAS CO
8207293	9729	3706320739		108		JOHN A FOOSE #2 IND 739	W PA UPPER DEVONIAN SAND	8.0	APOLLO GAS CO
8207294	9730	3706320863		108		JOHN A FOOSE #3 IND 863	W PA UPPER DEVONIAN SAND	8.0	APOLLO GAS CO
8207295	9731	3706321118		108		JOHN A FOOSE #4 IND 1118-R	W PA UPPER DEVONIAN SAND	9.0	APOLLO GAS CO
8207302	9738	3700522094		108		PAUL ZENCHEMKO #1 ARM 21973	W PA UPPER DEVONIAN SAND	14.0	APOLLO GAS CO
8207299	9735	3700521759		108		R W NICHOL #2 ARM 21759	W PA UPPER DEVONIAN SAND	15.0	APOLLO GAS CO
8207300	9736	3700521814		108		R W NICHOL #3 ARM 21814	W PA UPPER DEVONIAN SAND	16.0	APOLLO GAS CO
8207298	9734	3700520874		108		R W NICHOL NO 1 ARM 874R	W PA UPPER DEVONIAN SAND	5.2	APOLLO GAS CO
8207291	9727	3706320795		108		RALPH COON #1 IND 795	W PA UPPER DEVONIAN SAND	9.5	APOLLO GAS CO
-R & E GAS & OIL CO		RECEIVED: 11/19/81 JA: PA							
8207303	9172	3703120821		103		STITT #1	BEALA	150.0	COLUMBIA GAS TRAN
**********									
UTAH DIVISION OF OIL,GAS, & MINING									
**********									
-CIG EXPLORATION INC		RECEIVED: 11/20/81 JA: UT							
8207308	K129-25	4304730896		107-TF	C	IGF 790-1-10-21	NATURAL BUTTES	191.0	COLORADO INTERSTA
**********									
** U.S. GEOLOGICAL SURVEY - DENVER,CO									
**********									
-ARCO OIL AND GAS COMPANY		RECEIVED: 11/24/81 JA: CO 1							
8207313	UD 0423-81	0506706364		103		SOUTHERN UTE 23-3,32-9 (DK)	IGNACIO BLANCO	130.0	EL PASO NATURAL G
-TENNECO OIL COMPANY		RECEIVED: 11/24/81 JA: CO 1							
8207309	CD 0393-81	0504506186		103		FULLER USA #18-16	SOUTH CANYON	500.0	NORTHWEST PIPELIN
-ANADARKO PRODUCTION COMPANY		RECEIVED: 11/24/81 JA: KS 1							
8207314	KD 0415-81	1512920462		103		U S GOVERNMENT F #1	INTERSTATE	139.0	PANHANDLE EASTERN
-BELCO PETROLEUM CORPORATION		RECEIVED: 11/24/81 JA: UT 1							
8207312	CD 0426-81	4304730827		103		CHAPITA UNIT 58-19	CHAPITA WELLS	0.0	MOUNTAIN FUEL SUP
8207311	UD 0429-81	4304730661		103		CHAPITA 1-5	CHAPITA WELLS	0.0	MOUNTAIN FUEL SUP
-COTTON PETROLEUM CORPORATION		RECEIVED: 11/24/81 JA: UT 1							
8207310	UD 0418-81	4304730638		107-TF		LOVE UNIT 12-1	WILDCAT	550.0	MESA PIPE LINE CO
-NP ENERGY CORPORATION		RECEIVED: 11/20/81 JA: UT 1							
8207307	UD0009-80	4301930530		108		NP ENERGY FEDERAL 24-2	CISCO DOME	18.0	NORTHWEST PIPELIN

OTHER PURCHASERS

8207322 MONTANA-DAKOTA UTILITIES COMPANY
8207323 MONTANA-DAKOTA UTILITIES COMPANY
8207325 MONTANA-DAKOTA UTILITIES COMPANY
8207326 MONTANA-DAKOTA UTILITIES COMPANY

BILLING CODE 6717-01-C

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Control (JD
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The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before January 6, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–36390 Filed 12–21–81, 8:45 am]

BILLING CODE 6717–01–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 11, 1981.

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
COLORADO OIL & GAS COMMISSION							
-AMERADA HESS CORPORATION			RECEIVED: 11/20/81 JA: CO				
8207446	81-596	0506705429	108	A H TERRELL #1	IGNACIO	21.8	EL PASO NATURAL G
8207445	81-557	0506705482	108	OLSON MESAVERDE GAS UNIT #1	IGNACIO	19.7	EL PASO NATURAL G
-BURLINGTON NORTHERN INC			RECEIVED: 11/20/81 JA: CO				
8207410	80-624	0512109385	102-4	STATE 34-16	PINTO NORTH	40.0	KANSAS-NEBRASKA N
-CARL A HOOY			RECEIVED: 11/20/81 JA: CO				
8207411	80-603	0500106169	102-4	PACKARD 41-22	KRAUTHEAD (NE/NE 22-1S-6	58.0	CRYSTAL OIL CO
8207412	80-604	0500107703	102-4	RANDALL 32-10	KRAUTHEAD (SW/NE 10-1S-6	65.0	CRYSTAL OIL CO
8207413	80-606	0500106177	102-4	RANDALL 41-10	KRAUTHEAD (NE/NE 10-1S-6	60.0	CRYSTAL OIL CO
8207428	80-614	0500107568	103	STATE NORTH 14-16	JAMBOREE (SW/SW 16-1S-64	40.0	CRYSTAL OIL CO
8207414	80-605	0500107644	102-4	UPRR-AMOCO 12-11	KRAUTHEAD (SW/NW 11-1S-6	56.0	CRYSTAL OIL CO
-CONTINENTAL GAS TRANSMISSION			RECEIVED: 11/20/81 JA: CO				
8207426	81-607	0500107602	103	BECKER 1-80	KATIE	45.0	PANHANDLE EASTERN
-CRYSTAL OIL COMPANY			RECEIVED: 11/20/81 JA: CO				
8207447	81-614	0512309939	108	CRYSTAL STATE #11-16	MONOHANS LAKES	3.5	COLORADO INTERSTA
-ENERGY MINERALS CORPORATION			RECEIVED: 11/20/81 JA: CO				
8207448	81-669	0512307998	108	DECHANT STATE #4	SPINDLE	5.1	PANHANDLE EASTERN
8207449	81-388	0512309756	108	NELSON #1	MOGGEN	15.1	PHILLIPS PETROLEU
8207450	81-602	0512309000	108	STANLEY #8	SPINDLE	16.2	PANHANDLE EASTERN
-FUEL RESOURCES DEVELOPMENT CO			RECEIVED: 11/20/81 JA: CO				
8207427	80-602	0504506214	103	B-12-6-104-3	CARBONERA	210.0	WESTERN SLOPE GAS
-J-W OPERATING COMPANY			RECEIVED: 11/20/81 JA: CO				
8207461	81-665	0512506141	108-ER	HERT L HENDERSON #1-6	WAVERLY	0.0	KANSAS NEBRASKA N
8207453	81-545	0512506260	108	D CROSSLAND #1	WAVERLY	16.3	KANSAS-NEBRASKA N
8207415	80-611	0512506306	102-2	H ECKBERG #1	BEECHER ISLAND	110.0	
-JOSEPH E GOULD			RECEIVED: 11/20/81 JA: CO				
8207452	81-592	0506700000	108	UTE D #6	IGNACIO BLANCO	0.0	NORTHWEST PIPELIN
-KANSAS-NEBRASKA NATURAL GAS CO INC			RECEIVED: 11/20/81 JA: CO				
8207429	81-14	0512506437	103	TUSTIN 1-30	REPUBLICAN	31.0	
8207454	81-676	0512506262	103	VINCENT 1-8	WHISPER	15.0	
-LECLAIR-WESTWOOD INC			RECEIVED: 11/20/81 JA: CO				
8207416	80-601	0507508845	102-4	CHAUNCEY NELSON #2	UNNAMED	70.0	KANSAS-NEBRASKA N
-MACEY & MERSHON OIL INC			RECEIVED: 11/20/81 JA: CO				
8207430	81-1	0512309902	103	BADDING STATE	WATTENBERG	40.0	COLORADO INTERSTA
8207431	81-8	0512310002	103	DARLENE #1	WATTENBERG	91.0	PANHANDLE EASTERN
8207432	81-2	0512310026	103	DIANE #1	WATTENBERG	40.0	PANHANDLE EASTERN
8207433	81-7	0512309996	103	ERICA #1	WATTENBERG	109.0	COLORADO INTERSTA
-MARTIN EXPLORATION MGMT CORP			RECEIVED: 11/20/81 JA: CO				
8207444	81-5	0512309842	107-TF	DECHANT STATE #9 GAS UNIT	WATTENBERG	547.5	COLORADO INTERSTA
8207462	81-550	0512307384	108-ER	DREYER #1	WATTENBERG	19.3	PANHANDLE EASTERN
8207443	81-6	0512309841	107-TF	PERRIN #1 GAS UNIT	WATTENBERG	547.5	COLORADO INTERSTA

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-MARTIN OIL SERVICE INC			RECEIVED: 11/20/81 JA: CO				
8207463	81-550	0512309838	108-ER	DREYER #1	WATTENBERG	19.3	PANHANDLE EASTERN
8207464	81-550	0512309837	108-ER	DREYER #2	WATTENBERG	19.3	PANHANDLE EASTERN
-MESA PETROLEUM CO			RECEIVED: 11/20/81 JA: CO				
8207434	81-1	0512309999	103	BOWEN #1	WATTENBERG	547.5	COLORADO INTERSTA
8207435	81-2	0512310000	103	BOWEN #2	WATTENBERG	547.5	COLORADO INTERSTA
8207436	81-3	0512310001	103	BOWEN #3	WATTENBERG	547.5	COLORADO INTERSTA
-MOBIL OIL CORP			RECEIVED: 11/20/81 JA: CO				
8207437	81-1	0512309997	103	BOWEN #1	WATTENBERG	547.5	COLORADO INTERSTA
8207438	81-2	0512310027	103	BOWEN #2	WATTENBERG	547.5	COLORADO INTERSTA
8207439	81-3	0512310028	103	BOWEN #3	WATTENBERG	547.5	COLORADO INTERSTA
-PETROLEUM DEVELOPMENT CORP			RECEIVED: 11/20/81 JA: CO				
8207440	81-1	0512309998	103	BOWEN #1	WATTENBERG	547.5	COLORADO INTERSTA
8207441	81-2	0512310029	103	BOWEN #2	WATTENBERG	547.5	COLORADO INTERSTA
8207442	81-3	0512310030	103	BOWEN #3	WATTENBERG	547.5	COLORADO INTERSTA
-SUPERIOR OIL CO			RECEIVED: 11/20/81 JA: CO				
8207465	81-550	0512309836	108-ER	DREYER #3	WATTENBERG	19.3	PANHANDLE EASTERN
-TEXACO INC			RECEIVED: 11/20/81 JA: CO				
8207451	81-591	0506700000	108	UTE D #5	IGNACIO BLANCO	0.0	NORTHWEST PIPELIN
-TIPPERARY CORPORATION			RECEIVED: 11/20/81 JA: CO				
8207417	80-601	0507508845	102-4	CHAUNCEY NELSON #2	UNNAMED	70.0	KANSAS-NEBRASKA N
-WESTERN GAS SUPPLY CO			RECEIVED: 11/20/81 JA: CO				
8207418	80-608	0500107704	102-4	RANDALL 32-10	KRAUTHEAD (SW/NE 10-1S-6	65.0	CRYSTAL OIL CO
8207419	80-609	0500107705	102-4	RANDALL 41-10	KRAUTHEAD (NE/NE 10-1S-6	60.0	CRYSTAL OIL CO
8207420	80-610	0500107706	102-4	UPRR-AMOCO 12-11	KRAUTHEAD (SW/NW 11-1S-6	56.0	CRYSTAL OIL CO
8207421	80-612	0500107707	102-4	PACKARD 41-22	KRAUTHEAD (NE/NE 22-1S-6	58.0	CRYSTAL OIL CO
8207422	80-613	0500107708	103	STATE NORTH 14-16	JAMBOREE (SW/SW 16-1S-64	40.0	CRYSTAL OIL CO
8207423	80-615	0500107709	102-4	HOOY 1-10	KRAUTHEAD (SW/NE 10-1S-6	65.0	CRYSTAL OIL CO
8207424	80-616	0500107710	102-4	HOOY 1-22	KRAUTHEAD (NE/NE 22-1S-6	58.0	CRYSTAL OIL CO
8207425	80-617	0500107711	102-4	HOOY 1-11	KRAUTHEAD (SW/NW 11-1S-6	56.0	CRYSTAL OIL CO

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-MARTIN OIL SERVICE INC			RECEIVED: 11/20/81 JA: CO				
8207463	81-558	0512308209	108-ER	RICHARDSON #1	WATTENBERG	17.3	PANHANDLE EASTERN
8207464	81-559	0512307462	108-ER	WALSH #1	WATTENBERG	18.5	PANHANDLE EASTERN
-MESA PETROLEUM			RECEIVED: 11/20/81 JA: CO				
8207417	80-632	0512506512	102-2	ECKLEY KITZMILLER 2-28	ECKLEY	55.0	CITIES SERVICE GA
-NIELSON ENTERPRISES INC			RECEIVED: 11/20/81 JA: CO				
8207434	80-608	0512309931	103	FRANK SALAMANCA #1	WATTENBERG	60.0	PANHANDLE EASTERN
*8207455	81-670	0512309772	108	MCCARTHY #1-A	HAMBERT	3.0	COLORADO INTERSTA
-NORTHWEST EXPLORATION COMPANY			RECEIVED: 11/20/81 JA: CO				
8207456	81-633	0508906345	108	BRUDER #1	GREAT DIVIDE LEWIS	42.0	NORTHWEST PIPELIN
8207420	80-626	0504506257	102-2	CLOUGH #120	RULISON WASATCH	35.0	NORTHWEST PIPELIN
8207418	80-628	0504506252	102-2	CLOUGH #18	RULISON	105.0	NORTHWEST PIPELIN
8207435	80-628-B	0504506252	103	CLOUGH #18	RULISON	105.0	NORTHWEST PIPELIN
8207436	80-631	0504506231	103	CLOUGH #20	RULISON	180.0	NORTHWEST PIPELIN
8207419	81-13	0504506210	102-2	CLOUGH 105	RULISON WASATCH	112.0	NORTHWEST PIPELIN
8207437	81-13-B	0504506210	103	CLOUGH 105	RULISON	112.0	NORTHWEST PIPELIN
8207438	80-626-B	0504506257	103	CLOUGH 120	RULISON	35.0	NORTHWEST PIPELIN
8207422	80-627	0504506254	102-2	MCNARY #107	RULSION WASATCH	35.0	NORTHWEST PIPELIN
8207421	81-10	0504506251	102-2	MCNARY #6	RULISON	88.0	NORTHWEST PIPELIN
8207439	81-10-B	0504506251	103	MCNARY #6	RULISON	88.0	NORTHWEST PIPELIN
8207440	80-627-B	0504506254	103	MCNARY 107	RULISON WASATCH	35.0	NORTHWEST PIPELIN
8207424	81-12	0504506224	102-2	RULISON #122	RULISON WASATCH	73.0	NORTHWEST PIPELIN
8207442	81-12-B	0504506224	103	RULISON #122	RULISON	73.0	NORTHWEST PIPELIN
8207423	81-11	0504506216	102-2	RULISON #8	RULISON MESAVERDE	25.0	NORTHWEST PIPELIN
8207441	81-11-B	0504506216	103	RULISON #8	RULISON	25.0	NORTHWEST PIPELIN
-NORTHWEST PIPELINE CORPORATION			RECEIVED: 11/20/81 JA: CO				
8207457	81-634	0506705505	108	IGNACIO 33-8 #6	IGNACIO BLANCO	17.0	NORTHWEST PIPELIN
-PANHANDLE WESTERN GAS CO			RECEIVED: 11/20/81 JA: CO				
8207458	81-546	0512308492	108	FOX #1	SPINDLE	4.5	PANHANDLE EASTERN
-REX MONAHAN			RECEIVED: 11/20/81 JA: CO				
8207465	81-588	0507500000	108-ER	MINNIE SMITH #1	W PEETZ	15.0	KANSAS NEBRASKA N
-SAMUEL GARY OIL PRODUCER			RECEIVED: 11/20/81 JA: CO				
8207451	81-664	0500107432	108	GFTR-STATE 6-2	COUGAR	0.0	PANHANDLE EASTERN
-STELBAR OIL CORP INC			RECEIVED: 11/20/81 JA: CO				
8207425	81-17	0512109536	102-2	THIM #2-14X	WHITE EAGLE	60.0	NATURAL GAS PIPEL
-THE SAND HILLS SOCIETY			RECEIVED: 11/20/81 JA: CO				
8207459	81-570	0512109343	108	KANCO #1	LONG KNIFE	10.0	NATURAL GAS PIPEL
8207460	81-571	0512209344	108	YOUNG #1	DAPPER	15.0	NATURAL GAS PIPEL
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** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM							
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-AMOCO PRODUCTION CO			RECEIVED: 11/20/81 JA: NM 4				
8207375	NM-1382-81	3003922458	103	JICARILLA APACHE 102 #12E (GALLUP)	BS MESA - GALLUP	43.0	EL PASO NATURAL G
8207374	NM 1381-81	3003922457	103	JICARILLA APACHE 102 #14E (GALLUP)	BS MESA - GALLUP	46.0	EL PASO NATURAL G
8207343	NM 1328-81-A	3003922485	103	JICARILLA CONTRACT 146 #32 (CHACRA)	OTERO-CHACRA	58.0	EL PASO NATURAL G
8207344	NM 1328-81-B	3003922485	103	JICARILLA CONTRACT 146 #32	GONZALES-MESAVERDE	46.0	EL PASO NATURAL G
8207355	NM-1359-81-A	3003922523	103	JICARILLA CONTRACT 146 #37 (CHACRA)	OTERO-CHACRA	88.0	NORTHWEST PIPELIN
8207356	NM 1359-81-B	3003922523	103	JICARILLA CONTRACT 146 #37	GONZALES-MESAVERDE	105.0	NORTHWEST PIPELIN
8207359	NM 1361-81	3003922526	103	JICARILLA CONTRACT 148 #20	OTERO-CHACRA	83.0	EL PASO NATURAL G
8207358	NM-1360-81-B	3003922483	103	JICARILLA CONTRACT 148 #22 (PC)	SOUTH BLANCO-PICTURED CL	108.0	NORTHWEST PIPELIN
8207357	NM 1360-81-A	3003922483	103	JICARILLA CONTRACT 148 #22 - CHACRA	OTERO-CHACRA	95.0	NORTHWEST PIPELIN
8207353	NM-1355-81 B	3003922527	103	JICARILLA CONTRACT 155 #28	GONZALES - MESAVERDE	55.0	NORTHWEST PIPELIN
8207352	NM-1355-81-A	3003922527	103	JICARILLA CONTRACT 155 #28 (CHACRA)	OTERO - CHACRA	126.0	EL PASO NATURAL G

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8207372	NM-1377-81	3004524374		103		MCGRADY GAS COM C #1
-BLACKWOOD & NICHOLS CO LTD				RECEIVED: 11/20/81 JA: NM 4		
8207395	NM1524-81	3004524956		103		NORTHEAST BLANCO UNIT #69
-CHACE OIL COMPANY INC				RECEIVED: 11/20/81 JA: NM 4		
8207380	NM 1388-81	3003922683		103		JICARILLA 70-10
8207377	NM 1385-81	3003921827		103		JICARILLA 70-5
8207378	NM 1386-81	3003921828		103		JICARILLA 70-8
8207379	NM 1387-81	3003922682		103		JICARILLA 70-9
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 11/20/81 JA: NM 4		
8207389	NM1413-81	3004110350		108		LAUCK-FEDERAL #3
-COASTAL OIL & GAS CORP				RECEIVED: 11/20/81 JA: NM 4		
8207371	NM 1376-81	3003927899		103		GONSALES FEDERAL 31 #6Y
8207370	NM-1375-81	3003526940		103		GONSALES FEDERAL 31 #7
-CONOCO INC				RECEIVED: 11/20/81 JA: NM 4		
8207381	NM-1390-81	3003922595		103		NORTHEAST HAYNES #11Y
8207385	NM-1394-81	3003922664		103		NORTHEAST HAYNES #9E
8207384	NM-1393-81	3003922662		103		NORTHEAST HAYNES #6E
8207383	NM-1392-81	3003922661		103		NORTHEAST HAYNES #7E
8207382	NM-1391-81	3003922663		103		NORTHEAST HAYNES #8E
8207387	NM1395-81-S	3003527090		103		SEMU BLINEBRY #113
8207386	NM 1395-81-A	3003527090		103		SEMU TUBB A #113
8207388	NM1397-81	3003527165		103		WM MITCHELL B #20
-DUGAN PRODUCTION CORP				RECEIVED: 11/20/81 JA: NM 4		
8207354	NM-1358-81	3004525834		103		KAIBAB TRAIL #1
-EL PASO EXPLORATION CO				RECEIVED: 11/20/81 JA: NM 4		
8207349	NM 1352-81	3004506443		108		SAN JUAN 27-8 D #4
-EL PASO NATURAL GAS COMPANY				RECEIVED: 11/20/81 JA: NM 4		
8207350	NM-1353-81	3004506724		108		DAY B #5
8207351	NM-1354-81	3004506953		108		HOWELL #3
8207348	NM-1351-81	3004506206		108		HUERFANITO UNIT #86
8207347	NM-1349-81	3003906416		108		JICARILLA J #4
8207346	NM 1347-81	3004506040		13F		LUTHY A #1
8207360	NM 1362-81	3003922643		103		RINCON UNIT #230
8207367	NM-1370-81	3003960074		108		SAN JUAN 28-5 UNIT #36
8207361	NM-1363-81	3003922619		103		SAN JUAN 28-7 UNIT #233E
8207362	NM 1364-81	3004524875		103		SAN JUAN 32-9 UNIT #95N
8207329	NM 0634-81	3004508337		108		VANDEWART A #5
8207345	NM 1342-81	3003920371		108		VAUGHN #13
-GETTY OIL COMPANY				RECEIVED: 11/20/81 JA: NM 4		
8207363	NM-1366-81	3004524969		103		MEXICO FEDERAL S #1
-GRACE PETROLEUM CORPORATION				RECEIVED: 11/20/81 JA: NM 4		
8207399	NM1551-81	3003922366		103		FEDERAL 35-1
-HIXON DEVELOPMENT COMPANY				RECEIVED: 11/20/81 JA: NM 4		
8207327	NM 0489-81	3004524622		103		IN NI DA PAH #1-R
-J GREGORY MERRION&ROBERT L BAYLESS				RECEIVED: 11/20/81 JA: NM 4		
8207331	NM 1160-81	3003922685		103		CANYON LARGO UNIT #303
-JOHN E SCHALK				RECEIVED: 11/20/81 JA: NM 4		
8207332	NM 1238-81	3003922540		103		SCHALK 57 #1E
-KOCH INDUSTRIES INC				RECEIVED: 11/20/81 JA: NM 4		
8207373	NM-1378-81	3004524214		103		DRYDEN #1
8207374	NM-1383-81	3004524232		103		DRYDEN #2
-MARATHON OIL COMPANY				RECEIVED: 11/20/81 JA: NM 4		
8207340	NM 1337-81-A	3003922446		103		JICARILLA APACHE #13-E

FIELD NAME	PROD	PURCHASER
BASIN-DAKOTA	210.0	EL PASO NATURAL G
BLANCO MESAVERDE A-26-31	260.6	EL PASO NATURAL G
S LINDRETH GALLUP-DAKOTA	80.0	EL PASO NATURAL G
S LINDRETH GALLUP-DAKOTA	80.0	EL PASO NATURAL G
S LINDRETH GALLUP-DAKOTA	80.0	EL PASO NATURAL G
S LINDRETH GALLUP-DAKOTA	80.0	EL PASO NATURAL G
CHAVEROO	0.4	CITIES SERVICE CO
FLYING M SAN ANDRES	32.0	WARREN PETROLEUM
FLYING M SAN ANDRES	16.0	WARREN PETROLEUM
OTERO RANCH	215.3	EL PASO NATURAL G
OTERO RANCH	130.0	EL PASO NATURAL G
OTERO RANCH	251.0	EL PASO NATURAL G
OTERO RANCH	587.0	EL PASO NATURAL G
OTERO RANCH	190.0	EL PASO NATURAL G
NMFU-BLINEBRY	94.0	WARREN PETROLEUM
NMFU - TUBB	0.0	WARREN PETROLEUM
BAISH-MALJAMAR-PEARSALL	32.0	TRANSWESTERN PIPE
UNDESIGNATED GALLUP	31.0	EL PASO NATURAL G
BLANCO - SOUTH PICTURED	20.0	NORTHWEST PIPELIN
BLANCO - MESAVERDE	18.0	EL PASO NATURAL G
BLANCO - MESA VERDE	21.0	EL PASO NATURAL G
BLANCO SOUTH PICTURED CL	21.0	EL PASO NATURAL G
SOUTH BLANCO - PICTURED	18.0	EL PASO NATURAL G
BLANCO-SOUTH-PICTURED CL	18.0	EL PASO NATURAL G
LARGO CHACRA	40.0	EL PASO NATURAL G
BLANCO-MESAVERDE	18.0	EL PASO NATURAL G
BASIN DAKOTA	156.0	EL PASO NATURAL G
BLANCO PICTURED CLIFFS	400.0	EL PASO NATURAL G
BLANCO - MESAVERDE	18.0	EL PASO NATURAL G
BASIN - DAKOTA	19.0	EL PASO NATURAL G
BLOOMFIELD CHACRA	50.0	
LYBROOK	0.0	GAS CO OF NEW MEX
PICTURED CLIFFS	1.3	HIXON DEVELOPMENT
DEVILS FORK GALLUP	65.0	EL PASO NATURAL G
BASIN DAKOTA	6.0	NORTHWEST PIPELIN
BASIN DAKOTA	352.0	EL PASO NATURAL G
BASIN DAKOTA	124.0	EL PASO NATURAL G
JICARILLA APACHE (GRANER	147.0	NORTHWEST PIPELIN

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8207341	NM 1307-81-B	3003922446		103		JICARILLA APACHE #13-E

FIELD NAME	PROD	PURCHASER
JICARILLA APACHE BASIN D	100.0	NORTHWEST PIPELIN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8207341	NM 1307-81-B	3003922446			103	JICARILLA APACHE #13-E
-MESA PETROLEUM						
						RECEIVED: 11/20/81 JA: NM 4
8207369	NM-1374-81	3004524183			103	FEDERAL #16E
8207339	NM 1306-81	3003922254			103	FEDERAL 12E
8207365	NM-1368-81	3000560931			107-TF	FOREMAN FEDERAL #2
8207364	NM-1367-81	3000560846			102-2	HOBBS FEDERAL #1
8207364	NM-1367-81	3000560846			107-TF	HOBBS FEDERAL #1
8207366	NM-1369-81	3003922717			103	SOUTH BLANCO FEDERAL 3E #1
-MORRIS R ANTWEIL						
						RECEIVED: 11/20/81 JA: NM 4
8207330	NM 1132-81	3002527245			103	TERRA FEDERAL #1
-NORTHWEST PIPELINE CORPORATION						
						RECEIVED: 11/20/81 JA: NM 4
8207391	NM1431-81	3003907331			108	INDIAN H #1 MV/PC
8207390	NM1429-81	3003921028			108	SAN JUAN 29-5 UNIT #61
-SCHALK DEVELOPMENT COMPANY						
						RECEIVED: 11/20/81 JA: NM 4
8207342	NM 1312-81	3003922518			103	SCHALK 54 #1E
-SOUTHLAND ROYALTY CO						
						RECEIVED: 11/20/81 JA: NM 4
8207392	NM1443-81	3004523758			103	BECK A #2
8207393	NM-1444-81	3004524036			103	COOPER B #1E
8207397	NM1535-81	3001523691			103	DALE H PARKE A TR 1 #12
8207394	NM-1445-81	3001523776			103	EMPIRE FEDERAL 21-A #1
8207398	NM1550-81	3004524871			103	NYE #11-E
-SUPRON ENERGY CORPORATION						
						RECEIVED: 11/20/81 JA: NM 4
8207405	NM1564-81	3004524158			103	ANGEL PEAK #2
8207333	NM 1269-81	3004524760			103	CONGRESS 10
8207408	NM 1568-81-A	3004524836			103	CONGRESS 5-E
8207409	NM 1568-81-B	3004524836			103	CONGRESS 5-E
8207407	NM 1567-81	3004524830			103	EATON FEDERAL 1-E
8207334	NM 1270-81	3004524757			103	MCCLANAHAN A 3
8207368	NM-1372-81	3004510852			108	OXNARD #1
8207335	NM 1271-81	3004524571			103	REID B 3
8207406	NM1565-81	3004524909			103	RICHARDSON 1-E
8207337	NM 1274-81	3004524434			103	ZACHRY 16-E
8207338	NM 1274-81	3004524434			103	ZACHRY 16-E
8207336	NM 1272-81	3004524758			103	ZACHRY 27
-TENNECO OIL COMPANY						
						RECEIVED: 11/20/81 JA: NM 4
8207401	NM1552-81-B	3004524850			103	FLORANCE #117E
8207396	NM1534-81	3004524831			103	FLORANCE #125
8207400	NM1552-81-A	3004524850			103	FLORANCE 117E
8207402	NM1554-81	3004524648			103	HUGHES COM #6
8207403	NM1555-81	3004524641			103	PRICE COM #5
8207404	NM1557-81	3004525154			103	RIDDLE COM #7
-SUPERIOR OIL CO						
						RECEIVED: 11/20/81 JA: UT 4
8207328	UA 0627-81	4303730032			103	MCELMO CREEK UNIT 5-15

OTHER PURCHASERS

8207405 PANHANDLE EASTERN P L CO

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FIELD NAME	PROD	PURCHASER
JICARILLA APACHE-BASIN D	122.0	NORTHWEST PIPELIN
UNDESIGNATED CHACRA	1153.0	EL PASO NATURAL G
BASIN DAKOTA	837.0	NORTHWEST PIPELIN
UNDESIGNATED ABO	360.0	TRANSWESTERN PIPE
UNDESIGNATED ABO	171.0	TRANSWESTERN PIPE
UNDESIGNATED ABO	171.0	TRANSWESTERN PIPE
LYBROOK GALLUP EXTENSION	22.0	GAS CO OF NEW MEX
LANGLIE-MATTIX	0.0	EL PASO NATURAL G
GAVILAN/BLANCO MV/PC	2.0	NORTHWEST PIPELIN
BLANCO MESAVERDE	0.0	EL PASO NATURAL G
BASIN DAKOTA	0.0	NORTHWEST PIPELIN
FULCHER KUTZ	27.0	GAS CO OF NEW MEX
BASIN	200.0	SOUTHERN UNION GA
GRAYBURG-JACKSON	10.0	CONTINENTAL OIL C
NORTH TURKEY TRACK	52.0	TRANSWESTERN PIPE
UNDESIGNATED	193.0	SOUTHERN UNION GA
BLOOMFIELD CHACRA	275.0	SOUTHERN UNION GA
BLOOMFIELD CHACRA	457.0	SOUTHERN UNION GA
BASIN DAKOTA	107.0	SOUTHERN UNION GA
BLOOMFIELD CHACRA EXT	431.0	SOUTHERN UNION GA
BASIN DAKOTA	205.0	SOUTHERN UNION GA
WILDCAT CHACRA	475.0	SOUTHERN UNION GA
BLANCO MESAVERDE	19.4	SOUTHERN UNION GA
BLOOMFIELD CHACRA EXTENS	553.0	SOUTHERN UNION GA
BASIN DAKOTA	495.0	EL PASO NATURAL G
BASIN DAKOTA	404.0	SOUTHERN UNION GA
WILDCAT CHACRA	935.0	SOUTHERN UNION GA
WILDCAT CHACRA	604.0	SOUTHERN UNION GA
UND CHACRA	500.0	EL PASO NATURAL G
BASIN DAKOTA	500.0	EL PASO NATURAL G
BASIN DAKOTA	500.0	EL PASO NATURAL G
BASIN DAKOTA	500.0	EL PASO NATURAL G
BASIN DAKOTA	500.0	EL PASO NATURAL G
BASIN DAKOTA	500.0	EL PASO NATURAL G
GREATER ANETH	0.0	EL PASO NATURAL G

BILLING CODE 6717-01-C

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36381 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-131-000]

Arizona Public Service Co.; Filing

December 14, 1981.

The filing Company submits the following:

Take notice that Arizona Public Service Company (Arizona) on December 3,.1981, tendered for filing Amendment No. 2 dated October 30, 1981 to the Firm Transmission Service Agreement between the Department of Water and Power of the City of Los Angeles (Los Angeles) and Arizona.

Arizona requests waiver of the Commission's notice requirements to allow for an effective date of November 1, 1981.

A copy of this filing was served upon Los Angeles and the Arizona Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36375 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-132-000]

Arizona Public Service Co.; Filing

December 14, 1981.

The filing Company submits the following:

Take notice that on December 4, 1981, Arizona Public Service Company (Arizona) tendered for filing as an initial rate schedule an Agreement for Sale of Energy Interchange between City of Riverside, California (Riverside) and Arizona dated October 5, 1981.

Arizona requests that this Agreement become effective in 30 days.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36376 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-130-000]

Arizona Public Service Co.; Filing

December 14, 1981.

The filing Company submits the following:

Take notice that on December 4, 1981, Arizona Public Service Company (Arizona) tendered for filing as an initial rate schedule an agreement for Sale of Energy Interchange between City of Anaheim, California (Anaheim) and Arizona dated August 21, 1981.

Arizona requests that this Agreement become effective in 30 days.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36380 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-144-000]

Arizona Public Service Co.; Filing

December 15, 1981.

The filing Company submits the following:

Take notice that Arizona Public Service Company (Arizona) on December 9, 1981, tendered for filing Amendment No. 2 dated October 31, 1981 to the Interruptible Transmission Service Agreement between the Department of Water and Power of the City of Los Angeles (Los Angeles) and Arizona.

Arizona requests waiver of the Commission's notice requirements to allow for an effective date of November 1, 1981.

Arizona states that copies of the filing were served upon Los Angeles and the Arizona Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 4, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36361 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-146-000]

Commonwealth Edison Co.; Filing

December 15, 1981.

The filing Company submits the following:

Take notice that Commonwealth Edison on December 9, 1981, tendered for filing proposed changes in its FERC Electric Service Tariff, Rate 78 and proposed a new Rate 79 for service to its two partial requirements customers now served under Rate 78. The proposed changes would increase revenues from jurisdictional sales and service by $11,828,800 based on the 12 month period ending December 31, 1982.

Commonwealth Edison Company also proposes a change in Rider 20, fuel adjustment and certain changes in the

Terms and Conditions in its FERC Electric Service Tariff.

Copies of the filing were served upon the public utility's jurisdictional customers and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 4, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36383 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-133-000]

Connecticut Light and Power Co.; Filing

December 15,1981.

The filing Company submits the following:

Take notice that on December 7, 1981, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule with respect to Transmission Agreement dated March 25, 1981 between (1) CL&P, The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO) and (2) Braintree Electric Light Department (BELD).

CL&P states that the Transmission Agreement provides for a transmission service to BELD for the whelling of BELD's weekly entitlement in the Vermont Yankee nuclear generating facility pursuant to an agreement between BELD and the Village of Lyndonville, Vermont, for an indefinite period commencing on April 4, 1981.

CL&P further states that the transmission charge rate is a weekly rate equal to 1/52nd of the annual average cost of transmission service on the Northeast Utilities system determined in accordance with Schedule A of the Transmission Agreement. The weekly transmission charge is determined by the product of (i) the transmission charge rate ($/kW-week), and (ii) the number of kilowatts which BELD is entitled to receive during such week. The weekly transmission charge is reduced by 50% to give due recognition for payments made by BELD to intervening transmission systems.

CL&P requests that the Commission waive its standard notice period and permit the Transmission Agreement to become effective on April 4, 1981.

CL&P states that copies of this rate schedule have been sent to HELCO, WMECO and BELD.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 4, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36384 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-2-000 (PGA82-1, DCA82-1, GRI82-1, and IPR82-1)]

East Tennessee Natural Gas Co.; Rate Filing Pursuant to Tariff Rate Adjustment Provisions

December 11, 1981.

Take notice that on November 30, 1981, East Tennessee Natural Gas Company (East Tennessee) tendered for filing Second Revised Sheet Nos. 4, 5 and 6 to Original Volume No. 1 of its FERC Gas Tariff to be effective January 1, 1982.

East Tennessee states that the sole purpose of these tariff sheets is to reflect various rate adjustments pursuant to the General Terms and Conditions of its tariff as follows:

(1) A PGA Rate Adjustment pursuant to Section 22;

(2) A Curtailment Credit Rate Adjustment pursuant to Section 24;

(3) A GRI Rate Adjustment pursuant to Section 25; and

(4) Estimated Incremental Pricing Surcharges pursuant to Section 26.

East Tennessee also states that copies of the filing have been mailed to all affected customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36382 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-13-000 (PGA82-1)]

Gas Gathering Corp.; Proposed Change in Rates Under Purchased Gas Adjustment Clause Provision

December 11, 1981.

Take notice that Gas Gathering Corporation (GGC), on November 24, 1981, tendered for filing proposed changes in its FERC Gas Tariff providing for increased charges to Transcontinental Gas Pipe Line Corporation (Transco), its sole jurisdictional customer, under GGC's PGA clause. The proposed changes would increase the rate charged Transco by 90.67011 cents per Mcf from those rates presently in effect. The proposed changes are proposed to be made effective January 1, 1982. GGC states that the filing is made to allow it to recover increased current costs of purchased gas, and to reduce the balance of its Unrecovered Purchased Gas Cost as of September 30, 1981, through a six-month surcharge.

A copy of this filing has been served upon Transco.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Copies of this filing are

on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36383 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-4-000 (PGA82-1) (IPR82-1)]

Granite State Gas Transmission, Inc.; Proposed Change In Rates Pursuant To Purchased Gas Cost Adjustment Provision

December 11, 1981.

Take notice that Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021, on November 30, 1981 tendered for filing Thirty-Second Revised Sheet No. 3A in its FERC Gas Tariff, Original Volume No. 1, containing proposed changes in rates for effectiveness on January 1, 1982.

According to Granite State, the instant rate adjustment reflects an increase in its cost of gas purchased from Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) which Tennessee proposes to make effective January 1, 1982, and the amortizaton of Unrecovered Purchased Gas Costs. It is stated that Granite State's filing is made pursuant to the purchase gas cost adjustment provision in its tariff, approved on December 14, 1972, in Docket No. RP73-17, as amended.

Granite State further states that its rate adjustment is applicable to its sales to Northern Utilities, Inc. (Northern), which is Granite State's sole jurisdictional customer. According to Granite State, the effect of the proposed rates contained on Thirty-Second Revised Sheet No. 3A on Northern's purchases from Granite State is an increase of $3,469,043 annually, based on purchases from Tennessee and sales to Northern for the twelve months ended September 30, 1981.

According to Granite State, copies of the filing were served upon Northern and the regulatory commissions of the States of Maine and New Hampshire.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wising to become a party must file a petiton to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36384 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-137-000]

Hartford Electric Light Co.; Filing

December 14, 1981.

The filing Company submits the following:

Take notice that on December 7, 1981, The Hartford Electric Light Company (HELCO) tendered for filing as an initial rate schedule and exchange agreement (the "Agreement") between HELCO and Montaup Electric Company (Montaup). The Agreement, dated as of March 20, 1981, provides for HELCO to exchange system capacity having the characteristics of HELCO's Middletown Unit No. 4, a mid-range oil-fired steam unit, for non-operable capacity from Montaup's entitlements in either Canal Unit No. 1 or 2, and/or the Someret Unit No. 5 or 6, which are base load, oil-fired steam units (the "Montaup Units"). HELCO states that the timing of exchanges cannot be accurately estimated but that Montaup would be expected to enter into an exchange only when one or more of the Montaup Units was unavailable for energy production.

The Agreement provides that the parties will determine prior to Monday of each week during the term of the Agreement whether it is economically advantageous to the parties that an exchange, pursuant to the Agreement, shall take place during that week.

Montaup will pay capacity charges to HELCO in an amount equal to the kilowatts of capacity exchange during each hour of an exchange multiplied by $0.00300 multiplied by the number of hours during each week during which Montaup actually received associated energy deliveries. Montaup will purchase energy from HELCO at the incremental cost of providing such energy from HELCO's Middletown Unit No. 4.

HELCO requests that the Commission waive its customary notice period and allow the Agreement to become effective on March 20, 1981. HELCO further states that the filing is in accordance with Section 35 of the Commission's Regulations.

Montaup has filed a certificate of concurrence in this docket. The Agreement has been executed by HELCO and by Montaup and copies have been mailed to each of them.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36377 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-134-000]

Kansas Gas and Electric Co.; Filing

December 14, 1981

The filing Company submits the following:

Take notice that Kansas Gas and Electric Company (KG&E) on December 7, 1981, tendered for filing a proposed change in its FPC Electric Service Tariff No. 139. The proposed Amendment changes the minimum and maximum amounts of power.

KG&E states that the Amendment is necessary because the customer requested an increase in the amount of power to be delivered, and requests an effective date of November 18, 1981.

Copies of this filing were served upon The Radiant Electric Cooperative, Inc.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36378 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-5-000 (PGA82-1, GRI82-1, and IPR82-1)]

Midwestern Gas Transmission Co.; Rate Filing Pursuant to Tariff Rate Adjustment Provisions

December 11, 1981.

Take notice that on November 30, 1981, Midwestern Gas Transmission Company (Midwestern) tendered for filing Second Revised Sheet Nos. 5, 6, 7 and 8 to its FERC Gas Tariff, Original Volume No. 1, to be effective January 1, 1982. Midwestern states that the sole purpose of the revised tariff sheets is to reflect adjustments to its rates pursuant to rate adjustment provisions of the General Terms and Conditions of its tariff as follows:

(1) PGA Rate Adjustments for the Southern System pursuant to Sections 2 and 3 of Article XVII;

(2) PGA Rate Adjustments for the Northern System pursuant to Sections 2 and 3 of Article XVIII.

(3) a GRI Rate Adjustment pursuant to Section 2 of Article XXI;

(4) Estimated Incremental Pricing Surcharges for the Southern System pursuant to Section 2 of Article XXII; and

(5) Estimated Incremental Pricing Surcharges for the Northern System pursuant to Section 2 of Article XXIII.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36385 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-142-000]

Mississippi Power Co.; Filing

December 15, 1981.

The filing Company submits the following:

Take notice that Mississippi Power Company (Mississippi) on December 8, 1981, tendered for filing a proposed agreement with Municipal Energy Agency of Mississippi for a Special Short Term Power Sale to Municipal Energy Agency of Mississippi. The agreement provides for short term power sales for the period December 1, 1981 through April 30, 1982. The charges are identical with those recently approved by the Commission for wholesale electric power association customers in FERC Docket No. ER81-379-000.

This filing is a new special short term power sale. No like wholesale service is provided by Mississippi and the only similar service is to the wholesale customer identified in FERC Docket No. ER81-379-000. Mississippi requests an effective date of December 7, 1981.

Copies of the filing were sent to the Municipal Energy Agency of Mississippi, Mississippi Power and Light Company and the Mississippi Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 4, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36386 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-136-000]

Niagara Mohawk Power Corp.; Proposed Tariff Change

December 14, 1981.

The filing Company submits the following:

Take notice that Niagara Mohawk Poer Corporation (Niagara), on December 7, 1981, tendered for filing as a rate schedule an agreement between Niagara, The Hartford Electric Light Company (HELCO), the Connecticut Light and Power Company (CL&P) and Western Massachusetts Electric Company (WMECO), collectively called the NU Companies, dated October 1, 1981.

The agreement provides for the transmission of intermittent, short term power as scheduled by Consolidated Edison Company of New York, Inc. to be delivered to the NU Companies. Niagara requests an effective date of October 1, 1981, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon HELCO, CL&P, WMECO and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36386 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-143-000]

New York State Electric & Gas Corp.; Filing

December 15, 1981.

The filing Company submits the following:

Take notice that New York State Electric & Gas Corporation (NYSEG) on December 7, 1981, tendered for filing proposed changes in its FERC Rate Schedules Nos. 27, 28, 30, 33 and 35. It is

estimated that the proposed changes would increase revenues from jurisdictional sales and service by about $27,500 based on the 12 month period ended September 30, 1981.

After hearings, and pursuant to Opinions 81-18 and 81-21 issued by the Public Service Commission of the State of New York on October 20, 1981 and October 21, 1981, respectively, NYSEG filed revised leaves to Schedule PSC No. 115—Electricity, which the above Opinions allowed to become effective October 25, 1981. Rate Schedule PSC No. 115 is incorporated in the previously noted FERC schedules. NYSEG requests an effective date of October 25, 1981. NYSEG states that copies of the filing were sent to all jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 4, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36367 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL82-3-000]

City of Oakland, California v. Pacific Gas & Electric Co.; Filing

December 15, 1981.

Take notice that on December 4, 1981, the City of Oakland, California, by and through its Board of Port Commissioners (Port of Oakland), filed a complaint pursuant to section 1.6 of the Commission's Rules of Practice and Procedure against the Pacific Gas and Electric Company (PG&E). The complainant requests that the Commission (1) declare that the sale of electricity by PG&E to the Port of Oakland at Metropolitan Oakland International Airport is a sale for resale in interstate commerce; (2) determine a just and reasonable wholesale rate applicable to the above transaction, taking into account price squeeze considerations; (3) order PG&E to file rates with the Commission for service to the Port of Oakland; (4) consolidate these issues with the proceedings in Docket No. ER81-679-000; and (5) grant other necessary relief.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 18, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36362 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-145-000]

Oklahoma Gas and Electric Co.; Filing

December 15, 1981.

The filing Company submits the following:

Take notice that on December 9, 1981, Oklahoma Gas and Electric Company (OG&E) tendered for filing an agreement for electric service to City of Newkirk, Oklahoma and agreements for additional delivery points to the City of Paris, Arkansas and the Town of Manchester, Oklahoma. OG&E states the municipalities have been receiving service under the Company's FERC Electric Tariff for some time, and the Company is hereby placing copies of the agreements on file with the Commission. OG&E further requests waiver of the 60-day notice requirement. The Company has requested that the agreements become effective on October 4, 1979 for the additional point of delivery to the City of Paris, Arkansas, August 13, 1980 for the City of Newkirk, Oklahoma, and June 6, 1978 for the additional point of delivery to the Town of Manchester, Oklahoma.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 4, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36363 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-141-000]

Public Service Company of New Hampshire; Filing

December 15, 1981.

The filing Company submits the following:

Take notice that on December 7, 1981, the Public Service Company of New Hampshire (PSNH) tendered for filing a tariff for non-firm transmission service designated FERC Electric Tariff, Original Volume No. 1. PSNH states that the tariff is intended to bring such transmission service under uniform rates and terms and conditions. The tariff would not apply to service provided under the New England Power Pool (NEPOOL) Agreement and would not supersede existing agreements.

PSNH states that the tariff rate is based on annual transmission costs and NEPOOL capability data. It is to be updated annually. The rate based on 1981 data is $9.87 per kilowatt per year. PSNH requests an effective date of February 5, 1982.

Copies of the filing have been sent to NEPOOL members, other utilities which have recently taken non-firm transmission service and the New Hampshire Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 4, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36369 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36369 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-24-000]

Pacific Telephone and Telegraph Co.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

December 15, 1981.

On November 27, 1981, Pacific Telephone and Telegraph Company of San Diego, California filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The facility will be a topping-cycle cogeneration facility located at 7337 Trade Street, San Diego, California. The primary energy source will be natural gas. Capacity of the facility is approximately 5.5 megawatts and 20.95 million Btu/hour will be used in thermal applications. Installation of the facility began in November 1981. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed by January 21, 1982 and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36370 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER76-205]

Southern California Edison Co.; Compliance Filing

December 15, 1981.

The filing Company submits the following:

Take notice that on December 7, 1981, Southern California Edison Company (SCE) filed a compliance report pursuant to the Commission's letter order dated November 16, 1981. The compliance report reflects refunds made by SCE to reflect the synchronization for fuel clause revenues with fuel clause expenses for the locked-in period of February 1, 1976 through August 6, 1979.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 5, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36371 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-135-000]

Southwestern Electric Power Co.; Filing

December 14, 1981.

The filing Company submits the following:

Take notice that on December 7, 1981, Southwestern Electric Power Company (SWEPCO) tendered for filing an interconnection agreement between SWEPCO and The Empire District Electric Company (EDE). SWEPCO indicates the agreement provides for the parties to obtain mutual benefits in planning and operation and opportunities from time to time to purchase, sell and/or exchange energy.

SWEPCO requests waiver of the prior notice requirement to allow an effective date of December 1, 1981.

A Copy of the filing was furnished to the Arkansas Public Service Commission, the Missouri Public Service Commission and The Empire District Electric Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 31, 1981. Protests will be considered by the commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36372 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-25-000]

Stone Container Corp.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

December 15, 1981.

On November 30, 1981, Stone Container Corp. of Chicago, Illinois filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The facility will be a topping-cycle cogeneration facility located at 500 North Fourth Street, Coshocton, Ohio 43812. Wood waste will provide an estimated 80% of the annual average heat reqirement with the remaining 20% of the heat input to the boiler provided by natural gas or petroleum. Capacity of the facility is 16.5 megawatts and 360,000 lbs. per hour of 165 psig steam will be extracted for process use. Installation of the facility began in May 1981. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed by January 21, 1982 and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make

protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36373 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA82-1-9 (PGA82-1) (IPR82-1) (DCA82-1) (R&D82-1)]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Rate Change Under Tariff Rate Adjustment Provisions

December 11, 1981.

Take notice that on November 30, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) tendered for filing Second Revised Sheet Nos. 23 through 30, Third Revised Sheet No. 21, and Fourth Revised Sheet Nos. 20 and 22 to Original Volume No. 1 of its FERC Gas Tariff to be effective January 1, 1982.

Tennessee states that the purposes of the revised tariff sheets are to adjust Tennessee's rates pursuant to Articles XXIII, XXIV, XXV, XXVII and XXIX of the General Terms and Conditions of its FERC Gas Tariff, consisting of a PGA rate adjustment, a rate adjustment to reflect curtailment credits, an R&D rate adjustment, and Estimated Incremental Pricing Surcharges.

Tennessee states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36367 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-10-000]

Tennessee Natural Gas Lines, Inc.; PGA Tariff Filing

December 11, 1981.

Take notice that on December 1, 1981, Tennessee Natural Gas Lines, Inc. ("TNGL") tendered for filing a rate change, pursuant to the purchased gas cost adjustment ("PGA") provisions of its F.E.R.C. Gas Tariff, First Revised Volume No. 1, and pursuant to Section 282.602 of the Commission's regulations under the Natural Gas Policy Act of 1978 ("NGPA"), consisting of the following tariff sheets:

Thirty-Seventh Revised Sheet No. PGA-1
Fourth Revised Sheet No. PGA-1-A

TNGL requests that such tariff sheets be allowed to become effective on January 1, 1982.

TNGL states that the purposes of its filing are: to reflect in its rates the changed rates of its sole supplier Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. ("TGP"), which will become effective on January 1, 1982; and, to set forth the estimated Maximum Absorption Capabilities ("MSAC") of its customers as required by Section 282.602 of the Commission's regulations under the NGPA.

TNGL states that copies of the filing were served upon its jurisdictional customer, the interested state regulatory commission, its non-jurisdictional customers estimated to be billed for NGPA incremental pricing surcharges, and are available for public inspection at TNGL's offices in Nashville, Tennessee.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings.

Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36380 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-136-000]

Union Electric Co.; Filing

December 14, 1981.

The filing Company submits the following:

Take notice that on December 7, 1981, Union Electric Company (Union) tendered for filing a notice to Missouri Power & Light Company revising the rate for transactions under the Boundary Line Agreement between the parties.

Union requests an effective date of July 9, 1981, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36379 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-138-000]

Union Electric Co.; Filing

December 14, 1981.

The filing Company submits the following:

Take notice that on December 7, 1981, Union Electric Company (Union) tendered for filing a notice to the City of Farmington, Missouri revising the rate for transactions under the Boundary Line Agreement between the parties.

Union requests a proposed effective date of July 9, 1981, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December

31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36380 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-140-000]

Union Electric Co.; Filing

December 14, 1981.

The filing Company submits the following:

Take notice that on December 7, 1981, Union Electric Company (Union) tendered for filing a notice to Illinois Power Company revising the rate for transactions under the Boundary Line Agreement between the parties.

Union requests an effective date of July 9, 1981, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10)). All such petitions or protests should be filed on or before December 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36381 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-23-000]

Vulcan Materials Co.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

December 15, 1981.

On November 25, 1981, Vulcan Materials Co. of Birmingham, Alabama, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The facility will be a topping-cycle cogeneration facility located in Wichita, Kansas. The primary energy source will be natural gas with No. 2 fuel oil used as a standby fuel. Capacity of the facility will be 33.73 megawatts electric power and approximately 210.74 million Btu of steam per hour will be used in chemical production processes. Installation is scheduled to begin in January 1982: No electric utility, electric utility holding company or any person owned by either has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be file by January 21, 1982 and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36374 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2903-001]

Calaveras County Water District; Application for License For Major Project—Existing Dam

December 16, 1981.

Take notice that Calaveras County Water Distict (Applicant) filed on October 13, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for a major license for the unconstructed New Hogan Power Plant Project No. 2903. The project would be located at the U.S. Army Corps of Engineers' New Hogan Dam on the Calavaras River in Calaveras County, California. Correspondence with the Applicant should be directed to: Mr. Steve Felte, Manager, Calaveras County Water District, P.O. Box 846, San Andreas, California 95249.

Project Description—The proposed New Hogan Power Plant Project would consist of: (1) an exting intake structure with a modified log rack; (2) a 54-inch diameter steel penstock located inside of the left barrel of an existing four barrel outlet conduit through the dam; (3) a powerhouse at the toe of the dam containing a 2,000 kW generating unit and a 500-W generating unit; (4) an 80-foot long tailrace channel excavated in rock; (5) a 2.3/12-kV switchyard adjacent to the powerhouse; and (6) a 1,000-foot long, 12-kV transmission line to an existing Pacific Gas and Electric Company distribution line.se containing two turbine-generator units with a total rated capacity of 3 MW and a 3-mile long transmission line.

The proposed project would have an average annual generation of 10,110 MWh at an estimated 1983 cost of $5,114,000. Project power would be sold.

All project facilities would be constructed on U.S. lands administered by U.S. Army Corps of Engineers.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 19, 1982, either the competing application itself [See 18 CFR 4.33(a) and (d)] or a notice of intent [See 18 CFR 4.33(b) and (c)] to file a competing application. Submision of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et. seq. (1981).

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petitaion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 19, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street,

NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representataive of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36495 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5325-000]

Capital Development Co.; Application for Preliminary Permit

December 16, 1981.

Take notice that Capital Development Company (Applicant) filed on September 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5325 to be known as the Silver Creek Water Power Project located on Silver Creek, near Randle, within the lands of Gifford Pinchot National Forest in Lewis County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert L. Blume, President, Capital Development Company, Suite 4, South Sound Center, P.O. Box 3487, Lacey, Washington 98503.

Project Description—The project would consist of: (1) a 15-foot high, 50-foot long concrete diversion dam and intake structure; (2) a reservoir with 3-acre surface area and 5-acre foot storage capacity; (3) a 3-mile long, 108-inch diameter conduit; (4) a 0.2-mile long, 108-inch diameter penstock; (5) a powerhouse with total installed capacity of 12 MW; and (5) a 1-mile long, 96-kV transmission line from the powerhouse to the Lewis County P.U.D. 96-kV mainline. The Applicant estimates that the average annual energy production would be 45.9 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic analysis, and prepare an FERC license application. No new roads would be required for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $150,000.

Competing Applications—This application was filed as a competing application to Hydro Resource Company's application for Project No. 5275 filed on August 25, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 16, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36496 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5631-000]

City of Astoria; Application for Preliminary Permit

December 16, 1981.

Take notice that City of Astoria (Applicant) filed on November 9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5631 to be known as the Youngs River Project located on Youngs River in Clatsop County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John F. Crockett, Public Works Director, City of Astoria, 1095 Duane Street, Astoria, Oregon 97103.

Project Description—The proposed project would consist of: (1) a 15-foot high concrete diversion dam with negligible storage; (2) penstock 700 feet long; (3) a powerhouse containing two turbine generators with a total capacity of 1600 kW and annual energy production of 7.7 GWh; (4) 300 feet of new transmission line and 3.6 miles of existing line to be upgraded; and (5) appurtenant facilities. The proposed market for power output is the Pacific Power and Light Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The applicant seeks issuance of a preliminary permit for a term of 18 months, during which engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of permit activities is $75,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before February 16, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et. seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file

an application for license or exemption must be submitted to the Commission on or before February 18, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than March 18, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 18, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb

Secretary.

[FR. Doc. 81-36497 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5492-000]

The City of New York; Application For Preliminary Permit

December 17, 1981.

Take notice that The City of New York (Applicant) filed on October 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5492 to be known as the Shandaken Tunnel Intake Water Power Project located on Schoharie Creek in Delaware, Green, and Schoharie Counties, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Francis X. McArdle, Department of Environmental Protection, City of New York, 2358 Municipal Building, New York, New York 10007.

Project Description—The proposed project would redevelop the existing Applicant-owned facilities and would consist of: (1) the 2,280-foot long and 155-foot high masonry Gilboa Dam having a 1,324-foot long spillway discharging into Schoharie Creek; (2) the Schoharie Reservoir having a surface area of 1,145-acres at spillway crest elevation 1,130 feet m.s.l.; (3) the intake works receiving water from Schoharie Reservoir and modified to contain a new generating unit having a rated capacity of 2,000 kW; (4) the 18-mile long Shandaken Tunnel to Esopus Creek; (5) a new 1-mile long transmission line; and (6) appurtenant facilities. Applicant estimates that the average annual energy output would be 6,000 MWh.

The system would continue to be operated essentially to provide water supply to The City of New York. Project energy would be used by Applicant for municipal purposes or would be sold.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would complete feasibility, engineering, and hydrologic studies, conduct field surveys, prepare environmental reports and detailed plans, consult with Federal, State, and local agencies, and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $64,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 19, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 19, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36480 Filed 12-21-81; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 5623-000]

County of Mono; Application for Preliminary Permit

December 17, 1981.

Take notice that County of Mono (Applicant) filed on November 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5623 to be known as the Robinson Creek Hydroelectric Project located on Robinson Creek partially on lands in the Toiyobe National Forest in Mono County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Neil B. Van Winkle County Counsel, County Courthouse, Bridgeport, California 93517.

Project Description—The proposed project would consist of: (1) a diversion intake structure to direct water through a trashrack to; (2) a 16,000-foot long pipeline and channel combination; (3) a 60-inch diameter, 100-foot long penstock; (4) a powerhouse containing two generating units with a total rated capacity of 2,200 kW; and (5) a transmission line. Applicant estimates that the average annual energy output would be 9.5 million kWh. A potential market for project-generated power is the Southern California Edison Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested as 36-month permit to prepare a definitive project report including technical, environmental, economic and financial feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the U.S. Forest Service and other Federal, State and local agencies, preparing an FERC license application, conducting final field surveys, and preparing final designs is estimated by the Applicant to be $50,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before February 22, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 22, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than March 22, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 22, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36489 Filed 12-21-81; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 5650-000]

Gary and Catherine Wright; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

December 17, 1981.

Take notice that on November 10, 1981, Gary and Catherine Wright (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5650) would be located on Kanaka Creek in Gooding County, Idaho. Correspondence with the Applicant should be directed to: Dale Hatch, P.O. Box 1071, Twin Falls, Idaho 83301.

Project Description—The proposed project would consist of: (1) a 1000-foot long canal diverting flows from Kanaka Creek; (2) a 24-inch diameter, 1400-foot long steel pipeline; (3) a powerhouse located on the north bank of the Snake River containing one or more generating units with a total rated capacity of 90 kW; and (4) a 1300-foot long, 12.5-kV transmission line. The project would have an average annual generation of 400 MWh.

Purpose of Project—Project power would be sold to the Idaho Power Company.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Idaho Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the fish and wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that

agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before February 1, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determing the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 1, 1982.

Filing and Service of Responsive Documents—Any filings, must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's reguatins to Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street, N.E., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36500 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5632-000]

Malcolm Harris and Orin Harris; Application for Preliminary Permit

December 17, 1981.

Take notice that Malcom Harris and Orin Harris (Applicant) filed on November 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5632 to be known as the Marble Creek Power Project located on Marble Creek in Mono County, California. The majority of the lands included in the project area are under the jurisdiction of the Bureau of Land Management. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Richard L. Schafer, R. L. Schafer & Associates, Inc., P.O. Box 1388, Porterville, California 93258.

Project Description—The proposed project would consist of two consecutive developments along Marble Creek with: (1) two stream diversion structures; (2) two off-stream retention basins each having a capacity of three acre-feet; (3) two 12-inch diameter, 7,920 and 9,500-foot long penstocks; (4) two powerhouses containing single generating units with a combined capacity of 250 kW; and (5) a ¼ mile long transmission line. Applicant estimates that the average annual energy output would be 1.1 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24-month permit to prepare a definitive project report including results of geological, environmental and economic feasibility studies. The cost of the above activities along with preparation of an environmental impact report, obtaining agreements with the Bureau of Land Management, and other Federal, State and local agencies, preparing an FERC license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be between $30,000 and $50,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 22, 1982, the competing application itself or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 22, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than March 22, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 22, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be

filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36501 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5620-000]

Patricia L. Mayer; Application for Preliminary Permit

December 16, 1981.

Take notice that Patricia L. Mayer (Applicant) filed on November 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5620 to be known as the Mayer Ranch Hydropower Project located on Roaring Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Dennis E. Dorratcague, Ott Water Engineers, Inc., 2334 Washington Avenue, Redding, California 96001.

Project Description —The proposed project would consist of: (1) a 5-foot high, 120-foot long diversion structure; (2) a 48-inch diameter, 250-foot long diversion conduit; (3) a 48-inch diameter, 1,200-foot long penstock; (4) a powerhouse containing one or more generating units with a total capacity of 1,450 kW; and (5) a 1-mile long transmission line. Applicant estimates that the average annual energy production would be 5.8 million kWh. Power output will be purchased by the Pacific Gas and Electric utility system.

Proposed Scope of Studies Under Permit A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24-month permit, during which time engineering, economic and evironmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of these activities is $50,000.

Competing Applications —Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before February 16, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 16, 1982, and should specify the type of application forthcoming. Any application for license or exemptionm from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than March 16, 1982.

Agency Comments —Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene —Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determing the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 16, 1982.

Filing and Service of Responsive Documents —Any filings, must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36502 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5648-000]

San Gabriel Valley Municipal Water District; Application For Exemption Of Small Conduit Hydroelectric Facility

December 16, 1981.

Take notice that on November 12, 1981, the San Gabriel Valley Municipal Water District (Applicant) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. 823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Etiwanda, Emerald, and San Dimas Wash Generation Stations Project (FERC Project No. 5648) would be located on the Devil Canyon-Azusa Pipeline in Los Angeles and San Bernardino Counties, California. Correspondence with the Applicant should be directed to: Ernest Lee, San Gabriel Valley Municipal Water District, 5 South Stoneman Avenue, P.O. Box 428, Alhambra, California 91802.

Project Description—The proposed project would consist of: (1) the Etiwanda Powerhouse, adjacent to the Etiwanda Pressure Reduction Station, and containing a 335-kW generating unit; (2) the Emerald Powerhouse, adjacent to the Emerald Pressure Reducing Station, and containing a 420-kW generating unit; and (3) the San Dimas Wash Powerhouse, next to the San Dimas Wash Turnout, and containing a 1,050-kW generating unit. The average annual energy generation is estimated to be 6.25 million kWh.

Purpose of Project—The energy generated by the project would be sold to a public utility.

Agency Comments—The U.S. Fish and Wildlife Service and the California Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife

resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. Comments are due within 45 days from the date of issuance of this notice. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. One copy of an agency's comments must also be sent to the Applicant's representatives.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before January 29, 1982. The Commission's address is: 825 North Capitol Street, N.W., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36503 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5611-000]

Town of Skykomish; Application for Preliminary Permit

December 16, 1981.

Take notice that Town of Skykomish (Applicant) filed on November 5, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5611 to be known as the Trout Creek Project located on Trout Creek, near Skykomish, in Snohomish County, Washington. The project would be located within the Snoqualmie National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mayor, Town of Skykomish, P.O. Box 308, Skykomish, Washington 98288.

Project Description—The proposed project would consist of: (1) a 6-foot high concrete diversion dam; (2) a 2.3.-mile long, 4-foot diameter fiberglass or concrete pipeline; (3) a steel surge tank; (4) a 2,500-foot long, 42-inch diameter steel penstock; (5) a powerhouse containing one generating unit rated at 5.5. MW; (6) an access road; and (7) a 4-mile long transmission line. The average annual energy generation is estimated to be 29 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering, economic, environmental, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies.

The cost of the work to be performed under the preliminary permit is estimated to be $100,000.

Competing Applications—This application was filed as a competing application to Western Power, Inc.'s application for Project No. 5342 filed on September 8, 1981. Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before January 8, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et. seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before January 8, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than March 29, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 27, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36504 Filed 12-21-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-23-000]

West Texas Utilities Co.; Order Accepting for Filing and Suspending Revised Rates, Denying Motion To Reject, Granting Summary Disposition in Part, Granting Waiver of Notice, Granting Interventions, and Establishing Price Squeeze, CWIP, and Hearing Procedures

Issued December 15, 1981.

On October 16, 1981, West Texas Utilities Company (WTU) tendered for filing increased rates for service to one municipal and fourteen cooperative customers [1] and to Texas-New Mexico Power Company (TNP), which is served under a separate agreement.[2] The proposed rates would result in increased revenues of approximately $4,369,000 (10.0%) for the twelve-month period ending December 31, 1982. WTU requests an effective date of December 15, 1981, for these rates. Concurrently, WTU filed alternative rates, pursuant to section 2.16(b) of the Commission's regulations, to reflect full inclusion of construction work in progress (CWIP) in rate base. Following a hearing, WTU seeks authorization to prospectively implement the CWIP-based rates, which represent an increase in revenues of approximately $5,758,000 (13.1%) for the calendar year 1982 test period.

Notice of the filing was issued on October 23, 1981, with responses due on or before November 13, 1981. On November 12, 1981, TNP filed a petition to intervene, which requested a hearing and summary disposition with respect to WTU's method of calculating the proposed unit demand charge for service to TNP. TNP asserted that WTU used billing demands reflecting an 85% ratchet rather than the 100% ratchet set forth in the proposed rate schedule thereby overstating the unit demand charges. On November 20, 1981, WTU filed a motion to correct its rate filing, indicating that its filed rate schedule for service to TNP erroneously provided for a 100% ratchet. WTU therefore requests that the Commission accept its revision to the rate schedule and that the Commission waive the regulations insofar as is necessary to make this revised rate effective as of WTU's originally proposed effective date.

On November 13, 1981, the affected municipal and cooperative customers (customers) [3] filed a petition to intervene, protest, motion to reject, motion for maximum suspension, motion to institute price squeeze procedures and complaint. The customers request rejection of WTU's CWIP-based rates for failure to make a facial showing of severe financial difficulty in compliance with the Commission's Order No. 555. The customers also request a maximum suspension of WTU's non-CWIP rates, alleging (1) that the return on equity is excessive, (2) that regulatory expense is overstated and amortized over an improper time period, (3) that improper items are included as plant held for future use, (4) that operation and maintenance (O&M) expenses are overstated, (5) that depreciation rates are improper, (6) that working capital is overstated, and (7) that the forecast of customer billing determinants is incorrect.

In addition to the cost of service issues, the customers allege price squeeze and also claim that the proposed rates are discriminatory because the charges to TNP are less than those applicable to the municipal and cooperative customers. Additionally, the customers raise a complaint concerning service reliability, alleging that WTU has failed to install oil circuit reclosers at a number of delivery points as negotiated in the settlement of WTU's last rate filing. Therefore, the customers request that this and other service problems be pursued at hearing.

On November 30, 1981, WTU filed an answer to the petition to intervene. WTU objects to the intervention of Mid-Tex Electric Cooperative (Mid-Tex), stating that it is not a customer of WTU and that its members would be adequately represented as individual intervenors. In addition, WTU (1) responds to the cost of service, rate of return, and rate design issues raised by the customers; (2) denies that the rates would result in a price squeeze or other discrimination; (3) argues that its CWIP-based rates are justified and, in any event, could be properly accepted for prospective application following a phased proceeding; (4) responds to the customers' complaints concerning service reliability; and (5) argues that a maximum suspension is unnecessary.

Discussion

Initially, the Commission finds that participation in this proceeding by TNP and the municipal and cooperative customers, including Mid-Tex, is in the public interest. Accordingly, the petitions to intervene will be granted.

As noted, WTU has indicated that its rate schedule for TNP incorrectly provides for a 100% ratchet, although the rates have been developed on the basis of an 85% ratchet. In view of this apparent oversight, we shall waive the notice requirements and grant WTU's request to file its revised rate schedule to eliminate the error while retaining the originally proposed effective date. In view of this determination, we shall deny as moot TNP's request that WTU be ordered to file revised rates.

Our analysis further reveals that WTU has proposed a change in its fuel adjustment clause which would use the costs in Accounts 501, 547, and 513 of the Commission's Uniform System of Accounts as the fuel costs for purposes of calculating the monthly fuel adjustment factors. The use of such accounts is not in compliance with section 35.14 of the Commission's regulations which states that the fuel costs recorded in Accounts 151 and 518 are the costs to be used in calculating any monthly fuel adjustment factor. Accordingly, summary disposition of this issue will be ordered and WTU will be required to file a revised fuel adjustment clause which includes only the fuel accounts prescribed by section 35.14 in determining the monthly fuel adjustment factor.

Our preliminary analysis indicates that WTU's non-CWIP rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept these rates for filing as modified by this order and we shall suspend them as ordered below.

In a number of suspension orders,[4] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the commission to believe that the filing may be unjust and unreasonable or that it might run afoul of other satutory standards We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. No such circumstances have been presented here. Accordingly, we shall suspend the non-CWIP rates for a period of five months to become effective, subject to refund, on May 16, 1982.

With regard to WTU's CWIP-based rates, we note that under the

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[1] City of Sonora, Texas; Brazos Electric Power Cooperative; Coleman County Electric Cooperative; Concho Valley Electric Cooperative; Dickens Electric Cooperative; Gate City Electric Cooperative; Greenbelt Electric Cooperative; Lighthouse Electric Cooperative; McCulloch Electric Cooperative; Midwest Electric Cooperative; Rio Grande Electric Cooperative; Southwest Texas Electric Cooperative; Stamford Electric Cooperative; Taylor Electric Cooperative; and Western Farmers Electric Cooperative.

[2] *See* Attachment A for rate schedule designations.

[3] The intervenor group includes Mid-Tex Electric Cooperative, Inc., a generation and transmission cooperative authorized to transact business in the state of Texas, whose membership includes all but two of the WTU's cooperative customers.

[4] *E.g., Boston Edison Co.*, Docket No. ER 80-506 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-486 (August 22, 1980) (one day suspension).

Commission's present standards, a utility requesting the inclusion of CWIP in rate base [5] must show clearly and convincingly that it is experiencing severe financial difficulty which cannot be alleviated by traditional forms of rate relief without materially increasing the cost of electricity.[6] The Commission, however, recently issued a notice of proposed rulemaking in order properly to reconsider the CWIP issue and the appropriate standards to apply.[7] In light of WTU's request to place the full-CWIP rates into effect only prospectively after a hearing pursuant to section 2.16, we shall deny the customers' motion to reject the filing and, instead, we shall set the issue for hearing. However, in order to maintain the *status quo ante* pending further Commission action and to avoid any prejudice to the parties, the hearing on WTU's CWIP application will be phased to follow the rulemaking proceeding. Such phasing will allow WTU to go forward on its CWIP application under such standards as will be developed through public notice and comment on the proposed rulemaking.[8]

In accordance with the Commission's policy established in *Arkansas Power and Light Company*, Docket No. ER79–339 (August 6, 1979), we shall also phase the price squeeze issue raised by the intervenors. As we have noted in prior orders, this procedure will allow a decision first to be reached on the cost of service, capitalization, rate of return, wholesale rate discrimination, and service reliability issues. If, in the view of the intervenors or staff, a price squeeze persists, a second phase of the proceeding may follow.

The Commission orders:

(A) The customers' motion to reject WTU's CWIP-based filing is hereby denied.

(B) WTU's request for permission to file revised rates to correct the determination of billing demands is hereby granted. Waiver of the notice requirements is also granted with respect to this revision. TNP's request for summary disposition of this issue is denied as moot.

(C) Summary disposition is hereby ordered, as noted in the body of this order, with respect to WTU's use of Accounts 501, 547, and 513 in determining its monthly fuel adjustment factor. Within thirty (30) days of the issuance of this order, WTU shall refile its fuel adjustment clause and supporting data to reflect this summary diposition.

(D) WTU's proposed non-CWIP rates are hereby accepted for filing, as modified above, and are suspended for five months from 60 days after filing, to become effective, subject to refund, on May 16, 1982.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, the pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I], a public hearing shall be held concerning WTU's rates and the remaining matters raised in the customers' petition to intervene.

(F) The petitions to intervene in this proceeding are hereby granted subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act: *Provided, however,* That participation by such intervenors shall be limited to the matters set forth in their petitions to intervene; and *provided, further,* That the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order of the Commission in this proceeding.

(G) The Commission staff shall serve top sheets in this proceeding on or before December 16, 1981.

(H) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(I) Consideration of WTU's CWIP-based rates is hereby phased so that the CWIP issue will be heard subsequent to Commission action in Docket No. RM81–38–000.

(J) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(K) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

West Texas Utilities Company, Docket No. ER82–23–000, Rate Schedule Designations

Second Revised Sheet Nos. 4 through 7 under FERC Electric Tariff Original Volume No. 1 (supersedes First Revised Sheet Nos. 4 through 7); TR–1 Rates (Excluding Full-CWIP)

Supplement No. 3 to Rate Schedule FPC No. 39 (supersedes Supplement No. 2); TNP–1 Rates (Excluding Full-CWIP)

[FR Doc. 81–36805 Filed 12–21–81; 8:45 am]

BILLING CODE 6717–01–M

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[5] Other than CWIP associated with pollution control and fuel conversion facilities.

[6] 18 C.F.R. § 2.16(b)(3).

[7] *Construction Work in Progress for Public Utilities*, Docket No. RM81–38–000, *Notice of Proposed Rulemaking* (July 27, 1981).

[8] *See El Paso Electric Company*, Docket No. ER81–426–000 (June 30, 1981); *Central Power and Light Company*, Docket No. ER81–387–000 (July 27, 1981); *Florida Power and Light Company*, Docket No. ER81–586–000 (September 2, 1981).

[Project No. 5244–000]

Western Hydro Electric Inc.; Application for Short-Form License (Minor)

December 17, 1981.

Take notice that Western Hydro Electric Incorporated (Applicant) filed on August 18, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for construction and operation of a water power project to be known as Causey Hydro Project No. 5244. The project would be located on the South Fork of the Ogden River in Weber County, Utah. Correspondence with the Applicant should be directed to: J. Kirk Rector, Attorney at Law, 4832 Colony Circle, Salt Lake City, Utah 84117.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Causey Dam and Reservoir, operated and maintained by the Weber Basin Water Conservation District, and would consist of: (1) a 42-inch diameter steel penstock utilizing the existing outlet works near the left dam abutment and leading to (2) a new powerhouse containing two generating units having a rated capacity of 300 kW and 1,100 kW, respectively, for a total rate capacity of 1,400 kW; (3) a tailrace;

(4) new and replacement 12.5–kV transmission lines; (5) a switchyard; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 5,393,760 kWh.

Purpose of Project—Project energy would be sold to the Utah Power and Light Company.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 16, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d)] or a notice of intent [See 18 CFR 4.33 (b) and (c)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 16, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–36536 Filed 12–21–81; 8:45 am]

BILLING CODE 6717–01–M

Office of Assistant Secretary for International Affairs

Civil Uses of Atomic Energy; Agreement Between U.S. and Canada; Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale:

Contract Number S–CA–310, for 30 micrograms of plutonium-242 for use as standard for ecological studies in the Great Lakes Basin by the Canada Centre for Inland Waters, Ontario, Canada.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been detemined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: December 16, 1981.

Harold D. Bengelsdorf,

Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 81–36521 Filed 12–21–81; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[AAA–FRL–2011–1]

Appointments to the Performance Review Board

AGENCY: Environmental Protection Agency.

ACTION: Notice of Appointments to the Performance Review Board.

SUMMARY: This Notice announces the appointment by the Administrator of the Environmental Protection Agency of the eleven individuals who will serve on and constitute the Agency's Performance Review Board, as provided for in section 4314 of Title 5, United States Code. The Purpose of the Performance Review Board is to review initial senior executive appraisals and to make recommendations to the Administrator concerning performance of senior executives in the Agency and performance awards.

ADDRESSES: The names, titles, and addresses of the individuals now appointed to the EPA Performance Review Board are as follows:

1. Mr. Herbert Barrack, Assistance Regional Administrator for Planning and Management, Region II, Environmental Protection Agency, New York, NY 10007
2. Mr. Gerald A. Bryan, Director, Office of Program and Management Operations, Office of Legal and Enforcement Counsel, Environmental Protection Agency, Washington, D.C. 20460
3. Mr. Don Clay, Director, Office of Toxic Substances Office of Pesticides and Toxic Substances Environmental Protection Agency, Washington, D.C. 20460
4. Mr. Lewis S. Crampton, Director, Office of Management Systems and Evaluation, Office of Policy and Resource Management, Environmental Protection Agency, Washington, D.C. 20460
5. Mr. Gary N. Dietrich, Director, Office of Solid waste, Office of Solid Waste and Emergency Response, Environmental Protection Agency, Washington, D.C. 20460
6. Mr. Seth C. Hunt, Special Assistant to the Administrator, Office of the Administrator, Environmental Protection Agency, Washington, D.C. 20460
7. Ms. Marian Mlay, Deputy Director, Office of Drinking Water, Office of Water, Environmental Protection Agency, Washington, D.C. 20460
8. Ms. Victoria Pierce, Director, Management and Organization

Division, Office Administration, Environmental Protection Agency, Washington, D.C. 20460

9. Mr. William Rice, Deputy Regional Administrator, Region VII, Environmental Protection Agency, Kansas City, MO 64106
10. Dr. Courtney Riordan, Director, Office of Monitoring Systems and Quality Assurance, Office of Research and Development, Environmental Protection Agency, Washington, D.C. 20460
11. Mr. John M. Ropes, Director, State and Local Programs Division, Office of Air, Noise and Radiation, Environmental Protection Agency, Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Persons desiring any further information about the Environmental Protection Agency performance Review Board may contact Mr. Clarence Hardy, Director, Personnel Management Division, Environmental Protection Agency, Washington, D.C. 20460; telephone (202) 382-3300.

Anne M. Gorsuch,

Administrator.

December 11, 1981.

[FR Doc. 81-36528 Filed 12-21-81; 8:45 am]

BILLING CODE 6560-30-M

FEDERAL COMMUNICATIONS COMMISSION

Mobile Services Advisory Committee; Meeting

December 16, 1981.

The Mobile Services Advisory Committee will meet on Monday, January 18, 1982, to discuss possible formulations for more consistent approximation, interpolation, and extrapolation of the propagation curves in Section 22.504 of FCC Rules and FCC Report No. 6404, "Technical Factors Affecting the Assignment of Facilities in the Domestic Public Land Mobile Radio Service," R. B. Carey. The Committee will meet at 10:30 a.m. in Room 650 at the Commission headquarters, 1919 M Street, NW, in Washington, DC.

This meeting is a follow-up on a request at the Committee's November 9, 1981, meeting for in-dept engineering study of Carey propagation computation methods. In anticipation of such a study, some Committee members have prepared and submitted to the Committee file certain engineering materials which are available to the public for copying and review. Persons wishing to review these materials should contact Claudia Borthwick, Room 644, 1919 M Street, NW, Washington, DC 20554. (202) 632-6450. If at the January 18, 1982, meeting, the Committee is able to formulate specific recommendations, the Mobile Services Division staff will make every effort to consider these and other recommendations in CC Docket 80-57, the ongoing rulemaking to revise and update Part 22 of the Rules. If, on the other hand, it shoud appear that additional discussions are needed, they will be scheduled without delaying the rulemaking.

It is recommended that each attendee have in his possession a copy of § 22.504 of the Rules and the Carey Report above. In addition, the Commission is interested in any past or pending applications in which substantial problems have arisen from alleged or apparent inconsistencies in interpolation or extrapolation of Carey curves. During the meeting the Commission staff plans on requesting citations of specific applications in which such problems have occurred. No applications which are contested in pleadings or in hearing status will be discussed during the meeting.

For further information, contact Michael A. Menius, (202) 632-6450.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-36388 Filed 12-21-81; 8:45 am]

BILLING CODE 6712-01-M

[Docket No. 20274; FCC 81-550]

Inter-Governmental Maritime Consultative Organization (IMCO): Preparation of Recommended Operational Standards Applicable to Equipment Mandatorily Fitted Aboard Vessels Subject to the Safety of Life at Sea Convention (SOLAS)

AGENCY: Federal Communications Commission.

ACTION: Notice of Inquiry.

SUMMARY: The Commission has adopted a Notice to inform the public and to obtain comments concerning actions taken by the Inter-Governmental Maritime Consultative Organization (IMCO) at its Twenty-third Session. IMCO has further developed its Future Global Maritime Distress and Safety System as well as other related maritime matters. Comments will be used by the U.S. Delegation preparing for the Twenty-fourth Session.

DATES: Comments must be received on or before January 11, 1982, and reply comments must be received on or before January 26, 1982.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Robert C. McIntyre, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

In the matter of Inter-Governmental Maritime Consultative Organization: Preparation of Recommended Operational standards applicable to equipment mandatorily fitted aboard vessels subject to the Safety of Life at Sea Convention, Docket No. 20274. Seventh notice of inquiry.

Adopted: November 24, 1981.

Released: December 10, 1981.

By the Commission:

Purpose

1. The Commission is issuing this Notice as a means to inform the public and to obtain comments of interested persons in regard to actions by the Inter-Governmental Maritime Consultative Organization (IMCO), through its Maritime Safety Committee (MSC) and Subcommittee on Radiocommunications (SR), to develop operational standards applicable to radio equipment mandatorily fitted aboard vessels subject to the Safety of Life at Sea Convention (SOLAS).

Background

2. The Subcommittee on Radiocommunications established a Technical Working Group which holds its meetings concurrently with scheduled meetings of the subcommittee. The working group is charged with the responsibility of preparing operational standards and considering technical matters applicable to radio equipment mandatorily fitted aboard vessels subject to the SOLAS Convention. Operational standards, when adopted by the Subcommittee on Radiocommunications and approved by MCS, will take the form of recommendations associated with the SOLAS Convention. When in the Commission's opinion it was appropriate certain IMCO recommendations have been incorporated in our rules.[1]

3. The Subcommittee on Radiocommunications at its Twenty-third Session, May 11–May 15, 1981, considered a number of operational and technical matters prepared for it by various working groups including the Technical Working Group. The Subcommittee approved documents concerning the following matters:

—Future Global Maritime Distress and Safety System (FGMDSS).

[1] E.g., Docket 21089, Report and Order, adopted March 15, 1979, FCC 79-162, 44 FR 18501.

—Radio Operator Functions with regard to operational, maintenance and administrative requirements.

—IMCO Recommendations on the 1982 World Administrative Radio Conference (WARC) for Mobile Telecommunications.[2]

—IMCO Recommendations for the International Radio Consultative Committee (CCIR) Study Group 8.

—Draft Regulations on Emergency Position Indicating Radio Beacons (EPIRB's) and two way radiotelephones for use in lifeboats.

Future Global Maritime Distress and Safety System (FGMDSS)

4. In order to implement the FGMDSS the Subcommittee on Radiocommunications recognized that various elements of the system approved by the Maritime Safety Committee will have to be internationally agreed upon and defined in conventions and other instruments. This will require amendment of the 1974 SOLAS Convention, 1979 Search and Rescue Convention, 1978 Standards of Training and Watchkeeping and the International Radio Regulations. The Subcommittee approved the Report of the FGMDSS Working Group (COM XX111/WP/4) which further developed requirements to be included in Chapter IV of the SOLAS Convention and carriage requirements for vessels participating in the future system. Particular attention is directed to WP.4, paragraph 7.6, which states that there will be no differentiation of carriage requirements concerning radio equipment based on tonnage such as now specified in the SOLAS Convention and the Communications Act of 1934, as amended. Thus, all vessels above a minimum specified tonnage will be subject to the SOLAS Convention when the FGMDSS comes into force. Carriage requirements may be related to and depend upon the ship's area of operation, e.g., coastwise or high seas. While carriage requirements based on area of operation would present administrative difficulties for administrations, of primary concern is what should be recommended by the U.S. as the minimum tonnage requirement. Comments are requested on this matter.

5. We wish at this time to call attention to the technical and operational aspects of the FGMDSS. This system relies more heavily on ship-to-shore alerting rather than the ship-to-ship alerting used in the present system. As ship-to-ship alerting range in the order to 100 nautical miles is being advanced by IMCO. Preliminary studies indicate that a 1000 watt transmitter operating in the 2 MHz frequency band using narrow-band direct-printing would provide an alerting range of approximately 75–85 nautical miles on the Gulf and East Coast of the U.S. The transmitter power to increase the narrow-band direct-printing communication range to 100 miles is approximately 1600 watts. A voice modulated 2 MHz transmitter (1000 W) provide a range of 18–25 nautical miles in the same coastal areas. Interested parties are advised that implementation of the FGMDSS will require a different complement of radio equipment aboard ships from that which is currently mandated by international treaty and national statute. Comments concerning the FGMDSS and adequacy of the ship-to-ship alerting range proposed by IMCO are requested.

IMCO Recommendations on 1982 Mobile WARC and CCIR Study Group 8

6. The Subcommittee on Radiocommunications prepared recommendations to the 1982 Mobile WARC (COM XX111/WP.3) and to CCIR Study Group 8 (COM XX111/WP.5) concerning technical and operational matters affecting the maritime mobile service. These recommendations prepared by the Subcommittee will not be further developed at future sessions and are included in this Notice primarily for informational purposes. The FCC preparation for this Mobile WARC is being addressed through General Docket No. 80–184.

Emergency Position Indicating Radiobeacons

7. The Subcommittee on Life Saving Appliances (LSA) is in the process of revising Chapter III of the SOLAS Convention. The Subcommittee on Radiocommunications prepared draft amendments to Chapter IV consequential to the LSA proposed revisions to Chapter III concerning Emergency Position Indicating Radiobeacons (EPIRB). It was agreed that the primary functions of satellite EPIRB's were both alerting and homing. The primary function of a survival craft (terrestrial) EPIRB was homing; nevertheless, it was decided that regulations should not preclude an alerting function. In the latter instance administrations were urged to consider the possible overloading of satellite alerting systems due to the large number of survival craft performing the alerting function. These draft amendments will be considered further and comments on possible overloading of satellite communication systems are solicited.

Radio Operator Functions

8. During this session the Subcommittee gave consideration to the operator function in the FGMDSS. A working group was established to develop a provisional draft text (COM XX111/WP.6) of operator functions including operational, maintenance and administrative matters. When functions have been agreed upon consideration will be given to the skills necessary for their performance. Specific knowledge and training requirements will be developed in coordination with the Subcommittee on Standards of Training and Watchkeeping. The Subcommittee requested members to submit substantive comments on COM XX111/WP.6 for consideration at the Twenty-fourth Session.

Conclusion

9. Comments received on the above matters will be used to aid the members of the United States Delegation to prepare for the Radiocommunications Subcommittee meeting tentatively scheduled for May 1982 in London, England and subsequent meetings. The Commission is represented on the IMCO Delegation and in the Technical Working Group on Operational Standards.

10. In view of the foregoing, this Notice of Inquiry is hereby adopted. Authority for this action is contained in Sections 4(i), 303 and 403 of the Communications Act of 1934, as amended.

11. Interested persons may file comments on or before January 11, 1982 and reply comments on or before January 26, 1982. Comments and reply comments shall be filed pursuant to § 1.419(b) which requires, among other things, an original and 5 copies of all filings. All relevant and timely comments and reply comments filed in this Docket will be considered by the Commission before further action is taken. The Commission may also take into account other pertinent information before it in addition to specific comments elicited by the Notice in this proceeding.[3]

12. Responses will be available for public inspection during regular business hours in the Commission's

[2] The date of the conference has been changed to 1983.

[3] Appendices I—VII, concerning Reports of Working Groups, are not published herein due to the effort to minimize printing costs. However, they are available for inspection in the Dockets Branch, Room 239, 1919 M St. NW., Washington, D.C. and are filed with the original.

Public Reference Room at its headquarters in Washington, D.C.

13. For further information concerning this matter contact Robert C. McIntyre at (202) 632–7175.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81–36179 Filed 12–21–81; 8:45 am]

BILLING CODE 6712–01–M

Policy on Cable Ownership; Order Extending Time for Filing Comments

AGENCY: Federal Communications Commission.

ACTION: Extension of Time for filing Comments on Office of Plans & Policy's Staff Study *FCC Policy on Cable Ownership.*

SUMMARY: This action, by the General Counsel pursuant to delegated authority, grants in part the joint motion by the National Telephone Cooperative Association, Telephone and Data Systems, Inc., Organization for the Protection and Advancement of Small Telephone Companies, and the United States Independent Telephone Association to extend the time for filing comments in response to the Office of Plans and Policy's staff study entitled *FCC Policy on Cable Ownership.*[1]

DATES: The deadline for filing comments has been extended from December 17, 1981 to January 18, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Randy Thomas, Office of General Counsel (202) 632–6990.

SUPPLEMENTARY INFORMATION:

In the matter of comments on Office of Plans and Policy staff study *FCC policy on cable ownership.*

Adopted: December 10, 1981.

Released: December 11, 1981.

1. The General Counsel has under consideration a joint motion to extend the time within which to file comments addressing the Office of Plans and Policy's staff study entitled *FCC Policy on Cable Ownership,* released November 17, 1981. The joint motion was filed on December 7, 1981, by the National Telephone Cooperative Association, Telephone and Data Systems, Inc., Organization for the Protection and Advancement of Small Telephone Companies, and the United States Independent Telephone Association. The movants request that comment period be extended from December 17, 1981, to February 12, 1982. They assert that additional time is needed in order to address the complex issues presented by the staff report and concurrently analyze the Report of the House Subcommittee on Telecommunications, Consumer Protection and Finance.

2. Based upon the foregoing, I find that under the circumstances presented the request for an extension of time should be granted only in part pursuant to the authority delegated to the General Counsel. *See* 47 CFR 0.251(b) (1980).

3. Accordingly, it is hereby ordered that the Joint Motion for Extension of Time filed by the National Telephone Cooperative Association, Telephone and Data Systems, Inc., the Organization for the Protection and Advancement of Small Telephone Companies, and the United States Independent Telephone Association is hereby granted in part and that the time for filing comments in the above-captioned proceeding is extended to and including January 18, 1982.

Stephen A. Sharp,

General Counsel.

[FR Doc. 81–36198 Filed 12–21–81; 8:45 am]

BILLING CODE 6712–01–M

[1] This study was not originally published in the Federal Register.

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1597–R]

John L. Ross, d.b.a. J. L. Ross & Co.; Order of Revocation of Freight Forwarder License

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of John L. Ross, dba J. L. Ross & Co., c/o World Cargo Agency, Inc., Bay 40 Lewis Wharf, Boston, MA 02110 was cancelled effective November 14, 1981.

By letter dated October 26, 1981, John L. Ross, dba J. L. Ross & Co. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1597–R would be automatically revoked unless a valid surety bond was filed with the Commission.

John L. Ross, dba J. L. Ross & Co. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1597–R be and is hereby revoked effective November 14, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 1597–R issued to John L. Ross, dba J. L. Ross & Co. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon John L. Ross, dba J. L. Ross & Co.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81–36200 Filed 12–21–81; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

[Docket No. R–0324]

Fee Schedules for Federal Reserve Bank Services; Coin Wrapping

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Fee schedule for coin wrapping.

SUMMARY: The Monetary Control Act of 1980 (Title I of Public Law 96–221) requires that a schedule of fees be established for Federal Reserve Bank services. The Board has previously adopted a set of pricing principles for Federal Reserve Bank services and has established implementation dates on which fee schedules for each of the services will become effective. The Board has now adopted fee schedules for coin wrapping services.

EFFECTIVE DATE: January 28, 1982.

FOR FURTHER INFORMATION CONTACT: Lorin S. Meeder, Associate Director for Federal Reserve Bank Operations (202/452–2738); Earl G. Hamilton, Assistant Director for Federal Reserve Bank Operations (202/452–3879); Merphil S. Kondo, Senior Economist (202/452–3875); Steven O. App, Manager, Cash Services (202/452–2705); Gilbert T. Schwartz, Associate General Counsel (202/452–3625); Daniel L. Rhoads, Attorney (202/452–3711).

SUPPLEMENTARY INFORMATION: The Monetary Control Act of 1980 requires that fee schedules be developed for Federal Reserve Bank services based on pricing principles established by the Board. The Act provides that the Board shall begin putting into effect a schedule of fees not later than September 1, 1981, and that services covered by the fee schedule are to be made available to all

depository institutions. The Board, in accordance with the requirements of the Act, published for comment proposed pricing principles and fee schedules for services on August 28, 1980 (45 FR 58689). On December 30, 1980, after considering the comments received from the public, the Board took the following actions: adopted revised pricing principles; approved the fee schedules for several services, and established implementation dates on which fee schedules for each service will become effective. The Board has now adopted a fee schedule for coin wrapping services.

1982 Fee Schedule

The Monetary Control Act of 1980 requires that "[o]ver the long run fees shall be established on the basis of all direct and indirect costs actually incurred in providing the Federal Reserve services priced * * * except that the pricing principles shall give due regard to competitive factors and the provision of an adequate level of such services nationwide." The Act also requires that fees for Federal Reserve services take into account "the taxes that would have been paid and the return on capital that would have been provided had the services been furnished by a private business firm." This markup is referred to as the private sector adjustment factor (PSAF).

Two Federal Reserve Banks are planning to offer coin wrapping services in 1982. The fee for the coin wrapping service to be offered by the Federal Reserve Bank of Cleveland is based on the estimated 1982 full costs of providing this service. A private sector adjustment factor of 16 percent has been applied to these costs. The Federal Reserve Bank of Cleveland will charge 3.2 cents per roll for its coin wrapping service.

The Federal Reserve Bank of Boston also plans to offer a coin wrapping service in 1982. This service will be subcontracted by the Reserve Bank. A private sector adjustment factor of 16 percent has been applied to the administrative costs of coin wrapping incurred by the Federal Reserve Bank of Boston but not to payments made to the subcontractor, since the cost of capital and taxes is already included in these payments. The Federal Reserve Bank of Boston will charge 2.8 cents per roll for its coin wrapping service.

The remaining Federal Reserve Banks are not currently planning to offer a coin wrapping service 1982.

By order of the Board of Governors of the Federal Reserve System, December 16, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-38457 Filed 12-21-81; 8:45 am]

BILLING CODE 6210-01-M

Banks of Iowa, Inc.; Acquisition of Bank

Banks of Iowa, Inc., Des Moines, Iowa, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of The Avoca State Bank, Avoca, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than January 15, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 16, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-38448 Filed 12-21-81; 8:45 am]

BILLING CODE 6210-01-M

Bay Area Bancorp, Inc.; Formation of Bank Holding Company

Bay Area Bancorp, Inc., Webster, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Bay Area Bank and Trust, Webster, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 15, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 16, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-38449 Filed 12-21-81; 8:45 am]

BILLING CODE 6210-01-M

Cascade Bancorp; Formation of Bank Holding Company

Cascade Bancorp, Bend, Oregon, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding compnay by acquiring 100 percent of the voting shares of Bank of the Cascades, Bend, Oregon. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 15, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 16, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-38450 Filed 12-21-81; 8:45 am]

BILLING CODE 6210-01-M

Commercial National Corp.; Acquisition of Bank

Commercial National Corporation, Peoria, Illinois, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares less directors' qualifying shares, of the successor by merger to Prospect National Bank of Peoria, Peoria, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the

application should submit views in writing to the Reserve Bank to be received not later than January 15, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 16, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36451 Filed 12-21-81; 8:45 am]

BILLING CODE 6210-01-M

Commercial National Corp.; Acquisition of Bank

Commercial National Corporation, Peoria, Illinois, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares, less directors' qualifying shares, of the successor by merger to University National Bank of Peoria, Peoria, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be redeived not later than January 15, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 16, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36452 Filed 12-21-81; 8:45 am]

BILLING CODE 6210-01-M

First Coweta Corp.; Formation of Bank Holding Company

First Coweta Corporation, Coweta, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The First National Bank of Coweta, Coweta, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 15, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 16, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36453 Filed 12-21-81; 8:45 am]

BILLING CODE 6210-01-M

First Seneca Corp.; Formation of Bank Holding Company

First Seneca Corporation, Oil City, Pennsylvania, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of First Seneca Bank and Trust Company, Butler, Pennsylvania. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 13, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 16, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36454 Filed 12-21-81; 8:45 am]

BILLING CODE 6210-01-M

Leeds Bancgroup, Inc.; Formation of Bank Holding Company

Leeds Bancgroup, Inc., Leeds, Alabama, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 86.11 percent or more of the voting shares of The Citizens Bank of Leeds, Leeds, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 15, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 16, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36455 Filed 12-21-81; 8:45 am]

BILLING CODE 6210-01-M

Peoples Ban Corp.; Proposed Acquisition of Tellus Financial Services, Inc.

Peoples Ban Corporation, Seattle, Washington, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire through its subsidiary, Peoples Mortgage Company, Seattle, Washington, voting shares of Tellus Financial Services, Inc., Seattle, Washington.

Applicant states that the proposed subsidiary would engage in the activities of servicing loans and extensions of credit, including the servicing of contract collections for the time sharing industry. These activities would be performed from offices of Applicant's subsidiary in Seattle, Washington, and the geographic area to be served is the United States. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce

benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received no later than January 15, 1982.

Board of Governors of the Federal Reserve System, December 16, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36408 Filed 12-21-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules; Kuwait Petroleum Corp.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Kuwait Petroleum Corp. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Santa Fe International Corp. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: December 4, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-36423 Filed 12-21-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 81N-0305]

Newport Pharmaceuticals International, Inc.; Isoprinosine; Opportunity for Hearing on Proposal To Refuse To Approve New Drug Application

Correction

In FR Doc. 81-28660 appearing at page 48762 in the issue for Friday, October 2, 1981, make the following corrections:

1. On page 48762, in the third column, in the Summary, in the second line, "19-575" should have read" 18-575".

2. On page 48763, in the first column, in the first full paragraph, in the second line, "its application." should have read "its application was not approvable and explaining the deficiencies in the application.".

3. On page 48764, in the third column, in the first paragraph, in the second line, "affective" should have read "affecting".

4. On page 48764, in the third column, in the third paragraph, in the fourteenth line, "(*a*)(*4*)(*in*)" should have read "(*a*)(*4*)(*iv*)".

BILLING CODE 1505-01-M

Consumer Participation; Open Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meetings: Baltimore District Office, Chaired by Thomas L. Hooker, District Director.

DATE: Tuesday, January 5, 1982, 10 a.m. to 12 m.

ADDRESS: Maryland State Highway Administration Bldg., 1st Floor Auditorium, 330 W. Preston St., Baltimore, MD 21201.

FOR FURTHER INFORMATION CONTACT: Anne Lane, Consumer Affairs Officer, Food and Drug Administration, 900 Madison Ave., Baltimore, MD 21201, 301-962-3731. Houston Station Office, Chaired by Anthony J. Whitehead, Director.

DATE: Friday, January 8, 1982, 10:45 a.m.

ADDRESS: T.R.I.M.S. Gerontology Center, 1300 Moursund St., Houston, TX 77030.

FOR FURTHER INFORMATION CONTACT: Sheryl Lunnon-Baylor, Consumer Affairs Officer, Food and Drug Administration, 1440 North Loop St., Suite 250, Houston, TX 77009, 713-226-5581. Minneapolis District Office, Chaired by Henry P. Roberts, District Director.

DATE: Thursday, January 21, 1982, 7:30 p.m.

ADDRESS: The Jewish Community Center, 4330 Cedar Lake Rd. South, St. Louis Park, MN 55416.

FOR FURTHER INFORMATION CONTACT: Blanche L. Erkel, Consumer Affairs Officer, Food and Drug Administration, 240 Hennepin Ave., Minneapolis, MN 55401, 612-752-2121.

SUPPLEMENTARY INFORMATION: The purpose of these meetings is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: December 16, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-36406 Filed 12-23-81; 8:45 am]

BILLING CODE 4160-01-M

Public Health Services

Block Grant Funds; Delegation of Authority

Notice is hereby given that on November 24, 1981, the Secretary of Health and Human Services delegated to the Assistant Secretary for Health the authority vested in the Secretary under Title XVII, Subtitle C, Chapter 2 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35), Block Grant Funds,

insofar as the authority pertains to Part A of Title XIX of the Public Health Services Act, Preventive Health and Health Services Block Grant, and Part B of Title XIX of the Public Health Services Act, Alcohol and Drug Abuse and Mental Health Services Block Grant. The Assistant Secretary for Health may redelegate the authority to the PHS agency heads. The PHS agency heads may redelegate to officials who report directly to them, except that the Director, Centers for Disease Control, may redelegate to officials within the Office of the Director, Centers for Disease Control. The authority may also be delegated through customary channels to the Regional Health Administrators.

In addition, the Secretary affirmed and ratified all actions taken on behalf of the Secretary of Health and Human Services from October 1, 1981 to the effective date of the delegation, insofar as those actions pertain to the authority delegated.

Dated: December 14, 1981.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 81-36425 Filed 12-21-81; 8:45 am]

BILLING CODE 4160-17-M

Block Grant Programs; Delegation of Authority

Notice is hereby given that on November 23, 1981, the Secretary of Health and Human Services delegated to the Assistant Secretary for Health the authorities vested in the Secretary under Title XIX of the Public Health Services Act, as amended, concerning the Preventive Health and Health Services Block Grant; Alcohol and Drug Abuse and Mental Health Services Block Grant; and Primary Care Block Grants. The Secretary also affirmed and ratified actions taken by the Assistant Secretary or his subordinates which, in effect, involved the exercise of these authorities prior to the effective date of the delegation. The delegation to the Assistant Secretary for Health did not include the authority to promulgate regulations, submit reports to Congress, take final action to withhold funds from States, or act under the nondiscrimination provisions of the Act.

Under the delegation, the Assistant Secretary for Health may redelegate the authorities delegated to him to an official who reports directly to him, and that official may redelegate no further than an official who reports directly to him.

Dated: December 14, 1981.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 81-36470 Filed 12-21-81; 8:45 am]

BILLING CODE 4160-17-M

Maternal and Child Health Services Block Grant; Delegation of Authority

Notice is hereby given that on November 23, 1981, the Secretary of Health and Human Services delegated to the Assistant Secretary for Health the authorities vested in the Secretary under Title V of the Social Security Act, as amended, concerning the Maternal and Child Health Services Block Grant. The Secretary also affirmed and ratified actions taken by the Assistant Secretary or his subordinates which, in effect, involved the exercise of these authorities prior to the effective date of the delegation. The delegation to the Assistant Secretary for Health did not include authority to promulgate regulations, submit reports to Congress, take final action to withhold funds from States, or act under the nondiscrimination provisions of the Act.

Under the delegation, the Assistant Secretary for Health may redelegate the authorities delegated to him to an official who reports directly to him, and that official may redelegate no further than an official who reports directly to him.

The delegation supersedes the April 15, 1980 delegation from the Secretary (45 FR 30139) to the Assistant Secretary for Health of authority under Title V of the Social Security Act. Redelegations of authority based on the April 15, 1980 delegation made to other PHS officials may continue in effect until new redelegations are issued provided they are consistent with the delegation to the Assistant Secretary for Health.

Dated: December 14, 1981.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 81-36427 Filed 12-21-81; 8:45 am]

BILLING CODE 4160-17-M

Orderly Closure, Transfer, and Financial Self-sufficiency of Public Health Service Hospitals and Clinics; Delegation of Authority

Notice is hereby given that on November 23, 1981, the Secretary of Health and Human Services delegated, with authority to redelegate, the authorities vested in the Secretary under Pub. L. 97-35 (Omnibus Budget Reconciliation Act of 1981) and Pub. L. 97-85 concerning the orderly closure, transfer, and financial self-sufficiency of Public Health Service Hospitals and Clinics, as follows:

1. To the Assistant Secretary for Management and Budget the authority to execute and implement the transfer of HHS owned real property and related personal property of the Public Health Services Hospitals and Clinics.

2. To the Assistant Secretary for Health all other authorities including the authorities to dispose of personal property other than that identified in 1. above, except that authority to determine the feasibility of the proposals for transfer or achievement of financial self-sufficiency shall remain with the Secretary.

The Secretary affirmed and ratified actions taken by the Assistant Secretary for Health or his subordinates which, in effect, involved the exercise of these authorities prior to the effective date of the delegation.

Dated: December 14, 1981.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 81-36428 Filed 12-21-81; 8:45 am]

BILLING CODE 4160-17-M

Social Security Administration

Delegation of Authority

Notice is hereby given that on November 23, 1981, the Secretary of Health and Human Servies delegated to the Commissioner of Social Security the authorities vested in the Secretary under the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) concerning the Low-Income Home Energy Assistance Program authorized by sections 2601-2610 of the Act. The Secretary also affirmed and ratified actions taken by the Commissioner or his subordinates which, in effect, involved the exercise of these authorities prior to the effective date of the delegation. The delegation to the Commissioner did not include authority to promulgate regulations, submit reports to Congress, take final action to withhold funds from States, or act under the nondiscrimination provisions of the Act.

Under the delegation, the Commissioner of Social Security may redelegate the authorities delegated to him to an official who reports directly to him, and that official may redelegate no further than an official who reports directly to him.

The delegation supersedes the December 31, 1980 delegation from the Secretary to the Commissioner of Social

Security concerning the Home Energy Assistance Act of 1980.

Dated: December 14, 1981.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 81-36434 Filed 12-21-81; 8:45 am]

BILLING CODE 4195-11-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Arizona; Classification Decision; Lease or Sale Under the Recreaton and Public Purposes Act in Graham County, Arizona; Correction

In FR Doc. 81-32469, appearing on page 55565, first column, in the issue of Tuesday, November 10, 1981, the following change is made:

On page 55565, first column, Bureau of Land Management, Classification Decision; Lease or Sale; Graham County Arizona, change the date now reading "Dated: August 30, 1981", to read "Dated: October 30, 1981".

Dated: December 11, 1981.

Lester K. Rosenkranca,

District Manager.

[FR Doc. 81-36517 Filed 12-21-81; 8:45 am]

BILLING CODE 4310-84-M

[A-9973]

Arizona; Proposed Withdrawal and Reservation of Lands

December 15, 1981.

Withdrawal Application A-9973, filed by the Corps of Engineers on behalf of the Department of Defense, for the Luke Air Force Range, was published in the Thursday, May 12, 1977 **Federal Register.** It included the following described lands:

Gila and Salt River Meridian, Arizona

Area "A"
T. 14 S., R. 8 W., unsurveyed,
Secs. 19 to 21, inclusive, and 28 to 33, inclusive.
T. 15 S., R. 8 W., unsurveyed,
Secs. 4 to 9, inclusive, secs. 16 to 21, inclusive, and secs. 28 to 33 inclusive.
T. 16 S., R. 8 W., unsurveyed,
Secs. 4 to 9, inclusive, secs. 16 to 21, inclusive, and secs. 28 to 33 inclusive.
T. 17 S., R. 8 W., unsurveyed,
Secs. 4, 5, 6, 8, and 9.
T. 14 S., R. 9 W., unsurveyed,
Secs. 16 to 36, inclusive.
T. 15 S., R. 9 W., unsurveyed.
T. 16 S., R. 9 W., unsurveyed.
T. 17 S., R. 9 W., unsurveyed.
T. 14 S., R. 10 W., unsurveyed,
Secs. 13 to 36, inclusive.
T. 15 S., R. 10 W., unsurveyed.
T. 16 S., R. 10 W., unsurveyed.

Area "B"
T. 8 S., R. 12 W.
T. 9 S., R. 12 W.
T. 8 S., R. 13 W.,
Secs. 1 to 4, inclusive;
Sec. 5, lot 1, and S½;
Sec. 6, SE¼SE¼;
Secs. 7 to 36, inclusive.
T. 9 S., R. 13 W.
T. 8 S., R. 14 W.,
Sec. 11, S½SE¼ lying south of railroad right-of-way;
Sec. 12, SE¼NE¼ and S½ lying south of railroad right-of-way;
Sec. 13;
Sec. 14, that portion lying south of railroad right-of-way;
Sec. 15, S½NE¼ and S½ lying south of railroad right-of-way;
Sec. 16, S½SW¼ and SE¼ lying south of railroad right-of-way;
Sec. 19;
Secs. 20 and 21, that portion lying south of railroad right-of-way;
Secs. 22 to 36, inclusive.
T. 9 S., R. 14 W.
T. 8 S., R. 15 W.,
Secs. 33 to 36, inclusive.
T. 9 S., R. 15 W.
T. 9 S., R. 16 W.,
Secs. 1 and 2;
Secs. 7 to 36, inclusive.
T. 9 S., R. 17 W., partially surveyed,
Secs. 12 to 16, inclusive;
Sec. 17, S½;
Secs. 19 to 36, inclusive.
T. 9 S., R. 18 W.,
Sec. 21, SE¼;
Sec. 22, S½;
Secs. 23 to 36, inclusive.
T. 9 S., R. 19 W.,
Secs. 25 to 36, inclusive.
T. 9 S., R. 20 W.,
Secs. 25 to 36, inclusive.
T. 10 S., R. 20 W., unsurveyed,
Secs. 4 to 10, inclusive;
Secs. 14 to 23, inclusive;
Secs. 28 to 36, inclusive.
T. 9 S., R. 21 W.,
Secs. 25 to 36, inclusive.
T. 10 S., R. 21 W.
T. 11 S., R. 21 W.
T. 12 S., R. 21 W.
T. 9 S., R. 22 W.,
Secs. 25 to 28, inclusive;
Sec. 29, E½, E½NW¼, and SW¼;
Secs. 32 to 36, inclusive.
T. 10 S., R. 22 W.,
Secs. 1 to 5, inclusive;
Sec. 6, E½;
Secs. 7 to 36, inclusive.
T. 11 S., R. 22 W.
T. 12 S., R. 22 W.

Area "C"
T. 6 S., R. 8 W., partially surveyed,
Sec. 26, SW¼, SW¼NW¼ and S½NW¼NW¼;
Secs. 27 to 31, that portion lying south of the railroad right-of-way;
Secs. 32, 33, and 34;
Sec. 35, W½, W½SE¼.
T. 6 S., R. 9 W.,
Sec. 25, that portion lying south of the railroad right-of-way;
Secs. 33, 34, and 35, those portions lying south of the railroad right-of-way.
T. 7 S., R. 8 W.,
Sec. 2, Lots 2, 3, and 4, S½NW¼, SW¼NE¼, and S½;
Secs. 3 to 11, inclusive;
Sec. 12, S½SW¼NW¼ and W½SW¼.
T. 7 S., R. 9 W.,
Secs. 1 to 4, inclusive and secs. 9 to 12, inclusive.

Containing 502, 792 acres, more or less.

The Luke Air Force Range also encompasses approximately 2,161,629 additional acres withdrawn for use by the Department of the Defense. The Department of Defense desires to continue using all of the 2,664,423 acres in the existing Luke Air Force Range for training aircraft pilots by the United States military forces. During the course of processing the Withdrawal Application A-9973, public hearings were held in Phoenix on March 9, 1978, and Ajo on April 28, 1978, and an Environmental Impact Statement was prepared. The entire 2,664,423 acres on the existing range were the subject of these hearings and the Environmental Statement.

It is therefore proposed that, subject to valid existing rights, the following described lands also remain withdrawn from settlement, sale, location, or entry under the general land laws, including the mining and mineral leasing laws, and be incorporated into a single withdrawal along with the above listed lands in Areas "A", "B", and "C":

Area "D"
T. 13 to 16 S., R. 11 W., unsurveyed.
T. 10 to 15 S., R. 12 W., partially unsurveyed.
T. 10 to 15 S., R. 13 W., partially unsurveyed.
T. 10 to 15 S., R. 14 W., partially unsurveyed.
T. 10 to 13 S., R. 18 W., partially unsurveyed.
T. 10 to 13 S., R. 19 W., unsurveyed.
T. 10 to 14 S., R. 15 W., partially unsurveyed.
T. 10 to 14 S., R. 16 W., partially unsurveyed.
T. 10 to 14 S., R. 17 W., partially unsurveyed.
T. 10 S., R. 20 W., partially unsurveyed.
Secs. 1 to 3, inclusive.
Secs. 11 to 13, inclusive.
Secs. 24 to 25, inclusive.
T. 11 to 13 S., R. 20 W., unsurveyed

Area "E"
T. 13 S., R. 8 W., unsurveyed.
Secs. 2 to 11, inclusive.
Secs. 14 to 36, inclusive.
T. 13 S., R. 9 W., unsurveyed.
T. 13 S., R. 10 W.,
T. 14 S., R. 7 W.,
Secs. 6, 7, and 18
T. 14 S., R. 8 W.,
Secs. 1 to 18, inclusive.
T. 14 S., R. 9 W.,
Secs. 1 to 15, inclusive.
T. 14 S., R. 10 W.,
Secs. 1 to 12, inclusive.

Area "F"
T. 6 S., R. 5 W.,
Sec. 13;
Sec. 14, E½, S½NW¼SW¼
Secs. 15, 16, and 17, inclusive;

Sec. 18, lots 3, 4, E½NE¼, SW¼NE¼, SE¼NW¼, E½SW¼, SE¼;
Secs. 19 to 23, inclusive;
Secs. 25 to 36, inclusive.
T. 7 S., R. 5 W.,
Secs. 1 to 12, inclusive.
T. 6 S., R. 6 W.,
Sec. 13, E½SE¼, SW¼SE¼, SE¼SW¼;
Sec. 22, E½SE¼, SW¼SE¼, S½SW¼;
Sec. 23, S½, E½NE¼, SW¼NE¼, SE¼NW¼;
Secs. 24 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 7 S., R. 6 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 12, inclusive.
T. 11 S., R. 6 W.,
Sec. 3, lot 4, SW¼NW¼, W½,SW¼;
Secs. 4 to 9, inclusive;
Sec. 10, W½NW¼, SW¼;
Secs. 13 to 21, inclusive;
Sec. 24, W½W½
Sec. 25, W½NW¼;
Sec. 26, S½;
Sec. 27, NW¼, S½;
Secs. 28 to 30, inclusive.
Area "G"
T. 7 S., R. 1 W., unsurveyed,
Secs. 13 to 36, inclusive.
T. 8 and 9 S., R. 1 W., unsurveyed.
T. 7 S., R. 2 W., unsurveyed,
Secs. 13 and 36, inclusive.
T. 8 and 9 S., R. 2 W., unsurveyed.
T. 7 S., R. 3 W.,
Secs. 13 to 36, inclusive.
T. 8 and 9 S., R. 3 W.
T. 10 S., R. 3 W., unsurveyed,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 7 S., R. 4 W.,
Secs. 13 to 36, inclusive.
T. 8, 9, and 10 S., R. 4 W., partially unsurveyed.
T. 7 S., R. 5 W,
Secs. 13 to 36, inclusive.
T. 8, 9 and 10 S., R. 5 W., partially unsurveyed.
T. 7 S., R. 6 W.,
Secs. 13 to 36, inclusive.
T. 8, 9 and 10 S., R. 6 W., partially unsurveyed.
T. 7 S., R. 7 W.,
Secs. 13 to 36, inclusive.
T. 8 to 12 S., R. 7 W., partially unsurveyed.
T. 7 S., R. 8 W.,
Secs. 13 to 36, inclusive.
T. 8 to 12 S., R. 8 W., unsurveyed.
T. 7 S., R. 9 W.,
Secs. 13 to 36, inclusive.
T. 8 to 12 S., R. 9 W., unsurveyed.
T. 8 to 12 S., R. 10 W., partially unsurveyed.
T. 8 to 12 S., R. 11 W., partially unsurveyed.
T. 8 and 9 S., R. 11½ W.
Area "H"
T. 6 S., R. 5 W.,
Sec. 24.
Area "J"
T. 11 S., R. 6 W.,
Sec. 22, W½.

All of the above areas described aggregate approximately 2,664,423 acres in Maricopa, Pima and Yuma Counties, Arizona.

For a period of 90 days from the date of publication of this notice all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

The Environmental Statement and Map No. 11–M–169.2 delineating the lands involved are of record in the Arizona State Office, in case file A–9973.

All correspondence in connection with this withdrawal should be directed to the undersigned officer, Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–36520 Filed 12–21–81; 8:45 am]

BILLING CODE 4310–84–M

Colorado; Amendment to the Williams Fork Management Framework Plan for Coal

Notice is hereby given in accordance with Pub. L. 94–579, section 603 and 43 CFR, Parts 3400 and 1601, that the Bureau of Land Management, Craig District Colorado, has applied the coal unsuitability criteria through the land use planning process. The results of this application are available for public comment as the Draft Williams Fork Management Framework Plan Coal Amendment Environmental Assessment (Draft WFMFP Coal Amendment EA).

Public comment is invited on this environmental assessment of the application of the unsuitability criteria. Copies of the Draft WFMFP Coal Amendment EA are available on request from the Official BLM Contact listed below.

Comments on the Draft WFMFP Coal Amendment EA must be received by January 30, 1981, in order to be considered in the final WFMFP Coal Amendment EA. Please address comments to the Official BLM Contact listed below.

Official BLM Contact: Duane Johnson, Team Leader, Bureau of Land Management, P.O. Box 1136, Little Snake Resource Area, Craig, CO 81626 or telephone (303) 824–4441.

Vernie D. Armstrong,

Acting District Manager.

[FR Doc. 81–36519 Filed 12–21–81; 8:45 am]

BILLING CODE 4310–84–M

[Serial No. OR 33844]

Designation of Woodcock Bog Research Natural Area

Pursuant to the authority in 43 CFR Subpart 2070, and authorization from the Director dated November 19, 1981, I hereby designate lands within the following described area and displayed on a map labeled "Proposed Woodcock Bog Research Natural Area" as Woodcock Bog Research Natural Area:

Willamette Meridian

T. 39 S., R. 8 W.,
Sec. 31, N ½SW¼, SW¼SW¼.

The designated area aggregates approximately 111.19 acres in Josephine County.

In accordance with 43 CFR 2071.4(a), this designation action is only for the purpose of identifying the Bureau's current management objectives for the area, and, unto itself, has no effect upon established use or management of the lands and resources involved. The area is designated under the category of Natural Resources Experiment and Research Areas, which covers relatively small areas used for research or experimental purposes (43 CFR 2071.(b)(4)). The primary management objectives for Woodcock Bog are to maintain its quality as a significant example of natural diversity, and to facilitate its use by authorized persons and groups for nonmanipulative and nondestructive scientific research and education. The area has been determined to meet the criteria for BLM Research Natural Areas prescribed by 43 CFR 8223.0–5. It will be managed under regulations in 43 CFR 8223.1 and in accordance with applicable provisions in the Josephine Management Framework Plan approved September 30, 1979.

William G. Leavell,

State Director.

December 14, 1981.

[FR Doc. 81–36483 Filed 12–21–81; 8:45 am]

BILLING CODE 4310–84–M

Geological Survey

Leasing of Federal Coal, Powder River Coal Region; Request for Public Comment on Fair Market Value and Maximum Economic Recovery

AGENCY: Geological Survey, Interior.

The U.S. Geological Survey has delineated Federal coal tracts located in the Powder River Basin of southeastern Montana and northeastern Wyoming. Nineteen of these tracts are currently under consideration for public lease sale

by the Department of the Interior. Leasing of Federal coal in the Powder River Coal Region is a result of the Secretary of Interior's decision to offer coal in specific Federal coal regions.

Descriptions of the tracts are in Table I and Table II. More complete geologic data on these tracts are available in tract delineation reports and the economic recovery potential analysis reports for each tract. These reports are available for public inspection at the Office of the Deputy Conservation, Manager for Resource Evaluation, North Central Region, Conservation Division, U.S. Geological Survey, 100 East "B", Room 2001, Casper, Wyoming. Additional information on the tracts located in the State of Wyoming is available from the Bureau of Land Management Casper District Office, 951 Rancho Road, Casper, Wyoming. For information on tracts located in the State of Montana contact Bureau of Land Management, Miles City District Office, West of Miles City, Miles City, Montana.

A final Secretarial decision on any public lease sale is expected to be made in January, 1982. Information regarding any changes of acreages or tonnages on the final selected tracts to be offered may be obtained from the aforementioned BLM District offices.

The public is invited to submit written comments on the fair market value and the maximum economic recovery of the listed tracts to the U.S. Geological Survey. Comments should address, but not necessarily be limited to the following information:

1. The quality and quantity of the coal resources for each tract;
2. The mining method or methods which would achieve maximum economic recovery of the coal, including specification of seams to be mined on each tract and the most desirable timing and rate of production;
3. The quantity of coal by seam on each tract;
4. Which of the tracts, if any, should be evaluated as part of a larger mining unit (i.e., those tracts which do not in themselves form a logical mining unit);
5. The configuration of any larger mining unit of which the tract may be a part;
6. Restrictions to mining which may affect coal recovery;
7. The price that the mined coal would bring in the market place;
8. Costs, including mining and reclamation, of producing the coal;
9. The percentage rate at which anticipated income streams should be discounted, either in the absence of inflation or with inflation, in which case the anticipated rate of inflation should be given;
10. Depreciation and other accounting factors;
11. The value of any surface estate where held privately;
12. Documented information on the terms and conditions of recent and similar coal land transactions in the lease sale area; and
13. Any comparable sales data of similar coal lands.

If any information submitted is considered to be proprietary, the information must be so labeled on the first page of any written comment(s). the U.S. Geological Survey will treat any submitted information as being confidential if so requested by any person(s), firm(s), or organization(s), and if authorized by the exemption provisions of the Freedom of Information Act. Comments should be sent to the Conservation Manager, North Central Region, Conservation Division, U.S. Geological Survey, Post Office Box 2859, Casper, Wyoming 82602. Comments should be received no later than January 21, 1982.

This request for comments should not be interpreted as a firm commitment by the Federal Government to lease any of the tracts mentioned. Any decision to offer for public lease sale any of the tracts will be made in a public notice of sale issued by the BLM not less than 30 days prior to any sales. These procedures are set forth in Federal Coal Regulations in 43 CFR Group 3400.

In addition to the information regarding reserves, Departmental policy calls for release of all nonproprietary data which are used as input in the discounted cash flow evaluation model. Under this policy, the U.S. Geological Survey is releasing for public comment and review our initial estimates of:

1. The coal selling price, which is an estimate of the range of current market prices and is based upon the quality of the coal;
2. The unit mining cost, which is an estimate of the range of all operating costs used to produce the coal;
3. applicable discount rates and inflation rates.

TABLE I.—DESCRIPTION OF POSSIBLE LEASE TRACTS IN POWDER RIVER COAL REGION [MONTANA]

Tract name	County	Township and range	Acres	Estimated recovery reserves (mm tons)	Btu per pound	Sulphur content (percent)	Ash content (percent)
Ashland (Decker-Birney)	Powder River	T3-4S, R45E	1,949	119.0	8,354	.16	5.37
Coal Creek [1]	Powder River/Rosebud	T3S, R44-45E	1,033	60.0	8,246	.14	4.19
Colstrip A & B	Rosebud	T1-2N, R40-41E	1,632	58.5	8,020	.99	8.40
Colstrip C	do	T1N, R40E	803	18.9	8,900	.68	8.56
Colstrip D	do	T2N, R41-42E	2,250	43.2	8,680	.79	9.10
Cook Mountain	Powder River/Rosebud	T2-3S, R44-45E	2,086	176.0	8,246	.14	4.91
North Decker	Big Horn	T6-9S, R40E	1,431	86.0	8,733	.42	4.13
Northeast Otter Creek	Powder River	T3-4S, R45E	1,350	139.0	8,407	.19	8.21
Spring Creek	Big Horn	T8S, R39-40E	998	35.0	9,407	.33	3.63
Southwest Otter Creek	Powder River	T4-5S, R45E	1,821	130.0	8,393	.32	5.24
West Decker	Big Horn	T9S, R40E	40	5.0	8,553	.33	3.73

[1] Designated as SBA tract.

TABLE II.—DESCRIPTION OF POSSIBLE LEASE TRACTS IN POWDER RIVER COAL REGION [WYOMING]

Tract name	County	Township and range	Acres	Estimated recovery reserves (mm tons)	BTU per pound	Sulphur content (percent)	Ash content (percent)
Duck Nest Creek	Campbell	T47-48N, R71-72W	2,642	316	8,400	.40	5.00
Fortin Draw	do	T50N, R71W	320	48	8,000	.50	6.00
Keeline [1]	do	T44-45N, R70W	3,327	174	8,368	.60	6.56

TABLE II.—DESCRIPTION OF POSSIBLE LEASE TRACTS IN POWDER RIVER COAL REGION [WYOMING]—Continued

Tract name	County	Township and range	Acres	Estimated recovery reserves (mm tons)	BTU per pound	Sulphur content (percent)	Ash content (percent)
Kintz Creek	do	T45N, R70W	3,259	193	8,365	.60	6.50
Little Rawhide Creek	do	T51N, R72W	491	90	8,070	.40	8.00
Rocky Butte	do	T48-49N, R71W	4,874	445	8,462	.30	5.00
Spring Draw	do	T52N, R72-73W	4,098	393	7,800	.46	6.80
Timber Creek [1]	do	T48N, R70W	3,779	167	7,582	.70	7.70

[1] Designated as SBA tracts.

It should be noted that the above values are current estimates only. The values may or may not change as a result of comments received from the public, and/or changes in market conditions between now and when final economic evaluations are completed (approximately February 15, 1982). To obtain preliminary estimates, contact may be made with the U.S. Geological Survey—Conservation Division, North Central Region, Economic Evaluation Office, Room 116, 111 S. Wolcott, Casper, Wyoming (307–265–5550, extension 5735).

Dwayne E. Hull,

Conservation Manager, North Central Region.

[FR Doc. 81-36243 Filed 12-21-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Texaco U.S.A.

AGENCY: Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Texaco U.S.A. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0697, Block 37, South Pass Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metarie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: December 15, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-36321 Filed 12-21-81; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before December 11, 1981. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by January 6, 1982.

Carol D. Shull,

Acting Keeper of the National Register.

CALIFORNIA

Alameda County

Berkeley, *Corder Building, (Whitecotton Building and Witter Building)* 2300—2350 Shattuck Ave.

Butte County

Magalia, *Magalia Community Church,* Stirling Hwy.

Fresno County

Fresno, *Romain, Frank, House,* 2055 San Joaquin St.

Humboldt County

Fortuna, *Gushaw-Mudgett House,* 820 9th St.

Kern County

Shafter, *Santa Fe Passenger and Freight Depot,* 150 Central Valley Hwy.

Marin County

San Rafael, *McNear, Erskin B., House,* 121 Knight Dr.

Napa County

Napa, *Alexandria Hotel and Annex,* 840—844 Brown St.

Yountville, *Webber, John Lee, House,* 6610 Webber St.

San Diego County

San Diego, *Hawthorne Inn,* 2121 1st Ave.

San Francisco County

San Francisco, *Fillmore-Pine Building*

Santa Barbara County

Santa Barabara, *Faith Mission,* 400 State St.

MICHIGAN

St. Clair County

Marine City, *Marine City City Hall,* 300 Broadway St.

NEW HAMPSHIRE

Belknap County

Laconia, *Laconia Passenger Station,* Veterans Sq.

Coos County

Sargent's Purchase, *Tip-Top House,* Mount Washington State Park

Hillsborough County

Manchester, *Varney School,* 84 Varney St.

Wilton, *Wilton Public and Gregg Free Library,* Forest St.

Rockingham County

Derry, *Adams Memorial Building,* W. Broadway

Windham, *Searles School and Chapel,* Range and Searles Rds.

NORTH CAROLINA

Guilford County

Greensboro vicinity, *Caldwell, David, Log College Site,* W of Greensboro

[FR Doc. 81-36407 Filed 12-21-81; 8:45 am]

BILLING CODE 4310-70-M

S.G. Leoffler Co.; Intention To Negotiate Concession Contract and Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with the S.G. Leoffler Company authorizing it to provide golf facilities and services for the public at East Potomac Park for a period of approximately ten (10) years from 1/1/82 through 12/31/91. In addition, the National Park Service proposes to negotiate a concession permit with the S.G. Leoffler Company authorizing it to provide golf facilities and services for the public at Rock Creek Park for a period of approximately one (1) year from 1/1/82 through 12/31/82.

This contact renewal and permit renewal has been determined to be a categorical exclusion under the National Park Service regulations implementing the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary at both locations under an existing contract which expired by limitation of time on 12/31/73 and has been continued on a short term basis, and therefore, pursuant to the Act of October 9, 1965, as cited above is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision, in effect, grants the S.G. Leoffler Company, as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the award of the contract, if thereafter, the proposal of the S.G. Leoffler Company is substantially equal to others received. In the event a responsive proposal superior to that of the S.G. Leoffler Company, (as determined by the Secretary) is submitted, the S.G. Leoffler Company will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and if it does so, the new contract will be negotiated with the S.G. Leoffler Company. The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the thirtieth (30th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, National Capital Parks-Central, 900 Ohio Drive, SW., Washington, D.C. 20042, and the Superintendent, Rock Creek Park, N.W., Washington, D.C. 20015, for information as to the requirements of the proposed contract.

Manus J. Fish, Jr.,

Regional Director, National Capital Region.

[FR Doc. 81-36484 Filed 12-21-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980 at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPY-2-240

Decided: December 10, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier. Member Parker not participating.

MC 153883 (Sub-4), filed November 27, 1981. Applicant: HARNIC TRUCKING, INC., 3340 Calumet Ave., Hammond, IN 46320. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, 515-682-8154. Transporting, for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 159443, filed November 24, 1981. Applicant: TRANSPORTATION ASSOCIATES, INC., 510 Thatcher St., St. Louis, MO 63147. Representative: John E. Russell, 110 South Central Suite 406, St. Louis, MO 63105 (314) 863-8484. As a *broker of general commodities*, (except household goods), between points in the U.S.

MC 159463, filed November 27, 1981. Applicant: ROBERT DAUM, 602 Avon

Rd., Plainfield, IN 46168. Representative: Robert Daum (same address as applicant) 317–839–4173. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle, in such vehicle, between points in the U.S.

MC 159493, filed November 30, 1981. Applicant: BND MESSENGER SERVICE, INC., d.b.a. BND COURIER SERVICES, 373 Fifth Ave., New York, NY 10016. Representative: Barry Steinfink, 46 Waller Ave., White Plains, NY 10605, 914–428–3111. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 159523, filed December 2, 1981. Applicant: CUMBERLAND SERVICES, INC., 2933 Cobb Parkway, Atlanta, GA 30339. Representative: John E. Sapp (same address as applicant) 404–952–2159. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agicultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–2–244

Decided: December 11, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier. Member Parker not participating.

MC 159442, filed November 24, 1981. Applicant: ROYAL JONES TRUCKING, 936 Westview, Las Cruces, NM 88005. Representative: Royal Jones (same address as applicant) (505) 524–0515. Transporting (1) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, and (2) *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 159503, filed November 30, 1981. Applicant: D.A.F. AGGREGATE, d.b.a. D.A.F. TRANSIT, P.O. Box 163, Walker, MN 56484. Representative: D. A. Fisher (same address as applicant) (218) 547–1922. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other* soil conditioners by the owner of the motor vehicle in such, between points in the U.S.

Volume No. OPY–3–233

Decided: December 15, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams.

MC 143885 (Sub-4), filed December 10, 1981. Applicant: HARLAND A. WILCOX AND LEROY H. WILCOX, d.b.a. WILCOX TRUCKING, 206 Charles St., Elk Rapids, MI 49629. Representative: Rick A. Rude, 1730 Rhode Island Ave., N.W., Suite 611, Washington, DC 20036 (202) 223–5900. Transporting *general commodities* (except classes A and B explosives), between Hart, Mears, Shelby, Rothbury, and New Era, MI, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail service.

MC 159614, filed December 8, 1981. Applicant: AMERICAN PARCEL SERVICE, 65 Reservoir Ave., Randolph, NJ 07869. Representative: Kris E. Hoffman (same address as applicant) (201) 366–4738. Transporting *general commodities* (except household goods), between points in the U.S.

MC 159615, filed December 9, 1981. Applicant: EMANUEL D. CAMINIS, 1000 First National Bank Bldg., Baltimore, MD 21202. Representative: Emanuel D. Caminis (same address as applicant) (301) 685–1000. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–4–477

Decided: December 10, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams.

MC 297 (Sub-16), filed December 1, 1981. Applicant: WOODLAND TRUCK LINE, INC., P.O. Box 70, Woodland, WA 98674. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210 (503) 226–3755. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 109426 (Sub-2), filed December 4, 1981. Applicant: McCOLLOSTER'S MOVING & STORAGE, INC., 1800 Route 130 North, P.O. Box 9. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107, (215) 735–3090. Transporting, (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 144616 (Sub-17), filed December 7, 1981. Applicant: SOUTHWESTERN CARRIERS, INC., P.O. Box 79495, Saginaw, TX 76179. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Ft. Worth, TX 76112 (817), 457–0804. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 159616, filed December 8, 1981. Applicant: KENNETH HARKEMA, d.b.a. KENNETH HARKEMA TRUCKING SERVICE, 19755 Heater Lane, Reno, NC 89511. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701, (707) 882–5649. Transporting (1), for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–5–226

Decided: December 14, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC 159588, filed December 7, 1981. Applicant: EDICLER GALVAO GOMES d.b.a. QUIX MESSENGER SERVICE, 3 Horizon Drive, Huntington, NY 11743. Representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ 07666, (201) 836–1144. Transporting *shipments* weighing 100 pounds or less in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 159599, filed December 7, 1981. Applicant: W. R. S. ENTERPRISES, INC., d.b.a. AIRLINE FREIGHT, Bay #14, 900 Calcon Hook Rd., Sharon Hill, PA 19079. Representative: Barbara W. Howard (same address as applicant), (215) 237–8500. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.; transporting *shipments* weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S., transporting

food and other edible products and by-products intended for human consumption (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners*, by the owner of the motor vehicle in the vehicle, between points in the U.S.; and to operate as a *broker* of *general commodities* (except household goods) between points in the U.S.

MC 159609, filed November 7, 1981. Applicant: ALOIS P. CHAMPAGNE, JR., d.b.a. A. P. CHAMPAGNE COMPANY, P.O. Box 2348, New Orleans, LA 70176. Representative: Alois P. Champagne, Jr. (same address as applicant), (504) 568–9144. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–36435 Filed 12–21–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–2–242

Decided: December 8, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 16513 (Sub-32), filed November 25, 1981. Applicant: REISCH TRUCKING & TRANSPORTATION CO., INC., 1301 Union Ave, Pennsauken, NJ 08110. Representative: Jeffrey A. Vogelman, P.O. Box 11278, Alexandria, VA 22312, 703–750–1112. Transporting *general commodities* (except household goods and classes A and B explosives), between points in the U.S., under continuing contract(s) with San Giorgio Macaroni Company and its subsidiaries, of Lebanon, PA.

MC 85462 (Sub-6), filed November 24, 1981. Applicant: ACME MOTOR FREIGHT SERVICE, INC., 3333 South Iron St, Chicago, IL 60608. Representative: H. Barney Firestone, 10 South LaSalle St, Suite 1600, Chicago, IL 60603, 312–263–1600. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with (1) Transportation Systems International, Inc., of Minneapolis, MN, (2) Southeast Michigan Shippers Co-operative Association, of Detroit, MI, (3) Direct Shippers Association, Inc., of West New York, NJ, (4) Streamline Shippers Association, Inc., of Los Angeles, CA, (5) Trans-AM Shippers Cooperative Association, Inc., of Chicago, IL, and (6) Interstate Express, Inc., of Brooklyn, NY.

MC 107012 (Sub-756), filed November 24, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same as applicant), 219–429–2224. Transporting *chemicals and related equipment*, between points in the U.S.

MC 109593 (Sub-18), filed November 24, 1981. Applicant: H.R. HILL, Box 875, 2007 West Shawnee, Muskogee, OK 74401. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034, 405–384–7700. Transporting *such commodities* as are dealt in by manufacturers of containers, between points in the U.S., under continuing contract(s) with Liberty Glass Co., of Sapulpa, OK.

MC 144982 (Sub-23), filed November 13, 1981. Applicant: OHIO PACIFIC EXPRESS, INC., P.O. Box 277, Benton, MO 63736. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112, 817–457–0804. Transporting *food and related products*, between points in Coshocton County, OH, on the one hand, and, on the other, points in CA, OR, TX, and WA.

MC 152292 (Sub-1), filed November 27, 1981. Applicant: SUNBELT EXPRESS, INC., P.O. Box 401845, Garland, TX 75040. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, 214–255–6279. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Acme Fast Freight, Inc. of Los Angeles, CA.

MC 156973, filed November 20, 1981. Applicant: THOMAS E. KELLER TRUCKING, INC., 1010 S. Jackson St, Defiance, OH 4315. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603, 419–255–8220. Transporting *materials, equipment, and supplies* used in the manufacture and assembly of motor vehicles and component parts, and *iron and steel articles*, between points in Defiance County, OH and Saginaw County, MI.

MC 157483, filed November 13, 1981. Applicant: GEORGE E. GRAY, JR.,

TRUCKING CO., 2210 West Vernon Ave, Kinston, NC 28501. Representative: George E. Gray, Jr. (same address as applicant), 919–522–2851. Transporting *such commodities* as are dealt in and used by manufacturers and distributors of beverages between points in the U.S., under continuing contract(s) with Pepsi Cola Bottling Company of Kinston, NC.

MC 157823, filed November 17, 1981. Applicant: NOTO MAGIC CITY EXPRESS, LTD., P.O. Box 364, Moberly, MO 65270. Representative: Patricia F. Scott, 20 East Franklin, P.O. Box 258, Liberty, MO 64068, (816) 781–6000. Transporting (1) *malt beverages* between points in the U.S., under continuing contract(s) with Hunt Distributing, Inc., of Moberly, MO, and (2) *building products and corrugated steel pipe*, between points in the U.S., under continuing contract(s) with Semco Manufacturing Co., Inc., of Columbia, MO.

MC 159033, filed October 30, 1981. (Correction), previously published in the **Federal Register** issue of November 19, 1981, and republished as corrected this issue. Applicant: ROBERT D. FANSLER, d.b.a. CUMBERLAND LIMOUSINE SERVICE, 911 Michigan Ave., Cumberland, MD 21502. Representative: Robert D. Fansler (same address as applicant), (301) 777–3882. Transporting *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, between points in PA, VA, WV, DC, and those in Alleghany, Garrett, and Washington Counties, MD.

Note.—This republication is to include DC in the territory description, previously omitted from the publication.

MC 159073, filed November 24, 1981. Applicant: C. T. TRAVEL, INC., 2111 University Ave., St. Paul, MN 55114. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402, 612–333–1341. Transporting *passengers and their baggage* in the same vehicle with passengers, in charter operation, between points in the U.S., under continuing contract(s) with Consolidated Tours, Inc., of St. Paul, MN.

MC 159312 (Sub-2), filed November 24, 1981. Applicant: WILLIAM R. GAGE, d.b.a. WILLIAM R. GAGE TRUCKING COMPANY, 500 South Virginia St, Charleston, MO 63834. Representative: Jack L. Schiller, 123–60 83rd Ave, Kew Gardens, NY 11415, 212–263–2078. Transporting *meats, meat products, meat by-products and articles dealt in by meatpacking houses*, between points in the U.S., under continuing contract(s) with Mid West Commodity Export Services Inc., of Naples FL.

Volume No. OPY–2–243

Decided: December 11, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. Member Parker not participating.

MC 129863 (Sub-11), filed November 30, 1981. Applicant: FREDERICK L. BULTMAN, INC., 11144 West Silver Spring Dr., Milwaukee, WI 53225. Representative: William P. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting (1) *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), under continuing contract(s) with (a) A. D. Schinner Company, (b) C & R Warehouse, Inc., both of Milwaukee, WI, and (c) Universal Paper Division of Unisource Corp., of New Berlin, WI, (2) *such commodities* as are dealt in or used by distributors of paper and paper products, under continuing contract(s) with (a) Leslie Paper Co., of Butler, WI, and (b) Reliable Paper Company, of Brookfield, WI, and (3) *chemicals and related products*, under continuing contract(s) with Kelly Kemical, Inc., of Hartland, WI, between points in the U.S.

MC 136713 (Sub-28), filed November 27, 1981. Applicant: AERO LIQUID TRANSIT, INC., 1717 Four Mile Rd., NE, Grand Rapids, MI 49505. Representative: Daniel J. Kozera, Jr., The McKay Tower, Suite 2–A, Grand Rapids, MI 49503, (616) 458–7676. Transporting *liquified petroleum gas storage tanks and tank accessories*, between points in AR, DE, IL, AL, GA, LA, MS, NC, SC, IN, IA, KY, MD, MI, MN, MO, NE, NJ, NY, ND, OH, OK, PA, SD, TN, TX, WV, and WI.

MC 141312 (Sub-14), filed November 24, 1981. Applicant: DOKTER TRUCKING CORP., P.O. Box 408, Weeping Water, NE 68463. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *metal products* between points in Woodbury, Pottawattamie, Wapello, Scott, Story and Muscatine Counties, IA, on the one hand, and, on the other, points in IL, MN, MO, NE, and SD.

MC 146402 (Sub-40), filed November 24, 1981. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (same address as applicant), (901) 423–2408. Transporting *general commodities* (except A and B explosives) between points in the U. S., under continuing contract(s) with Maremont Corporation, of Nashville, TN.

MC 149573 (Sub-6), filed November 30, 1981. Applicant: NTL, INC., P.O. Box 6645, Lincoln, NE 68506. Representative: J. Max Harding (same address as applicant), (402) 489–3585. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Shedd's Food Products, of Detroit, MI.

MC 153273 (Sub-4), filed November 24, 1981. Applicant: SCHREIBER TRANSIT, INC., 425 Pine St., Green Bay, WI 54305. Representative: John H. Sage (same as applicant), (414) 437–7601. Transporting *food and related products* between points in the U.S., under continuing contract(s) with The Red Wing Compny, Inc., of Fredonia, NY.

MC 153973 (Sub-3), filed November 25, 1981. Applicant: SPARTAN SERVICE TRANSPORTATION, INC., 1501 West Pershing Road, Chicago, IL 60609. Representative: Themis N. Anastos, 120 West Madison St., Chicago, IL 60602, (312) 782–8666. Transporting *plastic articles* between points in the U.S., under continuing contract(s) with Amoco Container Company, of Atlanta, GA.

MC 154723, filed December 1, 1981. Applicant: C.M. PENN & SONS, INC., Rte. 1, Box 349A, Greenwell Springs, LA 70739. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245, 214–358–3341. Transporting *waste materials* between points in LA, FL, and TN.

MC 157012, filed November 24, 1981. Applicant: JAMES W. BUCKALEW, d.b.a. BUCK'S TRANSPORT CO., P.O. Box 81, Bethany, MO 64424. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, (515) 245–4300. Transporting *metal products* between Chicago, IL, on the one hand, and, on the other, points in KS, IA, MO, OK and TX.

MC 159453, filed November 27, 1981. Applicant: H. D. PERINE, d.b.a. PERINE ENTERPRISES, 1617 Celia, Wichita Falls, TX 76302. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. Transporting *meat, meat products, meat by-products, packinghouse products*, and commodities used by packinghouses between points in Sedgwick County, KS, on the one hand, and, on the other, points in AR, AZ, CA, CO, NM, OR, TX, UT and WA.

Volume No. OPY–3–232

Decided: December 15, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 88285 (Sub-5), filed December 7, 1981. Applicant: BRUCE & SON VAN & STORAGE COMPANY, 732 W. Brown, P.O. Box 799, Pampa, TX 79065. Representative: Paul D. Angenend, 1806

Rio Grande, P.O. Box 2207, Austin, TX 78768, (512) 476–6381. Transporting *Mercer Commodities*, between points in, west and north of Wichita, Archer, Young, Stephens, Eastland, Brown, McCulloch, Concho, Tom Green, Irion, Reagan, Upton, Crane, Ware and Loving Counties, TX, on the one hand, and, on the other, points in AR, CO, KS, LA, MS, NM, OK, UT, and WY.

MC 96825 (Sub-3), filed December 8, 1981. Applicant: CARPENTER TRUCKING COMPANY, INC., 1810 Milton Rd. Charlotte, NC 28215. Representative: Nancy E. Foltz, 3250 NCNB Plaza, Charlotte, NC 28280, (704) 374–1550. Transporting *electrical transformers, motors, and hardware*, and *carbonated beverages*, between points in Catawba and Mecklenburg Counties, NC, on the one hand, and, on the other, points in SC.

MC 109724 (Sub-11), filed December 7, 1981. Applicant: PAUL J. SCHMIT, d.b.a. PAUL J. SCHMIT TRUCKING, 1480 N. Springdale Rd., Waukesha, WI 53186. Representative: William P. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *general commodities* (except Classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with International Minerals & Chemical Corporation (IMC), of Mundelein, IL.

MC 145744 (Sub-6), filed December 7, 1981. Applicant: C. V. SOHN, INC., 142 Midland, Maryland Heights, MO 63043. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *food and related products*, between points in IA, IL, and NE, on the one hand, and, on the other, points in the U.S.

MC 148465 (Sub-5), filed December 7, 1981. Applicant: SMITH CARTAGE, INC., 104 South Vine Avenue, Marshfield, WI 54449. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Modern of Marshfield, Inc., of Marshfield, WI, Northern Kitchens, Inc., of Rib Lake, WI, and Opportunity Development Centers, Inc., Fiesta Grills Division, of Wisconsin Rapids, WI.

MC 148825 (Sub-3), filed December 8, 1981. Applicant: CHRISTY TRUCKING COMPANY, INC., Rt. 3, Box 480, Mocksville, NC 27028. Representative: Steven M. Beaver (same address as applicant), (919) 998–2393. Transporting *textile mill products*, between points in North Carolina, on the one hand, and, on the other, points in California.

MC 150275 (Sub-3), filed December 7, 1981. Applicant: UPPER CUMBERLAND FREIGHT, INC., Route 5, Box 122, Cookeville, TN 38501. Representative: Wayne E. Klinckhardt, 378 Scenic Dr., St. Louis, MO 63137, (314) 868–7027. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Sunbeam Corp., of Milwaukee, WI, McGraw-Edison Company, of St. Louis, MO, and Ex-Cell-O Corp., of Cookeville, TN.

MC 154295 (Sub-1), filed December 7, 1981. Applicant: S.O.S. TRUCKING, INC., 2202 W. McDowell Rd., Phoenix, AZ 85009. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264–4891. Transporting (1) *meat and meat byproducts* and (2) *food and related products*, between points in the U.S. under continuing contract(s) with Firebird Foods, Inc., of Scottsdale, AZ.

MC 155175 (Sub-1), filed December 7, 1981. Applicant: CAPITAL CITY TRUCKING, INC., 13th and Front Ave., Bismarck, ND 58501. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502, (701) 223–5300. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contracts with Congress Inc., of Bismarck, ND, Glendive Coca Cola Bottling Co., Inc., of Glendive, MT, and Jennings Lumber Company, of Mandan, ND.

MC 156105, filed December 8, 1981. Applicant: TIPTON TRUCKING COMPANY, INC., 25 S. Heald St., Wilmington, DE 19801. Representative: William P. Quinn, 1800 Penn Mutual Tower, 510 Walnut St., Philadelphia, PA 19106, (215) 925–8300. Transporting (1) *fuel, in bulk*, between points in the U.S., under continuing contract(s) with (a) Keystone Fuel Oil Company, of Wilmington, DE, (b) F. C. Haab Oil Company, of Philadelphia, PA, (c) Terroco, Inc., of Dover, DE, (d) Thermo Oil Company, of Middletown, DE, and (e) Roarda, Inc., of Belair, MD, and (2) *lumber and wood products*, between points in the U.S., under continuing contract(s) with Culpeper Wood Preservers, of Culpeper, VA.

MC 159574, filed December 7, 1981. Applicant: ALL SEASONS TRAVEL, 9310 Ringgold Rd., Chattanooga, TN 37412. Representative: Herschel Spivey (same address as applicant), (615) 892–5235. As a *broker* at Chattanooga, TN, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in special and charter operations, between points in the U.S.

MC 159594, filed December 7, 1981. Applicant: BILL J. JACKSON, d.b.a. BILL JACKSON TRUCKING, 7271 Cedar Valley Rd., West Salem, OH 44287. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives, and household goods), between the facilities of W. W. Grainger, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 159595, filed December 7, 1981. Applicant: DONALD B. AND EFFIE G. FISHER, 1715 Grace Avenue, Lebanon, PA 17042. Representative: David J. Brightbill, 44 South Eighth Street, Lebanon, PA 17042, (717) 272–6846. Transporting *passengers and their baggage*, between points in PA, on the one hand, and, on the other, points in NY, NJ, OH, WV, VA, MD, DE, NC, SC, GA, FL, TN, ME, VT, NH, MA, RI, CT, and DC.

MC 159605, filed December 8, 1981. Applicant: BARBARA J. BARNES, d.b.a. SUNNYLAND TOURS, 320 South Kimbrough St., Springfield, MO 65806. Representative: Charles A. Webb, 1828 L St., N.W., Suite 1111, Washington, DC 20036, (202) 822–8200. As a *broker*, at Springfield, MO, in arranging for the transportation of *passengers*, in charter and special operations, between points in the U.S.

Volume No. OPY–3–234

Decided: December 15, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.

MC 28985 (Sub-15), filed December 8, 1981. Applicant: SEASHORE TRANSPORTATION COMPANY, 812 Broad St., New Bern, NC 28560. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., NW, Washington, DC 20004, (202) 628–4600. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Beaufort, Brunswick, Carteret, Craven, Cumberland, Duplin, Edgecombe, Halifax, Hyde, Johnston, Jones, Lenoir, Nash, New Hanover, Onslow, Pamlico, Pender, Pitt, Sampson, Wake, Warren, Wayne, and Wilson Counties, NC, and extending to points in the U.S.

MC 121644 (Sub-13), filed December 7, 1981. Applicant: S & W FREIGHT LINES, INC., 1136 Haley Rd., Murfreesboro, TN 37130. Representative: Roland M. Lowell, Fifth Fl., 501 Union St., Nashville, TN 37219, (615) 255–0540. Transporting *general commodities*

(except classes A and B explosives), between points in AL, GA, FL, MS, NC, SC, and TN. Applicant intends to tack and interline this authority with its existing regular route authority.

MC 123074 (Sub-22), filed December 10, 1981. Applicant: M. L. ASBURY, INC., 141 S. Main St., Romeo, MI 48065. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48084, (313) 649–8650. Transporting *asphalt and asphalt products*, between points in Allen County, IN, on the one hand, and, on the other, Detroit, MI.

MC 123375 (Sub-25), filed December 9, 1981. Applicant: KIRK TRUCKING SERVICE, INC., 3100 Braun Ave., Murraysville, PA 15668. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting (1) *metal products*, and (2) *building and construction materials*, (a) between points in GA, NC, SC, and TN, and (b) between points in GA, NC, SC, and TN, on the one hand, and, on the other, points in CT, DE, IL, IN, KY, MD, MA, MI, NJ, NY, OH, PA, RI, VA, WV, WI, and DC.

MC 135614 (Sub-5), filed December 9, 1981. Applicant: ESKELIN, INC., 4604 Wornall Road, Kansas City, MO 64112. Representative: Max G. Morgan, P.O. Box 2650, Edmond, OK 73083, (816) 221–3120. Transporting *food and related products*, between points in KS and MO, on the one hand, and, on the other, points in the U.S.

MC 148585 (Sub-1), filed December 10, 1981. Applicant: CARAVAN MOTOR SERVICE, INC.,1800 Mannheim Rd., Westchester, IL 60153. Representative: Joel H. Steiner, 29 South LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *metal products*, between Chicago, IL, on the one hand, and, on the other, points in IL and WI.

MC 151504 (Sub-9), filed December 10, 1981. Applicant: PHELCO, INC., 11841 Missouri Bottom Rd., St. Louis, MO 63042. Representative: B. W. LaTourette, Jr., 11 So. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of (a) pharmaceutical and medical supplies and (b) food and related products, between points in the U.S. (except AK and HI), under continuing contract(s) with Travenol Laboratories, Inc. of Morton Grove, IL.

MC 158785, filed December 9, 1981. Applicant: CORNPATCH EXPRESS, INC., P.O. Box 387, Ayrshire, IA 50515. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309, (515) 243–6164. Transporting *such commodities* as are dealt in or used by chain hardware stores, between points in the U.S. under continuing contract(s) with William H. Harvey Co., of Omaha, NE.

MC 159624, filed December 9, 1981. Applicant: JERSEY JOURNEYS, INC., 2310 Beach Ave., Beach Haven, NJ 08008. Representative: John Rolfe (same address as applicant), (609) 492–2138. As a *broker*, at Beach Haven, NJ, in arranging for the transportation of *passengers and their baggage*, in round-trip charter operations, beginning and ending at points in Ocean County, NJ, and extending to points in the U.S.

MC 159634, filed December 10, 1981. Applicant: FREIGHT RANGERS, INC., 417 Albright Ave., Graham, NC 27253. Representative: Michael D. Massengill (same address as applicant), (919) 226–1818. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S.

MC 159635, filed December 10, 1981. Applicant: MARY ANN DILLINGHAM, d.b.a. DILLING HAM TOURS, Rt. #3, Box 208, Warrensburg, MO 64093. Representative: Mary Ann Dillingham (same address as applicant), (816) 747–6806. As a *broker* at Warrensburg, MO, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in special and charter operations, beginning and ending at points in MO and KS and extending to points in the U.S.

Volume No. OPY 4–484

Decided: December 16, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.

MC 29456 (Sub-6), filed December 9, 1981. Applicant: OREGON TRANSFER CO., P.O. Box 2804, Portland, OR 97208. Representative: John A. Anderson, 1600 One Main Pl., 101 SW Main St., Portland, OR 97204, (503) 227–4586. Transporting *general commodities* (except classes A and B explosives and household goods), between points in OR and WA.

MC 111856 (Sub-18), filed December 9, 1981. Applicant: CHOCTAW TRANSPORT, INC., 800 Bay Bridge Rd., Prichard, AL 36610. Representative: John C. Bradley, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, (703)522–0900. Transporting *general commodities* (except classes A and B explosives), between points in AL, FL, GA, LA, and MS.

MC 146536 (Sub-12), filed December 8, 1981. Applicant: WALTER SHORT AGENCY, INC., 5000 Wyoming, Dearborn, MI 48120. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167, (313) 349–3980. Transporting *building products*, between points in TX, on the one hand, and, on the other, points in MI, OH, IN, PA, NY, WI, IL, KY, TN, WV, and IA.

MC 157476, filed November 17, 1981. Previously noticed in **Federal Register**, December 2, 1981, and republished herein. Applicant: LAKEVIEW BOAT HAULERS, INC., 6223 Lake St., Box 154, Cayuga, NY 13034. Representative: Murray J. S. Kirshtein, 118 Bleecker St., Utica, NY 13501, (315) 797–1970. Transporting boats between points in AL, CT, DE, DC, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MN, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WI, WV.

Note.—The purpose of this republication is to include the state of TX inadvertenly omitted and to correct the misspelling of VA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-36432 Filed 12-21-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-71)]

Ashley, Drew & Northern Railway; Exemption for Contract Tariff ICC–ADN–C–0001

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitoner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirement of 49 U.S.C. 10713(e). This contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: The Ashley, Drew & Northern Railway Company (ADN) filed a petition on December 10, 1981, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e), to advance the effective date of its contemporaneously-filed contract tariff ICC–ADN–C–0001 (now scheduled to become effective January 4, 1982), to become effective on one day's notice. The contract permits track storage of pulp, paper, and paper products at stations on the ADN, in its own and another railroad's cars.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement.

Cf former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

ADN has excess equipment standing idle. As a result, it is offering to allow use of surplus boxcars for short-term storage, when excess production exhausts other available storage capacity. A charge for this service is provided in the contract. In the case of specific contract for which relief is here requested, the shipper has an excess production problem and requires additional storage space immediately. Thus, the shipper has requested that the contract be made effective as soon as possible.

ADN's contract tariff ICC–ADN–C–0001 may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking these exemptions under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register**.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Dated: December 16, 1981.

By the Commission, Division 1, Commissioners Clapp, Gresham, and Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-36429 Filed 12-21-81; 8:45 am]

BILLING CODE 7035-01-M

[I.C.C. Order No. P-38]

Atchison, Topeka and Santa Fe Railway Co.; Passenger Train Operation

It appearing, That the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Chicago, Illinois, and Oakland, California. The operation of these trains requires the use of the tracks and other facilities of Burlington Northern Railroad (BN). A portion of the BN tracks between Galesburg and Chicago, Illinois, are temporarily out of service because of a derailment. An alternate route is available via the Atchison, Topeka and Santa Fe Railway Company.

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

(a) Pursuant to the authority vested in me by order of the Commission decided October 30, 1981, and of the authority vested in the Commission by section 402(c) of the Rail Passenger Service Act of 1970 (45 USC 562(c)), The Atchison, Topeka and Santa Fe Railway Company (ATSF) is directed to operate trains of the National Railroad Passenger Corporation (Amtrak) between a connection with Burlington Northern Railroad (BN), at Galesburg, Illinois, and Chicago, Illinois.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(d) *Effective date.* This order shall become effective at 8:00 p.m., December 9, 1981.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 11, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This order shall be served upon The Atchison, Topeka and Sante Fe Railway Company and upon the National Railroad Passenger Corporation (Amtrak), and a copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 9, 1981.

Interstate Commerce Commission.

John H. O'Brien,

Agent.

[FR Doc. 81-36431 Filed 12-21-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 285]

Union Pacific Railroad Co.; Maintenance of Records Pertaining to Demurrage, Detention, and Other Related Accessorial Charges by Rail Common Carriers of Property

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Union Pacific Railroad Company is granted a three-year exemption from compliance with 49 CFR 1254.03(k) to the extent it requires that carriers retain copies of certain bills and underlying records at one location.

DATES: December 22, 1981.

FOR FURTHER INFORMATION CONTACT: Jane Mackall (202) 275–7656.

SUPPLEMENTARY INFORMATION: Union Pacific Railroad Company (UP) requests a permanent waiver of the Commission rule at 49 CFR 1254.03(k).[1] In the alternative, it seeks immediate waiver pending the Commission's formal review of the Ex Parte No. 285 rules.

When the Commission initially adopted these rules (352 I.C.C. 739 (1976)), UP operated a manual billing system at over 200 local stations. As a result, it did not find the rules excessively burdensome. Subsequently, it transferred billing and some recordkeeping functions to seven Division Accounting Offices. This action was taken to provide rate expertise not available at the local freight agencies, maintain efficient internal control of billing and revenue reporting, and assure timely and impartial collection of charges. One result, however, was that all records pertaining to a given matter

[1] This rule reads: (k) *Preparation of bills at central points.* When carriers prepare bills for freight charges, demurrage, detention, storage, switching, refrigeration, weighing inspection, car rentals, stopoffs, reconsigning, diversion, loading or other accessorial services, or where carriers grant special allowances to shippers subject to tariff provisions lawfully in effect at central billing or accounting points, copies of such bills or allowances shall be maintained by the carrier, and shall be available for inspection, at the same location at which are also maintained all other reports and records required to be made and maintained under this part.

were not kept at a single location. Use of multiple record-keeping points further developed with the conversion of all outbound waybilling to a computerized system.

UP seeks the requested waiver in conjunction with its plan to computerize demurrage recordkeeping data. Improvements brought about by these sophisticated accounting and computer developments are not compatible, UP insists, with storing bills and related documents in the same place. Further, it contends that compliance with the rule inappropriately mixes operating and accounting functions and increases costs substantially. If the relief is granted, UP agrees to produce copies of the involved records upon request.

UP has presented sufficient justification to warrant a waiver. We share the concern expressed by UP that the costs of continued compliance may outweigh the benefits and note that we previously granted a three-year exemption to Missouri-Kansas-Texas Railroad Company (MKT). See, 45 FR 81675 (December 11, 1980). Moreover, this waiver is in accord with recent legislation and Commission decisions which have emphasized that federal regulations should be reviewed and eliminated where they are no longer desirable.

However, we believe it more appropriate to specify a time period for the waiver, and will impose the three-year period adopted for the MKT. We fully anticipate that our soon-to-be-published, overall review of these rules will be completed prior to the end of this period. If it is not, a further waiver can be sought.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Dated: December 15, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-36430 Filed 12-21-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Attorney General

Pollution Control; Consent Judgments; Vulcan Materials Co.

In the matter of proposed consent decree in action for penalties and injunctive relief for violations of National Pollutant Discharge Elimination System Permit No. LA0002933 and the Clean Water Act, 33 U.S.C. 1251, et seq.

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19025, notice is hereby given that a proposed consent decree in *United States* v. *Vulcan Materials Company* (M.D. La., No. 80-155B), was lodged with the United States District Court for the Middle District of Louisiana. The proposed consent decree describes by reference Vulcan's installation of new operation and maintenance procedures to control the discharge of the pollutant suspended solids (TSS). Furthermore, the decree requires Vulcan Materials to pay a civil penalty of seventy-five thousand dollars ($75,000) after entry of this decree by the Court.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Vulcan Materials Company* (D.J. Reference No. 90-5-1-1-1348).

The proposed consent decree may be examined at the Clerk's Office, Federal Building and United States Courthouse, 707 Florida Street, Baton Rouge, Louisiana 70801; and at the Environmental Enforcement Section, Land and Natural Resources Division of the United States Department of Justice, Room 1254, 10th and Pennsylvania Avenue NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-36525 Filed 12-21-81; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree in Action To Require Compliance With Provisions of the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on November 11, 1981, a proposed consent decree in *United States of America v. Alside, Incorporated,* Civil Action No. C80-1383A, was lodged with the United States District Court for the Northern District of Ohio. The proposed decree requires Alside to comply with regulations limiting the emissions of organic material at its building siding plant in Northampton Township, Ohio. The proposed decree also requires Alside to pay a civil penalty of $75,000 to the United States Treasury.

The proposed consent decree may be examined at (1) the Office of the United States Attorney, Northern District of Ohio, Room 400, United States Courthouse, Cleveland, Ohio 44114 (2) the Office of the Envirionmental Protection Agency, Enforcement Division, 230 S. Dearborn Street, Chicago, Illinois 00004 (3) and the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Ninth and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $1.40 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be directed to the Assistant Attorney General for the Land and Natural Resources Division of the Department of Justice, Ninth and Pennsylvania Avenue, NW., Washington, D.C. 20530 and should refer to *United States of America v. Alside, Incorporated,* DOJ Reference #90-5-2-1-243.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-36515 Filed 12-21-81; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period December 7-11, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-12,813; Chrysler Corp., Los Angeles Parts Depot, Fullerton, CA

TA-W-11,536 & 11,545; United Canning Corp., Mahoning Valley Mushroom Farms, Inc., North Lima, OH

TA-W-11,167; Donaldson Co., Inc., Chillicothe, MO

TA-W-10,295; Baldor Electric Co., St. Louis, MO

TA-W-11,416; Wyandotte Industries, Waterville, ME

TA-W-12,097; Hy-Ka Cedar Products, Sedro Woolley, WA

TA-W-12,392; Quality Beachwear, Inc., Brooklyn, NY

In each of the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to worker separations at the firm.

TA-W-12,440; H&P Garment Co., Inc., Hoboken, NJ

TA-W-12,699; General Motors Corp., AC-Delco Div., La Mirada, CA

TA-W-12,450; J&M Fashions, Inc., Union City, NJ

TA-W-11,624; Western Iron Works, Inc., Butte, MT

In each of the following cases the investigation revealed that criterion (3) has not been met for the specified reason(s).

TA-W-12,997; Allied Products Corp., South Bend Stamping Div., South Bend, IN

Aggregate U.S. imports of motor vehicle body stampings are negligible.

TA-W-11,606; BASF Wyandotte Corp., South Kearny, NJ

Aggregate U.S. imports of synthetic dyes did not increase as required for certification. With respect to plasticyers U.S. imports are negligible.

TA-W-11,579; Goodyear Tire & Rubber Co., Gadsden Distribution Center, Gadsden, AL

With respect to passenger car and truck ties, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. With respect to tractor ties, U.S. imports are negligible.

Affirmative Determinations

TA-W-12,579; Underwood Electric Co., Casey, IL

A certification was issued in response to a petition received on March 31, 1981 covering all workers separated on or after March 24, 1980.

I hereby certify that the aforementioned determinations were issued during the period December 7-11, 1981. Copies of these determinations are available for inspection in Room 10,332, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Marvin M Fooks,

Director, Office of Trade Adjustment Assistance.

December 15, 1981.

[FR Doc. 81-36666 Filed 12-21-81; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports or articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter or the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 3, 1982.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 3, 1982.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C., this 14th day of December 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (Union/workers or former workers) of—	Location	Date received	Date of petition	Petition No.	Articles produced
Burroughs Corp., OEM Division (workers)	Warren, N.J.	12/9/81	12/4/81	TA-W-13,132	Displays—plasma gas.
Ford Motor Co., FPSD Philadelphia District (UAW)	Pennsauken, N.J.	12/4/81	11/30/81	TA-W-13,133	Parts—autos and trucks.
Knapp King-Size Corp., Derry Shoe Co., Div. (workers)	Derry, N.H.	12/9/81	12/4/81	TA-W-13,134	Shoes—welt, Goodyear.
Mass Machine & Stamping, Inc. (workers)	Nashua, N.H.	12/9/81	12/3/81	TA-W-13,135	Washers—metal, flat standard.
Merchants Metals, Inc., South East Region (workers)	Birmingham, Ala.	12/3/81	11/23/81	TA-W-13,136	Fence—steel, chain link, components.
Preston Industries, Inc. (workers)	Crossville, Tenn.	12/4/81	11/16/81	TA-W-13,137	Yarn.

APPENDIX—Continued

Petitioner (Union/workers or former workers) of—	Location	Date received	Date of petition	Petition No.	Articles produced
(The) Merchandising Company (workers)	Lynchburg, Va	12/11/81	12/7/81	TA-W-13,138	Chapstick.

[FR Doc. 81-36465 Filed 12-21-81; 8:45 am]
BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81.68-M]

ASARCO, Inc.; Petition for Modification of Application of Mandatory Safety Standard

ASARCO, Inc., Mascot, Tennessee 37806 has filed a petition to modify the application of 30 CFR 57.4–61B (fire doors) to its Immel Mine located in Knox County, Tennessee. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that fire doors be installed in the mine's underground shop.

2. The two shafts at the mine are of fire resistant construction. They both have concrete or rock walls and steel shaft sets without any wood lagging, and both are wet shafts.

3. The mine, for all practical purposes, is a single-level mine due to many large openings between working areas at various elevations; all haulage and mining areas are interconnected for vehicular traffic.

4. Petitioner states that installation of shop entry doors would add little to the existing fire protection system and if the doors are installed, these doors may, under certain conditions, introduce other serious hazards to safety. Among these hazards are temperature buildup due to confinement, with the possibility of explosion or other upredictable event, and increase of carbon monoxide generation due to oxygen depletion in a fuel-rich atmosphere. If a shop explosion were to be caused by overheating a gas bottle or fuel tank within the confined space created by door closure, the doors could be blown out. Then there would be no controls on emissions at all, and the smoke and gas released into the ventilating airstream would likely be more toxic than they would have been otherwise.

5. Petitioner states that the protection afforded by nonflammable mine workings, dilution of smoke or gas by large volumes of ventilating air from normal air flow and air volume in open stopes, mandatory self-rescue units for personnel, evacuation of downstream personnel, reversible main fan, and a centrally located refuge chamber provide more than adequate equivalent protection in alternate compliance.

6. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 2203. All comments must be postmarked or received in that office on or before January 21, 1982. Copies of the petition are available for inspection at that address.

Dated: December 11, 1981.

Patricia W. Silvey.

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-36473 Filed 12-21-81; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-81-193-C]

Bent Mountain Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Bent Mountain Coal Company, Inc., Route 1, Box 408, Elkhorn City, Kentucky 41522 has filed a petition to modify the application of 30 CFR 75.1710 (cabs or canopies) to its No. 138 Mine located in Pike County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The coal seam ranges from 45 to 50 inches in height with consistent ascending and descending grades creating dips in the coal bed.

3. Petitioner states that installation of cabs or canopies on the mine's electric face equipment would result in a diminution of safety for the miners affected because:

a. The canopies could strike and dislodge the roof supports;

b. The cramped operator compartment causes operator discomfort and fatigue increasing the chances of an accident; and

c. The operator's visibility is hampered by the canopy, increasing the hazards to the operator and nearby miners.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before January 21, 1982. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

Dated: December 11, 1981.

[FR Doc. 81-36472 Filed 12-21-81; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-81-216-C]

BSB Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

BSB Coal Company Inc., Pathfork, Kentucky 40863 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 1 Mine located in Harlan County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The minimum height in the present working section is 46 inches, with rolls and undulations in the coal seam.

3. Petitioner states that installation of cabs or canopies would result in a diminution of safety for the miners affected because:

a. The conopy may strike and dislodge roof support;

b. The canopy causes cramped operator compartments, increasing operator fatigue and the chances for an accident.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before January 21, 1982. Copies of the petition are available for inspection at that address.

Dated: December 11, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-36469 Filed 12-21-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-225-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.1405 (automatic couplers) to its Westland Mine located in Washington County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that all haulage equipment be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment.

2. The petitioner uses safety chains as an additional safety and precautionary measure against the failure of coupling devices or accidental uncoupling. A bar is used to remove safety chains making it unnecessary for miners to go between the ends of haulage equipment.

3. Petitioner states that these safety chains provide an additional measure of safety for the miners affected and do not interfere with the designed operation of the automatic couplers and for this reason requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before January 21, 1982. Copies of the petition are available for inspection at that address.

Dated: December 11, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-36470 Filed 12-21-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-226-C]

Cowin and Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Cowin and Company, Inc., 1 South West 18th Street, Birmingham, Alabama 35211 has filed a petition to modify the application of 30 CFR 77.1911 (ventilation of slopes and shafts) to Consolidation Coal Company's Buchanan No. 1 Mine located in Buchanan County, Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that a ventilation fan be operated continuously when miners are below the surface.

2. The petitioner is engaged in construction of three shafts at the mine.

3. Petitioner is seeking approval to stop the ventilation fan at these shafts:

a. When miners are being raised and lowered in the shaft;

b. During plumbing operations for establishing center marks in the shaft and assuring concrete forms conform to contractual tolerances.

4. To support this proposed alternative method, petitioner states that:

a. Noise levels created by the fan's operation impair the miners' ability to hear audible warning devices if necessary;

b. An examination for methane will be conducted in the shaft immediately preceeding and after any shutdown and restart of the fan for mantrip, ingress and/or egress;

c. Any electrical installation or equipment which might be in the shaft prior to such fan shutdown will be de-energized;

d. The fan will only be stopped after the miners are in the mantrip and will not be restarted prior to anyone, except the methane examiner, leaving the mantrip.

e. At no time will work begin before fan restart or continue after stoppage.

5. Petitioner further states that the movement of air created by the fan makes it impossible to steady the plumb bob, creating the chance of error which, if allowed, could cause the shaft to be less than vertical. The petitioner proposes the following safeguards during the requested shutdown of the fan for centering operatons:

a. The fan will not be stopped for longer than 15 minutes, and only after a complete methane examination;

b. Only those employees involved in the centering operations will be in the shaft during such stoppage; and

c. additional safeguards specified in number 4 above will be followed.

6. Petitioner states that the proposed alternative method and safeguards will provide the same measure of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before January 21, 1982. Copies of the petition are available for inspection at that address.

Dated: December 11, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-36471 Filed 12-21-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-217-C]

Sewell Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Sewell Coal Company, Route 3, Box 125, Nettie, West Virginia 26681 has filed a petitioin to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its No. 4 Mine located in Nicholas County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that return air courses be examined in their entirety on a weekly basis.

2. The 11 West return airway has deteriorated due to bad roof conditions and pressure from the roof, making weekly examinations hazardous for miners.

3. As an alternative method, petitioner proposes to evaluate the 11 West return by air readings as at specified safe point and at the No. 4 fan.

4. The No. 3 fan located out by the junction of 11 West and Southwest mains would continue to ventilate the mine in the event of total loss of the return airway.

5. Petitioner states that the proposed alternative would provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before January 21, 1982. Copies of the petition are available for inspection at that address.

Dated: December 11, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-36469 Filed 12-21-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-211-C]

Zeigler Coal Co.; Petition for Modification of Application of Manadatory Safety Standard

Zeigler Coal Company, 2700 River Road, Des Plaines, Illinois 60018 has filed a petition to modify the application of 30 CFR 75.503 (permissible equipment) to its Murdock and Zeigler No. 5 Mines located in Douglas County, Illinois and its Spartan and Zeigler No. 11 Mines located in Randolph County, Illinois. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the use of a locked padlock to secure screw caps in place on plugs of a battery operated S & S Scoop tractor.

2. Petitioner states that there is an element of danger in having plugs locked together in the event of a short circuit occurring in the Scoop's electrical components.

3. As an alternative method, petitioner proposes that a modified bolt and nut locking device be used, in lieu of a padlock. This modified locking device will serve the same purpose as a padlock; the plug could not be pulled apart without removing the bolt and nut.

4. Petitioner states that the proposed alternative method will provide the same measure of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before January 21, 1982. Copies of the petition are available for inspection at that address.

Dated: December 14, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-36474 Filed 12-21-81; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

[Secretary of Labor's Order 5-81]

Establishment of the Office of the Assistant Secretary of Labor for Veteran's Employment

December 15, 1981.

1. *Purpose.* To implement the provisions of Section 504 of the Veterans' Rehabilitation and Education Amendments of 1980 (Pub. L. 96-466) by establishing an Office of the Assistant Secretary of Labor for Veterans' Employment.

2. *Establishment of the Office of the Assistant Secretary of Labor for Veterans Employment/Resources*

a. There is hereby established in the Department of Labor an Office of the Assistant Secretary of Labor for Veterans' Employment (OASVE) to be headed by an Assistant Secretary who will report to and be directly responsible to the Secretary and Under Secretary.

b. Functions and resources of the immediate Office of the DASVE and the VES, including its field personnel are transferred from the Assistant Secretary of Labor for Employment and Training to the Assistant Secretary of Labor for Veterans' Employment.

This transfer includes personnel, funds, equipment, supplies, and associated records.

The Assistant Secretary for Administration and Management will complete arrangements to effect an orderly and equitable transfer of resources, including assurance of consultation and negotiations as appropriate with the unions representing affected employees.

3. *Authority.* This Order is issued pursuant to the Act of March 4, 1913, (37 Stat. 736), Reorganization Plan No. 6 of 1950, and the Veterans' Rehabilitation and Education Amendments of 1980 (Pub. L. 96-466).

4. *Effective Date.* This Order is effective immediately for planning and reporting purposes, and for implementation no later than sixty days from the date of this Order.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-36479 Filed 12-21-81; 8:45 am]

BILLING CODE 4510-23-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meetings

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Notice of Meetings.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that the following meetings of the Humanities Panel will be held at 806 15th Street, NW., Washington, DC 20506:

1. Date: January 5, 1982.
Time: 9:00 a.m. to 5:30 p.m.
Room: 807.
Program: This meeting will review applications submitted for the Youthgrants Program, Division of Special Programs, for projects beginning after May 1, 1982.
2. Date: January 11-12, 1982.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1134.
Program: This meeting will review applications submitted for General Research Program, Conferences Panel, Division of Research Programs, for projects beginning after April 1, 1982.
3. Date: January 14, 1982.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314.
Program: This meeting will review applications for Summer Stipends in 19th and 20th Century English and Comparative Literature, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1982.

4. Date: January 15, 1982.
Time: 9:00 a.m. to 5:30 p.m.
Room: 807.
Program: This meeting will review applications for Summer Stipends in American Literature, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1982.
5. Date: January 27–29, 1982.
Time: January 27, 7:00 p.m. to 9:30 p.m.; January 28, 8:30 a.m. to 6:00 p.m.; January 29, 8:30 a.m. to 5:00 p.m.
Room: 807.
Program: This meeting will review applications submitted for the Humanities Projects in Media Program, Division of Public Programs, for projects beginning after July 1, 1982.

The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose:

(1) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5 United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Officer, National Endowment for the Humanities, Washington, DC 20506, or call (202) 724–0367.

Stephen J. McCleary,
Advisory Committee Management Officer.

[FR Doc. 81–36447 Filed 12–21–81; 8:45 am]
BILLING CODE 7536–01–M

NATIONAL SCIENCE FOUNDATION

Permits Issued Under Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation Act of 1978 (Pub. L. 95–541).

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice of permits issued.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers, Permit Office, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357–7934.

SUPPLEMENTARY INFORMATION: On October 16, 1981, the National Science Foundation published a notice in the Federal Register of permit applications received. On December 14, 1981 a permit was issued to: John L. Bengtson.

Charles E. Myers,
Division of Polar Programs.

[FR Doc. 81–36480 Filed 12–21–81; 8:45 am]
BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

State of Texas; Staff Assessment of Proposed Amended Agreement

Note.—This document was originally published in the issue of December 8, 1981. It is reprinted at the request of the NRC.

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of proposed amended agreement with State of Texas.

SUMMARY: Notice is hereby given that the Nuclear Regulatory Commission is publishing for public comment a proposed amendment to the existing section 274b. agreement between NRC and the State of Texas which became effective March 1, 1963. The request dated November, 6, 1981 from Governor Clements of the State of Texas, if approved, would permit Texas to regulate byproduct material as defined in section 11e(2) of the Atomic Energy Act, as amended, (uranium mill tailings) in conformance with the requirements of section 274. of the Atomic Energy Act of 1954, as amended.

A staff assessment of the State's proposed radiation control program to implement the amended agreement is set forth below as supplementary information to this notice. A copy of the complete program description submitted by Texas including a narrative describing the State's proposed program for control over byproduct materials as defined in section 11e.(2) of the Act, appropriate State legislation, and Texas regulations is available for public inspection in the Commission's public document room at 1717 H Street, NW, Washington, DC.

DATE: Comments must be received on or before January 7, 1982.

ADDRESS: All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed amended agreement should send them to the Nuclear Regulatory Commission, Office of State Programs, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Craig Z. Gordon, Office of State Programs, Nuclear Regulatory Commission, Washington, DC 20555, Phone: (301) 492–0886.

SUPPLEMENTARY INFORMATION: Assessment of Proposed Texas Program to Regulate Byproduct Material as Defined in section 11e.(2) of the Act, based on Criteria 29–36 of "Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreements," 44 FR 42818.

I. Introduction

The Uranium Mill Tailings Radiation Control Act of 1978 amended the requirements of section 274 of the Atomic Energy Act, "Cooperation With States" and imposed certain requirements that must be met by Agreement States in order to regulate uranium mill tailings after November 8, 1981. Governor William P. Clements, Jr. of the State of Texas has requested NRC to amend its agreement with NRC to permit continued State regulation of uranium mill tailings. His request was supported by a description of the State's program for control of uranium mills and mill tailings.

The State has 19 active licensees who process ore primarily for its source material content including two conventional uranium mills, 15 in-situ mining operations, and 2 smaller uranium recovery operations. Texas has also received four applications, one for a conventional mill and three for in-situ mining operations. No in-situ mining and recovery facility licensed by the State is authorized to establish a permanent tailings disposal area.

II. Assessment of Proposed State of Texas Radiation Control Program for Uranium Mills and Mill Tailings

1. Statutes

State statutes or duly promulgated regulations should be enacted, if not already in place, to make clear State authority to carry out the requirements of Pub. L. 95–604, Uranium Mill Tailings Radiation Control Act (UMTRCA).

In the enactment of any supporting legislation, the State should take into account the reservations of authority to the United States in UMTRCA as stated in 10 CFR 150.15a.

It is preferable that State statutes contain the provisions of section 6 of the Model Act,[1] but the provisions may be accomplished by adoption of either procedures by regulation or technical criteria. In any case, authority for their implementation should be adequately supported by statute, regulation or case law as determined by the State Attorney General.

In the licensing and regulation of ores processed primarily for their source material content and for the disposal of byproduct material, procedures shall be established which provide a written analysis of the impact on the environment of the licensing activity. This analysis shall be available to the public before commencement of hearings and shall include:

a. An assessment of the radiological and nonradiological public health impacts;

b. An assessment of any impact on any body of water or groundwater;

c. Consideration of alternatives to the licensed activities; and

d. Consideration of long-term impacts of licensed activities.

The Texas Radiation Control Act, as amended by Senate Bills 480 and 735, includes the legislative provisions required by the UMTRCA of 1978 and provide satisfactory statutory authority for the State of Texas to implement the requirements of UMTRCA of 1978.

2. Regulations

State regulations should be reviewed for regulatory requirements, and where necessary, incorporate regulatory language which is equivalent, to the extent practicable, or more stringent than regulations and standards adopted and enforced by the Commission, as required by section 274o. (See 10 CFR Part 40, Appendix A and 10 CFR 150.31(b).)

On September 19, 1981, the Texas Board of Health adopted amendments to Parts 21, 41, and 43 of the *Texas Regulations for Control of Radiation* relating to the licensing and regulation of uranium mill tailings. Part 43 regulations address: bonding requirements, siting requirements, criteria for tailings management, dam stability analyses, inspection procedures, surety arrangements, requirements for site ownership, and criteria for decontamination, decommissioning, and reclamation of facilities following license expiration. The rules became effective on October 3, 1981. In the narrative section of the formal proposal, several statements describe how certain rules are to be implemented. It is the staff's opinion that these rules, in conjunction with the statements made in the narrative, are, to the maximum extent practicable, equivalent to the regulations promulgated and enforced by NRC.

3. Organizational Relationships Within the States

Organizational relationships should be established which will provide for an effective regulatory program for uranium mills and mill tailings.

a. Charts should be developed which show the management organization and lines of authority. This chart should define the specific lines of supervision from program management within the radiation control group and any other department within the State responsible for contributing to the regulation of uranium processing and disposal of tailings. When other State agencies or regional offices are utilized, the lines of communication and administrative control between other agencies and/or regions and the Program Director should be clearly drawn.

Organizational charts outlining the Texas Department of Health, the Bureau of Radiation Control (BRC), and divisions within the Bureau of Radiation Control have been included in the proposal. The BRC is organized into three operational divisions: The Division of Licensing, Registration, and Standards (LRS), the Division of Compliance and Inspection (CI), and the Division of Environmental Programs (EP). Each division is subdivided into Branch Offices. Regional office staff are included in the Division of Compliance and Inspection.

All other functions of the uranium mill regulatory program will be conducted by the Bureau's office located in Austin, Texas.

b. Those States that will utilize personnel from other State Departments or Federal agencies in preparing the environmental assessment should designate a lead agency for supervising and coordinating preparation of this environmental assessment. It is normally expected that the radiation control agency in Agreement States will be the lead agency. The basic premise is that the lead agency is required to prepare the environmental assessment.

The Uranium Program within the Industrial Operations Branch, Division of LRS, is responsible for the evaluation of all applications for uranium recovery facility licenses received by the Bureau. Included are the preparation of the in-plant safety analysis reports and licensing documents.

The Standards Branch is responsible for developing and coordinating adoption of rules, regulatory guides, and license application guides related to uranium recovery facilities. This Branch also works with the Legal Division in coordinating all public notices and public hearings.

It is not anticipated that staff from other State agencies will be directly utilized in the preparation of environmental assessments nor in the licensing and inspection of uranium recovery facilities. However, three State agencies do work closely with the Bureau of Radiation Control by providing reference materials, and supplying review and comments on the applicant's environmental report, and the environmental assessment. These are the Texas Air Control Board (emission of non-radioactive pollutants into air), the Texas Department of Water Resources (emission of non-radioactive pollutants into water, aquifers, and wells used for in situ mining), and the Texas Railroad Commission (regulation of open pit mining and uranium exploration).

c. When a lead agency is designated, that agency should coordinate preparation of the statement. The other agencies involved should provide assistance with respect to their areas of jurisdiction and expertise. Factors relevant in obtaining assistance from other agencies include the applicable statutory authority, the time sequence in which the agencies become involved, the magnitude of their involvement, and relative expertise with respect to the project's environmental effects.

The Texas Department of Health is the agency which will prepare the environmental assessment. The Environmental Assessment Branch is responsible for the evaluation, analysis, coordination, and preparation of environmental assessments issued by the Bureau of Radiation Control. This Branch has persons with expertise in geology, hydrology, soil mechanics, meteorology, zoology, botany, computer science, chemistry, physics, radiation protection and dose assessment. This Environmental Assessment Branch's effort may be augmented with other

[1] The reference is to the Model Uranium Mill Radiation Control Act, a copy of which has been placed in the Commission's Public Document Room. Section 6 of the Model Act requires that, among other things, statutory authority must be enacted to make clear State authority to carry out the requirements of the Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978, as amended. UMTRCA specifies that when States license an activity involving mill tailings, that has a significant impact on the human environment, they must prepare a written independent analysis of the impact of such license on the environment, including any activities conducted pursuant thereto.

Bureau personnel on a case-by-case basis, if needed.

In preparing the environmental assessment, the Division of Environmental Programs will conduct site visits, evaluate computer analyses, perform literature reviews, coordinate laboratory analysis of environmental samples, and perform field evaluations. A draft environmental assesment is prepared.

Similarly, the Division of Compliance and Inspection furnishes the Division of Licensing, Registration, and standards with recommendations concerning potential problem areas within the proposed facility. After the LRS considers all recommendations, an independent safety evaluation report is prepared. Following completion of the draft environmental assessment and the draft in-plant analysis, both documents are reviewed internally by Bureau Staff and the Legal Division taking into account comments, information, and data received from other State agencies. Final documents are then prepared. A flowchart has also been included in the proposal which describes coordination with the Department for processing uranium mill license applications.

d. For those areas in the environmental assessment where the State cannot identify a State agency having sufficient expertise to adequately evaluate the proposal or prepare an assessment, the State should have provisions for obtaining outside consulting services.

Due to the establishment of adequate expertise and resources in the Bureau of Radiation Control, it is not anticipated the Bureau will need consultants. However, monies are available for consultants if they are needed for evaluating any particular site or project.

Medical consultants recognized for their expertise in emergency medical matters relating to the intake of uranium and its diagnosis thereof associated with uranium mining and milling, should be identified and available to the State for advice and direct assistance.

Physician members of the Radiation Advisory Board serve as medical consultants to provide advice and direct assistance in emergency medical matters relating to radiation exposure including uranium intake.

4. Personnel

Personnel needed in the processing of the license applications can be identified or grouped according to the following skills: Technical, Administrative, and Support.

In order to met the requirements of UMTRCA, current indications are that 2–2.75 total professional person-years' effort is necessary to process and evaluate a new conventional mill license, in-situ license, or major license renewal. A complete review of in-plant safety, production of the environmental assessment, and consultant use are primary considerations in the total professional effort for each licensing case. With respect to clerical support, one secretary is required to process two conventional milling applications, including the pre-licensing and post-licensing phases. Legal support is also an essential element of the mill program, and the effort is set at a minimum of 1/2 staff-year. In addition, consideration must be given to such post-licenisng activities as issuance of minor amendments, mill inspections, and environmental monitoring. Professional staff effort is estimated at 0.5–1.0 person-years for each year of post-licensing activities.

a. We estimate the total professional and technical staff-years effort within the Bureau of Radiation Control directly responsible for regulation of uranium mills and mill tailings to be equivalent to 27 full-time staff members. A breakdown of professional personnel in each of the three Divisions has been provided along with job descriptions and duties for each position (including vacancies). Resumes describing the education, training, and experience of individual staff members were also submitted.

Details of staffing levels in each of the Bureau's three divisions are as follows:

(1) Division of Licensing, Registration and Standards. The organization of the Division of Licensing, Registration, and Standards, and the personnel assigned to each section within the division have been identified. Seven of eight professional positions having full-time or part-time responsibilities for regulation of uranium mills have been filled. These include two in the Industrial Operations Branch, two in the Uranium Program, one authorized but vacant position in the low-level waste program, and three in the Standards Branch.

(2) Division of Compliance and Inspection. The Division of Compliance and Inspection is organized into three Inspection and Enforcement Branches: Radioactive Materials, X-Ray/non-ionizing radiation, and Emergency Response. The Uranium Inspection Program and the Regional Inspection Programs are the two programs within the Radioactive Materials Inspection and Enforcement Branch responsible for conducting inspections at uranium mills. Currently, there are nine professional full-time staff members assigned to perform uranium mill compliance functions. The three members from the Uranium Inspection Program are responsible for performing on-site inspections. Inspectors from the Regional Inspection Program who are assigned to the regions in which certain uranium recovery facilities are located assist the three members during inspections of tailings areas and the environment. Also included in the uranium mill compliance program are three staff members from the Emergency Response Branch, an Administrator, and a Division Director.

(3) Division of Environmental Programs. Two branches in the Division of Environmental Programs are directly responsible for environmental monitoring and sampling at uranium mills. The Facility Surveillance Branch is responsible for implementation of the environmental surveillance program around milling facilities. There are three qualified staff members in this Branch. The basic functions of the Environmental Assessment Branch is to coordinate and prepare the environmental assessment. Personnel in this Branch have expertise in the areas of geology, hydrology, soil mechanics, meterology, computer science, radiation health, and dose assessments. A breakdown by program and associated personnel directly involved in preparation of an environmental assessment are: the Ecological Evaluations Program (3 members), the Hydrological and Geotechnical Program (2 members), and the Engineering Program (3 members). Directly supporting the Bureau and coordinating with the Division of Environmental Programs is the Bureau of Laboratories which provides five full-time environmental chemists (radiochemists) to process environmental samples.

b. Legal, Clerical, and Secretarial Support. Three full-time attorneys and two legal secretaries in the Environmental Law Branch of the Texas Department of Health's Legal Division are assigned to the Bureau of Radiation Control. They are responsible for providing legal assistance and advice on laws and regulations, issuance of public notices, and conducting public hearings.

c. Administrative Support. Senate Bills 480 and 375 established an 18-member Radiation Advisory Board whose members are appointed by the Governor. The Board acts in an oversight capacity to the Bureau to review and evaluate State policy relating to radiation sources. It also provides technical advice on matters related to regulation of sources of radiation. Within the Bureau, each division is staffed by at least one full-time individual who is responsible for

administrative functions. In addition, programs in the Office of Information, Education, and Administration also provide administrative support to the Radiation Control Bureau in the following areas: public information, coordination of training for Bureau staff, maintaining license registration files, and procurement of equipment and supplies. Assisting the Bureau in maintaining the budget and in collection of surety arrangements for uranium mills (required by regulation) is the Financial Analysis Program.

5. Functions to be Covered

The State should develop procedures for licensing, inspection, and preparation of environmental assessments.

Evaluation of an application for a uranium milling license is performed against appropriate State statutory and regulatory authority, and licensing guides. A list of NRC and State regulatory guides utilized in evaluating license applications has been furnished. The in-plant safety analysis and review of the applicant's enviromental report are performed concurrently.

In regard to the in-plant safety review, the Compliance and Inspection Division conducts a preliminary evaluation of the applicant's proposed facility, equipment, administrative procedures, radiation safety program, environmental monitoring program, and emergency procedures. Findings are then forwarded to the Division of Licensing, Registration and Standards for consideration in the safety analysis report.

A procedural flow diagram for processing the environmental report including interdivision coordination has been furnished. If the findings of the preliminary review are adequate, copies of the report are forwarded to outside State agencies for review and comment. At the same time, the Division of Environmental Programs initiates preparation of the environmental assessment pursuant to the requirements of UMTRCA and State regulation utilizing appropriate licensing guides.

Inspections of all byproduct material licensees are conducted by Texas in accordance with general inspection procedures. These procedures, which are common to all routine inspections, have been supplemented by instructions specific to inspections at mills.

Compliance and Inspection Division policy is to perform unannounced inspections. The functions of all State inspectors are to prepare for inspections, conduct on-site inspections, prepare a written report of the inspection, prepare enforcement letters, and review corrective actions. For uranium mill compliance functions, inspectors assigned to the uranium inspection program, in cooperation with regional inspectors, are required to review and evaluate all aspects of mill operations and tailings control. During these inspections, personnel utilize standard inspection forms supplemented by NRC inspection guides. Copies of forms and guides have been furnished with the proposal. The frequency for conducting on-site uranium mill inspections is on an annual basis.

An environmental sampling program which includes obtaining samples of groundwater, surface water, vegetation, soil, air, and processing of thermoluminescent dosimeters (TLD) is also conducted by the uranium mill inspectors on a quarter basis. Results of inspection findings are submitted to the supervisory staff for appropriate technical consultation and review.

Section 274o.(3)(c) of the Atomic Energy Act requires the State to prepare a written analysis of the impact on the environment with respect to uranium mill tailings from proposed operations. Sections 4 and 11A. of the Texas Radiation Control Act, as amended, indicate that the Texas Radiation Control Agency will act as lead agency to independently prepare the environmental impact statement (EIS). Procedural requirements specific to preparing, coordination, organizing, and completing the EIS and issuance of specific licenses for uranium milling operations are contained either in the Act or recently adopted Part 43 of the Texas regulations.

As a supplement to the reporting requirements required by regulations or license conditions, the State should require the licensee to submit in writing on a semi-annual schedule reports specifying the quantity of each of the principal radionuclides released to unrestricted areas in liquid and gaseous effluents from all pathways during the previous six months of operations. This data shall be reported in a manner that will permit the regulatory agency to confirm annual radiation doses to nearest individuals are within the requirements of 40 CFR Part 190, "Environmental Radiation Protection Standards for Nuclear Power Operations."

As previously noted, the Facility Surveillance Branch is responsible for designing and implementing a routine environmental surveillance program around each uranium recovery facility and conducting any special environmental surveillance project that may be needed. This Branch is also responsible for the operation of an environmental TLD monitoring system and verification of the licensee's environmental monitoring data. Dose assessments have been made at both conventional mills through utilization of computer models. The State's confirmation of radiation doses to nearest receptors from the conventional mills are determined to be within the limits of 40 CFR Part 190. Due to the absence of yellowcake dryer circuits, environmental doses may be considered to be negligible from in-situ uranium recovery operations.

6. Instrumentation

The State should have available both field and laboratory instrumentation sufficient to ensure the licensee's control of materials and to validate the licensee's measurements.

The Bureau of Radiation Control has utilized a portion of funds authorized under its UMTRCA grant to purcahse field equipment for monitoring and surveillance purposes. The list submitted in the proposal shows radiation detection instruments and environmental sampling capability of equipment available at the Bureau's headquarters and regional offices. A separate list of instruments each inspector uses in the field to conduct radiation surveys for identification of alpha, beta and gamma emitting isotopes, and equipment for sampling environmental media in and around milling facilities has also been included. Essential equipment has been duplicated and ensures full-time availability of appropriate instrumentation and equipment for inspection purposes. Detection capabilities of equipment include identification and analysis of alpha, beta and gamma emitters in the uranium decay chain (including Pb–210, Rn–222, RA–226, Th–230, and U–238) in solids, liquids, and gases. Commonly analyzed sample media includes smear samples, soil, water, vegetation, milk, and filter media.

All radiation instrumentation is calibrated within the Bureau according to written procedures. Standard radiation sources traceable to the U.S. National Bureau of Standards are used for calibration. In addition to internal quality control/quality assurance procedures, the Bureau of Laboratories also participates in the U.N. Environmental Protection Agency's Inter-Laboratory Quality Assurance Program.

Supplementing the radiochemical analyses, the Bureau of Laboratories can also provide standard chemical analysis for trace elements, inorganics, organics,

etc. As the primary laboratory for water analysis under contract from the Texas Department of Water Resources, the Bureau of Laboratories conducts analyses of all water samples for the State required under U.S. Environmental Protection Agency regulations.

7. Conclusion

Based upon the foregoing, the NRC staff concludes that the State of Texas has met the criteria for an amended agreement.

III. Amendment to Agreement Between the United States Nuclear Regulatory Commission and the State of Texas for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended

Whereas, the United States Atomic Energy Commission[1] (herinafter referred to as the Commission) entered into an Agreement (hereinafter referred to as the Agreement of January 10, 1963) with the State of Texas under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), which Agreement became effective on March 1, 1963, and provided for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161, of the Act with respect to byproduct materials as defined in section 11e.(1) of the Act, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, it is necessary to enter into this amendment in order to implement new requirements of section 274 of the Act which become fully effective on November 8, 1981; and

Whereas, the Commission found on that the program of the State for the regulation of materials covered by this amendment is in accordance with the requirements of section 274o. of the Act and in all other respects compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, this amendment is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, Therefore, it is hereby agreed between the Commission and the Governor of the State, acting on behalf of the State, as follows:

Section 1. Article I of the Agreement of January 10, 1963, is amended by adding "as defined in section 11e.(1) of the Act;" after the words "byproduct materials" in paragraph A., by redesignating paragraphs B. and C. as paragraphs C. and D., and by inserting the following new paragraph immediately after paragraph A.:

"B. Byproduct materials as defined in section 11e.(2) of the Act;".

Section 2. Article II of the Agreement of January 10, 1963, is amended by inserting "A." before the words "This Agreement," by redesignating paragraphs A. through D. as subparagraphs 1. through 4., and by adding the following at the end thereof:

"B. Notwithstanding this Agreement, the Commission retains the following authorities pertaining to byproduct materials as defined in section 11e.(2) of the Act:

"1. Prior to the termination of a State license for such byproduct material, or for any activity that results in the production of such material, the Commission shall have made a determination that all applicable standards and requirements pertaining to such material have been met.

"2. The Commission reserves the authority to establish minimum standards governing reclamation, long term surveillance or maintenance, and ownership of such byproduct material. Such reserved authority includes:

"a. The authority to establish terms and conditions as the Commission determines necessary to assure that, prior to termination of any license for such byproduct material, or for any activity that results in the production of such material, the licensee shall comply with decontamination, decommissioning, and reclamation standards prescribed by the Commission; and with ownership requirements for such materials and its disposal site;

"b. The authority to require that prior to termination of any license for such byproduct material or for any activity that results in the production of such material, title to such byproduct material and its disposal site be transferred to the United States or the State at the option of the State (provided such option is exercised prior to termination of the license);

"c. The authority to permit use of surface or subsurface estates, or both, of the land transferred to the United States or the State pursuant to subparagraph B.2.b. of this Article;

"d. The authority to require the Secretary of the Department of Energy, other Federal agency, or State, whichever has custody of such byproduct material and its disposal site, to undertake such monitoring, maintenance, and emergency measures as are necessary to protect the public health and safety, and other actions as the Commission deems necessary; and

"e. The authority to enter into arrangements as may be appropriate to assure Federal long term surveillance or maintenance of such byproduct material and its disposal site on land held in trust by the United States for any Indian tribe or land owned by an Indian tribe and subject to a restriction against alienation imposed by the United States.".

Section 3. Article III of the Agreement of January 10, 1963, is amended by inserting "otherwise licensable by the State under Article I of this Agreement" after the words "special nuclear material."

Section 4. Article VII of the Agreement of January 10, 1963, is amended by inserting "all or part of" after the words "terminate or suspend," by inserting "(1)" after the words "finds that," and by adding at the end before the period the following:

", or (2) the State has not complied with one or more of the requirements of section 274 of the Act. The Commission shall periodically review this Agreement and actions taken by the State under this Agreement to ensure compliance with the provisions of section 274 of the Act.".

Section 5. Article VIII of the Agreement of January 10, 1963, is amended by redesignating it Article IX and by inserting a new Article VIII as follows:

"In the licensing and regulation of byproduct material as defined in section 11e.(2) of the Act, or of any activity which results in production of such material, the State shall comply with the provisions of section 274o. of the Act. If, in such licensing and regulation, the State requires financial surety arrangements for the reclamation of long term surveillance or maintenance of such material,

"A. The total amount of funds the State collects for such purposes shall be transferred to the United States if custody of such material and its disposal site is transferred to the United States upon termination of the State license for such material or any activity which results in the production of such material. Such funds include, but are not limited to, sums collected for long term surveillance or maintenance. Such funds do not, however, include monies held as surety where no default has occurred and the reclamation or other bonded activity has been performed; and

"B. Such State surety or other financial requirements must be sufficient to ensure compliance with those standards established by the Commission pertaining to bonds, sureties, and financial arrangements to ensure adequate reclamation and long term management of such byproduct material and its disposal site.".

This amendment shall become effective on .

Done at Austin, State of Texas, in triplicate, this day of 198 .

For the State of Texas.

William P. Clements, Jr.,

Governor.

Done at Washington, District of Columbia, in triplicate, this day of 198 .

For the United States Nuclear Regulatory Commission.

Nunzio J. Palladino,

Chairman.

Dated at Bethesda, Maryland, this 2nd day of December, 1981.

For the United States Nuclear Regulatory Commission.

G. Wayne Kerr,

Director, Office of State Programs.

[FR Doc. 81-38079 Filed 12-7-81; 8:45 am]

BILLING CODE 7590-01-M

[1] Under the provisions of the Energy Reorganization Act of 1974, the regulatory functions formerly carried out by the Atomic Energy Commission are not carried out by the Nuclear Regulatory Commission as of January 19, 1975.

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees

and of the full Committee, the following preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published November 25, 1981 (46 FR 57792). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. Those Subcommittee meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the January 1982 ACRS full Committee meeting can be obrained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634–3267, ATTN: Barabara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

**Human Factors,* January 5, 1982, Washington, DC. The Subcommittee will continue its review of documents produced by NRC's Division of Human Factors Safety including NUREG–0700, "Guidelines for Control Room Design Review", NUREG–0801, "Evaluation Criteria for Detailed Control Room Design Review", and NUREG–0835, "Human Factors Acceptance Criteria for the Safety Parameter Display Systems".

**Reliability and Probabilistic Assessment,* January 5, 1982. Washington, DC. The Subcommittee will review portions of the NRC FY 1983 Safety Research Program related to Reliability and Probabilistic Assessment. Notice of this meeting was published November 25.

Nuclear Safety Research Program, January 6, 1982, Washington, DC. The Subcommittee will discuss the FY 1983 NRC Safety Research Program budget and the Draft ACRS Report to Congress on the NRC FY 1983 Safety Research Program. Notice of this meeting was published November 25.

**Advanced Reactors,* January 6, 1982, Washington, DC. The Subcommittee will discuss the FY 1983 NRC Safety Research Programs pertaining to advanced reactors.

**Advanced Reactors,* January 21 and 22, 1982, Argonne, IL. The Subcommittee will continue discussion regarding possible design considerations, issues, and criteria for future commercial advanced reactors and plans to prepare a report to submit to the ACRS.

**Fluid Dynamics,* January 22, 1982, Los Angeles, CA. The Subcommittee will continue to review the Mark III containment modifications and discuss status of Unresolved Safety Issues (USI) on Mark I and II containments.

**Joint Electrical Systems and Emergency Core Cooling Systems,* January 23,1982, Los Angeles, CA. The Subcommittee will continue to review the NRC- and Industry-sponsored research on core water level indicator instruments and the implementation of core water level indicator installation requirements.

**Extreme Esternal Phenomena,* January 28 and 29, 1982, Reston, VA. The Subcommittee will review the status of NRC's research program on geology and seismology and the status of research being performed outside of the NRC programs.

**Clinch River Breeder Reactor,* February 2 and 3, 1982, Washington, DC. The Subcommittee will review the Clinch River Breeder Reactor program status.

**Regulatory Activities,* February 3, 1982, Washington, DC. The Subcommittee will discuss proposed Regulatory Guides and Regulations.

**Qualification Program for Safety Related Equipment,* February 10, 1982, Washington, DC. The Subcommittee will review the NRC Equipment Qualification Program Plan as outlined in SECY–81–504.

**Reactor Radiological Effects,* February 11, 1982, Washington, DC. The Subcommittee will discuss occupational radiation exposure at BWR facilities.

**Metal Components and Waste Management,* February 12, 1982, Washington, DC. The Subcommittees will review the contractor technical capability and objectives of the requests for proposals on long-term performance of materials used for high-level radioactive waste packaging.

**Safety Philosophy Technology and Criteria,* Date to be determined, Washington, DC. The Subcommittee will review the licensee's proposed Systems Interaction Study for the Indian Point Nuclear Power Plant.

**Watts Bar Units 1 and 2,* Date to be determined, Knoxville, TN. The Subcommittee will review the application of the Tennessee Valley Authority for an operating license for Units 1 and 2.

**Waterford Steam Electric Station,* Date to be determined, Washington, DC. The Subcommittee will review the Waterford organization, staffing, and training programs.

**Clinton Power Station Units 1 and 2,* Date to be determined, Decatur, IL (Tentative). The Subcommittee will review the application of the Illinois Power Company for an operating license for Units 1 and 2.

**Zimmer Nuclear Power Station,* Date to be determined, Washington, DC. The Subcommittee will review the safety significance of quality assurance problems associated with plant construction which resulted in a $200,000 fine by NRC/Inspection and Enforcement (I&E).

**Byron Station Units 1 and 2,* Date to be determined, Byron, IL. The Subcommittee will review the application of the Commonwealth Edison Company for an operating license for Units 1 and 2.

**Babcock and Wilcox,* March 3, 1982, Washington, DC. The Subcommittee will explore with B&W changes that have been made to the integrated control system (ICS) since the Three Mile Island Unit 2, Crystal River 3, and Rancho Seco transients. Other improvements to the plants and plant operations will also be explored.

**Clinch River Breeder Reactor and Site Suitability,* Date to be determined, Washington, DC. The Subcommittee will begin site suitability review for the Clinch River Breeder Reactor.

**Reliability and Probabilistic Assessment,* Date to be determined, Washington, DC. The Subcommittee will review the draft Commission Policy Statement on Safety Goals.

ACRS Full Committee Meetings

January 7–9, 1982: Items are *tentatively* scheduled.

A. *NRC Safety Research Programs and Associated Budget for FY 1983*—Report to the U.S. Congress.

*B. *Clinch River Breeder Reactor*—Briefing regarding project status.

*C. *PWR Standard Nuclear Steam Supply Systems*—Briefing regarding changes in the standard Westinghouse NSSS resulting from Three Mile Island Unit 2 lessons learned.

*D. *BWR Standard Nuclear Steam Supply Systems*—Briefing regarding changes in the standard General Electric NSSS resulting from Three Mile Island Unit 2 lessons learned.

*E. *ACRS Subcommittee Reports*—Reports of current subcommittee activity concerning safety related matters,

including consideration of human factors in the design and operation of nuclear facilities, consideration of degraded cores in the design and operation of nuclear power plants, and foreign nuclear regulatory programs.

*F. *Future Committee Activities*—Discuss scope and schedule for anticipated ACRS activities.

February 4–6, 1982: Agenda to be announced.

March 4–6, 1982: Agenda to be announced.

Dated: December 17, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-36481 Filed 12-21-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-275 OL; 50-323 OL]

Pacific Gas & Electric Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2); Hearing

December 16, 1981.

Notice is hereby given of a hearing on the application of Pacific Gas and Electric Company (Applicant) for an operating license for Diablo Canyon Units 1 and 2.

The hearing will begin, as agreed to by the parties, on January 19, 1982 at 9:00 a.m. It will continue on week days to 12:00 noon on Saturday, January 30, 1982, if necessary.

These hearings will be held at the following locations:

January 19 and 20, 1982:
Civic Association Building
191 San Miguel
Avila Beach, California

January 21, 22, 23, 25, 26, 27, 28, 29 and 30, 1982:
Bay View Room
San Luis Bay Inn
Avila Beach, California

The Public is invited to attend.

No oral statements will be permitted. However, written statements relating to the question of licensing the operation of Diablo Canyon Units 1 and 2 will be received by the Clerk and considered by the Board and made part of the record.

It is so ordered.

Issued and entered at Bethesda, Maryland, this 16th day of December 1981.

The Atomic Safety and Licensing Board.

Glenn O. Bright,

Administrative Judge.

Dr. Jerry Kline,

Administrative Judge.

John F. Wolf,

Chairman, Administrative Judge.

[FR Doc. 81-36480 Filed 12-21-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-311]

Public Service Electric & Gas Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. DPR-75, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), which revised Technical Specifications for operation of the Salem Nuclear Generating Station, Unit No. 2 (the facility) located in Salem County, New Jersey. The amendment is effective as of November 9, 1981.

The amendment was authorized by telephone on November 9, 1981 and was confirmed by letter on the same date. The amendment changes an Action Statement for the Emergency Core Cooling Systems to permit an additional 48 hours to complete repairs to No. 22 Charging Pump and, upon satisfactory verification of pump characteristics, permits the required flow balance testing to be conducted during the next time the unit is in COLD SHUTDOWN. The amendment was authorized on an expedited basis to maintain the plant at a steady-state condition and avoid a shutdown transient shown by our evaluation to be unnecessary but required by Technical Specifications unless amended.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the request for amendment dated November 9, 1981, as confirmed by letters dated November 9, 1981 and November 18, 1981, (2) the Commission's letter dated November 9, 1981, authorizing the Technical Specification change, (3) Amendment No. 3 to License No. DPR-75, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 15th day of December, 1981.

For the Nuclear Regulatory Commission.

Steven A Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-36458 Filed 12-21-81; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 10.6, Revision 1, "Guide for the Preparation of Applications for Use of Sealed Sources and Devices for Performing Industrial Radiography," provides general guidance for the preparation of an application for a Nuclear Regulatory Commission license to possess and use sealed sources and devices for performing industrial radiography. The guide has been revised as result of public comment and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. Copies of active guides may be purchased at the current

Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Silver Spring, Maryland this 16th day of December 1981.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 81-38459 Filed 12-21-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 12112; 812-5007]

American General Corp. and American General Harbor Fund, Inc.; Filing of Application

December 16, 1981.

Notice is hereby given that American General Corporation ("American General") and American General Harbor Fund, Inc. ("Fund"), 2727 Allen Parkway, Houston, Texas 77019, a Maryland corporation which is an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act") (hereinafter the Fund and American General are collectively referred to as the "Applicants"), filed an application on November 12, 1981, and an amendment thereto on December 15, 1981, pursuant to Section 17(b) of the Act for an order of the Commission exempting from the provisions of Section 17(a) of the Act a proposed sale of 50,000 shares of $2.75 Cumulative Convertible Class A Preferred Stock of Credithrift Financial, Inc. ("Credithrift"), by the Fund to American General. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

American General, a Texas corporation, is primarily engaged through subsidiaries in the life insurance and property-casualty insurance business and other financial services activities. American General and those of its subsidiaries for which its investment department makes investment decisions ("AG Group") beneficially owned, as of October 31, 1981, 1,016,900 shares of common stock or approximately 9.7% of the outstanding voting securities of Credithrift. On the same date, the Fund, whose principal investment objective is to provide income, reasonable protection of capital and potential growth of capital by investing principally in senior securities of other corporations, beneficially owned 50,000 shares of $2.75 Cumulative Convertible Class A Preferred Stock of Credithrift ("Credithrift Preferred Stock").

The AG Group does not include the investment companies, including the Fund, advised by American General Capital Management Inc. ("AGCM"), a wholly-owned subsidiary of American General. Applicants represent that all investment decisions on behalf of the Fund are made independently of the decisions made by American General for the AG Group. Additionally, Applicants state that, other than through its power to vote the Credithrift shares beneficially owned by the AG Group, American General does not influence or exercise any control over Credithrift nor are any of its officers, directors, or substantial stockholders officers or directors of Credithrift.

On October 29, 1981, American General and Credithrift entered into a Plan and Agreement of Reorganization ("Plan") and a Stock Option Agreement ("Option"). The Plan provides for a merger of a newly-formed wholly owned subsidiary of American General into Credithrift, whereby Credithrift will become a wholly owned subsidiary of American General. Pursuant to the merger, holders of common stock of Credithrift and holders of Credithrift Preferred Stock would become holders of 11% Convertible Debentures due 2007 of American General. Each share of Credithrift Preferred Stock will be converted into a principal amount of such debentures equal to $32.05 plus accrued dividends on such share to the date of the merger. The consummation of the contemplated transaction is subject to certain conditions, including the approval of Credithrift shareholders. In consideration of American General's entering into the Plan, Credithrift has entered into the Option with American General, pursuant to which Credithrift has granted to American General an option to purchase up to an additional 1,894,294 shares of Credithrift common stock, representing 16% of the shares of such stock issued and outstanding on the date of such agreement at a price per share equal to the greater of $12.50 or the closing price of such stock on the New York Stock Exchange on the day prior to exercise. Under certain circumstances, American General may be required to pay additional consideration under the Option and has granted Credithrift the right of first refusal on certain resales of such shares.

On November 9, 1981, American General and the Fund executed an agreement ("Agreement") for the purchase by American General of Credithrift Preferred Stock held by the Fund ("Shares") at a price per share equal to the average of the closing sale prices for the Shares on the New York Stock Exchange during the five business days preceding the closing date of the purchase. The Agreement also provides that the consideration paid by American General for the Shares is subject to subsequent increase to the highest of (i) the $32.05 per share price which other holders receive under the Plan described above, (ii) the price paid by American General or any entity controlled by it for any shares of Credithrift Preferred Stock, or (iii) the price received by American General or any entity controlled by it, during the period of one year following the purchase of the Shares from the Fund, for any shares of Credithrift Preferred Stock. Under the Agreement, the Fund retains the right to sell the Shares or any portion thereof, in its discretion, to any person, at any time prior to the issuance of the last of certain requisite regulatory approvals.

Section 17(a) of the Act, in pertinent part, provides that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of a registered investment company, or any affiliated person of such a person, knowingly to sell to or to purchase from such registered investment company any security or other property subject to certain exceptions not relevant here. Section 17(b) of the Act provides that the Commission, upon application, shall exempt a proposed transaction from the provisions of Section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company involved and with the general purposes of the Act. Under Section 2(a)(3) of the Act, an investment adviser to an investment company is an affiliated person of such investment company, and anyone owning more than 5% of the adviser's outstanding voting securities is an affiliated person of the adviser. Accordingly, since American General owns 100% of the common stock of AGCM, investment adviser to the Fund, American General is an affiliated person of an affiliated person of the Fund, and

the proposed sale of Credithrift Stock by the Fund to American General falls within the provisions of Section 17(a) of the Act.

Applicants submit that the proposed transaction is consistent with the standards set forth in Section 17(b) of the Act and with the overall policies and purposes of the Act. The Agreement, accoding to Applicants, is designed to enable the Fund to receive the market price of its shares plus the potential increase in value of those shares to American General for up to one year and it enables the Fund to retain the benefits of any appreciation of the Credithrift Preferred Stock under the circumstances described above without being subject to risk of loss in the event of a decline in the price of the stock. In addition, Applicants represent that if the requisite two-thirds approval by the holders of the outstanding Credithrift Preferred Stock is not achieved at the special meeting of Credithrift stockholders scheduled for January 7, 1982, Credithrift intends to adjourn the special meeting in order to call the Credithrift Preferred Stock for redemption on a redemption date prior to the effective date of the merger. The Credithrift Preferred Stock is redeemable at $27.48 per share plus accrued dividends. Therefore, Applicants state that if the Fund held Credithrift Preferred Stock called for redemption, it would be forced to elect between receiving $27.48 in cash or converting into Credithrift common stock. Applicants assert that it is in the best interests of the Fund to receive the then current market price of the Credithrift Preferred Stock (the closing price on the New York Stock Exchange on December 10, 1981 was $30 per share) plus the subsequent price protection described above, since if the merger is consummated the Fund is guaranteed a minimum cash consideration equal to $32.05 per share of Credithrift Preferred Stock.

Applicants assert that the Agreement was reached between American General and the Fund on an arms-length basis, and was negotiated on behalf of the Fund by its outside counsel under the direction of the Fund's Executive Committee without the participation of directors affiliated with American General. The offer by American General to pay cash for the Fund's holdings of Credithrift stock is, according to Applicants, entirely consistent with the Fund's investment objectives and policies and gives AGCM as the Fund's adviser complete flexibility as to investment of the proceeds of the sale. Additionally, Applicants contend that the American General debentures that the Fund would own if it participated in the merger may be an inappropriate investment for the Fund as they would represent an investment in securities of an affiliated person of the Fund.

Notice is further given that any interested person may, not later than 12:00 noon, January 7, 1982, submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-36014 Filed 12-21-81; 8:45 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[SBLC No. 02/B-0029]

C.I.T. Funding Corp.; Filing of Application for Eligibility Determination as a Small Business Lending Company

An Application for Eligibility Determination as a Small Business Lending Company has been filed by C.I.T. Funding Corporation, 650 Madison Avenue, New York, New York 10022, with the Small Business Administration pursuant to § 120.4(b) of SBA Regulations (13 CFR 120.4(b)(1981)), promulgated under the Small Business Act.

As a Small Business Lending Company (SBLC), under subsection (b) mentioned above, the Applicant will be engaged solely in the making of loans to small business concerns, in participation with SBA, and in accordance with applicable SBA Regulations; and, it will be subject to supervision and examination by the SBA.

The Applicant is incorporated under the laws of the State of New York, and it will commence operations with an initial capitalization of $500,000. It intends to conduct its operations, initially, in the State of New York, later expanding nationwide.

The Officers and Directors of the Applicant are:

Name and Title

Leon G. Pappas, #5 250 North Forsyth, Clayton, Missouri 63105—President
Fred F. Harrison, 1446 White Hill Road, Yorktown, New York 11566—Vice President
Charles H. Schumacher, 1517 Stevans Avenue, Merrick, New York 11566—Secretary-Treasurer
Robert B. Goeller, 176-56 80 Road, Jamaica, New York 11743—Director
Charles E. Stealey, 209 W. Shore Drive, Massapequa, New York 11758—Director
Gerald S. Kessler, 10 Gloria Lane, Huntington, New York 11743—Director

C.I.T. Financial Corporation, 650 Madison Avenue, New York, New York 10022, is the parent and owns 100 percent of Applicant's outstanding common stock. The parent, in turn, is wholly owned by R.C.A. Corporation, 30 Rockefeller Plaza, New York, New York.

Matters involved in SBA's consideration of the Application include the general business reputation and character of management, and the probability of successful operation of the company under their management, including adequate profitability and financial soundness, in accordance with the Small Business Act and the Regulations promulgated thereunder.

Notice is hereby given that all interested parties may, not later than January 6, 1982 submit to SBA written comments on the proposed Applicant and/or its management. Any such communication should be addressed to: Wayne S. Foren, Director, Office of Lender Relations and Certification, Small Business Administration, 1441 L Street NW., Room 720, Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in New York City, New York, as well as in the Eastern Regional Edition of *The Wall Street Journal.*

(Catalog of Federal Domestic Assistance Programs No. 59.012, Small Business Loans)

Dated: December 15, 1981.

Edwin T. Holloway,

Acting Associate Administrator for Finance & Investment.

[FR Doc. 81-36491 Filed 12-21-81; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 10/10-0176]

Clifton Capital Corp.; Proposed License No. 10/10-0176; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1981)), under the name of the Clifton Capital Corporation, 1408 Washington Building, Tacoma, Washington 98402, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 et seq.) and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders of the Applicant are as follows:

James H. Wiborg, 6608 North 46th Street, Tacoma, Washington 98407—President, Treasurer, Director, 50 percent preferred
Ann R. Wiborg, 6608 North 46th Street, Tacoma, Washington 98407—Director, 50 percent preferred
Katherine W. Addleman, 2918 North Alder, Tacoma, Washington 98407—Director, 25 percent common
David R. Addleman, 2918 North Alder, Tacoma, Washington 98407—Director
Mary Wiborg Green, 6701 North 49th, Tacoma, Washington 98407—Director, 25 percent common
Lawrence J. Green, 6701 North 49th, Tacoma, Washington 98407—Director
Caroline Wiborg Haydu, 51 Krabs Road, Plainsboro, New Jersey 08536—Director, 25 percent common
Joseph A. Haydu, Jr., 51 Krabs Road, Plainsboro, New Jersey 08536—Director
John S. Wiborg, 1901 North Alder, Tacoma, Washington 98406—Vice President, Director, 25 percent common
Kristy Munson Wiborg, 1901 North Alder, Tacoma, Washington 98406—Director
James H. Morton, 8402 Cabrini Lane NW., Gig Harbor, Washington 98335—Secretary, Director
Gary B. Bland, P.O. Box 3707, M/S 10-15, Seattle, Washington 98124—Director.

There will be two classes of stock authorized, four thousand shares of common stock and six thousand shares of preferred stock. Initially all of the common stock will be issued and 5,000 shares of the preferred stock will be issued. The initial private capital will be $500,004. Applicant proposes to conduct its operations principally in the State of Washington.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operation of the new company in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 15 days from the date of publication of this notice, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to: Acting Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper of general circulation in Tacoma, Washington.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 15, 1981.

Edwin T. Holloway,

Acting Associate Administrator for Finance & Investment.

[FR Doc. 81-36492 Filed 12-21-81; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 09/09-5298]

Dime Investment Corp.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102), under the name of Dime Investment Corporation, 422 South Western Avenue, Los Angeles, California 90004, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et seq.*), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders of the applicant are as follows:

Chun Y. Lee, 424 Westmoreland Avenue, Los Angeles, California 90004—President, Business Manager, Director and 50% Stockholder
Shee Y. Khyur, 422 South Western Avenue, Los Angeles, California 90004—Chief Financial Officer, Director and 40% Stockholder
Hyo Shick Pai, 1914 North Hobart Blvd., Los Angeles, California 90027—Secretary, Director and 10% Stockholder

The Applicant, a California Corporation, will begin operations with $500,000 paid-in capital and paid-in surplus. The applicant will conduct its activities principally in the State of California.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose particiaption in the free enterprise system is hampered because of social or economical disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operations of the new company in accordance with the Act and Regulations.

Notice is hereby given that any person may not later than January 6, 1982, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to: Acting Associate Administrator for Finance & Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Los Angeles, California.

(Catalog of Federal Domestic Assistance Program No 59.011, Small Business Investment Companies)

Dated: December 16, 1981.

Edwin T. Holloway,

Acting Associate Administrator for Finance & Investment.

[FR Doc. 81-36493 Filed 12-21-81; 8:45 am]

BILLING CODE 8025-01-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on January 25, 1982, at 1:00 p.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Estes Kefauver Federal Building—U.S. Courthouse, Room A-220, 110 Ninth Avenue, South, Nashville, Tennessee, conduct a hearing to

determine whether Veterans Administration benefits to all eligible persons in Memphis Steamfitters JAC, 3746 Jackson Avenue, Memphis, Tennessee, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: December 15, 1981.

R. S. Bielak,

Director, VA Regional Office, 110 Ninth Avenue, South, Nashville, Tennessee.

[FR Doc. 81-36518 Filed 12-21-81; 8:45 am]

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Sunshine Act Meetings

Federal Register
Vol. 46, No. 245
Tuesday, December 22, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Home Loan Bank Board	1
Foreign Claims Settlement Commission	2
National Commission on Libraries and Information Science	3
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1

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 46, No issue number at this time. No page number at this time. Date published, Friday, December 18, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Tuesday, December 22, 1981.

PLACE: 1700 G Street, N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

CHANGES IN THE MEETING: The Bank Board meeting previously scheduled for Tuesday, December 22, 1981 has been canceled.

December 18, 1981.

[S–1912–81 Filed 12–18–81; 12:43 pm]

BILLING CODE 6720–01–M

2

FOREIGN CLAIMS SETTLEMENT COMMISSION

[FCSC Meeting Notice No. 7–81]

Announcement in Regard to Commission Meetings and Hearings

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date, Time, and Subject Matter

Monday, January 18, 1982 at 10:30 a.m.:
General consideration of Commission activities and scheduling of anticipated Commission hearings during 1982.

Subject matter listed above, not diposed of at the scheduled meeting, may be carried over the the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street, N.W.; Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Executive Director, Foreign Claims Settlement Commission, 1111 20th Street, N.W., Washington, D.C. 20579. Telephone: (202) 653–6155.

Dated at Washington, D.C. on December 16, 1981.

Judith H. Lock,
Administrative Officer.

[S–1911–81 Filed 12–18–81; 12:24 pm]

BILLING CODE 4410–01–M

3

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

TIME: 9 a.m.–5 p.m.

DATE: January 14, 1982.

PLACE: Washington Hilton Hotel, Washington, D.C.

STATUS: Closed.

MATTERS TO BE DISCUSSED: Executive Session (closed meeting Sec. 1703.202 (2) and (6) of the Code of Federal Regulations, 45 CFR, Part 1703).

CONTACT PERSON FOR MORE INFORMATION: Toni Carbo Bearman, Executive Director (202) 653–6252.

Dated: December 17, 1981.

Toni Carbo Bearman,
Executive Director, National Commission on Libraries and Information Science.

[S–1913–81 Filed 12–18–81; 4:09 pm]

BILLING CODE 7527–01–M

4

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

STATUS: Closed/open meetings.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Rescheduling/additional items.

A closed meeting scheduled for Tuesday, December 22, 1981, at 10 a.m. has been rescheduled for 9:00 a.m.

An open meeting scheduled for Wednesday, December 23, 1981, at 10 a.m. has been rescheduled for 9:00 a.m. and includes the following items:

1. Consideration of whether to grant the appeal of Edward L. Machulak from the determination of the Freedom of Information Act Officer denying him access to certain documents concerning Commerce Group Corp. pursuant to Exemptions 4, 5 and 7(C) of the Freedom of Information Act. For further information, please contact Giles S. Attia at (202) 272–2448.

2. Consideration of what response to make to the request of the Senate Governmental Affairs Committee for the Commission's comments on S. 1601, the "Regulatory Mediation Act of 1981." For further information, please contact Ann C. Stansbury at (202) 272–2427.

Chairman Shad and Commissioners Loomis, Evans, Thomas, and Lonstreth determined by vote that Commission business required consideration of these matters and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Arthur C. Delibert at (202) 272–2467.

December 17, 1981.

[S–1910–01 Filed 12–18–81; 10:24 am]

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federal register

Tuesday
December 22, 1981

Part II

Department of Energy

Office of Leasing Policy Development

Diligence Requirements for Federal Coal Leases; Proposed Rulemaking

DEPARTMENT OF ENERGY

Office of Leasing Policy Development

10 CFR Part 378

[Docket No. LPD 81-2]

Diligence Requirements for Federal Coal Leases

AGENCY: Department of Energy.

ACTION: Proposed rule.

SUMMARY: This proposed regulation establishes coal diligence requirements that would be applicable to all Federal coal leases and logical mining units (LMU), including existing leases and LMU's. The regulation would supersede the existing Department of Interior (DOI) diligence requirements governing production from Federal coal leases.

Leases issued prior to August 4, 1976, the date of passage of the Federal Coal Leasing Amendments Act of 1976, would be treated differently under this regulation than leases issued on or after August 4, 1976. As under current DOI regulations leases issued on or after August 4, 1976, would be required to produce coal in "commercial quantities" within ten years from the effective date of the lease to meet the requirement for diligent development. However, the proposal would generally relax the current June 1, 1986 deadline by which leases issued prior to August 4, 1976, must be brought into commercial production or be terminated. Those pre-August 4, 1976 leases need not produce coal in commercial quantities until ten years after the effective date of the first lease readjustment occurring after August 4, 1976. The holders of pre-August 4, 1976 leases would also be given the option to elect to be governed by the minimum production clause of the lease until the first lease readjustment, instead of by the provisions for diligent development and continued operation proposed by this regulation. The definition of "commercial quantities" would be changed to mean the production of only one percent of the coal reserves or LMU coal reserves for pre-August 4, 1976 leases, instead of two and one-half percent, and remain one percent for leases issued on or after August 4, 1976. Once a lease or LMU has achieved diligent development, it would have to be maintained in continued operation each year thereafter. The proposed requirement for continued operation carries forward the existing DOI regulatory provision.

Under this proposed regulation, individual leases would no longer be designated automatically as LMU's but would be considered for inclusion in an approved LMU on a lease-by-lease basis by DOI under the applicable criteria and procedures adopted by DOI. The time in which an approved LMU must produce coal in commercial quantities depends upon the issuance dates of the leases that comprise the LMU.

This proposal also specifies (1) certain requirements for the filing of a resource recovery and protection plan; (2) circumstances under which coal operations may be suspended and the impact of that suspension on the diligence requirements; (3) the conditions under which leases would be terminated or may be cancelled for failure to comply with certain diligence requirements; (4) the conditions under which advance royalties may be accepted in lieu of meeting the requirement for continued operation and the method for calculating those advance royalties; and (5) the method for crediting production from a lease or LMU toward the requirement for diligent development.

This regulation is being issued pursuant to the Department of Energy's rulemaking authority in section 302(b) of the Department of Energy Organization Act.

DATES: Written comments are due not later than February 22, 1982, at 4:00 p.m. A public hearing will be held in Denver, Colorado on February 17, 1982 and will begin at 9:30 a.m. Request to speak at the public hearing must be received by February 10, 1982.

ADDRESSES: All written comments and requests to speak at the Denver, Colorado hearing should be sent to: Office of Public Hearings Management, Economic Regulatory Administration, Box YB (Docket No. LPD 81-2), 2000 M Street, NW., Washington, D.C. 20461. The hearing will be held in the Post Office Auditorium, Room 269, 1823 Stout Street, Denver, Colorado. 80202.

FOR FURTHER INFORMATION CONTACT:

Timothy E. Foley, (Leasing Policy Division), Department of Energy, Room 2113—Federal Building, FE-15, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20461, (202) 633-9325

Michael T. Skinker, (Office of General Counsel), Department of Energy, Room 6E-042, GC-15, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-6967

Cynthia A. Ford, (Office of Public Hearings Management), Economic Regulatory Administration, Room 7104, RG-30, 12th & Pennsylvania Avenue, NW., Washington, D.C. 20461, (202) 633-8906

Milton Jordan, (Freedom of Information Office), Department of Energy, Room 1E-190, MA-43, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-5955

SUPPLEMENTARY INFORMATION:

I. Introduction
II. Federal Coal Leasing—General
III. Proposed Regulation
  A. Authority
  B. General
IV. Specific Features of the Proposed Regulation
  A. Definitions
  1. General
  2. Logical mining unit
  3. Coal reserves and LMU coal reserves
  B. Requirements for Diligent Development and Continued Operation
  1. General
  2. Commercial quantities
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  4. Crediting of production toward diligent development
  5. Continued operation
  C. Resource Recovery and Protection Plan
  D. Termination or Cancellation for Failure to Meet Diligent Development
  E. Extension or Suspension of Diligence Requirements
  F. Advance Royalties
  G. Enforcement and Appeals
V. Public Comment Procedures
VI. Environmental Review
VII. Executive Order 12291
VIII. Compliance with the Regulatory Flexibility Act.

I. Introduction

Sections 302 and 303 of the Department of Energy Organization Act (DOE Act, Pub. L. 95-91, 91 Stat. 578-580 (42 U.S.C. 7152, 7153)) transferred to the Secretary of Energy certain authorities previously held by the Secretary of the Interior under the Outer Continental Shelf Lands Act, the Mineral Lands Leasing Act, the Mineral Leasing Act for Acquired Lands, the Geothermal Steam Act of 1970, and the Energy Policy and Conservation Act. Specifically, with respect to Federal leases issued under these statutes, section 302(b) of the DOE Act authorizes the Secretary of Energy to promulgate regulations which relate to the: (1) Fostering of competition for Federal leases (including, but not limited to, prohibition on bidding for development rights by certain types of joint ventures); (2) implementation of alternative bidding systems authorized for the award of Federal leases; (3) establishment of diligence requirements for operations conducted on Federal leases (including, but not limited to, procedures relating to the granting or ordering by the Secretary of the Interior of suspension of operations or production as they relate to such requirements); (4) setting rates of production for Federal leases; and (5)

specifying the procedures, terms and conditions for the acquisition and disposition of Federal royalty interests taken in kind.

In addition, section 302(c) of the DOE Act authorizes the Secretary of Energy to establish rates of production for Federal leases, and section 303(c)(1) permits the Secretary to disapprove any term or condition of a Federal lease that relates to DOE's authority to promulgate regulations under section 302(b).

The Secretary of the Interior was consulted during the preparation of these proposed regulations and afforded an opportunity to comment formally, as required by section 303(b) of the DOE Act. The Secretary of the Interior has provided comments which were considered in drafting these regulations.

In separate rulemaking projects, DOI is proposing amendments to the Coal Management rules presently found at 43 CFR Part 3400 and the Coal Exploration and Mining Operations rules presently found at 30 CFR Part 211. The changes being proposed by DOI reflect the amendments to the coal diligence regulations proposed here.

II. Federal Coal Leasing—General

The current Federal coal leasing program is administered under the statutory authority of the Mineral Lands Leasing Act (MLLA, Act of February 25, 1920, ch. 85, 41 Stat. 450 (30 U.S.C. 181 *et. seq.*)) and the Mineral Leasing Act for Acquired Lands (MLAAL, Act of August 7, 1947, ch. 513, 61 Stat. 913 (30 U.S.C. 351 *et seq.*)). The program has been managed and enforced by DOI pursuant to both the coal management regulations of the Bureau of Land Management (43 CFR Part 3400) and the United States Geological Survey (USGS) regulations governing coal exploration and mining operations (30 CFR Part 211). Pursuant to its transferred authority in section 302(b) of the DOE Act, DOE has promulgated regulations establishing bidding systems to be used by DOI in the leasing of Federal coal (10 CFR Part 378, Subpart B).

Both section 7 of the MLLA and the terms of each coal lease issued by DOI require that each lease be diligently developed. The provisions of the original MLLA, however, allowed prolonged holding of the land at low cost to the lessee. Leases were issued under the MLLA for an indefinite period of time and provided for a readjustment of the lease terms and conditions at the end of the first twenty years of the lease. Because of economic conditions governing the production of coal from Federal coal leases, there are a large number of Federal coal leases outstanding which have never been brought into production. In consideration of this, on August 4, 1976, Congress enacted the Federal Coal Leasing Amendments Act of 1976 (FCLAA, Pub. L. 94–377, 90 Stat. 1083), which amended the MLLA and established, among other things, more specific diligence requirements for coal leases and LMU's. The FCLAA governed the issuance of future coal leases and approval of LMU's (those issued or approved on or after August 4, 1976) but did not affect existing leases (those issued prior to August 4, 1976) until their first lease readjustment after enactment of the FCLAA. Generally, the FCLAA provided that leases would be for a primary term of twenty years and for so long thereafter as coal is produced in commercial quantities, but that coal must be produced from a lease in commercial quantities within the first ten years or the lease would be terminated. It also provided that, under certain conditions Federal coal leases and non-Federal lands may be combined into LMU's.

In May, 1976, prior to enactment of the FCLAA, DOI issued regulations now contained in 43 CFR Part 3400 to define "diligence" more specifically. After later modification to conform to the FCLAA, the regulations require all leases issued prior to August 4, 1976, to have produced coal in commercial quantities by June 1, 1986, although an opportunity for a five-year extension is provided if certain conditions are met. All post-August 4, 1976 leases are required to produce coal in commercial quantities within ten years of the effective date of the lease. The amount of production necessary to qualify as "commercial quantities" is set at one percent of the coal reserves for leases issued after August 4, 1976, and one fortieth of the reserves (two and one-half percent) for leases issued prior to August 4, 1976. For purposes of the DOI diligence requirements, all leases are automatically deemed to constitute an LMU on the effective date of the lease or June 1, 1976, whichever is later. The existing DOI definition of LMU provides that all LMU reserves must be mined out within forty years from the date of first approval of a mining plan for that LMU.

DOI diligence regulations in 30 CFR 211.10 require that prior to conducting any operation on Federal lands other than casual use, the operator (which includes a lessee or licensee or other person conducting operations under the authority of a lessee or licensee) shall submit a mining plan or exploration plan to the DOI District Mining Supervisor and obtain approval. The existing regulations provide that a mining plan has to be submitted within three years after the effective date of the lease or lease readjustment, for any lease issued or readjusted after August 4, 1976.

This proposal would supersede these existing DOI diligence requirements by changing the substance of some and carrying forward the requirements of others. Applicable diligence definitions in 43 CFR 3400.0–5, such as "commercial quantities," "diligent development," "LMU," etc., would be superseded to the extent that they are re-defined or inconsistent with these proposed definitions. The existing requirements for diligent development and continued operation in 43 CFR 3475.4, for LMU's in 43 CFR 3475.5, and for mining plan filing in 30 CFR 211.10 would be superseded by this regulation.

III. Proposed Regulation

A. Authority

The Secretary of Energy was transferred the authority by section 302(b)(3) of the DOE Act to promulgate regulations under the MLLA and the MLAAL to establish diligence requirements for coal operations conducted on Federal coal leases (including but not limited to, procedures relating to the granting or ordering by the Secretary of the Interior of suspension of operations or production as they relate to such requirements) and by section 303(c) of the DOE act to disapprove any term or condition of a Federal coal lease which relates to DOE's authority to promulgate regulations under section 302(b).

B. General

The principal thrust of this proposed regulation is to promulgate diligence requirements for all Federal coal leases and LMU's, including existing leases and LMU's, that closely reflect the intent of Congress in passage of the FCLAA and allow timely and efficient development of Federal coal resources in response to the demands of the marketplace. The proposal reflects a need for the establishment of requirements to govern the development of Federal coal reserves that are responsive to those market conditions that dictate the timing of coal production and simultaneously ensure that the reserves are produced without undue delay as demand arises.

Generally, this proposed regulation would relax the existing DOI diligence requirements for leases issued prior to the passage of the FCLAA on August 4, 1976, in order to prevent the unnecessary and premature relinquishment of Federal coal leases for failure to meet the existing June 1, 1986,

regulatory deadline for the achievement of diligent development. This proposal would give those existing, pre-August 4, 1976 leases the opportunity to take more time, within Congressionally mandated limitations, to meet the initial production requirement and, thus, allow more freedom for the market place mechanism to govern the development of coal.

It should be noted that section 2(a) of the MLLA, as amended by section 3 of the FCLAA, generally prohibits the Secretary of the Interior from issuing a lease to any entity which holds a Federal coal lease and has held such lease for a period of ten years when such entity is not producing coal from the lease deposits in commercial quantities. Periods of time prior to the enactment of the FCLAA on August 4, 1976, are not counted in determining the ten-year period. Therefore, even though the diligence requirements may be relaxed for pre-August 4, 1976 leases, a lessee would have to achieve production in commercial quantities by August 4, 1986, or be prohibited by statute from obtaining an additional lease. It is conceivable, therefore, that a lessee could be in compliance with these proposed coal diligence regulations, and still be subject to the leasing prohibition of section 2(a).

Specifically, the proposed regulation would extend the time period beyond June 1, 1986, by which a lease issued prior to August 4, 1976, must achieve production in commercial quantities, and would reduce the percentage amount of reserves needed to qualify as commercial quantities. Under current DOI regulations, all those pre-August 4, 1976 leases must produce one fortieth (two and one-half percent) of their coal reserves by June 1, 1986, but the lessee has the right to request a five-year extension if certain conditions are met. This proposed regulation would require that those leases achieve production in commercial quantities of one percent of the coal reserves and would extend the period for the achievement of this production until ten years from the effective date of the first lease readjustment occurring after August 4, 1976. No provision for a five-year extension is being provided, but the time in which diligent development must be achieved may be extended when operations are interrupted by strikes, the elements, or casualties not attributable to the lessee or when DOI, in the interest of conservation, directs the suspension of operations and production. The bulk of those leases are scheduled for readjustment in the mid-80's, but some are scheduled as late as 1995. Thus, this proposal would spread the initial production requirement over a longer time horizon. This modification is intended to promote more timely, orderly, and efficient development and production of leased reserves and allow development to coincide more closely with increases in coal market demand.

The existing diligence requirements promulgated by DOI in 1976 superseded the clauses of individual leases which provided the minimum production obligations, to the extent that the two requirements were inconsistent. This proposal continues that supersession, but permits the holder of a pre-August 4, 1976 lease that has not yet been readjusted after August 4, 1976, to elect to be governed by the lease clause which describes the minimum production requirements (in most cases, the "minimum production" clause), instead of by these regulations, for the period of time between the promulgation of these regulations and the effective date of the first lease readjustment after August 4, 1976 (§ 378.301(b)). This election must be made in writing to DOI within one year of the promulgation of this regulation. (See section IV B.4. of this preamble for a discussion of the impact of this election on the crediting of production after August 4, 1976, toward the requirement for diligent development).

The following is an example of the type of minimum production clause applicable to pre-August 4, 1976 leases (section 2(d) of the February, 1965 form):

(d) *Minimum production.* Beginning with the sixth year of the lease, except when operations are interrupted by strikes, the elements, or casualties not attributable to the lessee, or unless on application and showing made, operations shall be suspended when market conditions are such that the lessee cannot operate except at a loss or suspended for the other reasons specified in Section 39 of the Act, to mine coal each year and pay a royalty thereon to a value of $1 per acre or fraction thereof. Operations under this lease shall be continuous except in circumstances described or unless the lessee shall pay a royalty, less rent, on such minimum amount of the leased deposits, for one year, in advance, in which case operations may be suspended for that year.

As noted above, the existing DOI diligence regulations provide that all Federal Coal leases will automatically be considered to constitute an LMU on the effective date of the lease of June 1, 1976, whichever is later (43 CFR § 3475.5). This proposed regulation treats LMU's and leases separately for purposes of the diligence requirements. The determination of whether an individual Federal coal lease may be included in an LMU will be made by DOI on a lease-by-lease basis pursuant to applicable criteria and procedures adopted by DOI. This proposal carries foward the DOI diligence requirement that the approved "mining plan" ("resource recovery and protection plan" under the proposed revision of the DOI coal operating regulations) for an LMU must provide for the mining of all LMU coal reserves within forty years. This implements the statutory requirement of section 5(b)(2) of the FCLAA. This proposed regulation, however, establishes the period as forty years after the date of first production from the LMU after LMU approval, rather than after the date of first approval of a "mining plan" for that LMU as under the existing DOI regulations. Another of the changes from existing DOI diligence requirements, due to the fact that this proposal does not automatically deem individual leases to constitute LMU's, is that the propose regulation does not require the resource recovery and protection plan for an individual lease to provide for a forty year mine-out. Although the DOE diligence requirements being proposed do not require forty year mine-out for individual leases, acceptance of a resource recovery and protection plan is still subject to approval by DOI pursuant to applicable DOI procedures and requirements.

IV. Specific Features of the Proposed Regulation

A. Definitions

1. *General.* Proposed Subpart D will contain all of DOE's regulations that relate specifically to the diligence requirements for Federal coal leasing. The relevant definitions for the coal diligence regulations are divided between Subparts A and D of Part 378. Subpart A contains those definitions that have general applicability to all of the aspects of Federal coal leasing contained in Part 378. The definitions in § 378.302 of Subpart D are applicable only to the diligence requirments in Subpart D. Specific definitions are discussed below.

2. *Logical Mining Unit.* The proposed regulation amends Subparts A and B of Part 378 by amending the definition of "Logical Mining Unit" (LMU) in Subpart B, which pertains to coal bidding systems. The definition was modified to conform more closely with the description of an LMU contained in the FCLAA and moved to Subpart A to make it applicable to all aspects of coal leasing contained in Part 378. The criteria and procedures for establishing an LMU are within the jurisdiction of

DOI and are contained in the applicable DOI regulations.

3. *Coal Reserves and LMU Coal Reserves.* This proposal makes a distinction between "coal reserves," the commercially mineable coal contained in a single Federal lease, and "LMU coal reserves," the total of commerically mineable coal contained in all lands included in the LMU, whether under private or Federal ownership. Understanding this distinction is necessary when calculating the amount of production necessary for achievement of diligent development and continued operation for LMU's, and for calculating the amount of any advance royalty that may be owed. Achievement of diligent development and meeting the annual continued operation requirement for an LMU each require production of one percent of LMU coal reserves. That is 1 percent of all the commercially mineable coal contained in the LMU, regardless of ownership. Similarly, payment of advance royalties in lieu of the continued operation requirement for an LMU is calculated on the basis of 1 percent of all commercially mineable coal in the LMU. Production royalties owed on an LMU, however, are calculated on only the coal produced from coal reserves contained in the Federal leases included in the LMU, exclusive of the privately owned coal.

Coal reserves and LMU coal reserves will be estimated by DOI at the time of resource recovery and protection plan approval. In order to have a plan which is complete enough for approval, the extent of the resource will be fairly well established, and the value in having a fixed amount upon which a lessee may rely outweighs the reasonably small risk of significant inaccuracies. Specific comment is requested, however, on whether or not the regulation should provide for periodic revisions of the reserve estimates. Reference in the proposed definition of "coal reserves" is made to both mining plans and resource recovery and protection plans in order to make it clear that estimates made at the time existing mining plans were approved reflect the tonnage of coal to be used in determining compliance with the proposed diligence requirements. The proposed definition of "LMU coal reserves" does not contain a reference to mining plans, because there have been no mining plans filed for an "LMU" as contemplated by this proposal, under which individual leases are no longer automatically considered to be LMU's.

There is no intention in this proposal to require the calculation of coal reserves in a manner other than that normally performed by DOI; nor does this regulation preclude DOI from making reserve estimates for purposes other than diligence. The proposed definitions only establish which DOI estimate of coal reserves or LMU coal reserves is to be used in calculating commerical quantities for the purpose of determining compliance with the diligence requirements.

The definitions of coal reserves and LMU coal reserves are drawn from the definitions of those terms contained in the proposed USGS coal mining operating regulations. The internal references and the more technical aspects of the DOI proposal are excluded here merely for simplicity to the reader and to avoid confusion in the event that DOI amends its coal reseve estimation criteria in the future. There is no intent here to imply a different method of estimating reserves than that which would normally be followed by DOI.

The proposal provides that if an approved LMU is enlarged or diminished by DOI, the coal reserves and LMU coal reserves will be adjusted by DOI accordingly (§ 378.309(b)). The dates for submission of a resource recovery and protection plan and achievement of diligent development will not be changed by any such enlargement or diminution of the LMU.

B. Requirments for Diligent Development and Continued Operation (§ 378.304)

1. *General.* The proposed regulations requires each Federal coal lease and LMU to achieve diligent development and , once achieved, to maintain the lease in continued operation. The term "diligent development" as used in this proposal refers to a requirement that a lessee produce a specified amount of coal (commerical quantities) from his lease or LMU within a Given time period (diligent development period). Once the lessee has produced commerical quantities of coal from his lease or LMU, he must maintain the lease or LMU in continued operation by production of commerical quantities every year thereafter, as described below in section IV B.5., until reserve exhaustion or lease surrender.

2. *Commercial quantities.* As noted above, the existing DOI regulations (43 CFR 3400.0–5) define "commercial quantities" as an amount of production equal to one percent of the reserves for leases issued after August 4, 1976, and one fortieth of the reserves or two and one-half percent for any lease issued before August 4, 1976. DOE finds that there is no substantive reason for imposing differing production requirements on leases based on their date of issuance. Therefore, this proposal would define commercial quantities as one percent of the coal reserves or LMU coal reserves, regardless of the date of lease issuance.

Lessees LMU's must file a resource recovery and protection plan which provides for LMU coal reserves to be mined out within forty years. DOE recognizes that its definition of commercial quantities for LMU's is an amount less than the average annual amount that would have to be mined to meet the 40 year mine-out requirement, that is, one fortieth of the LMU coal reserves. We have done this for the following reasons.

The amount "one percent" was chosen to ensure that the lessee is diligently developing his lease while permitting the lessee, within the normal constraints of the industry and the marketplace, to determine how best to accomplish the mine-out requirement. The production of one percent of the reserves clearly indicates a significant undertaking on the part of the lessee and is accomplished only after expenditures of large amounts of capital for exploration, transportation facilities, on-site construction, coal preparation facilities, and overburden removal, in addition to lease acquisition costs. Mining operations require considerable lead time before any coal is produced and there is normally a period of time between the initial production of coal and the point at which the sustained design production rate, which is generally a rate greater than one fortieth of the coal reserves, is attained. Similarly, there are occasionally periods in the life of a mine when production falls off due to slack demand or contract cancellations and, at the end of a mine's life, production may be reduced as the coal resource is depleted. Since "commercial quantities" is used in this regulation as a minimum production requirement to demonstrate good faith in mine development and ongoing productivity, it was decided that one percent more accurately reflects actual needs and practice of industry than a higher figure. DOE particularly invites comments on the selection of one percent as the amount necessary to satisfy the commercial quantities obligation for both the diligent development and continued operation requirements. Any recommendation for a different amount should be supported with as much information as practicable.

3. *Diligent development period.* This proposal would require that all Federal coal leases issued on or after August 4, 1976, achieve diligent development by

producing coal in commercial quantities prior to the end of ten years after the effective date of the lease. All Federal coal leases issued prior to August 4, 1976, would be required to achieve diligent development by producing coal in commercial quantities prior to the end of ten years after the effective date of the first lease readjustment occurring after August 4, 1976. All LMU's would be required to produce coal in commercial quantities prior to the end of ten years from the most recent effective date of any Federal lease or leases included in the LMU issued on or after August 4, 1976, or of the first lease readjustment after August 4, 1976, for those Federal leases included in the LMU issued prior to August 4, 1976. However, if the LMU contains a Federal lease issued prior to August 4, 1976, that has not been readjusted since August 4, 1976, coal from that LMU must be produced in commercial quantities prior to the end of ten years after the date of LMU approval.

Once coal is produced from a lease or LMU in commercial quantities, the diligent development period ends and the lease or LMU becomes subject to the requirement to remain in continued operation. If production of commercial quantities of coal is not achieved prior to the end of the diligent development period, the lease or LMU is terminated, as discussed below in section IV D.

It should be noted that, under this proposal, diligent development could have been achieved prior to the effective date of this regulation and, therefore, the lease would become subject to the requirement to be in continued operation on the date the regulation becomes effective. A post-August 4, 1976 lease would achieve diligent development under this proposed regulation at the same time as under existing DOI regulations, and would be subject to the same continued operation requirement under both these proposed and existing regulations. However, this may not be true for all pre-August 4, 1976 leases. A pre-August 4, 1976 lease may have produced less than the two and one-half percent of the coal lease reserves necessary to achieve diligent development under the existing DOI requirement, but more than the one percent being proposed by this regulation to meet diligent development. In such a case, the lease would not have been subject to the requirement of continued operation under the DOI regulations, but would be subject to that requirement under this proposed regulation. Therefore, as discussed further below, in order to avoid automatically subjecting that lessee to the requirement of continued operation upon the effective date of this regulation, when the lessee may not be prepared to begin producing at an annual rate of one percent, a pre-August 4, 1976 lessee is given the option to elect not to credit toward diligent development coal produced prior to the effective date of this regulation. If the lease was readjusted between August 4, 1976, and the effective date of this regulation, this election is only applicable to production prior to the readjustment. Any production after the readjustment must be applied toward diligent development. Pre-August 4, 1976 lessees are also given the option to elect to be governed by the minimum production clause of the lease until the first lease readjustment after August 4, 1976, if that readjustment occurs after the effective date of this regulation. If a lessee were to make this election, the lease would not be subject to any diligent development or continued operation obligation under this proposed regulation until after that lease readjustment.

4. *Crediting of production toward diligent development.* This proposal has a uniform requirement for the achievement of diligent development, production of one percent of the reserves, for all Federal coal leases and LMU's, regardless of the date of lease issuance. Because this represents a change from the existing diligent development requirements for pre-August 4, 1976 leases, different treatment was needed for past production from pre and post-August 4, 1976 leases, in order not to penalize a producing pre-August 4, 1976 lease by the relaxation of the diligence requirements in this proposal.

Leases issued or readjusted on or after August 4, 1976, would credit toward diligent development any production after the effective date of the lease or lease readjustment. This proposal, therefore, does not change the existing status of a post-August 4, 1976 lease, because the proposed requirements for diligent development and continued operation for these leases are identical to those requirements under existing DOI regulations.

Since the provisions of the FCLAA do not appear to apply to pre-August 4, 1976 leases until the first lease readjustment after August 4, 1976, lessees with leases that have not been readjusted between August 4, 1976, and the effective date of this regulation are given the option to elect to be governed by the minimum production requirements of their leases until the first lease readjustment, instead of by the diligent development and continued operation requirements of this regulation. Should they make this election, no production prior to the first lease readjustment after August 4, 1976, would be applied toward the proposed diligent development requirement. The lessee, by this election, would not become subject to the diligent development and continued operation requirements until the first lease readjustment. It should be noted that even with this election, these Pre-August 4, 1976 leases would be subject to the other diligence requirements of this regulation, as applicable. Should the pre-August 4, 1976 lessee not make this election and, thus, remain subject to these proposed requirements for diligent development and continued operation, the lessee is given a second election of whether or not to apply toward diligent development any production from the lease between August 4, 1976, and the earlier of either the first lease readjustment after August 4, 1976, or the effective date of this regulation. The lessee of a pre-August 4, 1976 lease may make this positive election not to have prior production applied toward the diligent development requirement and, therefore, be in the same posture, upon the effective date of this regulation, as a non-producing pre-August 4, 1976 lessee who had not elected to be governed by the lease clause until readjustment. If the lessee does not make this election regarding prior production, any production after August 4, 1976, would be applied toward the one percent diligent development requirement and, once achieved, the lease would be required to remain in continued operation.

In the case of LMU's, any production credited under this regulation to a Federal lease prior to its inclusion in an LMU would be applied toward diligent development of the LMU. Once an LMU has been approved, all production from non-Federal lands and each Federal lease included in the LMU, regardless of the date of lease issuance, is included in calculating the amount of coal mined toward meeting the diligent development requirement. No distinction is made for pre-August 4, 1976 leases which, by the lessee's election, are to be governed by the minimum production clause of their lease until lease readjustment. This is not an onerous requirement in view of the fact that these pre-August 4, 1976 lessees must request and consent to being included in an LMU. Therefore, the lessee is given flexibility in timing his operation. If the lessee does not want production from a lease prior to

lease readjustment to invoke the continued operation requirement for the LMU, the lessee may wait, within the constraints of the lease's own diligent development period, and request LMU formation when the lessee is ready to continue producing.

5. *Continued operation.* This proposal carries forward the existing DOI diligence requirement for continued operation by providing that once a lease or LMU has achieved diligent development, the lessee must produce commercial quantities of coal in each of the next two continued operation years. After that, the lessee need not produce coal in commercial quantities in every continued operation year thereafter. However, the lessee must produce an average amount of not less than commercial quantities of coal per continued operation year across each three-year period. This average annual amount will be calculated on the basis of the present year and the two preceding continued operation years. For example, if a lease happens to have a continued operation year that runs from January 1 to December 31, and DOI wants to determine if a lessee met his continued operation requirement in 1981, the amount requirement has not been met, regardless of production projected for 1982 or later.

C. Resource Recovery and Protection Plans (§ 378.303)

Proposed section 378.303 addresses the required submission of a "resouce recovery and protection plan." The resource recovery and protection plan referred to is described in the operating regulations for coal mining being proposed by USGS to amend 30 CFR Part 211, and is comparable to the mining plan currently required by 30 CFR 211.10.

Unless a mining plan or resource recovery and protection plan has previously been approved, a resource recovery and protection plan must be filed for every lease no later than (1) three years after the effective date of the lease for leases issued on or after August 4, 1976, or (2) three years after the effective date of the first lease readjustment after August 4, 1976, for leases issued prior to August 4, 1976. A resource recovery and protection plan must be submitted for each LMU no later than three years after the effective date of the LMU approval.

As noted above, proposed section 378.303(d) requires that each resource recovery and protection plan approved for an LMU provide for the mining of all LMU coal reserves not later than 40 years after the date of the first production of coal from the LMU after LMU approval, rather than from the date of LMU approval as currently required. Coal produced from a lease prior to its inclusion in an LMU would not trigger the beginning of the 40-year mine-out period. This approach was chosen because it would be unreasonable to assume that a lessee could anticipate the formation of an LMU and have developed the individual lease accordingly.

D. Termination or Cancellation for Failure To Meet Diligent Development (§ 378.305)

This proposal would require the termination of leases or LMU's that do not achieve diligent development. In the case of an approved LMU that does not achieve diligent development, the LMU agreement would be terminated and the individual leases in the LMU would be considered independently for their past and future compliance with the proposed diligence requirements. The leases would then be subject to the same diligence requirements that would have been imposed on each lease if it had not been part of an LMU. The diligent development period would be computed by including the time during which the lease was included in the LMU. Any production from the LMU would be attributed to the lease from which it came and only production from an individual lease would be applied toward meeting that lease's diligent development requirement. DOE particularly invites comments on this aspect of the rulemaking and specifically on whether, upon termination of the LMU, production should be credited differently than as proposed. One other option would be to provide that all coal production (or just all Federal production) from the LMU, regardless of which lease or leases produced the coal, be pro-rated and applied to the satisfaction of the diligent development requirements of the resulting individual Federal leases in proportion to their coal reserves.

Termination of a lease or LMU is mandatory for failure to achieve diligent development. This proposed regulation also provides DOI with the discretion to cancel any lease or LMU for failure to meet the other diligence requirements for submission of a resource recovery and protection plan or for maintaining continued operation.

E. Extension or Suspension of Diligence Requirements (§ 378.306)

The proposed diligence requirements may be extended or suspended under certain conditions. If DOI determines, upon timely notification by the lessee, that operations under a Federal coal lease or LMU have been interrupted by strikes, the elements, or casualties not attributable to the lessee, the diligent development period or the requirement to maintain continued operation will be extended or suspended, as applicable, for the period of such interruption. Under the same conditions, DOI may, in its discretion, extend the time by which the lessee must submit a resource recovery and protection plan, if DOI determines that the interruption affected the ability of the lessee to make a timely submittal. In all these instances the lessee must notify DOI in a timely manner of the event causing the interruption. This regulation leaves DOI the discretion, under applicable DOI procedures, to determine a reasonable application of the phrase "timely notification."

The lessee may also request DOI to suspend the requirement for continued operation upon payment of advance royalties for any continued operation year in which the lessee does not expect to meet the requirement for continued operation. Such suspension may be granted if DOI determines it to be in the public interest. DOI may cease to accept advance royalties in lieu of the requirement for continued operation at any time within the continued operation year by notifying the lessee six months in advance.

In the interest of conservation, DOI, with or without any request by the lessee, may direct the suspension of operations and production under any Federal coal lease. If operations and production are so suspended, the diligent development period or the requirement to maintain continued operation, as applicable, will be stayed for the period of such suspension. DOI may extend the date by which the lessee must submit a resource recovery and protection plan, if DOI determines that the suspension affected the ability of the lessee to make a timely submittal. If operations and production are suspended in the interest of conservation and the lessee has already become subject to the requirement for continued operation, but is unable to meet it, the lessee is still obligated to pay advance royalties in lieu of the condition of continued operation during such suspension. The law, 30 U.S.C. 209, as amended by section 14 of the FCLAA, provides that permitting DOI to direct suspension of operations and production in the interest of conservation may not be construed as giving DOI the right to waive, suspend, or reduce the advance royalties payable upon suspension of the normal requirement of continued operation.

F. Advance Royalties (§ 378.307)

Advance royalties are payments made in advance of actual production and are based on an estimate of the production royalties that would have been owed if the lessee had actually produced the amount of coal necessary to meet the requirement of continued operation. As coal is actually produced from the lease or LMU, the production royalties owed on that coal would be reduced by the dollar amount of any advance royalty paid under that lease or LMU to the extent that such advance royalties have not been used to reduce production royalties for a prior year. Advance royalties on an LMU may be credited at the lessee's election against production royalties owed for any Federal lease in the LMU.

No advance royalty paid during the initial twenty-year term of a Federal lease or LMU may be used, however, to reduce a production royalty after the twentieth year of the lease or LMU. This initial twenty-year term commences on the effective date of the lease for all leases issued on or after August 4, 1976; on the effective date of the first lease readjustment after August 4, 1976, for all leases issued prior to August 4, 1976; and on the effective date of LMU approval for all LMU's. Any advance royalty paid on a Federal lease prior to its inclusion in an LMU will be credited to the LMU and considered to have been paid on the date of LMU approval: *Provided,* That the lease has been included in an LMU within the initial twenty-year term of the lease as described above and to the extent that the advance royalties have not been used to reduce production royalties on the lease.

Advance royalties may only be accepted in lieu of continued operation upon application of the lessee and if DOI determines it to be in the public interest. Any request for suspension of the continued operation requirement upon payment of advance royalties for any continued operation year must be made no later than thirty days after the beginning of the continued operation year to avoid the possible imposition of interest. Acceptance of advance royalties based on a later request may be conditioned by DOI on the payment of interest on the amount of advance royalties due, with the interest to be calculated from the beginning of the continued operation year.

Because advance royalties are payments made on coal which has not been produced, they can only approximate the actual amount of payment that will be due at the time of production. Advance royalties due for an individual lease are calculated by multiplying the number of tons of coal which equals one percent of the coal reserves times an approximate value per ton of coal multiplied by the production royalty rate specified in the lease terms. The approximate value per ton of coal (unit value) is determined by DOI in accordance with proposed § 378.307(c). When the unit value is based on previous production from the lease, it is anticipated that DOI will calculate the value of the coal produced in accordance with their procedures set forth at 30 CFR 211.63.

Advance royalties due for an LMU are calculated by multiplying the number of tons of coal which equal one percent of the LMU coal reserves (the sum of Federal and non-Federal coal in the LMU) times an approximate value per ton of coal multiplied by either 8 percent (in the case of LMU's that would be developed only by underground mining operations) or by 12½ percent (in the case of LMU's that would have some coal produced by other than underground mining operations).

Establishment of a system for determining advance royalty payments for LMU's is complicated by the fact that LMU's may include non-Federal coal reserves, or two or more Federal coal leases with different production royalty rates. In any year for which a lessee may request to pay advance royalties in lieu of continued operation, the production foregone for that year may not have been scheduled to come from a Federal lease. Therefore, it could be argued that no Federal production royalties would have been owed, there should be no advance royalty payment required. However, delay in production anywhere in the LMU would ultimately result in a delay of production from the Federal lease. Advance royalties should be collected to encourage early development, to ensure timely receipt of royalties by the Government, and to prevent circumvention of the diligence requirements by the inclusion of non-Federal lands in an LMU. Because the FCLAA requires that advance royalties be no less than the production royalty which would otherwise be paid, all of the production required to meet the requirement of continued operation (one percent of the LMU coal reserves) must be assumed to have been from the Federal leases. For the same reason, although each of the included Federal leases may have a different production royalty rate, for the purpose of calculating advance royalties from an LMU, a standard royalty rate of 12½ percent is being proposed, unless all of the coal would have been produced by underground mining, in which case an 8 percent rate would be used. These fixed rates were based on the production royalty rates used by DOI under current regulations (43 CFR 3473.3–2). Because advance royalties may be used to offset production royalties due later, any advance royalty paid does not represent a significant penalty to the lessee who fully develops the LMU coal reserves, but is rather an incentive to timely development. DOE invites comments on this proposed fixed-rate method for calculating advance royalties for an LMU.

DOI may not accept advance royalties in lieu of continued operation for a total of more than ten years during the life of the lease or LMU. For leases issued prior to August 4, 1976, the ten-year restriction does not begin until the first lease readjustment after August 4, 1976. Any continued operation year in which any advance royalty is accepted will be deemed to be one of the ten years. However, if the lessee meets the requirement for continued operation in any continued operation year for which the lessee has paid advance royalties, such year will not be considered when calculating the maximum number of years for which advance royalties may be accepted for the lease or LMU. The number of years for which advance royalties are paid under any Federal coal lease prior to its inclusion in an LMU shall not be considered when calculating the maximum number of years for which advance royalties may be accepted for the LMU.

G. Enforcement and Appeals (§ 378.310)

This proposed regulation incorporates existing DOI enforcement and appeals procedures. Section 378.310 proposes that enforcement of the diligence requirements be made by the Mining Supervisor of USGS. It makes reference to the procedures in 30 CFR 211.72 currently utilized by USGS to enforce its Coal Mining Operating Regulations (30 CFR Part 211). Operators who do not comply with these proposed DOE coal diligence regulations would be issued a notice of noncompliance by DOI and given an opportunity to correct the noncompliance. For example, if an operator failed to comply with the requirement of § 378.303 that a resource recovery and protection plan be submitted within three years of the date of lease issuance or the effective date of lease readjustment, as applicable, the Mining Supervisor would issue the operator a notice of noncompliance.

Section 378.310 further indicates that the appeal of any order, determination, decision, or notice issued under the

proposed regulation would be in accordance with DOI's procedures, as described in 30 CFR Part 290. This regulation does not provide DOE with any authority over enforcement of this regulation or to hear appeals of DOI orders or otherwise to become involved with DOI adjudicatory or other administrative procedures. DOE does have the authority, pursuant to 10 CFR Part 375, Subpart B, to act on requests for interpretation or petitions for the issuance, amendment, or repeal of a DOE mineral leasing regulation.

V. Public Comment and Hearing Procedures

DOE requests comments on any aspect of this regulation as proposed. Comments submitted in response to this rulemaking should be accompanied by as much supporting data as possible. Should problems with specific regulatory language be contained in the comments, we would be particularly interested in receiving specific recommendations as to substitute language. Data submitted in response to this proposal that is deemed proprietary should be so labeled.

A. Written Comments

You are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposal set forth in today's rulemaking. Written comments should be submitted by February 22, 1982, to the address indicated in the "ADDRESSES" section of this preamble. Comments should be identified on the outside envelope and on the document with the designation: "Box *YB* (Docket No. LPD 81–2), DOE Proposed Coal Diligence Regulations." Ten copies should be submitted. All comments received by the above date and all other relevant information will be considered by DOE before final action is taken on this proposed regulation. Any information or data which you consider to be confidential must be so identified and submitted in writing, one copy only. DOE reserves the right to determine the confidential status of the information or data and to treat it according to our determination.

B. Public Hearing

1. Procedure for Request To Make Oral Presentation. The time and place of the hearing is indicated in the "DATES" and "HEARING LOCATION" sections at the beginning of the preamble. The hearing will be continued, if necessary, on the next business day.

If you have an interest in today's proposal, or represent a group or class of persons that has an interest, you may make a written request for an opportunity to make an oral presentation. This request should be made by February 10, 1982, and should be sent to the appropriate address indicated in the "ADDRESS" section of the preamble. Please describe your interest and, if appropriate, state why you are a proper representative of a group and class of persons that has such an interest. Please give a concise summary of the proposed oral presentation. Your request should also provide a phone number where you may be contacted through the day before the hearing. Fifty copies of your statement labeled "Coal Diligence" are due at 9:00 a.m. on the day before the Denver hearing and should be delivered to the address indicated in the "ADDRESSES" section at the beginning of this preamble. In the event any person wishing to testify cannot meet the 50-copy requirement, alternative arrangements can be made with the Office of Hearing Management at 202–[illegible].

2. Conduct of the Hearings. DOE reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE official will preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Prior to the hearing, you may submit questions to be asked to any person making a statement at the hearing to the address indicated in the above "ADDRESSES" section before 9:00 a.m. the day prior to the hearing. At the hearing, you may submit the question, in writing, to the DOE presiding officer. In either case, the presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer. Either the presiding official or another member of the panel will ask the question.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer. In the event that it becomes necessary for us to cancel the hearing, we will make every effort to publish advance notice in the **Federal Register** of such cancellation. Moreover, we will give actual notice to all persons scheduled to testify at the hearing. However, it is not possible to give actual notices of cancellations or changes to persons not identified to us as participants. Accordingly, persons desiring to attend the hearing are advised to contact DOE on the last working day preceding the date of the hearing to confirm that it will be held as scheduled.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Freedom of Information Office, Room 1E–090, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. You may purchase a copy of the transcript from the reporter.

VI. Environmental Review

Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality implementing regulations (40 CFR Parts 1500–1508), and the Department of Energy guidelines (45 FR 20694, March 28, 1980), the Department has performed environmental analyses of the draft regulations, in order to determine whether an environmental impact statement is required to support the proposed action. On the basis of those analyses, a determination has been made that promulgation of the proposed regulations would not be a major Federal action significantly affecting the quality of the human environment, within the meaning of NEPA. The regulations may cause minimal changes in amounts of coal mined; the market for coal will continue to be the overriding influence on production. Therefore, an environmental impact statement would not be required to accompany the regulations.

On the basis of public comments received in response to the rulemaking, and revisions (if any) in the regulations made subsequent to the comment period, further NEPA review may be required. NEPA compliance activities will be completed before the final regulations are promulgated in the **Federal Register**.

VII. Executive Order 12291

Executive Order 12291, issued February 17, 1981 (46 FR 13193, February 19, 1981); requires each agency promulgating a rulemaking action to

determine whether the rule is a major rule within the meaning of that Executive Order. If it is determined that the action constitutes a major rule, the agency is further required to prepare a Regulatory Impact Analysis describing the principal benefits and costs of the rule, net benefits, and alternative approaches that could substantially achieve the same regulatory goal. For the purpose of the Order, "major rule" means any regulation that is likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States—based industries to compete with foreign-based enterprises in domestic or export markets.

After conducting a review of the expected effects of today's proposed rule, DOE finds that due to the nature of the coal market, competition in the coal industry, and the mineability of Federal tracts, the annual effect of the proposed rule is expected to be less than $100 million and the net effect of the proposed rule is expected to be positive. Therefore, DOE has determined that this proposed rule does not constitute a major rule and no Regulatory Impact Analysis will be prepared.

VIII. Compliance With the Regulatory Flexibility Act

The Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.*) requires Federal agencies to consider the impact of proposed regulations on small businesses, small governmental units, and other small entities; to consider the ability of small entities to comply with the proposed regulation; and to consider less stringent alternative compliance standards for small entities. An agency is required to prepare a regulatory flexibility analysis to document its consideration of these factors except in the situation where the agency determines that a regulation will not have a significant economic impact on a substantial number of small entities. DOE certifies that, for the reasons discussed below, the promulgation of this regulation will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis will not be prepared.

Few, if any, small entities will be affected by this rule change, and the impacts that could occur will be minor and beneficial to small entities. A current study of Federal coal leases by the Office of Technology Assessment (OTA) supports the following conclusions.

During the past ten years, there has been a drastic drop in the number of Federal leases held by small companies and unincorporated individuals resulting in a potentially adverse effect on competition. Generally, this has been the result of the high cost of developing coal mines. Since many small companies cannot make the necessary investment, they either sell or drop the lease, acquire partners to develop the lease, or are acquired by a larger corporation. The remaining leases held by small companies should follow the same pattern under both the current and proposed diligence rules. Many of these leases have been mined out or have small coal reserves that are expensive to develop. These leases will be relinquished. The economical leases will be sold and/or developed in time to meet diligence requirements.

The proposed diligence rule lengthens the time period certain lessees have to develop a lease. The economic effect of this change is expected to be beneficial because these leases would be developed according to a schedule which is more likely to maximize the net present value of the lease and hence government revenue from royalties. Both small and large lessees would benefit by this change. The only other small entities that may be affected are the municipalities in the areas of these leases. Since development of the few leases affected could be delayed several years, this could enable the associated jurisdictions better to plan for this development. Because the development plan for these leases should not change except for the timing, costs to these jurisdictions should not be altered significantly.

The following results are expected to occur:

(1) Few, if any, small entities will be affected by the proposed diligence rules;

(2) Any effects that do occur will be insiginficant; and

(3) Any effects that occur will be beneficial.

Therefore, DOE has determined that there is no need for a Regulatory Flexibility Analysis of this proposed coal diligence rule.

(Mineral Lands Leasing Act, Act of February 25, 1920, ch. 85, 41 Stat. 437 (30 U.S.C. 181 *et seq.*), amended by Federal Coal Leasing Amendments Act of 1975, Pub. L. 94–377, 90 Stat. 1083; Mineral Leasing Act for Acquired Lands, Act of August 7, 1947, ch. 513, 613 Stat. 913-(30 U.S.C. 351 *et seq.*); Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 585 (42 U.S.C. 7101 *et seq.*), E.O. 12009, 42 FR 46267)

In consideration of the foregoing, it is proposed to amend Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., December 15, 1981.

Jan W. Mares,

Assistant Secretary for Fossil Energy.

PART 378—COAL LEASING

§ 378.102 [Amended]

1. Part 378 of Chapter II of Title 10, Code of Federal Regulations, is amended by deleting the definition of "Logical Mining Unit" in § 378.102 and adding a new definition of "Logical Mining Unit" to § 378.002 in alphabetical order to read as follows:

§ 378.002 Definitions.

* * * * *

"Logical Mining Unit" or "LMU" means an area of land designated by DOI in which the coal resources can be developed in an efficient, economical, and orderly manner as a unit with due regard to conservation of coal reserves and other resources. A logical mining unit may consist of one or more Federal leases, and may include intervening or adjacent lands in which the United States does not own the coal resources, but all the lands in a logical mining unit must be under the effective control of a single operator, be able to be developed and operated as a single operation and be contiguous.

* * * * *

2. Chapter II of Title 10, Code of Federal Regulations, is amended by adding and reserving a new Subpart C and adding a new Subpart D to Part 378 to read as follows:

Subpart C [Reserved]

Subpart D—Diligence Requirements

Sec.

378.301 Purpose and scope.
378.302 Definitions.
378.303 Resource recovery and protection plans.
378.304 Requirement for diligent development and continued operation.
378.305 Termination or cancellation for failure to meet diligence requirements.
378.306 Extension or suspension of diligence requirements.
378.307 Payment of advance royalties in lieu of continued operation.
378.308 Crediting of production toward diligent development.
378.309 Special LMU rules.
378.310 Enforcement and appeals.

Authority: Act of February 25, 1920, ch. 85, secs. 2, 7, and 32, 41 Stat. 438, 439, and 450 (30

U.S.C. 201, 207, and 189) and sec. 39 as added by Act of February 9, 1933, ch. 45, 47 Stat.798, as amended by secs. 5, 6, and, 14, Pub. L. 94–377; Act of August 7, 1947, ch. 513, secs. 3 and 10, 61 Stat. 914 and 915 (30 U.S.C 352 and 359); secs. 302, 303, and 644, Pub. L. 95–91, 91 Stat. 578–579, 579–580, 599 (42 U.S.C. 7152, 7153, and 7254); E.O. 12009, 42 FR 46267.

Subpart C [Reserved]

Subpart D—Diligence Requirements

§ 378.301 Purpose and scope.

(a) The purpose of the regulations in this Subpart D is to establish the diligence requirements which are applicable to all Federal coal leases and LMU's, including existing leases or LMU's. The regulations in this Subpart D do not apply to coal leases on Indian lands.

(b) The provisions in this Subpart D for diligent development and continued operation apply to all coal leases issued before August 4, 1976, that have not been readjusted between August 4, 1976, and the effective date of this Subpart D, during the period of time between the effective date of this Subpart D and the effective date of the next lease readjustment, unless the lessee elects to be governed by the clause in the lease which describes the minimum production requirement until such lease readjustment. Any lessee who elects to be subject to those lease terms until readjustment, as provided in this paragraph, shall notify DOI in writing within one year of the effective date of this Subpart D.

(c) Any Federal coal lease included in an LMU, including a lease for which the lessee has elected to be governed by the minimum production clause of the lease as provided by paragraph (b) of this section, shall be subject to the diligence requirements imposed on the LMU by this Subpart D in lieu of those diligence requirements of this Subpart D which would apply to the lease individually.

§ 378.302 Definitions.

For the purposes of this Subpart D:

"Advance Royalties" means a payment under a lease or LMU in advance of actual production and authorized by DOI to be made in lieu of continued operation. Payments made under the minimum production clause of a lease in lieu of actual production are not advance royalties for the purpose of § 378.307.

"Coal Reserves" means the tons of coal that can be mined commercially under existing technology and economics. Except as provided in § 378.309(b), coal reserves shall be those estimated by DOI as of the date of the initial mining plan or resource recovery and protection plan approval.

"Commercial Quantities" means one percent of the coal reserves or LMU coal reserves.

"Continued Operation" means the production of not less than commercial quantities of coal in each of the first two continued operation years following the achievement of diligent development and an average amount of not less than commercial quantities of coal per continued operation year thereafter, computed on a three-year basis consisting of the continued operation year in question and the two preceding continued operation years.

"Continued Operation Year" means the 12-month period beginning with the commencement of the first royalty reporting period following the achievement of diligent development, and each 12-month perod thereafter.

"Diligent Development" means the production of coal in commercial quantities prior to the end of the diligent development period.

"Diligent Development Period" means a period which shall begin on either:

(1) The effective date of the lease for all leases issued on or after August 4, 1976;

(2) The effective date of the first lease readjustment after August 4, 1976, for all leases issued prior to August 4, 1976, and readjusted after that date; or

(3) For all LMU's, the most recent of the dates established under paragraph (1) or (2) of this definition for each Federal lease included in the LMU and occurring prior to the time of LMU approval, unles the LMU contains a lease issued prior to August 4, 1976, that has not been readjusted between August 4, 1976, and the date of LMU approval, in which case the diligent development period for the LMU shall begin on the date of approval of the LMU; and

which shall terminate upon the production of coal in commercial quantities or at the end of ten years, whichever occurs first, unless the period is extended as provided in § 378.306.

"Lessee" means a person authorized by a Federal coal lease or an approved LMU or an approved assignment thereof, to develop and produce coal, including all parties holding such authority by or through the lessee and the person designated to conduct operations.

"LMU Coal Reserves" means the sum of estimated Federal and non-Federal coal reserves in the LMU. Except as provided for in § 378.309(b), the LMU coal reserves are those estimated by DOI as of the date of the initial resource recovery and protection plan approval.

"Royalty Reporting Period" means the period of time established by DOI for calculation of production royalties due.

§ 378.303 Resource recovery and protection plans.

(a) A resource recovery and protection plan shall be submitted for every lease no later than three years after the effective date of the lease for leases issued on or after August 4, 1976, or the effective date of the first lease readjustment after August 4, 1976, for leases issued prior to August 4, 1976, unless a current mining plan or resource recovery and protection plan has previously been submitted and contains the information required by 30 CFR Part 211.

(b) A resource recovery and protection plan shall be submitted for each LMU no later than three years after the effective date of LMU approval, and it shall cover all Federal and non-Federal lands within the LMU and contain the information required by 30 CFR Part 211.

(c) Each resource recovery and protection plan approved for an LMU shall provide for the mining of all LMU coal reserves not later than 40 years after the date of first production from the LMU after LMU approval. Any revised or amended resource recovery and protection plan shall provide for the mining of all LMU coal reserves not later than the end of the original 40-year period.

§ 378.304 Requirement for diligent development and continued operation.

(a) Each Federal coal lease and LMU is required to achieve diligent development.

(b) Once a Federal lease or LMU has achieved diligent development, the lease or LMU shall be maintained in continued operation every continued operation year thereafter, except as provided in § 378.306 (b) or (d).

§ 378.305 Termination or cancellation for failure to meet diligence requirements.

(a) Any Federal coal lease or LMU which has not achieved diligent development shall be terminated by DOI.

(b) Any Federal coal lease included in an LMU which has been terminated under the provisions of paragraph (a) of this section shall then be subject to the diligence requirements that would have been imposed on that lease by this Subpart D if the lease had not been included in the LMU.

(c) DOI may cancel any Federal coal lease or LMU which fails to meet either the requirement for submission of a resource recovery and protection plan

contained in § 378.303, or the requirement for continued operation contained in § 378.304.

§ 378.306 Extension or suspension of diligence requirements.

(a) Upon timely notification by the lessee to DOI, the diligent development period shall be extended by the period of time in which DOI determines that operations under the Federal coal lease or LMU are interrupted by strikes, the elements, or casualties not attributable to the lessee.

(b) Upon timely notification by the lessee to DOI, the requirement for continued operation contained in § 378.304(b) shall be suspended by the period of time in which DOI determines that operations under the Federal coal lease or LMU are interrupted by strikes, the elements, or casualties not attributable to the lessee.

(c) Upon timely notification by the lessee to DOI, the date by which a lessee is required by § 378.303 to submit a resource recovery and protection plan may be extended if DOI determines that operations under the Federal coal lease or LMU are interrupted by strikes, the elements, or casualties not attributable to the lessee.

(d) Upon request of the lessee, DOI may suspend the requirement for continued operation upon payment of advance royalties in accordance with § 378.307 for any continued operation year in which the lessee does not expect to meet the requirement for continued operation, if DOI determines it to be in the public interest. DOI may, upon six months notification to the lessee, cease to accept advance royalties in lieu of the requirement for continued operation.

(e) DOI, in the interest of conservation, may direct the suspension of operations and production under any Federal coal lease or LMU. If operations are so suspended, then DOI may extend the date by which the lessee is required by § 378.303 to submit a resource recovery and protection plan. The diligent development period shall be extended or the requirement for continued operation suspended, as applicable, for the period of such suspension. Nothing in this paragraph shall be construed as granting to DOI the authority to waive, suspend, or reduce advance royalties.

§ 378.307 Payment of advance royalties in lieu of continued operation.

(a) Advance royalties may only be accepted in lieu of continued operation as provided for in § 378.306(d) and only upon application to and approval by DOI.

(b) Any request by a lessee for suspension of the contined operation requirement under § 378.306(d) shall be made no later than 30 days after the beginning of the continued operation year. If a lessee requests authorization to pay advance royalties in lieu of continued operation later than 30 days after the beginning of any continued operation year, DOI may condition acceptance of advance royalties on the payment of interest on the amount of the advance royalties due. The interest will be calculated from the beginning of the continued operation year until the date of the request.

(c) When advance royalties are accepted in lieu of continued operation under this section, they shall be paid in an amount equivalent to the production royalty that would be owed on the production of one percent of the coal reserves or LMU coal reserves. For purposes of this paragraph, the production royalty rate for an LMU shall be deemed to be 8 percent for LMU coal reserves that would be recovered by underground mining operations, and 12½ percent for LMU coal reserves that would be recovered by other mining operations. In the event that an LMU contains both underground and other mining operations, a 12½ percent royalty rate shall be used when calculating any advance royalty owed. The unit value of the coal for determining the advance royalty payment for a lease or LMU shall be either: (1) The unit value for production royalty purposes of coal produced and sold under the Federal coal lease or LMU during the immediately preceding production royalty payment period; or (2) if no coal was produced and sold under the Federal coal lease or LMU during the immediately preceding royalty payment period, or if DOI finds that there is an insufficient number of such sales to determine such value equitably, computed at the average unit price at which coal from other Federal leases in the same region was sold during such period; or (3) if there were no sales of Federal coal from such region during such period or if DOI finds that there is an insufficient number of such sales to determine such value equitably, determined by DOI.

(d) The aggregate number of years during the period of any Federal coal lease or LMU for which advance royalties may be accepted in lieu of the requirement of continued operation shall not exceed ten. For leases issued prior to August 4, 1976, advance royalties shall not be accepted in lieu of continued operation for more than a total of 10 years following the first lease readjustment after August 4, 1976. Any continued operation year in which any advance royalty is accepted shall be deemed a year in which advance royalties are accepted in lieu of continued operation for purposes of this paragraph. However, if a lessee meets the requirement for continued operation in any continued operation year in which the lessee has paid advance royalties, such year shall not be considered when calculating the maximum number of years for which advance royalties may be accepted for the lease or LMU. The number of years for which advance royalties are paid under any Federal coal lease prior to its inclusion in an LMU shall not be considered when calculating the maximum number of years for which advance royalties may be accepted for the LMU.

(e) The dollar amount of any production royalty for a Federal coal lease or LMU owed for any year during or subsequent to the year in which advance royalties are paid, shall be reduced (but not below zero) by the dollar amount of any advance royalty paid under that lease or LMU to the extent that such advance royalties have not been used to reduce production royalties for a prior year. Advance royalties paid on an LMU may be credited at the lessee's election against production royalties owed for any Federal lease or leases in the LMU.

(f) No advance royalty paid during the initial twenty-year term of a Federal coal lease or LMU shall be used to reduce a production royalty under paragraph (e) of this section after the twentieth year of a lease or LMU. For purposes of this paragraph, the initial twenty-year term of a lease shall commence on the effective date of the lease for all leases issued on or after August 4, 1976; on the effective date of the first lease readjustment after August 4, 1976, for all leases issued prior to August 4, 1976; and on the effective date of LMU approval for all LMU's. Any advance royalty paid on a lease prior to its inclusion in an LMU shall be credited to the LMU and shall be considered to have been paid on the date of LMU approval for the purposes of this paragraph, provided that the lease has been included in an LMU within the initial twenty-year term of the lease as determined in this paragraph and to the extent that the advance royalties have not been used to reduce production royalties on the lease.

§ 378.308 Crediting of production toward diligent development.

(a) For Federal coal leases issued or readjusted on or after August 4, 1976, all

production after the effective date of the lease or lease readjustment shall be credited toward diligent development.

(b) For Federal coal leases issued before August 4, 1976, that are governed by the diligent development and continued operation requirements of this Subpart D because the lessee did not make the election provided for in § 378.301(b), all production after August 4, 1976, and prior to the effective date of this Subpart D shall be applied toward diligent development, unless the lessee elects not to have this production credited. Any lessee who elects not to have this production applied toward diligent development must notify DOI within one year of the effective date of this Subpart D. If the pre-August 4, 1976 lease was readjusted after August 4, 1976, but before the effective date of this Subpart D, the lessee may only elect not to credit production prior to the readjustment. Any production after the readjustment shall be applied toward diligent development pursuant to paragraph (a) of this section.

(c) For Federal coal leases issued before August 4, 1976, that have not been readjusted between August 4, 1976 and the effective date of this Subpart D, and that are governed by the diligent development and continued operation requirements of this Subpart D because the lessee did not make the election provided for in § 378.301(b), all production after the effective date of this Subpart D shall be applied toward diligent development.

(d) For Federal coal leases issued before August 4, 1976, that are, by the lessee's election under § 378.301(b), governed by their lease clause which describes the minimum production requirements until the first lease readjustment after August 4, 1976, no production prior to the effective date of that first lease readjustment shall be applied toward diligent development.

(e) For LMU's, any production credited under this Subpart D to a Federal lease prior to its inclusion in the LMU shall be applied toward diligent development for the LMU.

§ 378.309 Special LMU rules.

(a) Production anywhere within the LMU after the date of LMU approval, of either Federal or non-Federal coal or a combination thereof, shall be applied toward satisfaction of the requirements of this Subpart D for achievement of diligent development and continued operation for the LMU.

(b) If an approved LMU is enlarged or diminished by DOI, the coal reserves and LMU coal reserves shall be adjusted by DOI accordingly. The dates for submission of a resource recovery and protection plan and achievement of diligent development shall not be changed by any such enlargement or diminution of the LMU.

§ 378.310 Enforcement and appeals.

The provisions of this Subpart D, including the enforcement of these provisions and appeals from determinations made in accordance with these provisions, shall be administered by DOI as prescribed in 30 CFR Part 211 and Part 290, and 43 CFR Part 4, as appropriate.

[FR Doc. 81-36434 Filed 12-21-81; 8:45 am]
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Vol. 46, No. 245

Tuesday, December 22, 1981

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Last listing December 18, 1981

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.R. 4591 / Pub. L. 97–94 To amend the mineral leasing laws of the United States to provide for uniform treatment of certain receipts under such laws, and for other purposes (Dec. 17, 1981; 95 Stat. 1205) Price: $1.50.

S.J. Res. 136 / Pub. L. 97–95 To validate the effectiveness of a plan for the use or distribution of funds appropriated to pay a judgment awarded to the San Carlos Tribe of Arizona (Dec. 17, 1981; 95 Stat. 1206) Price: $1.50.

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New Publication

List of CFR Sections Affected

(1964 through 1972)

A Research Guide

These two volumes contain a compilation of the "List of CFR Sections Affected (LSA)" for the years 1964 through 1972. Reference to these tables will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

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62239 **The Task Force on Legal Equity for Women** Executive order.

62241 **Financial assistance to Chad** Presidential determination.

62296 **Loan Programs—Veterans** VA proposes to change procedures used to collect debts from program beneficiaries.

62256 **Education—DOD Dependents** DOD establishes procedures for free public education to handicapped children.

62351 **Small Business** SBA announces interest rates on direct business loans and SBA share of immediate participation loans.

62304 **Income Tax** USDA issues determination on exclusion of Agricultural Conservation Program payments from income taxes.

62281 **Nuclear Safety** NRC proposes to require improved hydrogen control capability in light-water reactor facilities.

62353 **Grant Programs—Energy** Synthetic Fuels Corporation announces solicitation and solicitation supplement for synthetic fuels projects. (2 documents)

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Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

62366 **Motor Vehicle Pollution** EPA proposes non-methane hydrocarbon standards for light-duty vehicles, motorcyles, light-duty trucks and heavy-duty engines. (Part II of this issue)

62301 **Airports** GSA proposes to clarify proper statute under which federally owned real property may be disposed of for airport purposes.

62285 **Air Transportation—Consumer Protection** CAB proposes to review oversales and denied boarding compensation rules.

62305 **Air Rates and Fares** CAB establishes interim standard industry fare level.

62267 **Copyright** Copyright Royalty Tribunal amends regulations on phonorecord royalty rates.

62353 **Treasury Notes** Treasury announces interest rates on Series Y–1983.

62246, 62291 **Securities—Reporting Requirements** SEC adopts amendments to quarterly reporting form and withdraws proposed amendments to annual reporting requirements for management investment companies. (2 documents)

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62342 Certain hot air pop corn poppers and components
62343 Certain vacuum cleaner brush rollers
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62348 Printed Circuit Boards and Base Material Laminates
62347 Salmon Gill Fish Netting of Manmade Fibers from Japan

62308 **Antidumping** Commerce/ITA announces preliminary results of administrative review of finding on racing plates (aluminum horseshoes).

62244 **Meat, Poultry and Poultry Products** USDA/AMS adopts final regulations increasing fees and charges for egg products inspection and egg, poultry, and rabbit grading.

62309 **Privacy Act Document** DOD

62245 **Freedom of Information** Commerce centralizes handling of appeals of initial denials of requests for records.

62354 **Sunshine Act Meetings**

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Presidential Documents

Title 3—

The President

Executive Order 12336 of December 21, 1981

The Task Force on Legal Equity for Women

By the authority vested in me as President by the Constitution of the United States of America, and in order to provide for the systematic elimination of regulatory and procedural barriers which have unfairly precluded women from receiving equal treatment from Federal activities, it is hereby ordered as follows:

Section 1. *Establishment.* (a) There is established the Task Force on Legal Equity for Women.

(b) The Task Force members shall be appointed by the President from among nominees by the heads of the following Executive agencies, each of which shall have one representative on the Task Force.

(1) Department of State.

(2) Department of The Treasury.

(3) Department of Defense.

(4) Department of Justice.

(5) Department of The Interior.

(6) Department of Agriculture.

(7) Department of Commerce.

(8) Department of Labor.

(9) Department of Health and Human Services.

(10) Department of Housing and Urban Development.

(11) Department of Transportation.

(12) Department of Energy.

(13) Department of Education.

(14) Agency for International Development.

(15) Veterans Administration.

(16) Office of Management and Budget.

(17) International Communication Agency.

(18) Office of Personnel Management.

(19) Environmental Protection Agency.

(20) ACTION.

(21) Small Business Administration.

(c) The President shall designate one of the members to chair the Task Force. Other agencies may be invited to participate in the functions of the Task Force.

Sec. 2. *Functions.* (a) The members of the Task Force shall be responsible for coordinating and facilitating in their respective agencies, under the direction of the head of their agency, the implementation of changes ordered by the President in sex-discriminatory Federal regulations, policies, and practices.

(b) The Task Force shall periodically report to the President on the progress made throughout the Government in implementing the President's directives.

(c) The Attorney General shall complete the review of Federal laws, regulations, policies, and practices which contain language that unjustifiably differentiates, or which effectively discriminates, on the basis of sex. The Attorney General or his designee shall, on a quarterly basis, report his findings to the President through the Cabinet Council on Human Resources.

Sec. 3. *Administration.* (a) The head of each Executive agency shall, to the extent permitted by law, provide the Task Force with such information and advice as the Task Force may identify as being useful to fulfill its functions.

(b) The agency with its representative chairing the Task Force shall, to the extent permitted by law, provide the Task Force with such administrative support as may be necessary for the effective performance of its functions.

(c) The head of each agency represented on the Task Force shall, to the extent permitted by law, furnish its representative such administrative support as is necessary and appropriate.

Sec. 4. *General Provisions.* (a) Section 1–101(h) of Executive Order No. 12258, as amended, is revoked.

(b) Executive Order No. 12135 is revoked.

(c) Section 6 of Executive Order No. 12050, as amended, is revoked.

Ronald Reagan

THE WHITE HOUSE,
December 21, 1981.

Editorial Note: The President's remarks of Dec. 21, 1981, on signing Executive Order 12336, are printed in the Weekly Compilation of Presidential Documents (vol. 17, no. 52).

[FR Doc. 81–36758
Filed 12–21–81; 2:43 pm]
Billing code 3195–01–M

Presidential Documents

Presidential Determination No. 82–3 of December 5, 1981

Assistance for the Organization of African Unity Peacekeeping Operation in Chad

Memorandum for the Secretary of State

By virtue of the authority vested in me under sections 610(a) and 614(a)(1) of the Foreign Assistance Act of 1961, as amended (the Act), I hereby:

(1) determine that it is necessary for the purposes of the Act that up to $12,000,000 appropriated under the authority of Chapter 4 of part II of the Act be transferred to, and consolidated with, appropriations made under Chapter 6 of part II of the Act, to support the Peacekeeping Force in Chad of the Organization of African Unity;

(2) determine that it is important to the security interests of the United States that up to $2,000,000 of such funds be obligated immediately without regard to the provisions of Section 634A of the Act and of applicable appropriations legislation,

(3) authorize the furnishing of up to $12,000,000 of assistance for the Peacekeeping Force of the Organization of African Unity.

You are requested to report this determination to the Congress immediately, and none of the assistance provided for herein shall be furnished until after such report has been made.

This determination shall be published in the **Federal Register**.

Ronald Reagan

THE WHITE HOUSE,
Washington, December 5, 1981.

[FR. Doc. 81–35760
Filed 12–21–81; 4:21 pm]
Billing code 3195–01–M

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DEPART

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AGENCY:
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Rules and Regulations

Federal Register
Vol. 46, No. 246
Wednesday, December 23, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 982

Filberts/Hazelnuts Grown in Oregon and Washington; Final Free and Restricted Percentages for the 1981–82 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule establishes marketing percentages for inshell filberts for the marketing year which began May 1, 1981. The action is taken to promote orderly marketing conditions for the 1981 crop. It was recommended by the Filbert/Hazelnut Marketing Board which works with the USDA in administering the program.

EFFECTIVE DATES: May 1, 1981 through April 30, 1982.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D. C. 20250 (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated nine handlers.

Information collection (reporting and recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by OMB has been obtained.

It is found that an emergency situation exists which makes it impractical, unnecessary, and contrary to the public interest to: (a) Allow an opportunity for written public comment on this final rule; and (b) postpone the effective time of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because: (1) The percentages established herein for the 1981–82 marketing year apply to all merchantable filberts handled during that year; (2) currently handlers are shipping 1981 crop filberts in volume and this action must be taken promptly to achieve its purpose of releasing the full inshell trade demand quantity established October 19, 1981 (46 FR 52087); (3) handlers are aware of this action as recommended by the Board at an open meeting held November 13, 1981, and require no additional time to comply; and (4) this action relieves restrictions on handlers in that the final free percentage is greater than the final free computed percentage currently in effect.

This rule establishes final free and restricted percentages of 29 percent and 71 percent, respectively, for the 1981–82 marketing year. The establishment is pursuant to § 982.40 of the marketing agreement and Order No. 982, both as amended (7 CFR Part 982; 46 FR 26037), regulating the handling of filberts/hazelnuts grown in Oregon and Washington. The marketing agreement and order are collectively referred to as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Section 982.40(b) of the order prescribes that prior to August 1 of a marketing year, the Filbert/Hazelnut Marketing Board shall recommend establishment of an inshell trade demand for that year to the Secretary. If the Secretary finds, on the basis of the Board's recommendation or other information, that volume regulation for that marketing year would tend to effectuate the declared policy of the act, the Secretary shall establish the trade demand computed in accordance with § 982.40(b). On October 19, 1981, a trade demand of 5,043 tons was established because anticipated inshell supplies were expected to be far in excess of inshell needs, and volume regulation appeared appropriate for the 1981–82 marketing year.

Section 982.40(c)(1) of the order requires the Board to compute and announce prior to September 20 preliminary computed free and restricted percentages to release 70 percent of the established trade demand for a marketing year. The difference between 100 percent and the preliminary computed free percentage shall be the preliminary computed restricted percentage. Upon determining that a firm field price has been established between growers and handlers, § 982.40(c)(2) requires the Board to compute and announce final computed free and restricted percentages to release 80 percent of the established trade demand. The difference between 100 percent and the final computed free percentage shall be the final computed restricted percentage.

In accordance with these provisions, the Board computed and announced preliminary computed free and restricted percentages of 19 percent and 81 percent on September 16, 1981, and, after it determined that a firm field price was established, final computed free and restricted percentages of 22 percent and 78 percent on October 9, 1981.

Under § 982.40(c)(3) of the order, the Board, on or before November 15, shall meet to recommend to the Secretary the final free and restricted percentages to release 100 percent, or up to 110 percent if market conditions justify, of the inshell trade demand previously established by the Secretary for the marketing year. On November 13, 1981, the Board met and recommended final free and restricted percentages of 29 percent and 71 percent to release 100 percent of the previously established inshell trade demand of 5,043 tons.

In calculating the percentages, the Board considered the following supply and demand information for the 1981–82 marketing year:

	Tons
Inshell supply:	
(1) Total production	15,000
(2) Less substandard, farm use, etc.	1,500
(3) Merchantable production	13,500
(4) Plus carryover May 1, 1981, subject to regulation	920
(5) Supply subject to regulation (Item 3 plus Item 4)	14,420

	Tons
Inshell requirements:	
(6) Computed trade demand previously established	5,043
(7) Less carryover May 1, 1981, not subject to regulation	839
(8) Adjusted trade demand	4,204
Percentages:	
(9) Free percentage (item 8 divided by item 5)	29%
(10) Restricted percentage (100 percent minus 29 percent)	71%

The free percentage prescribes that portion of the total merchantable supply subject to regulation which may be handled as inshell filberts. The restricted percentage prescribes that portion which must be withheld from such handling. Restricted filberts may be shelled (for domestic or foreign consumption), exported, or disposed of in outlets determined by the Board to be non-competitive with normal market outlets for inshell filberts.

After consideration of all relevant matter presented, the information and recommendation submitted by the Board, and other available information, it is further found that the establishment, under § 982.40, of final free and restricted percentages for the 1981–82 marketing year will tend to effectuate the declared policy of the act.

PART 982—FILBERTS/HAZELNUTS GROWN IN OREGON AND WASHINGTON

Therefore, a new paragraph (b) is added to § 982.231 (46 FR 52067) to read as follows: (The following section will not be published in the Code of Federal Regulations).

§ 982.231 Trade demand and final free and restricted percentages—1981–82 marketing year.

* * * * *

(b) The final free and restricted percentages for merchantable filberts/hazelnuts for the 1981–82 marketing year shall be 29 percent and 71 percent, respectively.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: December 18, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-36675 Filed 12-22-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Parts 2855, 2856, 2859, and 2870

Increase in Fees and Charges

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The interim rule with request for comments published October 7, 1981 (46 FR 49569) which increased fees and charges for poultry, rabbit, and egg grading and egg products inspection is made final. These changes are necessary to cover increased costs associated with the programs. This document finalizes charges for the Federal voluntary egg products inspection; egg, poultry, and rabbit grading; and laboratory services and the overtime and appeal rates for Federal mandatory egg products inspection as revised in the interim rule.

EFFECTIVE DATE: December 23, 1981.

FOR FURTHER INFORMATION CONTACT: D. M. Holbrook, (202) 447–3506.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures established in accordance with Executive Order 12291, and has been classified "nonmajor" as it does not meet the criteria contained therein for major regulatory actions. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because the fees and charges merely reflect, on a cost-per-unit-graded/inspected basis, a minimal increase in the costs currently borne by those entities utilizing the services, and because competitive effects are offset under the major voluntary programs (resident shell egg and poultry) through administrative charges based on the volume of product handled; i.e., the cost to users increases in proportion to increased volume.

The Agricultural Marketing Act of 1946, as amended, provides for the collection of fees approximately equal to the cost of providing Federal voluntary egg products inspection; egg, poultry, and rabbit grading; and laboratory services. The Egg Products Inspection Act requires that the cost for overtime inspection be borne by the user of the service. Because fees and charges for these services—as determined by the grader's or inspector's salary and fringe, cost of supervision, travel, and other overhead and administrative costs—have increased since the last adjustment, it was necessary to make the revised charges effective November 1, 1981, to cover the costs of services.

Since the last nonresident program fee increase, which was based primarily on the pay increase effective in October 1980, Federal employees have received a 4.8-percent pay increase, and grader training and other fringe costs have increased 3 to 4 percent. In addition to these added costs, the grade level or pay scale of the graders performing service on a nonresident or lot basis has shifted to a higher level. Therefore, overall, the fee for nonresident service on an hourly basis was increased about 15 percent.

Costs have increased also for the resident shell egg and poultry grading programs. The hourly rate charged for graders under the resident grading programs does not cover costs of supervision, travel, and other overhead and administrative expenses. These costs are covered by an administrative service charge which is based on the number of cases of shell eggs and the number of pounds of poultry handled in plants using the service. Since these rates were last increased in 1976, supervisory salaries have increased 38 percent; per diem, 50 percent; mileage, 50 percent; rent, 23 percent; and telephone, 65 percent. To compensate for these significant cost increases, the administrative service charge per case of shell eggs and per pound of poultry and the minimum and maximum payment per billing period for each official plant were increased on an average about 39 percent. Similar cost increases have also occurred elsewhere in these programs, as is more fully detailed in the interim rulemaking document.

Because increased revenues were urgently needed to cover costs of services, an interim rule published October 7, 1981, with an effective date of November 1, 1981, was necessary. The interim rule invited comments for 60 days ending December 7, 1981. One comment was received from a State department of agriculture addressing objection to the short time frame between publication of the interim rule and the effective date and the size of the increases. However, no data were presented demonstrating an error in the Agency's data or determination of the level of charges necessary to cover costs. These increases are mandated under the Agricultural Marketing Act of 1946, as amended, and the Egg Products Inspection Act, and it was necessary to implement the revised charges effective November 1, 1981, to cover the costs of services. Since the document does not alter the regulations which have been in effect since November 1, 1981, there is no reason to postpone its effective date for 30 days. Thus, good cause is found to make this document effective December 23, 1981.

Accordingly, for the reasons and purposes stated above and in the interim rule published October 7, 1981 (46 FR 49569), the amendments made to §§ 2855.510, 2855.550, and 2855.560 of Part 2855; §§ 2856.46, 2856.47, 2856.52,

and 2856.54 of Part 2856; §§ 2859.126 and 2859.370 of Part 2859; and §§ 2870.71, 2870.72, 2870.76, and 2870.77 of Part 2870; Title 7, Code of Federal Regulations, by the said interim rule are hereby made final, without any change.

(Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*); Egg Products Inspection Act (21 U.S.C. 1031–1056))

Done at Washington, D.C. on December 18, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-36612 Filed 12-22-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 4

Public Information; Centralization of Handling; Final Rule

AGENCY: Office of the Secretary, Commerce.

ACTION: Final rule.

SUMMARY: The Department of Commerce is amending certain provisions of Part 4 of Title 15 of the Code of Federal Regulations to centralize the handling of Freedom of Information Act (FOIA) appeals. Centralization is expected to increase the efficiency and timeliness of handling FOIA appeals.

EFFECTIVE DATE: December 23, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Levine (202) 377–5384.

SUPPLEMENTARY INFORMATION: These amendments pertain solely to matters of agency organization and procedure. Therefore, the provisions of the Administrative Procedure Act on rulemaking, 5 U.S.C. 553, requiring notice of proposed rulemaking and opportunity for public participation are inapplicable. The requirement for preparation of an initial or final regulatory flexibility analysis under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, is also inapplicable. Further, these amendments are exempt from the requirements of Executive Order 12291. Since these amendments do not contain an information collection requirement, the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, does not apply.

The purpose of the proposed amendments is to centralize the handling of all appeals from initial denials of FOIA requests for records. This will be accomplished by making the General Counsel the sole official responsible for all final determinations regarding such appeals. This process is expected to result in: (1) More timely and efficient handling of appeals; (2) elimination of the possibility of inconsistencies in the interpretations of the applicable law; and (3) facilitation of the development of greater in-depth expertise in matters relating to the FOIA.

PART 4—PUBLIC INFORMATION

For the reasons set out in the preamble, Part 4, Subtitle A of Title 15, Code of Federal Regulations, is amended as set forth below.

Authority: 5 U.S.C. 552; 5 U.S.C. 553; 5 U.S.C. 301; Reorganization Plan No. 5 of 1950.

2. Section 4.6 is amended by revising paragraphs (b)(5)(iv) and (b)(6) to read as follows:

§ 4.6 Initial determinations of availability of records.

* * * * *

(b) * * *

(5) * * *

(iv) A brief statement of the right of the requester to appeal the determination to the General Counsel and the address to which the appeal should be sent, in accordance with § 4.8 (a) and (b).

(6) A copy of each initial denial and its incoming request for records shall be provided to the Assistant General Counsel for Administration.

3. Section 4.8 is amended by revising paragraphs (b), (c), (e), and (g) to read as follows:

§ 4.8 Appeals from initial denials or untimely delays.

* * * * *

(b) An appeal shall be addressed to the General Counsel, Department of Commerce, Room 5879, 14th and Constitution Avenue NW., Washington, D.C. 20230. Both the appeals envelope and the letter shall be clearly marked "Freedom of Information Appeal" or "Appeal for Records" or the equivalent. An appeal not addressed and marked as provided herein will be so marked by Department personnel when it is so identified, and will be forwarded immediately to the General Counsel. An appeal incorrectly addressed will not be deemed to have been "received" for purposes of the time period for appeal set forth in 5 U.S.C. 552(a)(6), until the earlier of the time that (1) forwarding to the General Counsel has been effected, or (2) such forwarding would have been effected with the exercise of due diligence by Department personnel. In each instance when an appeal is so forwarded, the Office of Gneral Counsel shall notify the requester that the appeal was improperly addressed and of the date the appeal was received by the office.

(c) The General Counsel shall act upon an appeal within twenty days (excluding Saturdays, Sundays and legal public holidays) of its receipt, unless an extension of time is made in unusual circumstances, when the time for action may be extended up to ten days (excluding Saturdays, Sundays and legal public holidays) minus any days of extension granted at the initial request level. A notice of such extension shall be sent to the requester, setting forth the reasons and the date on which a determination of the appeal is expected to be sent. As used in this paragraph, "unusual circumstances" are defined in § 4.6(b)(2).

* * * * *

(e) If no determination of an appeal has been sent to the requester within the twenty day period or the last extension thereof, the requester is deemed to have exhausted his administrative remedies with respect to such request, giving rise to a right of judicial review as specified in 5 U.S.C. 552(e)(4). When no determination can be sent to the requester within the time limit, the General Counsel shall nonetheless exercise due diligence in continuing to process the appeal. When the time limit expires, the requester shall be informed of the reason for the delay, of the date when a determination may be expected to be made, and of his right to seek judicial review. The requester may be asked to forego judicial review until the appeal is determined.

* * * * *

(g) The General Counsel shall send a copy of each determination on appeal to the central public reference facility referred to in § 4.4(c) where it will be indexed and kept available for public inspection and copying.

Appendix A [Amended]

4. Sections 4 and 5 of Appendix A to 15 CFR Part 4 have been amended by revising paragraphs .01–.05 in Section 4. and by revising paragraph .03b.5., .03c. introductory text, and paragraph .04 in Sec. 5 to read as follows:

Sec. 4. Delegation of authority.

.01 The Secretary of Commerce is responsible for the effective administration of the Act and other laws applicable to the dissemination of records and other information of the Department. Aside from the Secretary's retaining authority for his immediate office, or as he otherwise may act, authority is hereby delegated to the following officials of the Department to decide initially whether or not to make publicly available

records and other information subject to the Act which are in the possession of their organizations, in accord with the provisions of the Act, this order and rules supplementing it, other applicable law, and as may be otherwise provided by the Secretary.

a. Secretarial Officers, for their respective offices and for the Department staff units reporting to them (as defined in Department Organization Order 1-1, "Mission and Organization of the Department of Commerce" (35 FR 19704, December 27, 1970)), as amended.

b. Heads of operating units of the Department (as defined in Department Organization Order 1-1).

.02 Although the officials having authority under subsection 4.01 of this section may permit employees within their organizations to make records and information publicly available under the Act, they shall redelegate authority initially to *deny* such records and information only to a limited number of officers or employees under them without power of further redelegation.

.03 The authority to make final decisions on appeal of initially denied requests for records is hereby delegated to the General Counsel of the Department without power of further redelegation.

.04 The General Counsel of the Department, and his designees, shall provide legal services to enable the officials designated in subsections 4.01 and 4.02 of this section to discharge their respective duties and responsibilities under and pursuant to this order, and shall make legal interpretations of questions arising thereunder. The General Counsel shall also act as the focal point within the Department for consultation or other communication with the Department of Justice with respect to any actions to be taken in connection with the Act, this order, and rules implementing it.

.05a. Program officials shall provide all support and assistance necessary to enable the General Counsel to perform the functions delegated in this order. This shall include (i) keeping the Office of the General Counsel informed of Freedom of Information Act requests received by the unit; (ii) providing prompt responses to Office of the General Counsel instructions, or requests for assistance; (iii) as requested, allowing the Office of the General Counsel access to relevant records; and (iv) promptly consulting with the Office of the General Counsel regarding any legal issues which arise during the processing of a request.

b. The Office of the Inspector General shall comply with the provisions of this order, except that Office of the Inspector General need not allow the Office of the General Counsel access to records to the extent that (i) information contained therein might reveal the identity of a confidential source, or (ii) the Inspector General determines that disclosure to Office of the General Counsel would interfere with an audit, investigation, or prosecution.

Sec. 5. Functions and responsibilities.

* * * * *

.03 * * *

b. * * *

5. A procedure for administrative appeal of a request for a record initially denied in whole or in part. The appeal procedure shall include provisions which insure that: (i) the requester may file an appeal, in writing, within thirty days of receipt of an initial denial; (ii) an appeal shall be considered received when properly addressed to the General Counsel; (iii) appeals shall be decided without right of the requester for a personal appearance, oral argument, or hearing; (iv) timely decisions on appeals or other notices concerning them shall be made in writing, and communicated to the requester; (v) if the decision is wholly or partly in favor of the requester, the General Counsel shall make the particular records or information available to the requester or order that such be done; and to the extent that the decision is adverse to the requester, it shall briefly state the reason for the decision and the identity of the official responsible for making it, (vi) whenever applicable, requesters shall be effectively notified of their right to seek judicial review.

* * * * *

c. The officials designated in subsections 4.01 and 4.02 of this order who are responsible for initially determing whether any records properly requested under the Act may be made available, shall include in their consideration

* * * * *

.04 *Special review requirements.*—a. The General Counsel or one of his designees shall be consulted before any initial denial is issued.

b. The Director of the Office of Public Affairs or his designee shall be informed before any decision on an appeal from an initial denial is issued.

c. As provided in Part B, Chapter IV, subsection 5.06f. of the Department's Handbook of Security Regulations and Procedures, appeals of initial denials based, even in part, on the ground that the matter is exempted from disclosure under 5 U.S.C. 552(b)(1) (classified information) shall be referred to the Departmental Information Security Program Committee. That Committee shall conduct a declassification review and determine if the record(s) involved may be made available to the public.

d. Whenever, on appeal from an initially denied request, the General Counsel and the concerned Secretarial Officer or operating unit head cannot agree on whether applicable exemptions should be waived, as provided in subsection .03c.4. of this section, the matter shall be promptly referred to the Secretary for resoultion.

Arlene Triplett,

Assistant Secretary for Administration.

[FR Doc. 81-36542 Filed 12-22-81; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 249 and 274

[Release Nos. 33-6366, 34-18237, IC-12107; File No. S7-864]

Revisions of Investment Company Current Report Forms

AGENCY: Securities and Exchange Commission.

ACTION: Final rules and amendments to forms.

SUMMARY: The Commission is adopting today three revisions to the form used by most management investment companies to report the occurrence during the preceding calendar quarter of any one or more of twelve specified events. The Commission is eliminating the requirement that investment companies filing the form list on a calendar quarterly basis certain information about their securities portfolios. In addition, the Commission is excepting certain routine actions relating to investment advisory contracts from the form's requirement that reporting companies furnish information concerning matters submitted to security holders for approval. Finally, the Commission is adopting a revision of the form to require that reports pursuant to the form be filed on a fiscal quarter rather than calendar quarter basis. The Commission is adopting these amendments in order to reduce the number of times management investment companies must file reports and to make reporting on that form less burdensome for those companies.

EFFECTIVE DATE: December 16, 1981.

FOR FURTHER INFORMATION CONTACT: Anthony A. Vertuno, Esq. (202) 272-2107, or Jane A. Kanter, Esq. (202) 272-2033, Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission announced today the adoption of amendments to its Form N-1Q (17 CFR 274.106), which form was adopted by the Commission pursuant to section 30 of the Investment Company Act of 1940 ("1940 Act") [15 U.S.C. 80a-29] and sections 13 and 15(d) of the Securities Exchange Act of 1934 ("1934 Act") (15 U.S.C. 78m, 78o(d)), and is used by management investment companies to report the occurrence during the preceding calendar quarter of any one of the twelve events specified in the form.

A report on Form N–1Q must be filed within 30 days after the calendar quarter during which any of the twelve specified events has occured. Among the events which an investment company required to file Form N–1Q must report on that form are changes in the company's securities portfolio and matters submitted to a vote of its security holders.[1]

The effect of requiring investment companies to report portfolio transaction is that management investment companies generally must submit Form N–1Q to the Commission four times a year. Further, the requirement to report on matters submitted to shareholders requires the reporting of the continuation of an existing advisory contract as well as the approval of a new one. As discussed in detail below, the Commission is adopting proposed revisions of Form N–1Q, which eliminate the requirement to report portfolio changes and shareholder voting on the continuation of an advisory contract and revise from a calendar year basis to a fiscal year basis the requirement to file the report.

Background

1. Reporting of Changes in Securities Portfolios

Item 1 of Form N–1Q requires all management investment companies, except small business investment companies and certain venture capital companies, to report any acquisition or disposition of portfolio securities made during a calendar quarter. The first report filed by an investment company pursuant to Item 1 and the first report filed pursuant to that item after the end of a year must include information as to the reporting company's entire securities portfolio.

When the Commission adopted Form N–1Q in Securities Exchange Act Release No. 8201, it stated that Item 1 of the form was being adopted for three reasons: To aid the Commission in carrying out its regulatory responsibilities under the 1940 Act; to aid the Commission in conducting studies of investment company portfolio transactions and their effects on the market place; and to provide the public with information about the securities transactions of Management investment companies.

The Commission's proposal to amend Form N–1Q, published on November 17, 1980, in Securities Act Release No. 6263 (45 FR 76158 (November 25, 1980)), reflected its belief that, although investment company portfolio transaction data is important for a number of purposes, it no longer needed to receive that information on a quarterly basis. Pursuant to its authority under section 31(b) [15 U.S.C. 80a–30(b)] of the 1940 Act to inspect investment company books and records, the Commission can obtain current information about portfolio transactions in individual cases where necessary. In light of its ability to inspect books and records, it appeared to the Commission that an annual reporting of investment company portfolio transactions would be sufficient to allow it to conduct whatever studies of those transactions might be necessary and to carry out its regulatory responsibilities under the 1940 Act effectively and efficiently.

In addition, the proposed amendment reflected the Commission's belief that any adverse effects on the public that could result from the elimination of quarterly reporting of portfolio transactions by investment companies would be minimal. It appeared to the Commission that, to the extent members of the public needed information on a calendar quarterly basis concerning the portfolios of investment companies, those individuals could rely on information contained in Form 13F [17 CFR 249.325] reports by institutional investment managers filed pursuant to section 13(f) (15 U.S.C. 78m(f)(1)) of the 1934 Act. Although the information contained in Forms 13F and N–1Q is not identical, and is not reported in the same manner on the two forms, the Commission believed in light of all the circumstances that Form 13F reports provide a reasonable source of public information concerning investment company securities portfolios.[2]

Finally, since virtually all investment companies engage in portfolio transactions during every calendar quarter, they are required to file Form N–1Q reports four times a year, and the Commission found that Form N–1Q was often filed for the sole purpose of reporting the occurrence of portfolio transactions. In light of the reporting burden for investment companies in filing Form N–1Q, and in consideration of the purposes for which the requirement was imposed, the Commission, on November 17, 1980, proposed to amend Form N–1Q by, among other things, eliminating the requirement that investment companies filing Form N–1Q include portfolio information. In addition, at that time the Commission proposed to amend Form N–1 (17 CFR 239.15, 17 CFR 274.11), which is used by open-end management investment companies to update their 1940 Act registration statements, and Form N–2 (17 CFR 239.14, 17 CFR 274.11a–1), which is used by closed-end management investment companies for the same purpose, to require the reporting of certain portfolio information.[3] Under the amendments as proposed, reporting companies would include in Part II of their annual updating amendments to their registration statements a table of portfolio information virtually identical to the table that is now required by Item 1 of Form N–1Q. Reporting companies would be required to show in a tabular format: (a) The number of shares (or other units) of equity securities or principal amount of debt securities acquired or disposed of for their portfolios during the preceding fiscal year; (b) their holdings of such securities and cash at the end of the fiscal year; and (c) their holdings of all other securities as the end of the fiscal year.

The Commission did not include in its proposal for annual reporting of investment company portfolio transactions a confidential treatment provision similar to the one now contained in Item 1 of Form N–1Q. Instruction 8 to Item 1 provides generally for confidential treatment of information filed in a Form N–1Q report relating to a program of purchasing securities of a particular issuer or issuers engaged in by the reporting company both at the end of the calendar quarter and on the date the report is filed. Instruction 8 was originally made part of Form N–1Q in response to public comments maintaining that, if a reporting company's current portfolio purchase program were disclosed, the company might have to pay higher prices for the securities being

[1] The other reportable events are as follows: (a) Changes in the reporting company's policies with respect to security investments; (b) legal proceedings involving the reporting company; (c) changes in the assets securing any class of debt of the reporting company; (d) defaults and arrears on the reporting company's senior securities; (e) changes in control of the reporting company; (f) changes in the constituent instruments defining the rights of the holders of any class of the reporting company's securities; (g) reevaluation of the reporting company's assets or restatement of its capital share accounts; (h) changes in the reporting company's certifying accountant; (i) changes in the accounting principles and practices followed by the reporting company; and (j) any merger or consolidation of the reporting company with one or more other registered investment companies. Adopted by the Commission in Securities Exchange Act Release No. 8201, December 8, 1967 [32 FR 17563 (December 8, 1967)].

[2] For a more detailed discussion and comparison of these two forms see Securities Act Release No. 6101.

[3] Rule 8b–16 under the 1940 Act [17 CFR 270.8b–16] requires management investment companies, other than small business investment companies, to update their 1940 Act registration statements annually.

purchased.[4] It appeared to the Commission that, since annual updates filed on either Form N–1 or Form N–2 would cover longer time periods than Form N–1Q currently does, and since the time allowed for the filing of those annual updates is significantly longer than the time allowed for the filing of Form N–1Q,[5] the danger that a registrant would be required to disclose sensitive information relating to an ongoing purchase program would be remote. Thus, the Commission believed that a provision resembling Instruction 8 to Item 1 of Form N–1Q did not need to be incorporated as part of the annual reporting requirement being proposed.

2. Reporting of Matters Submitted to Shareholders

Item 2 of Form N–1Q requires a reporting investment company to furnish certain information about any matter submitted to a vote of the company's security holders during the preceding quarter year. Instruction 2 to that item provides that Item 2 need not be answered as to procedural matters, the selection or approval of auditors, and the uncontested election of directors. Instruction 2 reflected the Commission's belief that certain routine matters voted upon at shareholder meetings need not be reported on Form N–1Q. In Securities Act Release No. 6263 the Commission proposed to amend Instruction 2 to add voting on the continuation of the reporting company's current advisory contract to the list of routine matters that need not be reported under Item 2 of Form N–1Q.[6] The Commission expected that this amendment, together with the elimination of Item 1, would have the effect of appreciably reducing the number of Form N–1Q reports management investment companies must file.

3. Changing Filing Date of Form N–1Q

At the present time, Form N–1Q is required to be filed within 30 days after the close of each calendar quarter during which any of the twelve events specified in the form has occurred. Calendar quarterly filing of Form N–1Q was adopted by the Commission to obtain information about portfolio transactions on a comparable time basis.[7] In light of the Commission's proposal to eliminate the requirement to include portfolio transaction information on Form N–1Q, the Commission also proposed to revise the form to require that reports be filed 30 days after the end of an investment company's fiscal quarter during which any of the events specified in the form occurred. The Commission believed that this additional change would also reduce unnecessary burdens on investment companies in filing the report.

The Commission today adopts the proposed amendments to Form N–1Q, and withdraws its proposal to amend Forms N–1 and N–2. The amendments to Form N–1Q are being adopted in the same form as they were proposed, and the major issues raised by the commentators are discussed in detail in this release. Readers are referred to Securities Act Release No. 6263 for a more extensive discussion of the proposed amendments.

Public Comments

The Commission received one hundred sixty-nine comments on Securities Act Release No. 6263. Eleven of the commentators endorsed the Commission's proposal to amend Form N–1Q by eliminating the requirement that investment companies report portfolio transaction changes on Form N–1Q. Most commentators, however, had specific objections to several of the proposed amendments to Forms N–1Q, N–1 and N–2. In addition, many of the commentators addressed issues that were not specifically raised in Securities Act Release No. 6263. Many of the comments opposing adoption of the proposal were substantially similar. The Commission has considered the matters discussed in the comments and has determined to adopt the amendments to Form N–1Q as previously published and to withdraw its proposal to amend Forms N–1 and N–2.

Comments on Elimination of Item 1 from Form N–1Q

Of the comments received by the Commission, one hundred fifty-three objected to the Commission's proposal to eliminate Item 1 from Form N–1Q. As stated earlier, that item requires that management investment companies list on a calender quarterly basis all changes in the company's securities portfolio. The arguments made by the commentators opposing this proposal can be considered in three general categories.

1. Utility of Item 1 in Identifying Corporate Shareholders

One hundred and four of the commentators expressed the view that, due to the use of "street" and "nominee" names,[8] and the additional layering resulting from the use of depositories holding registered securities in nominee names, issuers of securities frequently have difficulty in ascertaining exactly who their shareholders are.[9] These commentators asserted that Item 1 of Form N–1Q provides operating companies with an important source of information in determining the identity of their major stockholders.

A majority of these commentators did not explain their particular need for detailed information concerning shareholder identity. Of those who did, some indicated that Item 1 of Form N–1Q is used by issuers of securities to understand and analyze transactions involving their stock, to ascertain investment patterns or trends within the investment community pertaining to their stock, and to keep generally informed of institutional investment activity. In addition, some commentators stated that shareholder identification is essential to the investor relations programs of operating companies. Many of these commentators argued that corporate management has a responsibility to communicate with its beneficial owners and to provide them with current information about their corporation through the use of updated financial reports, shareholder meetings and proxy solicitations. Further, these

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[4] Securities Act Release No. 6263.

[5] Rule 8b–16 under the 1940 Act requires annual updates on either Form N–1 or Form N–2 to be filed within 120 days after the end of the reporting company's fiscal year; whereas, Form N–1Q must be filed within 30 days after the end of a quarter in which a reportable event occurs.

[6] The Commission's view that the determination to approve or disapprove a management investment company's current advisory contract as a routine matters was reflected in an earlier release authorized by the Commission setting forth its Division of Investment Management's review procedure applicable to preliminary proxy material. Securities Act Release No. 5988, October 19, 1978 [43 FR 49866 (October 25, 1978)]. In that release, the Division of Investment Management indicated that the staff will ordinarily make no substantive review of proxy statements that have no proposals other than those relating to the uncontested election of directors, the ratification of the selection of accountants, and the continuation of a current advisory contract.

[7] Securities Exchange Act Release No. 8201.

[8] A nominee is a partnership formed to act as record holder of securities held by institutional investors and financial intermediaries for their own account or the account of their customers who are the beneficial owners of the stock. Street name refers to the form of nominee name registration brokers use to register securities they hold for customers or for their own account. *Staff Report On Corporate Accountability*, Division of Corporation Finance, Securities and Exchange Commission, printed for the use of the Senate Committee on Banking, Housing and Urban Affairs, 96th Cong. 2d Sess. (September 4, 1980).

[9] Many commentators indicated that a large percentage of their shares were held by "institutional investors," although none indicated what percentage of their shares were held in nominee or street name, or what percentage were held by investment companies.

commentators asserted that, without detailed knowledge of specific stockholders and their needs, the operating companies would be unable to contact their shareholders or formulate financial policies to meet their investment objectives. They further suggested that Item 1 of Form N–1Q enables them not only to maintain an up-to-date profile of the owners of their securities, but also to identify prospective shareholders by ascertaining which institutions own stock in their direct competitors. In addition, several of the commentators stated that the information obtained from Item 1 enables issuers of securities to establish personal contact with the representatives of major investors and fund "portfolio decision makers," so that they can provide current information to these individuals and schedule meetings with these larger investors. Along the same lines, some of the commentators suggested that it was important to know which specific entity has "voting control" of a security, and to know the actual entity responsible for acquisition or disposition decisions.

A few of the commentators indicated that information obtained from Item 1 of Form N–1Q is reported in the financial press and therefore provides the public in general with data concerning the extent of institutional interest in specific companies. One of the commentators also stated that it was important for a corporation to have knowledge of all large investor groups who were accumulating its stock, even when these investors did not own sufficient stock to require the filing of a beneficial ownership report on Schedule 13D [17 CFR 240.13d–101] pursuant to the 1934 Act.[10]

Nine of the commentators stated that many operating companies, at present, have difficulty in identifying their shareholders because of the increasing use of street and nominee names by institutional investors, in concert with the prevalence of registered clearing agencies, such as the Depository Trust Company. In addition, these commentators stated that, as a consequence, operating companies were experiencing an increasing inability to establish quorums for their annual meetings, which problem they felt would be exacerbated if Item 1 of Form N–1Q was eliminated. These commentators asserted that Item 1 is vital for proxy solicitation purposes, since the information which can be obtained from Form N–1Q specifically identifies the entity that has beneficial ownership of their securities.

Many of the commentators who were concerned about shareholder identification for the reasons previously specified, expressed the view that other sources of information concerning management investment company portfolio holdings are not sufficient. Specifically, sixty-eight commentators asserted that Form 13F of the 1934 Act was not an adequate source of information concerning investment company portfolio holdings for several reasons. These commentators stated that, whereas one Form N–1Q is filed for each reporting investment company and provides information about only that reporting company, an investment adviser filing Form 13F reports the aggregate portfolio information with respect to all investment companies it advises.[11] The commentators asserted that, in view of the aggregate nature of the Form 13F reports, they are unable to use the information contained in Form 13F to identify a particular investment company's ownership interest in their securities, or to ascertain whether the holdings of a particular investment company are included in an investment adviser's Form 13F report. In addition, these commentators indicated that, because of the reporting thresholds applicable to Form 13F,[12] it was their understanding that the securities holdings of approximately thirty to forty percent of all investment companies were also not included on Form 13F reports.[13]

2. Use of Item 1 Data by Investors and Securities Professionals

In addition to the preceding comments regarding shareholder identification, which generally reflect the concerns of operating companies about identifying their shareholders, the Commission received twenty-four comments from persons representing brokerage firms, market analysts and securities traders. Many of these commentators suggested that the information from Item 1 of Form N–1Q is used on a daily basis by market analysts, investors and fund boards of directors as part of their selection process in evaluating the investment decisions and policies of current or prospective investment advisers.[14] These commentators indicated that their evaluation of an adviser is accomplished by performing periodic examinations of the adviser's investment decisions as reflected in the portfolio transactions of the funds managed by that particular adviser. Further, these commentators stated that although shareholder reports are available on a fiscal basis, it is necessary for them to receive information for all investment companies as of a specifically determinable date for comparability purposes, and that, consequently, reports prepared on a fiscal basis would not be as easily comparable since many investment companies would be reporting at different times.

Similarly, some of these commentators suggested that Item 1 information is used by investors in monitoring financial and investment positions of funds in which the investor has an interest or might be prospectively interested. Several of these commentators suggested that investors select funds on the basis of specific investment criteria, and rely on Item 1 for information concerning a particular fund's performance. A few of these commentators stated that the information available from Form 13F would not be appropriate for their purposes since, in view of the aggregated nature of Form 13F information, advice provided by a particular adviser to different funds which have dissimilar strategies would not be revealed. Moreover, one of the commentators suggested that one of the attractions of investment companies for sophisticated investors is the "high degree of disclosure" presently required for investment companies.

In addition, several of these commentators stated that smaller brokerage firms need the transactional information available from Item 1 since they believe that they cannot absorb the overhead costs for more sophisticated portfolio updating services. These commentators asserted that for a

[10] This report is required to be filed pursuant to section 13(d) of the 1934 Act [15 U.S.C. 78m(d)], when beneficial ownership of any equity security is above a specified level.

[11] The Commission previously noted these differences between Form 13F and Form N–1Q in Securities Act Release No. 6283.

[12] Under rule 13F–1, an institutional investment manager is required to file a Form 13F only if it exercises investment discretion over accounts having $100,000,000 or more in certain equity securities as of a specified date. Thus, the holdings of investment companies receiving advice from an adviser not meeting the $100,000,000 threshold would not be disclosed in a Form 13F report. In addition, Form 13F requires holdings of only certain equity securities to be reported. A Form 13F reporting investment adviser is also not required to include in its report holdings of fewer than 10,000 shares having an aggregate fair market value of less than $500,000.

[13] As indicated in the comments, this thirty to forty percent figure appears to be based on the assumption that 250 investment companies are not included in the Form 13F reports filed by investment advisers.

[14] One commentator suggested that such analysis is essential for boards of directors of investment companies to review in acquitting their responsibilities to review and approve annually investment advisory contracts.

brokerage firm to compete and provide accurate, efficient and timely executions at cost effective rates, it is necessary for the firm to be fully informed of each institutional account's holdings and transactions. Further, these commentators suggested that their ability to transact block business efficiently, with minimal disruptions of the market place, is dependent upon their brokers' ability to locate potential buyers and sellers quickly. These commentators stated that the information which they obtain from Item 1 of Form N–1Q is utilized for the above purposes. Additionally, several of these commentators suggested that the information from Form N–1Q helps to contribute to greater market liquidity and depth.

Although these commentators indicated that they are interested in the transactional information contained in Item 1, a majority of the commentators who objected to the elimination of Item 1 specifically stated that their primary concern in retaining Item 1 was so that they could ascertain the net portfolio equity securities positions of investment companies. In addition, certain private firms which tabulate the information contained in Form N–1Q reports suggested in their comments that the transactional information in Item 1 is costly and unnecessary, and that, both to alleviate the compliance burden on investment companies and to provide the financial community with the information it really needs, Form N–1Q should be modified to report only end of quarter equity securities holdings, as Form 13F currently does.

In addition to the comments received from securities professionals, the Commission received several comments from individual investors who mistakenly believed that the proposed revisions of Form N–1Q would result in the elimination of all reporting by management investment companies of their portfolio holdings. These commentators appeared to be unaware that, notwithstanding the proposed revision of Form N–1Q, investment companies would still have to continue to make other required reports, including periodic reports to shareholders showing a schedule of investments.

3. Reporting Burden

Forty-one commentators addressed the issue of whether Item 1 of Form N–1Q was burdensome for investment companies to prepare. Of these, thirty-five, none of whom represented investment companies, asserted that the costs to investment companies of preparing Item 1 of Form N–1Q are minimal. Specifically, several of these commentators, pointing to the fact that an investment company is required on a daily basis to make calculations of the sales and redemption price of its shares, argued that an investment company should be able to generate on a calendar quarterly basis information concerning all acquisitions and dispositions of portfolio securities made during a calendar quarter by that investment company. Several commentators were under the mistaken impression that the information required by Item 1 consists of quarter-end portfolio positions, and argued that such information is not burdensome for investment companies to compile. Similarly, several commentators argued that the reporting burden for investment companies should not be onerous in view of the fact that most of these companies generate quarterly reports to their shareholders which contain information concerning their portfolio securities holdings. In addition, a few other commentators stated that it was their understanding that most investment companies record all information on computers in a manner which is easily accessible for purposes of Form N–1Q. Finally, some of these commentators argued that the reporting burden for investment companies is far outweighed by the benefit to users of Item 1 of the Form N–1Q reports.

On the other hand, six commentators representing various investment companies claimed that the reporting burden for these companies is significant. In particular, one commentator argued that the requirement that all transactions and holdings must be adjusted for splits and stock dividends imposes "a great burden" on the filers of Form N–1Q, since in order to comply with the requirements of the form it is necessary for the investment company to review every security that was held by the company at any time during the reporting period and to ascertain whether any shares were split or otherwise adjusted. If so, an adjustment is required in each such case.

All of these commentators stated that information virtually identical to what is reported in Item 1 is available from other sources, of which Form 13F reports are only one. They asserted that the elimination of such duplicative information, therefore, in the interests of the investment company's shareholder directly, if the company pays the expense of preparing Form N–1Q, or indirectly, if such expense is paid by the investment adviser. One commentator asserted, in this connection, that the elimination of duplicative reporting requirements is mandated by section 30(c) [15 U.S.C. 80a–29(c)] of the 1940 Act, arguing that section 30(c) requires the Commission to issue rules to eliminate the duplication of filings which result from the overlapping reporting requirements of sections 13 and 15(d) of the 1934 Act and section 30 of the 1940 Act.[15]

Discussion of Comments on Elimination of Item 1 From Form N–1Q

The Commission has carefully considered the foregoing comments but has determined to adopt the position set forth in Securities Act Release No. 6263 that continuation of the requirement that investment company portfolio transactions be reported each quarter is not justified. As discussed above, the Commission adopted Item 1 for three reasons: to aid it in its regulatory responsibilities, to collect information for studies, and to make the information available to the public. We have concluded that the information is no longer required for the first two purposes and that, in the absence of those two reasons, it is not necessary to continue this reporting requirement solely for the purpose of institutional disclosure. Under the institutional disclosure program, which was implemented by the Commission pursuant to section 13(f) of the 1934 Act, certain institutional investment managers, including investment companies and investment advisers, began in February of 1979 to file quarterly reports on Form 13F of their holdings of equity securities.[16] The Commission adopted this program after extensive consideration of the appropriate balance between the public interest in institutional disclosure and the costs and other burdens reporting would impose on institutions. After reviewing the comments on the present proposal, the Commission believes that most of the information the commentators want is available in a somewhat different but suitable form on the Forms 13F of investment companies and their investment advisers and, accordingly, that the limited benefit to the public of quarterly transaction reporting by investment companies is

[15] Section 30(c) provides: "The Commission shall issue rules and regulations permitting the filing with the Commission, and with any national securities exchange concerned, of copies of periodic reports, or of extracts therefrom, filed by any registered investment company pursuant to subsections (a) and (b), in lieu of any reports and documents required of such company under sections 13 and 15(d) of the Securities Exchange Act of 1934."

[16] The requirements of the institutional disclosure program are discussed in more detail in note 12, *supra*.

outweighed by the costs of such reporting. In this regard, nothing in the comments provides a basis for concluding that investment companies should be subject to more burdensome portfolio reporting requirements than are other institutional investors. Finally, even in the absence of quarterly reporting, investment companies will continue to be subject to portfolio disclosure requirements in addition to those imposed by Form 13F. The Commission's analysis of the comments is set forth with more particularity below.

1. Utility of Item 1 in Identifying Corporate Shareholders

As stated in the proposing release, the Commission recognizes that the information contained in Form 13F is not identical to that contained in Form N–1Q reports. Nonetheless, the Commission believes that the differences between these two forms do not prevent Form 13F from being an adequate alternative to Item 1 of Form N–1Q as a source of information to corporations about investment company ownership of their shares.

First, although there may appear to be a significant number of investment companies that are too small individually to meet the threshold reporting requirements for Form 13F,[17] such companies account for only about twenty percent of the total assets held by all management investment companies other than money market funds.[18] Moreover, the holdings of investment companies that are not themselves subject to the reporting requirements for Form 13F are, nevertheless, reported in aggregate form by their investment advisers if they are managed by investment advisers who are required to report. The fact that such holdings are reported in the aggregate should not diminish the value of the Form 13F report to issuers that are interested in communicating with their shareholders, since such issuers could achieve their objective by contacting or addressing communications to the reporting investment adviser. Second, the total stockholdings of open-end investment companies comprise only about eight percent of total institutional stockholdings[19] and about three percent of total stock outstanding.[20]

Accordingly, even if some investment companies that are required to report on Form N–1Q are not directly or indirectly subject to Form 13F reporting, it does not appear that the proposed amendment to Form N–1Q would have a materially adverse effect on the ability of issuers to identify their shareholders.[21] Certainly any decrease in the availability of information about stockholdings that would result from adopting the proposal would be slight in comparison to the large increase in the availability of such information occasioned by the implementation of the institutional disclosure program. Therefore, the Commission believes that the elimination of Item 1 of Form N–1Q would not significantly reduce an issuer's ability to identify and communicate with its shareholders for all purposes.

It should be emphasized, however, that the Commission is sensitive to the concerns expressed by commentators regarding impediments to effective corporate-shareholder communications that may arise when securities are registered in street or other nominee name. In recent years, the Commission had adopted, in addition to the implementation of the institutional disclosure program, new or revised rules intended to improve the ability of issuers to communicate with the beneficial owners of nominee held securities.[22] In addition, in April 1981 the Commission established the SEC Advisory Committee on Shareholder Communications (the Committee) for the purpose of exploring all the possibilities for developing a better means for issuers to communicate with their beneficial owners.[23] The Committee, through the facilities of the Commission, recently issued a release soliciting public comment on a number of specific suggestions which have been made to improve the communications process.[24] By June 1982, it is anticipated that the Committee will submit to the Division of Corporation Finance a final report containing its recommendations. The Commission has concluded that it is preferable to approach existing problems generally through the Committee, which is particularly well situated to formulate the appropriate mix of policies—voluntary, self-regulatory or regulatory—needed to minimize or eliminate the existing problems.

In addition, as several of the commentators noted, investment companies are and will continue to be subject to portfolio disclosure requirements in addition to Form N–1Q and Form 13F. Section 30(d) [15 U.S.C. 80a–29(d)] of the 1940 Act requires that every registered investment company transmit reports to its stockholders at least semi-annually containing, among other things, a listing of the Company's portfolio showing the amounts and values of securities owned. Several of the commentators pointed out that most investment companies, in fact, advise their shareholders on a quarterly basis of the company's portfolio positions in their quarterly reports to shareholders. This information is also required to be filed with the Commission and is, therefore, as readily available to the public as is Form N–1Q.

Finally, several reporting requirements under the 1934 Act, besides those imposed pursuant to section 13(f), may apply to investment companies and their investment advisers: (1) The rules under sections 13(d) and 13(g) [15 U.S.C. 78m(g)] which require persons who have acquired directly or indirectly beneficial ownership of more than 5 percent of any equity security, as specified therein, to file a Schedule 13D or Schedule 13G [17 CFR 240.13d–102] report; (2) the provisions of section 16(a) [15 U.S.C. 78p(a)] and the rules thereunder which

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[17] Some of the commentators stated that 250 investment companies are not included on the Form 13F reports filed.

[18] Securities Act Release No. 6302, March 20, 1981 [46 FR 19251 (March 30, 1981)] Table 2. The holdings of money market funds are not relevant here since they do not purchase stock.

[19] Securities and Exchange Commission Annual Report for 1980, 46th Annual Report, Table 15 at page 117.

[20] *Id.*

[21] Adopting the proposal would appear to have little effect on the problems issuers have as a result of shares being held in street or nominee name. As stated, there would continue to be extensive disclosure of investment company stockholdings. Moreover, all investment companies do not necessarily have their securities held in street or nominee name. In any event, since approximately 30 percent of all equity securities are registered in street or nominee names, even if all securities held by investment companies were held in nominee or street name, this amount would still represent only a small percentage of all outstanding stock so held. New York Stock Exchange, 1975 *Shareownership* 20 (1975).

[22] In January 1981, the Commission authorized the Division of Corporation Finance to issue an interpretive release reminding issuers and broker-dealers of their obligations with respect to the distribution of proxy material to beneficial shareowners. Securities Exchange Act Release No. 17424 (January 8, 1981) [46 FR 3204 (January 14, 1981)]. The Commission also adopted Rule 17Ad–8 [17 CFR 240.17Ad–8] to enable issuers to distribute more easily proxy statements and other corporate communications to the beneficial owners of securities held by participants in a registered clearing agency. Securities Exchange Act Release No. 16443 (December 20, 1979) [44 FR 76774 (December 28, 1979)]. In 1977, the Commission amended Rule 14a–3(d) [17 CFR 240.14a–3(d)] to provide that issuers must make the required inquiry of nominees "at least 10 days prior to" the record date for the security holders' meeting and adopted Rule 14b–1 [17 CFR 240.14b–1] requiring broker-dealers to respond "promptly" to such inquiries by indicating the number of customers who beneficially own the issuer's securities and, upon receipt of proxy materials, to forward them promptly to such beneficial owners. Securities Exchange Act Release No. 13919 (July 5, 1977) [42 FR 35953 (July 13, 1977)].

[23] Securities Exchange Act Release No. 17707 (April 10, 1981) [46 FR 22508 (April 17, 1981)].

[24] Securities Exchange Act Release No. 18195 (October 21, 1981) [46 FR 52470 (October 27, 1981)].

require any person who is directly or indirectly the beneficial owner of more than 10 percent of any class of an equity security, that is registered pursuant to section 12 (15 U.S.C. 781) of the 1934 Act, to file on Form 3 [17 CFR 249.103] an initial statement of beneficial ownership and on Form 4 [17 CFR 249.104] any changes required by section 16(a); (3) the rules under section 14(d) [15 U.S.C. 78n(d)] which require persons who intend to make a tender offer and who are the beneficial owners of more than 5 percent of a class of the subject company's securities to file a Schedule 14D–1 [17 CFR 240.14d–100] with the Commission. All of the information indicated above, which is required to be reported under the 1934 Act, is also available for public inspection and dissemination and, of course, can be used by any person concerned with shareholder identification.

2. Use of Item 1 Data by Investors and Securities Professionals

Based on a review of the comments of securities professionals concerning the utility of Form N–1Q portfolio transaction data, it appears, as mentioned earlier, that, although some securities professionals have expressed an interest in learning about investment company acquisitions and dispositions, users of Item 1 information are generally more interested in investment company equity holdings than in the reporting of transactions. In addition, the interest in this information seems to relate mainly to equity holdings, rather than holdings of debt securities. Consequently, the Commission is of the opinion that the value of information available on Form 13F as a substitute for the information currently reported on Form N–1Q is not diminished by the fact that Form 13F does not include either transactional reporting or debt securities. Moreover, to the extent that there is interest in information concerning transactions as distinct from holdings, the Commission believes that the reporting of the net position changes in securities from one quarter to the next would provide an adequate approximation of the acquisitions and dispositions of institutions.[25] Furthermore, as discussed above, securities professionals also have available other portfolio reports.

3. Reporting Burden

The Commission has considered all the relevant comments, and still believes that the current requirements of Item 1 of Form N–1Q are unnecessarily burdensome for investment companies in light of the degree to which they are duplicative of other reporting requirements. The Commission assumes that, as asserted by commentators favoring retention of this reporting requirement, most of the required information is readily available to the reporting companies. Nevertheless, the preparation and submission to the Commission of that information in report format necessarily involves added expense.

In addition, it should be noted that pursuant to section 13(f)(4) of the 1934 Act (15 U.S.C. 78m(f)(4)) the Commission is required as part of its responsibility under section 13(f) "to take such steps as are within its power to achieve uniform, centralized reporting of information concerning holdings and transactions of institutional investment managers, to eliminate duplicative reporting by, and to minimize the compliance burdens on, institutional investment managers. . . ." The legislative history of this section reflects a strong concern with coordinating reporting requirements and minimizing the burdens of compliance. The 1934 Act establishes the Commission as the central collection and dissemination point for detailed information with respect to both holdings and transactions of institutional investment managers, and vests in the Commission authority and responsibility for the institutional disclosure program in order to eliminate duplicative reporting and reduce the compliance burden. In light of this responsibility, at the time of the proposal of rule 13f–1[26] and subsequently when final rules and forms relating to section 13(f) were adopted,[27] the Commission stated that it intended to consider the content and format of Form N–1Q with a view toward coordinating that report with Form 13F to the extent possible. The Commission has now determined that the elimination of Item 1 of Form N–1Q is in keeping with its responsibility to eliminate duplicative reporting and minimize the compliance burdens on institutional investors.

Annual Reporting of Portfolio Transactions

In conjunction with its proposal to eliminate Item 1 from Form N–1Q, the Commission has proposed to amend Forms N–1 and N–2 so that reporting companies would be required to include in Part II of their annual updating amendments to their registration statements a table of portfolio information virtually identical to the table that is presently required by Item 1 of Form N–1Q. A large number of commentators who were opposed to the elimination of Item 1 from Form N–1Q stated that the related amendment to Forms N–1 and N–2 would be an inadequate alternative to the existing reporting system. They argued that the required information would become available to the public at a time when the data was no longer current, and thus not useful in understanding the present portfolio of an investment company.

A few of the commentators, representing investment companies, suggested that Item 1 information should not be reported even on an annual basis, in view of the fact that such information is duplicative of data already available, and is burdensome to compile and report on an annual basis.

The Commission has concluded that annual reporting of transaction information is not necessary for its enforcement and regulatory responsibilities. In view thereof, and in view of the fact that there appears to be no significant public interest in maintaining an annual transaction reporting requirement, the Commission has determined to withdraw its proposal to amend Forms N–1 and N–2. The Commission's release withdrawing these proposals, Release No. 33–6367 (December 16, 1981), is published under Proposed Rules in this issue.

The Commission received several comments concerning the fact that the Commission did not include in its proposal for annual reporting of investment company portfolio transactions a confidential treatment provision similar to the one contained in Item 1 of Form N–1Q. Because of the Commission's decision to withdraw the proposed amendments to Forms N–1 and N–2, the objections of the commentators on this point are moot and need not be considered further.

Reporting of Matters Submitted to Shareholders

In response to the Commission's request for comments on its proposal to amend Instruction 2 to add voting on the continuation of the reporting company's current advisory contract to the list of routine matters that need not be reported under Item 2 of Form N–1Q, the Commission received a small number of

[25] The principal vendor of 13F information makes this calculation with respect to each reported holding and includes the results in its commercially available tabulation of 13F information.

[26] Securities Exchange Act Release No. 13380, March 22, 1977 (42 FR 16631 (March 30, 1977)).

[27] Securities Exchange Act Release No. 14852, June 15, 1978 (42 FR 26700 (June 22, 1978)).

comments, all of which favored the proposal. For the reasons discussed in detail in the proposing release, the Commission is adopting the amendment to Instruction 2 as proposed.

Changing Filing Date of Form N–1Q

In connection with the Commission's proposal to eliminate the requirement to include portfolio transaction information on Form N–1Q, the Commission proposed to revise the form to require that Form N–1Q reports be filed 30 days after the end of an investment company's fiscal quarter (rather than calendar quarter) during which any of the events specified in the form occurred. The Commission received no comments concerning this specific change in filing requirements, although the issue of comparability of calendar quarterly reports was discussed by the commentators objecting to the proposed elimination of portfolio transaction reporting. Since the Commission believes that reporting on a calendar quarterly basis would be unnecessary in the absence of portfolio transaction reporting, and would be more burdensome than reporting on a fiscal quarterly basis, it has determined to adopt this revision of the Form N–1Q as proposed.

Certain Attachments to Form N–1Q Unaffected

Certain applicants who have received Commission orders granting exemptions from the provisions of section 2(a)(41) of the Act [15 U.S.C. 80a–2(a)(41)] and Rules 2a-4 [17 CFR 270.2a–4) and 22c–1 [17 CFR 270.22c–1) thereunder to the extent necessary to permit them to value their portfolio securities by means of the amortized cost method of valuation or to use the "pennyrounding" method of pricing are required by a condition in the orders granted to attach certain information to their quarterly filing of Form N–1Q. Although the Commission is adopting certain revisions to Form N–1Q that will, as previously described, have the effect of reducing the number of occasions on which the form is required to be filed, any company that is relying on an order subject to the above described condition is expected to file Form N–1Q and to attach the applicable information, even though the company would not otherwise be required to file Form N–1Q.

Text of the Amendments

Chapter II of Title 17 of the Code of Federal Regulations is hereby amended as follows:

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

1. By amending the general instructions to Form N–1Q as follows:

§ 249.331 Form N–1Q, quarterly report of management investment companies registered under the Investment Company Act of 1940.

§ 274.106 Form N–1Q, for quarterly report of registered management investment company.

A. *Rule as to use of Form N–1Q.* General instruction A. is amended by deleting the word "calendar" in paragraphs (a) and (b) and inserting the word "fiscal" in its place.

B. *Application of General Rules and Regulations.* General instruction E. is eliminated.

C. *Preparation of Report.* General instruction F. is redesignated general instruction E.

2. By amending Form N–1Q as follows:

§ 249.331 Form N–1Q, quarterly report of management investment companies registered under the Investment Company Act of 1940.

§ 274.106 Form N–1Q, for quarterly report of registered management investment company.

A. Item 1 is eliminated.

B. Instruction 2. to Item 2. is amended to read as follows:

Item 2. Submission of Matters to a Vote of Security Holders.

* * * * *

Instructions.

* * * * *

2. This item need not be answered as to (i) procedural matters, (ii) the selection or approval of auditors, (iii) the continuation of the current advisory contract, or (iv) the election of directors or officers in cases where there was no solicitation in opposition to the management's nominee, as listed in a proxy statement pursuant to rule 20a–1 under the Act [17 CFR 270.20a–1] and Regulation 14A under the Securities Exchange Act of 1934 [17 CFR 240.14a–1—240.14b–1], and all of such nominees were elected. This item may be omitted if action at the meeting was limited to the foregoing. In cases where the registrant does not solicit proxies and the board of directors as previously reported to the Commission was re-elected in its entirety, a statement to that effect will suffice.

C. Items 2 through 13 are renumbered 1 through 12.

(Secs. 13, 15(d), and 23(a), Securities Exchange Act of 1934 (15 U.S.C. 78m, 78o(d), and 78w(a)) and Secs. 8, 30, and 38, Investment Company Act of 1940 (15 U.S.C. 80a–8, 80a–29, and 80a–37))

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–36480 Filed 12–22–81; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 934

Approval of Abandoned Mine Land Reclamation Plan for State of North Dakota

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: On July 28, 1981, the State of North Dakota submitted to OSM its proposed Abandoned Mine Land Reclamation Plan (Plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The purpose of this submission is to demonstrate the State's intent and capability to assume responsibility for administering and conducting the Abandoned Mine Land Reclamation Program established by Title IV of SMCRA and regulations adopted by OSM (30 CFR Chapter VII, Subchapter R., 43 FR 49932–49952, October 25, 1978). After opportunity for public comment and review of the plan submission, the Assistant Secretary for Energy and Minerals, of the Department of the Interior has determined that the North Dakota Abandoned Mine Land Reclamation Plan meets the requirements of SMCRA and the Secretary's regulations. Accordingly, the Assistant Secretary has approved the North Dakota Plan.

EFFECTIVE DATE: This rule is effective December 23, 1981.

ADDRESSES: Copies of the full text of the North Dakota Plan are available for review during regular business hours at the following locations:

Division of Reclamation, Public Service Commission of North Dakota, Capitol Building, Bismarck, North Dakota 58505

The Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, N.W., Room 153, Washington, D.C. 20240

FOR FURTHER INFORMATION CONTACT: Don Willen, Chief, Division of Abandoned Mine Land Reclamation, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue,

N.W., Washington, D.C. 20240
Telephone (202) 343–7951.

SUPPLEMENTARY INFORMATION:

General Background of the Abandoned Mine Land Reclamation Program

Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) (Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*) establishes an abandoned mine land reclamation program for the purposes of reclaiming and restoring lands and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation under the program are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing responsibility under State or Federal law. Each State, having within its borders coal mined lands eligible for reclamation under Title IV of SMCRA, may submit to the Department a State reclamation plan demonstrating its capability for administering an abandoned mine land reclamation program. Title IV provides that the Department may approve the plan once the State has an approved Regulatory program under Title V of SMCRA. If the Department determines that a State has developed and submitted a program for reclamation and has the necessary State legislation to implement the provisions of Title IV, the Department shall grant the State exclusive responsibility and authority to implement the provisions of the approved plan. Section 405 of SMCRA (30 U.S.C. 1235) contains the requirements for State reclamation plans.

The Secretary has adopted regulations that specify the content requirements of a State reclamation plan and the criteria for plan approval (30 CFR Part 884, 43 FR 49932, 48847, October 25, 1978). Under those regulations, the Director of the Office of Surface Mining is required to review the plan and solicit and consider comments of other Federal agencies and the public. If the State plan is disapproved, the State may resubmit a revised reclamation plan at any time.

Upon approval of the State reclamation plan, the State may submit to the Director on an annual basis an application for funds to be expended in such State on specific reclamation projects which are necessary to implement the State reclamation plan as approved. Such annual requests are reviewed and approved by OSM in compliance with the requirements of 30 CFR Part 886.

To codify information applicable to individual States under SMCRA, including decisions on State reclamation plans, OSM has established a new Subchapter T to 30 CFR Chapter VII. Subchapter T consists of Parts 900 through 950. Provisions relating to North Dakota are found in 30 CFR Part 934.

Background on the North Dakota Abandoned Mine Land Reclamation Plan Submission

On May 27, 1980, a cooperative agreement between the North Dakota Public Service Commission and the Office of Surface Mining was approved. The purpose of this agreement was to assure that information required for the preparation of the North Dakota Abandoned Mine Land Reclamation Plan would be assembled.

On May 18, 19, 20, 21 and 22, 1981, the Public Service Commission held public hearings in Williston, Dickinson, Bowman, Beulah, and Bismarck, North Dakota to get comments on the Plan.

On July 28, 1981, the State of North Dakota submitted its proposed Abandoned Mine Land Reclamation Plan to the Office of Surface Mining.

Notice of receipt of the submission initiating the Plan review was published October 6, 1981 (46 FR 49141–49143). The announcement requested public comments. On December 2, 1981, OSM's State Director and on December 11, 1981, the Assistant Director for Program Operations and Inspection recommended to the Director that the Assistant Secretary approve the North Dakota Plan.

The administrative record on the North Dakota Plan is available for review during regular business hours at the Office of Surface Mining Reclamation and Enforcement at the address listed above in "Addresses."

EFFECTIVE DATE: This rule is effective December 23, 1981. The good cause for making this rule effective upon date of publication is: (1) The Office of Surface Mining wants to minimize the time between the approval of Title V regulatory programs and the Title IV State reclamation program plans; and (2) grants are pending approval of the Title IV plan and OSM wishes to expedite grant assistance to States to initiate needed reclamation work as required by the Act.

Assistant Secretary's Findings

1. In accordance with section 405 of SMCRA the Assistant Secretary finds that North Dakota has submitted a Plan for reclamation of abandoned mines and has the ability and necessary State legislation to implement the provisions of Title IV of SMCRA.

2. The Assistant Secretary has determined, pursuant to 30 CFR 884.14, that:

(a) The North Dakota Public Service Commission, Reclamation Division, has the legal authority, policies and administrative structure necessary to carry out the Plan;

(b) The Plan meets all the requirements of 30 CFR Chapter VII, Subchapter R;

(c) The State has an approved regulatory program; and

(d) The Plan is in compliance with all applicable State and Federal laws and regulations.

3. The Assistant Secretary has solicited and considered the views of the Federal agencies having an interest in the Plan as required by 30 CFR 884.13(a)(2). These agencies include: The United States Geological Survey (USGS), The United States Fish and Wildlife Service (FWS), Soil Conservation Service (SCS), The U.S. Forest Service (USFS), and the Advisory Council of Historic Preservation (ACHP).

Disposition of Comments

The following comments received on the North Dakota Plan during the public comment period were considered in the Assistant Secretary's evaluation of the North Dakota Plan as indicated.

1. The FWS commented that the North Dakota Plan does not adequately address threatened and endangered species. North Dakota has added a new paragraph in Volume II, page 60, § 884.13(f)(5) of its Plan which acknowledges the threatened and endangered wildlife whose range includes North Dakota. In addition, the OSM and the FWS signed a memorandum of understanding (June 10, 1980) that provides for formal consultation on those projects which may affect threatened or endangered species. OSM is satisfied that provisions for addressing threatened and endangered species in the North Dakota Plan are adequate.

2. The FWS commented that lands currently supporting productive wildlife habitat should not be reclaimed to a different land use if no threat to health, safety, general welfare and property exists. OSM's response is that the values of an unreclaimed abandoned mine land site including wildlife habitat, are considered in the ranking factors under the project selection procedures established by North Dakota in its Plan. OSM is satisfied that adequate consideration will be given to wildlife

habitat and other values on abandoned mine land sites by the North Dakota Program.

3. The FWS suggested that the first paragraph on page 46, Volume II, be changed to read as follows: "There were 257 Waterfowl Production Areas as of January 1, 1981, accounting for approximately 49,000 acres (Table 23). Burleigh, Divide, Mountrail, and Ward Counties have the largest acreages." North Dakota has revised its Plan by adopting the above language.

4. The FWS suggested that the last paragraph on page 46, Volume II, be changed to read as follows: "Table 25 lists the fee owned and easements in the National Wildlife Refuges in the 23 county area. Of the 189,603 acres, 15 areas, accounting for 169,152 acres, are federally owned and 18 areas, accounting for 20,451 acres, are under easement to the United States. The FWS has primary jurisdiction over all of the areas except Audubon National Wildlife Refuge which was acquired by the U.S. Corps of Engineers." North Dakota has revised its Plan by adopting the FWS's suggestion.

5. The FWS proposed an undated Table 23 on page 47, Volume II, which more accurately reflects the FWS Waterfowl Production Areas located in the 23 county area. North Dakota agreed to revise Table 23 to reflect the updated information available from the FWS.

6. The FWS proposed an updated Table 25 on page 49, Volume II, which more accurately reflects the FWS National Wildlife Refuges located in the 23 county arens. North Dakota agreed to revise Table 25 to reflect the updated information available from the FWS.

7. The FWS proposed that on page 60, Volume II, second paragraph, the last sentence be amended to indicate that grassland habitat has decreased by approximately 10 percent since the 1980 North Dakota Conservation Needs Inventory figures were published. North Dakota adopted this suggestion.

8. The SCS commented that there was a discrepancy between the number of abandoned mine land sites reported by Phase I of the National Inventory on page 9, Volume I, and the inventory results reported on page 4, Volume II. OSM's position is that no such discrepancy exists. The number, 616, given on page 9, Volume I, is the number of sites actually visited. The number, 1,101, indicated on page 4, Volume II, is the number of abandoned sites arrived at by a literature search. Of these 1,101 sites, the State was unable to locate 371 sites. The State also eliminated 114 sites because they are small surface mines at relatively great distances from occupied dwellings and public use areas.

9. The USGS commented that many of the 1,101 initially listed abandoned mine land sites were eliminated from further consideration based on smallness and relative distance from occupied dwellings and public use areas. The USGS is concerned that some of these deleted sites could pose a serious safety hazard to persons using these sites for hunting and fishing. OSM's response is that North Dakota has limited resources for abandoned mine land reclamation and has properly chosen to concentrate its resources on those sites presenting the most serious problems. Lesser priority sites, like those which are small and far from public use areas, can be addressed as future resources become available.

10. The USGS commented that the Plan does not provide information on the number of surface ponds or impoundments that are present on abandoned mine lands. OSM's response is that under 30 CFR 884 a State plan need only be based on available data. North Dakota and other States will be updating the information in their Plans as new information becomes available.

11. The USGS questioned whether North Dakota considered unauthorized swimming in ponds or impoundments located on abandoned mine lands a significant problem with respect to water quality or a significant safety hazard based on submerged obstacles or unsupervised swimming. The USGS suggested that future detail be provided in the State Plan concerning this parameter. OSM's position is that the State Plan adequately addresses this issue and that no further elaboration is needed. If the swimming poses a health or safety risk to the public, this factor will immediately affect the project's priority ranking.

12. The ACHP commented that the Plan fails to specify the procedure that will be followed to ensure appropriate measures are taken to protect significant historic properties affected by reclamation activities. OSM's response is that North Dakota indicates on p. 15 of its Plan that it will consult with the State Historical Society with respect to potential abandoned mine land reclamation projects. As for the process of consultation, OSM finds that the Plan's section on coordination of reclamation work with agencies (pp 15–16) to be sufficient to accomplish consultation to ensure protection of historic properties.

Additional Findings

The Office of Surface Mining has examined this rulemaking under section 1(b) of Executive Order No. 12291 (February 17, 1981), and has determined that, based on available quantitative data, it does not constitute a major rule. The reasons underlying this determination are as follows:

1. Approval will not have an effect on costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; and

2. Approval will not have adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rulemaking has been examined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and the Office of Surface Mining has determined that the rule will not have a significant economic effect on a substantial number of small entities. The reason for this determination is that approval will not have demographic effects, direct costs, information collection and recordkeeping requirements, indirect costs, nonquantifiable costs, competitive effects, enforcement costs or aggregate effects on small entities.

The Assistant Secretary has determined that the North Dakota Abandoned Mine Land Reclamation Plan will not have a significant effect on the quality of the human environment because the decision relates only to policies, procedures and organization of the State's Abandoned Mine Land Reclamation Program. Therefore, under the Department of Interior Manual DM 516.2.3d(A)(1), the Assistant Secretary's decision on the North Dakota Plan is categorically excluded from the National Environmental Policy Act requirements. As a result, no environmental assessment or environmental impact statement (EIS) has been prepared on this action. It should be noted that a programmatic EIS was prepared by OSM in conjunction with the implementation of Title IV. Also, an environmental analysis or an EIS will be prepared for the approval of grants for the abandoned mine land reclamation projects under 30 CFR Part 886.

Dated: December 16, 1981.

J. Steven Griles,

Acting Director, Office of Surface Mining.

Dated: December 17, 1981.

Daniel N. Miller, Jr.,

Assistant Secretary—Energy and Minerals.

PART 934—NORTH DAKOTA

Therefore Part 934 is amended by adding § 934.20 to read as follows:

§ 934.20 Approval of North Dakota Abandoned Mine Plan.

The North Dakota Abandoned Mine Plan, as submitted on July 28, 1981, is approved. Copies of the approved program are available at:

The Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, N.W., Room 153, Washington, D.C. 20240

Division of Reclamation, North Dakota Public Service Commission, Capitol Building, Bismarck, North Dakota 58505

(Title IV of Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1235))

[FR Doc. 81-36494 Filed 12-22-81; 8:45 am]

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DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 57

[DoD Directive 1342.12] [1]

Education of Handicapped Children in the DoD Dependents Schools

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: This final rule is being issued to implement the Education for All Handicapped Children Act of 1975 and the Defense Dependents' Education Act of 1978. The final rule establishes policy and procedures for providing a free appropriate public education to handicapped children receiving or entitled to receive educational instruction from the Department of Defense Dependents Schools (DoDDS). It also creates the Overseas Dependents Schools National Advisory Panel on the Education of Handicapped Dependents (National Advisory Panel) and the Department of Defense Coordinating Committee on Special Education and Related Services.

EFFECTIVE DATE: December 17, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Diane L. Goltz, Department of Defense Dependents Schools, 2461 Eisenhower Avenue, Alexandria, VA 22331, 202-325-7610.

SUPPLEMENTARY INFORMATION: In FR Doc. 81-26583, appearing in the **Federal Register** on September 11, 1981 (46 FR 45368), the Office of the Secretary of Defense proposed a rule that would implement the Education for All Handicapped Children Act of 1975 and the Defense Dependents' Education Act of 1978. Written comments on the proposed rule were invited and were due on October 13, 1981. In response to this invitation, 19 individuals and organizations submitted comments. In addition, pursuant to a notice appearing in the **Federal Register** on September 24, 1981 (46 FR 47090, FR Doc. 81-27733), the Office of the Secretary of Defense conducted public hearings concerning the proposed rule on October 15, 1981. All written comments and the transcript of public hearings are available for public inspection in the offices of DoDDS at the above address.

The Office of the Secretary of Defense has carefully considered the views of the public as reflected in the written comments and testimony at the public hearings. A description of these views and a discussion of the Department's response to them follows.

General. During the coordination within the Department of Defense, DoD Components recommended numerous changes to improve the clarity of the rule and to make it consistent with the format established for DoD issuances. As a result, several editorial changes were incorporated into the final rule. Section 57.2, entitled "Applicability" in the proposed rule, is now entitled "Applicability and Scope." In addition, the terms defined in Section 57.3 have been placed in alphabetical order.

One commenter suggested a series of amendments to the proposed rule concerning children whose native language is not English. This commenter was concerned that such children might be incorrectly found to need special education and related services because of their limited English language ability. Because the proposed rule provides sufficient assurances against that possibility, most of the changes offered by this commenter have not been accepted. At his suggestion, however, language has been added to subsection F.1 of Appendix 1 explicitly requiring that specified notices to a parent be in his or her native language, unless it is clearly not feasible to do so.

The Chief Counsel for Advocacy of the Small Business Administration noted that the preamble to the proposed rule did not contain a statement concerning compliance with the Regulatory Flexibility Act, Pub. L. No. 96-354, 5 U.S.C.A. 601 *et seq.* (1981 Supp.). The General Counsel, Department of Defense, has determined that the Act does not apply to this rule. The Act encompasses only rulemakings for which 5 U.S.C. 553 or another law requires the publication of a "general notice of proposed rulemaking." 5 U.S.C.A. 603(a). Since this rulemaking is not subject to such a requirement, discussion of the Regulatory Flexibility Act in the preamble to the proposed rule was not necessary.

One organization commented that the term "speech-language pathology" instead of "speech therapy" should be used throughout the rule in order to emphasize that the service is rendered by independent professionals, not by technicians implementing a physician's prescription. Since speech therapists within the DoDDS system are professionally independent, changing their title would confuse rather than clarify their role. Accordingly, this comment has not been adopted.

Finally, references to "parents and guardians" throughout the rule have been changed to "parents." Since the definition of "parent" in § 57.5 expressly encompasses the guardian of a handicapped child, the use of the term "guardian" in the rest of the rule is unnecessary. Under this definition, a child's guardian has the same rights as would his or her parents.

Section 57.1. One commenter suggested that this provision state that children who are three to 21 years old are covered by the rule. The Department of Defense has rejected this comment because ages of eligibility for DoDDS services are prescribed by DoD Instruction 1342.10, "Eligibility Criteria for Education of Minor Dependents in Overseas Areas," May 4, 1970. Another commenter observed that the proposed rule did not specifically deal with the distinction between "space available" and "space required" students. DoD Instruction 1342.10 prescribes guidance in that area.

Section 57.2. Several commenters questioned limiting the applicability of the proposed rule to DoD overseas schools. As stated above and in the notice of proposed rulemaking, this rule is intended to implement Pub. L. No. 95-561, which extends the coverage of Pub. L. No. 94-142 only to the Department's overseas schools.

Section 57.3. One commenter noted that, in § 57.3(a), the phrase "enrolled and entitled to be enrolled in a school administered by DoDDS" appeared to be used interchangeably with the phrase "receiving or entitled to receive educational instruction from DoDDS." The commenter recommended that only one of these phrases be used in order to prevent confusion. The first phrase has been deleted, with the second phrase placed in its stead.

Several commenters suggested that § 57.3(e) be modified to make clear that, in cases requiring medical evaluations

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[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Attention: Code 301.

of possibly handicapped children, DoDDS personnel as well as medical authorities will jointly participate in such evaluations. The language of this section has been changed accordingly.

Section 57.4. One commenter recommended modification of the order in which responsibilities assigned by this section are listed. Because the Department believes that the proposed rule accurately reflects the relationship of the various components performing those responsibilities, this suggestion has not been adopted.

One commenter recommended that the responsibilities of the Director of DoDDS specifically include the obligation to provide a free appropriate public education to handicapped children. The Department has accepted this suggestion and has revised § 57.4(a)(1) accordingly.

Several commenters asserted that § 57.4(a)(4) could be interpreted to permit the Director of DoDDS to provide special education and related services only if funds were authorized and appropriated. The intention of this section is just the opposite: the Director must appropriately serve all handicapped children within the requirements of Pub. L. No. 94–142 and this rule. This section is designed merely to ensure that, to the extent that the Director and his staff rely upon other federal agencies or private entities to meet this responsibility, funds are legally available. In order to dispel any confusion on this point, §§ 57.4(a)(4) and 57.4(b) have been revised.

Several commenters suggested that the treatment of the comprehensive system of personnel development be expanded in § 57.4(a)(5). This comment has not been adopted. DoDDS has issued DS Reg. 2020.1, which establishes guidance for personnel development. As the need arises, DoDDS will promulgate further regulations.

In § 57.4(a)(8), a commenter urged that an agency other than DoDDS evaluate compliance with Pub. L. No. 94–142 and this rule. This comment has not been adopted, since the Department believes that its customary management and oversight mechanisms are sufficient.

One commenter suggested that the boundary between medical and non-medical related services be specified in § 57.4(b). The Department of Defense does not believe this is necessary. Under Pub. L. No. 94–142 and this rule, the Department is responsible for providing all related services necessary for a handicapped DoDDS student to benefit from special education. If there are disputes within the Department over which component should furnish or pay for a particular related service, they can be resolved by senior officials in the Department of Defense.

With respect to § 57.4(d), another commenter urged that the specific responsibilities and membership of the DoD Coordinating Committee on Special Education and Related Services be delineated. In order to preserve the Department's flexibility to use this committee to best advantage, this recommendation has been rejected.

With respect to § 57.4(e), several commenters urged that teachers of special and regular education be expressly included in the composition of the National Advisory Panel. Another commenter recommended that providers of related services also sit on the National Advisory Panel. The Department has accommodated these suggestions. A third commenter has requested representation for the Overseas Education Association, Inc., on the National Advisory Panel. Teachers serving on the National Advisory Panel may be members of the Overseas Education Association or another professional or labor organization. The Department, however, does not believe that either Pub. L. No. 94–142 or applicable federal labor-management statutes entitle the Overseas Education Association to membership on the National Advisory Panel. In addition, the Department believes that the National Advisory Panel is not a suitable forum for discussing matters relating to the terms and conditions of the employment of DoDDS teachers. Accordingly, this suggestion has been rejected.

Section 57.5. As noted above, the definitions contained in this section have been placed in alphabetical order in the final rule, thereby necessitating the renumbering of subsections within the section. Citations in the following discussion are to sections in the proposed rule ("old Section ————") and to the final rule ("new Section ————").

In old § 57.5(b)(5), new § 57.5(e)(5), the Department has declined to accept the suggestion that the definition of "multihandicapped" be deleted. This definition is helpful in describing a category of handicapped children who must be served under Pub. L. No. 94–142.

One commenter queried whether old § 57.5(b)(8), new § 57.5(e)(8), would permit DoDDS school psychologists who are certified or licensed clinical psychologists to evaluate and diagnose children for serious emotional disturbances. Under this section, school psychologists who are certified clinical psychologists, as well as other clinical psychologists and physicians, may perform such evaluations and diagnoses. Another commenter questioned the use of the phrase "where appropriate" in Section 57.5(b)(8). This phrase has been deleted. The Case Study Committee for a child will determine appropriateness. This commenter also recommended that the term "socially maladjusted" be deleted. This comment has been rejected. Although the term does not lend itself to precise definition, it is useful because it usually encompasses juvenile delinquency, chronic disruptive behavior, and other socially inappropriate conduct that is not indicative of emotional disturbance.

In the definition of "specific learning disability" (old § 57.5(b)(9), new § 57.5(e)(9)), the words "emotional disturbance," have been added and the word "differences" substituted for "disadvantage." Both of these changes were made in the interest of clarity.

One commenter urged that the definition of "speech impaired" in old § 57.5(b)(10), new § 57.5(e)(10), be revised in order to emphasize the communicative nature of speech impairments. The Department believes that the definition as proposed comports fully with Pub. L. No. 94–142 and has declined to revise this section.

One commenter urged that language in old Section 57.5(c)(1), new § 57.5(q)(1), permitting variegated rates of tuition for handicapped and non-handicapped children be deleted. This commenter believes that such a provision is "probably discriminatory." The Department has declined to accept this suggestion because Section 1404 of Pub. L. No. 95–561, 20 U.S.C. 923(b)(1), authorizes variable tuition rates. This section makes clear that DoDDS may not impose fees for special education and related services that are provided to a child who is entitled to receive educational instruction from DoDDS, although assessing incidental fees that are normally charged to nonhandicapped students or their parents is permissible.

With respect to the definitions of types of related services in old § 57.5(d), new § 57.5(o), one commenter contended that some related services were themselves described, while in other cases the providers of the services were listed. The Department believes that this is not objectionable.

In old § 57.5(d)(1)(iii), new § 57.5(o)(1)(iii), one commenter suggested that the range of services provided by audiologists include the recommendation of appropriate amplification devices and other rehabilitation services. This suggestion has been accepted.

In response to several commenters, old § 57.5(d)(4), new § 57.5(o)(4), has

been clarified to state that DoDDS personnel as well as a licensed physician must participate in the determination of whether a child has a medically-related handicapping condition that results in the need for special education and related services.

Old §§ 57.5(d)(5) and 57.5(d)(7), new §§ 57.5(o)(5) and 57.5(o)(7), have been revised to state explicitly that occupational therapy and physical therapy consist of services not only provided but also supervised by occupational and physical therapists.

One commenter recommended that old § 57.5(d)(6), new § 57.5(o)(6), be expanded to require the Department to provide generalized information about child development. Although this rule will not bar the dissemination of such data, neither Pub. L. No. 94–142, Pub. L. No. 95–561, nor considerations of public policy require it.

One commenter suggested that old § 57.5(d)(8)(iii), new § 57.5(o)(8)(iii), be expanded to encompass generalized information about child behavior and learning theory. The Department has retained this provision as set forth in the proposed rule, since related services, including those of a psychological nature, are for the benefit of specific children.

With respect to old § 57.5(d)(10), new § 57.5(o)(10), several commenters questioned the exclusion of specified functions from the category of "school health services." As proposed, this Section permits DoDDS employees to perform those functions only when authorized or directed by a DoDDS regional director. If DoDDS employees are not empowered to provide these services and they are required by a child's Individualized Education Program (IEP), they will be supplied by personnel in the Military Departments or by other organizations or individuals.

One commenter recommended the deletion of old § 57.5(f). Since this section adds to the clarity of the entire rule, it will be retained. This section has the same number in the final rule.

In old § 57.5(m), new § 57.5(g), one commenter contended that, in order for an evaluation to be independent, it must be administered by an examiner who is not employed by DoDDS. The Department believes that an examiner who is not employed by the DoDDS school responsible for the child's education would be sufficiently objective, detached, and professionally unfettered to satisfy the mandate of Pub. L. No. 94–142 for an independent evaluation.

At the suggestion of a commenter, § 57.5(q), new § 57.5(a), has been clarified by listing examples of child-find activities. Another commenter questioned whether child-find efforts should extend to children from birth to 21 years of age. Under Pub. L. No. 94–142 and this rule, all children who may need special education and related services in that age range should be identified, located, and evaluated through child-find activities. This Section has been modified to clarify those responsibilities.

Appendix 1. In paragraph A.2.a, one commenter suggested adding the words "written and oral communication." Since the paragraph as proposed complied fully with Pub. L. No. 94–142 and did not prohibit screening for written and oral communication skills, this suggestion has not been adopted. Another commenter suggested that the clause "who may be in need of special education and related services" be substituted for the words "to determine whether a child has an undetected handicap." In the interest of clarity, this recommendation has been adopted.

One commenter recommended that the words "speech, language" be added to subparagraph A.2.b.1 after the word "hearing." This comment has been accepted. This commenter also suggested the inclusion of the phrase "and education" following the word "health." Since the rule as a whole accommodates this concern, this phrase is unnecessary.

In paragraph A.2.d, a commenter urged the Department to make clear that the provision of direction and guidelines for child-find activities includes public information and screening and referral procedures. The definition of child-find in § 57.5 has been expanded so as to incorporate this suggestion.

One commenter suggested that subsection A.5 through paragraph A.7.e be placed under section B. Paragraphs A.7.b through A.7.f have been moved to section B. In the Department's view, the other provisions belong in section A.

In subsection A.5., one commenter urged that it be mandatory for the school principal or designee to serve on the Case Study Committee (CSC). This suggestion has been adopted.

With respect to paragraph A.5.a, one commenter questioned whether the term "DoDDS resources educators" is limited to related services personnel. The term is intended to include not only those personnel but also special educators, such as reading improvement specialists. Additional examples of resource personnel have been added to this paragraph in order to clarify this issue. Additional examples have also been included in subsection A.6. In addition, paragraph A.5.a has been revised to authorize expressly the assignment of members of a regional CSC to a school CSC.

One commenter recommended the deletion of paragraph A.7.a, on the theory that a CSC evaluates but does not identify handicapped children. In order to accommodate this concern, this paragraph has been modified to provide that a CSC shall assist in identifying handicapped children.

Paragraph A.7.b in the proposed rule (paragraph B.2.a in the final rule) has been revised to refer explicitly to the responsibility of the CSC to determine whether a child has a handicapping condition that necessitates that he or she receives special education and related services.

With respect to paragraph A.7.f in the proposed rule (paragraph B.2.e in the final rule), one commenter urged that local and regional administrators determine whether a child's needs can be met by local resources. The Department has adopted this suggestion, and this paragraph has been amended to provide that the appropriate regional director will decide when local resources are inadequate.

One commenter suggested that section B. be revised to require explicitly that tests be selected and administered so as to reflect accurately a child's aptitude or achievement level, instead of his or her impaired sensory, manual or speaking skills, except when those skills are being measured by the test. The Department believes that the rule, taken as a whole, adequately ensures against these problems. Accordingly, it has rejected this recommendation.

In subsection B.1, one commenter recommended that the phrase "development of an Individualized Education Plan and" be inserted after the word "regarding" in the second sentence. This change has been made to increase the clarity of this provision. Another commenter urged the insertion of a reference to the development of an IEP after the words "regarding." This suggestion has been adopted.

With respect to paragraph B.2.d in the proposed rule (paragraph B.3.d in the final rule), one commenter requested clarification as to the meaning of "qualified personnel." In response to this concern, the Department has provided examples of such personnel in the final rule.

With respect to subsection B.4 in the proposed rule (subsection B.5 in the final rule), one commenter observed that all handicapped children may not require evaluations in each of the areas listed in this paragraph. The Department shares this view, and this paragraph has been revised to make clear that as the

described components of an evaluation need be performed "only when necessary."

This commenter also suggested that paragraph B.5.d in the proposed rule (paragraph B.6.d in the final rule) be revised, since in the commenter's view not all speech-impaired children require a written evaluation report describing their current academic progress. This observation applies to children with other handicapping conditions as well, and the phrase "when necessary" has been added.

With respect to subsection B.7 in the proposed rule (subsection B.8 in the final rule), a commenter has recommended that a parent or teacher be able to obtain the reevaluation of a child. Since there is no statutory requirement for this change, the Department has decided not to modify this paragraph. Moreover, this paragraph provides for a reevaluation "if conditions warrant." The Department believes that this language affords sufficient flexibility to ensure that the needs of the child will be met.

In subsection C.2, one commenter suggested that the inclusion of the language requiring that the frequency and intensity of related services be stated in an IEP. This suggestion has been accepted. In paragraph C.2.c, another commenter urged that the word "special" be added after the word "specific." The Department has agreed to this change.

With respect to subsection C.6, one commenter asked the Department to make clear that parents have the right to bring whomever they desire to IEP meetings. Pub. L. No. 94–142 provides that such a meeting must be attended by specified educators, the child's parents, and, when appropriate, the child. 20 U.S.C. 1401(19). Accordingly, this suggestion has not been accepted. Several commenters urged that this section expressly require the attendance of the child's regular or special education teacher or the persons providing related services to the child. This objection has been partially accommodated by modifying the paragraph to require that a teacher of special education attend the meeting. Another commenter recommended that the IEP be reviewed annually. The rule already contains this requirement.

With respect to subsection C.9, one commenter stated that both parents should understand the proceedings at an IEP meeting. It may be impractical to ensure that in all instances both parents understand those proceedings. The rule does require that at least one parent understand what transpires at an IEP meeting. Since Pub. L. No. 94–142 does not require more, the Department has decided to leave this provision of the rule undisturbed.

In section C.12, a commenter suggested the insertion of express references to "good faith" efforts by DoD personnel and to "the right of parents to redress and due process." Since the rule as proposed already accommodates these concerns, this suggestion has been rejected.

Another commenter suggested requiring a full continuum of placements for handicapped children in section D. This rule and Pub. L. No. 94–142 both require that a handicapped child not only receive a free appropriate public education but also be placed in the least restrictive environment suitable for the child. It is, therefore, unnecessary to accept this suggestion. This commenter also suggested that section D. be revised to provide that handicapped children participate with non-handicapped children in school activities to the maximum extent appropriate. This suggestion has been accepted.

A new provision, paragraph D.5.f, has been added to make, explicit that a handicapped child's educational placement must, to the maximum extent appropriate, be designed such that the child participates in school activities with nonhandicapped children.

With respect to section E., one commenter requested the inclusion of language making DoDDS responsible for the implementation of the IEP of a child in a non-DoDDS school or facility. This is unnecessary, because paragraph C.13 already imposes that obligation. Another commenter cautioned that the availability of appropriate schools or facilities does not relieve DoDDS from its responsibility to serve handicapped children itself, if possible. In the Department's view, this obligation is plain and is reflected in the rule.

One commenter recommended that subsection F.1 be expanded to include the requirement that the prescribed notice contain all relevant information and be in the native language or mode of communication of the parent. The latter suggestion has been adopted. The former suggestion has been rejected, since the paragraph already requires that the notice "fully inform" the parent.

In the interest of clarity and to reiterate the applicable provisions of Pub. L. No. 94–142 and Appendix 2 of this rule, the phrase "or DoDDS" was added to subsection F.6.

One commenter questioned the possibility of imposing additional fees for special education and related services under subsection F.8. The rule and Pub. L. No. 94–142 prohibit DoDDS from charging additional tuition for special education and related services provided to a child who is entitled to receive educational instruction from DoDDS. Moreover, Pub. L. No. 95–561 provides that dependents, as defined by that Act, may receive a free education from DoDDS. However, nothing in this rule, Pub. L. No. 94–142 or Pub. L. No. 95–561 prevents the imposition of additional fees for special education and related services provided to children who are not dependents under Pub. L. No. 95–561 and thus who are not entitled to receive educational instruction from DoDDS.

Several commenters objected to subsection F.9, which would have authorized the General Counsel of the Department of Defense to modify Appendix 2. This paragraph has been clarified to provide that the General Counsel shall coordinate on modifications to Appendix 2.

In subsection F.10, one commenter urged that the Department prescribe time lines for investigating complaints. The Department has not accepted this suggestion, since the need for a rigid schedule for resolving complaints has not been demonstrated. Several commenters suggested that specific DoDDS officials be designated to investigate complaints. The Department prefers to leave such assignments to the Director of the Department of Defense Dependents Schools and his subordinate administrators.

One commenter observed that subsection H.2 does not require that parents receive written notification before their handicapped child's educational placement is changed by suspension or expulsion. Since subsection F.1 of Appendix 1 demands prior written notification to the parents of any change in placement, it is unnecessary to modify subsection H.2.

The Department received some comments dealing generally with Appendix 1. Several commenters recommended the establishment of time lines for the identification, evaluation, and placement of handicapped children. The Department has decided not to prescribe such time lines in this rule, because variations among DoDDS regions may be necessary. The Department and its overseas schools are committed to identifying, evaluating, and placing handicapped children in a timely manner.

Appendix 2. In subsection B.3, one commenter recommended that hearing officers be drawn from professions other than the law. Because hearings conducted under this rule must conform with a comprehensive set of procedural requirements, the Department believes

that attorneys are best suited to serve as hearing officers.

In subsection B.4, one commenter urged the deletion of the word "qualified." This suggestion has been accepted. Another commenter contended that the Department must inform parents of "any free and low-cost legal and other relevant services available in the area." Such advice is not required by Pub. L. 94–142, and the Department has decided against including it in the rule.

With respect to paragraph D.1.i, one commenter noted that, under the proposed rule, a child is not explicitly entitled to attend an impartial due process hearing concerning his or her special education and related services. The Department has decided not to modify this paragraph: Pub. L. No. 94–142 does not guarantee the child's attendance at a hearing. In addition, the Department believes that the paragraph provides sufficient protection to parents and children, since it permits the hearing officer to allow the child and others to attend the hearing, consistent with the privacy interests of the parents and the child, and affords the parents the right to an open hearing.

In paragraph D.3.e, one commenter questioned the jurisdiction of a court to compel compliance with a discovery order issued by a hearing officer. Pub. L. No. 94–142 confers such jurisdiction by entitling a party to a hearing "to compel the attendance of witnesses." 20 U.S.C. 1415(d)(2). That right would be meaningless if it could not be vindicated by the courts. The authority to compel the production of evidence is ancillary to the power to compel the attendance of witnesses.

With respect to section F., one commenter objected to designating the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) to decide appeals from hearing officers' findings of fact and decisions. The Department has decided not to adopt this comment. The Assistant Secretary would not be improperly influenced by DoDDS personnel, since they report to him and are subject to his direction, authority, and control. Rather, the Assistant Secretary is sufficiently detached from DoDDS to review impartially the determinations of hearing officers concerning the education of handicapped DoDDS students. Finally, if this suggestion were accepted it would be necessary to increase the amount of time allowed for deciding appeals in order to permit the Department to assemble an appellate panel when an appeal is filed. Because of these legal and policy considerations, the Department believes implementation of this suggestion would be unwise.

Several commenters raised general matters about Appendix 2. One commenter suggested that the language of Appendix 2 be simplified or, in the alternative, that legal terms be defined. The Department believes that, to the extent legal terminology is used, it is necessary to assure precision and uniformity in the administration of impartial due process hearings. The Department also is persuaded that the language of this appendix is understandable without the inclusion of definitions. Accordingly, this suggestion has not been adopted. Several commenters urged the Department to reduce the time allowed for impartial due process hearings. In response to these recommendations, the Department has shortened the time lines prescribed in Appendix 2.

Accordingly, 32 CFR Chapter I is amended by adding a new Part 57, reading as follows:

PART 57—EDUCATION OF HANDICAPPED CHILDREN IN THE DOD DEPENDENTS SCHOOLS

Sec.

57.1 Purpose.
57.2 Applicability and Scope.
57.3 Policy.
57.4 Responsibilities.
57.5 Definitions.
Appendix 1—Procedures for Educational Programs and Services for Handicapped Children
Appendix 2—Hearing Procedures.

Authority: Pub. L. 94–142, as amended; Pub. L. 95–561, as amended.

§ 57.1 Purpose.

This Part establishes policies and procedures for providing a free appropriate public education to handicapped children receiving or entitled to receive educational instruction from the DoD Dependents Schools (DoDDS) pursuant to Pub. L. 94–142 and Pub. L. 95–561 and in accordance with Part 69 of this Title; establishes an Overseas Dependents Schools National Advisory Panel on the Education of Handicapped Dependents (National Advisory Panel) consistent with the provisions of DoD Directive 5105.18,[1] "Department of Defense Committee Management Program," April 25, 1975, and a DoD Coordinating Committee on Special Education and Related Services.

§ 57.2 Applicability and scope.

(a) The provisions of the Part apply to the Office of the Secretary of Defense and its field activity, DoDDS and DoDDS constituent elements; the Military Departments; the Organization of the Joint Chiefs of Staff; the Unified and Specified Commands; and the Defense Agencies (collectively DoD Components).

(b) The provisions encompass children receiving or entitled to receive educational instruction from DoDDS, and the parents of those children.

(c) The provisions do not apply to schools operated by the Department of Defense within the United States.

§ 57.3 Policy.

(a) All handicapped children receiving or entitled to receive educational instruction from DoDDS shall be provided a free appropriate public education under the provisions of this Part.

(b) DoDDS shall have the responsibility of providing a free appropriate public education to all handicapped children enrolled in its schools.

(c) Handicapped children receiving or entitled to receive educational instruction from DoDDS shall have a free appropriate public education, the same educational opportunities and services offered by DoDDS to nonhandicapped children, and an equal opportunity to participate in school activities.

(d) Physical education services, modified or specially designed if necessary, shall be available to every handicapped child receiving a free appropriate public education from DoDDS.

(e) When appropriate, a qualified military medical authority shall conduct or verify a medical evaluation and participate with DoDDS personnel in determining whether a child has a handicapping condition requiring special education and related services.

§ 57.4 Responsibilities.

(a) The *Director, Department of Defense Dependents Schools, and his subordinate organizational structure,* shall:

(1) Ensure that handicapped children receiving educational instruction from DoDDS are provided a free appropriate public education and that the educational needs of handicapped and nonhandicapped children are met comparably, using the procedures established by this Part.

(2) Ensure that educational facilities and services operated by DoDDS for handicapped children are comparable to DoDDS educational facilities and services for nonhandicapped children.

[1] See footnote on page 1.

(3) Maintain records on special education and related services provided to handicapped children.

(4) Provide any or all special education and related services required by a handicapped child, other than those furnished by the Secretaries of the Military Departments. In fulfilling this responsibility, the Director and his subordinate organizational structure may use interagency, intra-agency, and interservice arrangements, or act through contracts with private parties, when funds are authorized and appropriated.

(5) Develop and implement a comprehensive system of personnel development.

(6) Monitor compliance with this Instruction.

(7) Provide technical assistance.

(8) Undertake evaluation activities to ensure compliance with this Part.

(b) The *Secretaries of the Military Departments* shall provide those related services that are supplied by a physician or that require professional medical supervision. In general, those services, which are diagnostic and therapeutic in nature, shall be provided to DoDDS by the appropriate military command having responsibility for medical care in the geographical region. The services provided by the Secretaries of the Military Departments include medical services for diagnostic and evaluation purposes, occupational therapy, physical therapy, and audiology as may be required to assist a handicapped child to benefit from special education.

(c) The *Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) (ASD(MRA&L))*, in consultation with the Assistant Secretary of Defense (Health Affairs) and the Secretaries of the Military Departments, shall assign specific functions and geographical areas of responsibility for all related services.

(d) The *Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics)*, or designee, shall:

(1) Chair the DoD Coordinating Committee on Special Education and Related Services, which shall be composed of representatives of the Secretaries of the Military Departments, the ASD(MRA&L), the Assistant Secretary of Defense (Health Affairs), the General Counsel of the Department of Defense, and DoDDS.

(2) Through the Committee, monitor the provision of related services furnished under this Instruction, and ensure that related services and DoDDS special education programs are properly coordinated.

(3) Ensure that impartial due process hearings concerning disputes arising under this Part are provided in conformity with this Part.

(e) The *National Advisory Panel* shall:

(1) Consist of members appointed by the Secretary of Defense, or designee. Membership shall include at least one representative from each of the following groups:

(i) Handicapped persons.

(ii) DoDDS special education teachers.

(iii) DoDDS regular education teachers.

(iv) Parents of handicapped children.

(v) DoDDS headquarters.

(vi) DoDDS regional offices.

(vii) DoDDS special educational program administrators.

(viii) Military Departments and overseas commands, including providers of related services.

(ix) Other appropriate persons.

(2) Meet as often as necessary.

(3) Perform the following duties:

(i) Review information regarding improvements in services provided to handicapped students in DoDDS.

(ii) Receive and consider the views of various parent, student, and professional groups, and handicapped individuals.

(iii) When necessary, establish committees for short-term purposes composed of representatives from parent, student, and professional groups, and handicapped individuals.

(iv) Review the findings of fact and decision of each impartial due process hearing conducted pursuant to this Part.

(v) Assist in developing and reporting such information and evaluations as may aid DoDDS in the performance of its duties under this Part.

(vi) Make recommendations, based on program and operational information, for changes in the budget, organization, and general management of the special education program, and in policy and procedure.

(vii) Comment publicly on rules or standards regarding the education of handicapped children.

(viii) Perform such other tasks as may be requested by the Director.

(4) Submit an annual report of its activities and suggestions to the Director, DoDDS, by July 31, of each year. This report is exempt from formal review and licensing pursuant to subsection VII.C. of enclosure 3 to DoD Directive 5000.19,[1] "Policies for the Management and Control of Information Requirements," March 12, 1976.

§ 57.5 Definitions.

(a) *Child-Find.* The ongoing process used by DoDDS and the Military Departments to seek and identify children (from birth to 21 years of age) who show indications that they might be in need of special education and related services Child-find activities include the dissemination of information to the public and identification, screening, and referral procedures.

(b) *Consent.* This term means that:

(1) The parent of a handicapped child has been fully informed, in his or her native language or in another mode of communication, of all information relevant to the activity for which permission is sought.

(2) The parent understands and agrees in writing to the implementation of the activity for which his or her permission is sought. The writing must describe that activity, list the child's records that will be released and to whom, and acknowledge that the parent understands consent is voluntary and may be prospectively revoked at any time.

(c) *Evaluation.* Procedures used to determine whether a child is handicapped and the nature and extent of the special education and related services that the child needs. To qualify as an evaluation, these procedures must be used selectively with an individual child and may not include basic tests administered to, or used with, all children in a school, grade, or class.

(d) *Free Appropriate Public Education.* Special education and related services that:

(1) Are provided at no cost to parents or handicapped children and are under the general supervision and direction of DoDDS.

(2) Provide appropriate preschool, elementary, or secondary school education.

(3) Are provided in conformity with an Individualized Education Program.

(4) Meet the requirements of this Part.

(e) *Handicapped Children.* Those children, evaluated in accordance with this Part who are mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, other health impaired, deaf-blind, or multihandicapped, or have specific learning disabilities, and who because of such impairments need special education and related services.

(1) *Deaf.* A hearing loss or deficit so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, to the extent that his or her educational performance is adversely affected.

(2) *Deaf-blind.* Concomitant hearing and visual impairments, the combination of which causes such

[1] See footnote on page 1.

severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind children.

(3) *Hard of Hearing.* A hearing impairment, whether permanent or fluctuating, that adversely affects a child's educational performance but that does not consitute deafness.

(4) *Mentally Retarded.* Significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance.

(5) *Multihandicapped.* Concomitant impairments (such as mentally retarded-blind or mentally retarded-orthopedically impaired), the combination of which causes such severe educational problems that they cannot be accommodated in special educational programs solely for one of the impairments.

(6) *Orthopedically Impaired.* A severe orthopedic impairment that adversely affects a child's educational performance. The term includes congenital impairments (such as clubfoot and absence of some member), impairments caused by disease (such as poliomyelitis and bone tuberculosis), and impairments from other causes (such as cerebral palsy, amputations, and fractures or burns causing contractures).

(7) *Other Health Impaired.* Limited strength, vitality, or alertness due to chronic or acute health problems that adversely affect a child's educational performance, including heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle-cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, diabetes, or autism.

(8) *Seriously Emotionally Disturbed.* A condition that has been confirmed by clinical evaluation and diagnosis and that, over a long period of time and to a marked degree, adversely affects educational performance, and that exhibits one or more of the following characteristics:

(i) An inability to learn that cannot be explained by intellectual, sensory, or health factors.

(ii) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers.

(iii) inappropriate types of behavior under normal circumstances.

(iv) a tendency to develop physical symptoms or fears associated with personal or school problems.

(v) a general pervasive mood of unhappiness or depression.

The term includes children who are schizophrenic, but does not include children who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed.

(9) *Specific Learning Disability.* A disorder in one or more of the basic psychological processes involved in understanding or in using spoken or written language that may manifest itself as an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems that are primarily the result of visual, hearing, or motor handicaps, mental retardation, emotional disturbance, or environmental, cultural, or economic differences.

(10) *Speech Impaired.* A communication disorder, such as stuttering, impaired articulation, language impairment, or a voice impairment, that adversely affects a child's educational performance.

(11) *Visually Handicapped.* A visual impairment that, even with correction, adversely affects a child's educational performance. The term includes both partially seeing and blind children.

(f) *Include; Such As.* Not all the possible items are covered, whether like or unlike the ones named.

(g) *Independent Evaluation.* An evaluation conducted by a qualified examiner who is not employed by the DoDDS school with responsibility for educating the child being evaluated.

(h) *Individualized Education Program (IEP).* A written statement for a handicapped child that is developed and implemented in accordance with this Part.

(i) *Native Language.* When used with reference to an individual of limited English proficiency, the language normally used by such individual, or in the case of a child, the language normally used by the parent of the child.

(j) *Non-DoDDS Placement.* An assignment by DoDDS of a handicapped child to a non-DoDDS school or facility.

(k) *Non-DoDDS School or Facility.* A public or private school or other institution not operated by DoDDS.

(l) *Parent.* A parent or guardian of a child who is receiving or is entitled to receive educational instruction from DoDDS.

(m) *Qualified.* A person who has met DoDDS requirements and educational standards in the area in which he or she is providing special education or related services to handicapped children.

(n) *Regional Director.* The Regional Director of a DoDDS region, or designee.

(o) *Related Services.* Transportation and such developmental, corrective, and other supportive services as are required to assist a handicapped child to benefit from special education pursuant to that child's IEP. The term includes speech therapy and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, and medical services for diagnostic or evaluative purposes. The term also includes school health services, social work counseling services in schools, and voluntary parent counseling.

(1) *Audiology.* This term includes:

(i) Identification of children with hearing loss.

(ii) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention designed to ameliorate or correct that loss.

(iii) Provision of ameliorative and corrective activities, including language and auditory training, speech-reading (lip-reading), hearing evaluation, speech conservation, the recommendation of amplification devices, and other aural rehabilitation services.

(2) *Counseling Services.* Services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.

(3) *Early Identification.* The implementation of a format plan for identifying a disability as early as possible in the child's life.

(4) *Medical Services.* Services provided by a licensed physician to determine and diagnose, in conjunction with the Case Study Committee (CSC), whether a child has a medically related handicapping condition that results in the child's need for special education and related services.

(5) *Occupational Therapy.* Services provided or supervised by a qualified occupational therapist.

(6) *Parent Counseling and Training.* Assisting parents in understanding the special needs of their child's development and special education.

(7) *Physical Therapy.* Services provided or supervised by a qualified physical therapist.

(8) *Psychological Services.* This term includes:

(i) Administering psychological and educational tests and other assessment procedures.

(ii) interpreting test and assessment results.

(iii) obtaining, integrating, and interpreting information about a child's

behavior and conditions relating to his or her learning.

(iv) consulting with other staff members in planning school programs to meet the special needs of children, as indicated by psychological tests, interviews, and behavioral evaluations.

(v) planning and managing a program of psychological services, including psychological counseling for children.

(9) *Recreation.* This term includes:

(i) Therapeutic recreational activities.

(ii) recreational programs in schools and community agencies.

(10) *School Health Services.* Services provided by a qualified school nurse or other qualified health professional. The term does not include catheterization, injections, transfusions, or administration of any drug or substance, whether or not prescribed, recommended, or authorized by any physician, nurse, another health professional, or other person. The term also does not include any medical or nonmedical procedure, treatment, or course of treatment necessary to sustain or maintain a child's life, life function, or life support function. Nothing herein shall be construed to preclude a duly trained, certified, or licensed DoDDS employee from performing any of the foregoing activities when authorized or directed by a DoDDS regional director.

(11) *Social Work Counseling Services in Schools.* This term includes:

(i) Preparing a social or developmental history on a handicapped child.

(ii) counseling the child and his or her family on a group or individual basis.

(iii) working with those problems in a child's home, school, and community that adversely affect the child's adjustment in school.

(iv) using school and community resources to enable the child to receive maximum benefit from his or her educational program.

(12) *Speech Therapy.* This term includes the:

(i) Identification of children with speech or language disorders.

(ii) diagnosis and appraisal of specific speech or language disorders.

(iii) referral for medical or other professional attention to correct or ameliorate speech or language disorders.

(iv) provision of speech and language services for the correction, amelioration, and prevention of communicative disorders.

(v) counseling and guidance of children, parents, and teachers for speech and language disorders.

(13) *Transportation.* This term includes the following services rendered pursuant to the IEP of a handicapped child:

(i) Travel to and from school and between schools, including travel necessary to permit participation in educational and recreational activities and related services.

(ii) travel in and around school buildings.

(iii) specialized equipment (including special of adapted buses, lifts, and ramps), if required to provide special transportation from a handicapped child.

(p) *Separate Facility.* A school or a portion of a school, regardless of whether it is operated by DoDDS, that is only attended by handicapped children.

(q) *Special Education.* Specially designed instruction, at no cost to the child or parent, to meet the unique educational needs of a handicapped child, including education provided in a school, at home, in a hospital or in an institution, physical education programs, and vocational education programs.

(1) *At No Cost.* With respect to a child attending a DoDDS school on a nontuition basis, specially designed instruction and related services are provided without charge, but incidental fees that are normally charged to nonhandicapped students or their parents as a part of the regular educational program may be imposed. With respect to a child attending a DoDDS school on a tuition basis, the term does not preclude the imposition of additional charges to reflect the cost of special education and related services.

(2) *Physical Education.* The development of:

(i) Physical and motor fitness.

(ii) fundamental motor skills and patterns.

(iii) skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports).

(3) *Vocational Education.* Organized educational programs directly related to the preparation for paid or unpaid employment or for additional training in a career requiring other than a baccalaureate or advanced degree.

Appendix 1.—Procedures for Educational Programs and Services for Handicapped Children

A. Identification and Screening

1. DoDDS shall locate, identify, and, with the consent of the child's parent, evaluate all children who are receiving or are entitled to receive an education from DoDDS and who need special education and related services because they are handicapped, as defined in this Part.

2. DoDDS shall:

a. Provide screening, by using basic skills tests in reading language arts, and mathematics, and by reviewing records of all children entering DoDDS schools for the first time, to determine whether a child may be in need of special education and related services.

b. Analyze school health data for those children who demonstrate possible handicapping conditions. Such data shall include:

(1) Results of formal hearing, vision, speech, and language tests.

(2) Reports from physicians and public health service personnel.

(3) Reports from other appropriate professional health personnel as may be necessary to aid in identifying possible handicapping conditions.

c. Analyze other pertinent information, including suspensions, exclusions, withdrawals, and disciplinary actions, compiled and maintained by schools that may aid in identifying possible handicapping conditions.

d. Provide direction and guidelines for child-find activities.

3. Each DoDDS regional office, in cooperation with the Military Departments, shall conduct ongoing child-find activities that are designed to identify all children with possible handicapping conditions who are or will be entitled to receive an education from DoDDS.

4. If an element of DoDDS, a qualified professional authorized to provide related services, or another source determines that a child has a possible handicapping condition, the child shall be referred to the appropriate CSC.

5. A school CSC consists of the participants in the child's IEP meeting as prescribed in paragraph C.6 of appendix, below. In addition, a school CSC shall contain the DoDDS school principal, or designee, and one or more persons selected by the principal from any or all of the following groups:

a. DoDDS or Military Department resource educators, including psychologists, guidance counselors, social workers, reading improvement specialists, school health personnel, occupational therapists, physical therapists, and speech therapists.

b. DoDDS regular classroom teachers.

c. DoDDS special education personnel.

6. Members of a regional CSC shall be appointed by the DoDDS Regional Director and shall include one or more persons belonging to either or both of the following groups: DoDDS or Military Department resource educators, such as psychologists, guidance counselors, social workers, reading improvement specialists, school health personnel, occupational therapists, physical therapists, and speech therapists; and DoDDS special education personnel. The regional CSC shall act in the absence of a school CSC, and members of a regional CSC may be assigned to a school CSC.

7. A school or regional CSC shall assist in identifying handicapped children.

B. Evaluation Procedures

1. Any child who is receiving or entitled to receive educational instruction from DoDDS and who is referred to a CSC for a possible handicapping condition shall receive a full

and comprehensive diagnostic evaluation of his or her educational needs. An evaluation in accordance with this Instruction shall be administered before any action is taken regarding development of the IEP or placement in a special education program.

2. A CSC shall:

a. Assess the nature and extent of the handicapping condition and determine if special education and related services are required.

b. Ensure appropriate involvement of parents.

c. Develop, review, and revise IEPs, and monitor their implementation.

d. Determine whether a handicapped child's conduct that either violates school rules and regulations or disrupts classroom activities results in whole or in part from a handicapping condition.

e. Use all locally available community, medical, and school resources to facilitate the implementation of a child's IEP before the Regional Director with educational responsibility for the child determines that the child's need for special education and related services exceeds local capabilities.

3. Assessment materials, evaluation procedures, and tests shall be:

a. Racially and culturally nondiscriminatory.

b. Administered in the native language or mode of communication of the child, unless it clearly is not feasible to do so.

c. Validated for the specific purpose for which they are used or intended to be used.

d. Administered by qualified personnel, such as a special educator, school psychologist, speech therapist, or a reading improvement specialist, in conformity with the instructions provided by the producers of the testing device.

e. Administered in a manner so that no single procedure is the sole criterion for determining an appropriate educational program for a handicapped child.

f. Selected to assess specific areas of educational need, not merely to provide a single general intelligence quotient.

4. The evaluation shall be conducted by a multidisciplinary team or group of persons, and shall include a teacher or other specialist with knowledge in the area of the suspected disability.

5. The child shall be evaluated in all areas related to the suspected disability. When necessary, the evaluation shall include:

a. The current level of functioning academically, socially, and within the family.

b. Visual and auditory acuity.

c. Observation in an educational environment.

d. Current physical status, including perceptual and motor abilities.

e. Vocational educational assessment.

6. The regional or school CSC shall issue a written report that contains, when necessary:

a. A description of the nature and severity of the child's handicapping condition.

b. A review of the formal and informal diagnostic evaluation findings of the multidisciplinary team.

c. A summary of information from the parents, the child, or other persons having significant previous contact with the child.

d. A description of the child's current academic progress, including a statement of the child's learning style.

7. The appropriate CSC shall meet as soon as practicable after the child's formal evaluation to determine whether he or she is in need of special education and related services. The child's parents shall be afforded the opportunity to participate in such a meeting.

8. A handicapped child shall receive an individual comprehensive diagnostic evaluation every 3 years, or more frequently if conditions warrant. The scope and nature of the reevaluation shall be determined individually, based upon the child's performance, behavior, and needs when the reevaluation is conducted.

C. Individualized Education Program

1. DoDDS shall ensure that an IEP is developed and implemented for each handicapped child enrolled in a DoDDS school or placed in another institution by DoDDS pursuant to this Instruction.

2. Each IEP shall include:

a. A statement of the present levels of educational performance of the child.

b. A statement of annual goals, including short-term instructional objectives.

c. A statement of specific special educational and recreational activities and related services to be provided to the child, and the extent to which the child may be able to participate in regular educational programs.

d. The projected date for the initiation and the anticipated length of such activities and services.

e. Appropriate objective criteria and evaluation procedures and schedules for determining, on an annual basis, whether educational objectives are being achieved.

f. A statement indicating the frequency (number of times per month) and intensity (amount of time each day) of related services.

3. The IEP of each handicapped child shall provide for the opportunity to participate, with adaptations when appropriate, in the regular physical education program available to nonhandicapped children unless:

a. The handicapped child is enrolled full-time in a separate facility; or

b. The handicapped child needs specially designed physical education, as prescribed in the child's IEP.

4. If specially designed physical education services are prescribed in a handicapped child's IEP, DoDDS shall provide such education directly, or shall make arrangements for the services to be provided through non-DoDDS schools or facilities.

5. DoDDS shall ensure that a handicapped child enrolled in a separate facility receives appropriate physical education services in compliance with this Part.

6. The IEP for each handicapped child shall be developed, later reviewed, and, if appropriate, revised at least annually in meetings that include the following participants:

a. The child's regular teacher.

b. A teacher of special education.

c. The principal or a representative of the DoDDS school, other than the child's teacher, who is qualified to provide, or supervise the provision of, special education.

d. One or both of the child's parents.

e. The child, if appropriate.

f. A member of the evaluation team, the child's teacher, or another person knowledgeable about the evaluation procedures used with the child and familiar with the results of the evaluation.

g. Other individuals, at the reasonable discretion of the parents or DoDDS.

7. Each DoDDS school shall:

a. Ensure that an IEP is in effect before a child receives special education and related services. If a child with a current IEP transfers to or from a school within DoDDS, the CSC of the receiving school or region may implement, at its discretion, the current IEP, initiate a meeting to revise the current IEP, or initiate an evaluation of the child.

b. Ensure that an IEP meeting is held following a determination by the school or regional CSC that the child needs special education and related services.

c. Afford the child's parents the opportunity to participate in every IEP meeting concerning their child by:

(1) Providing the parents adequate notice of the time and place of the meeting.

(2) Attempting to schedule the meeting at a mutually agreeable time and place.

8. A meeting may be conducted without a parent in attendance if the school is unable to convince a parent to attend. In this case, the school must have a written record of its attempts to arrange a mutually acceptable time and place.

9. If the parents attend the IEP meeting, the school shall take necessary action to ensure that at least one of the parents understands the proceedings at the meeting, including providing an interpreter for a parent who is deaf or whose native language is other than English.

10. If neither parent can attend the meeting, other methods to promote participation by a parent, such as telephone conversations and letters, shall be used.

11. The school shall give a parent a copy of the child's IEP.

12. Each DoDDS school shall provide special education and related services, in accordance with an IEP, provided that DoDDS, its constituent elements, or its personnel are not accountable if a child does not achieve the growth projected in the IEP.

13. DoDDS shall ensure that an IEP is developed and implemented for each handicapped child whom DoDDS places in a non-DoDDS school or other facility.

D. Placement Procedures and Least Restrictive Environment

1. The placement of a child in any special education program by DoDDS shall be effected only pursuant to an IEP after a determination, under this Instruction, has been made that a child is handicapped and needs special education and related services.

2. The appropriate CSC shall meet as soon as is practicable following the development of a handicapped child's IEP to identify the personnel who will provide the child with special education and related services pursuant to the IEP.

3. A placement decision may not be implemented without the consent of a parent

of the child, except as otherwise provided herein.

4. The placement decision must be designed to educate a handicapped child in the least restrictive environment so that the child is educated to the maximum extent appropriate with children who are not handicapped. Special classes, separate schooling, or other removal of handicapped children from the regular educational environment shall occur only when the nature or severity of the handicap is such that the child cannot be educated satisfactorily in regular classes with the use of supplementary aids and services.

5. Each handicapped child's educational placement shall be:

a. Determined at least annually by the appropriate CSD.

b. Based on the child's IEP.

c. Located as close as possible to the residence of the parent who is sponsoring the child for attendance in a DoDDS school.

d. Designed to assign the child to the school the child would attend if he or she were not handicapped, unless the IEP requires some other arrangement.

e. Predicated on the consideration of all factors affecting the child's well-being, including the effects of separation from parents.

f. To the maximum extent appropriate, designed such that the child participates in school activities, including meals and recess periods, with children who are not handicapped.

E. Handicapped Children in Non-DoDDS Schools

1. Handicapped children eligible to receive instruction in DoDDS who are referred to a non-DoDDS school or facility by DoDDS have all the rights of handicapped children who are enrolled in DoDDS schools.

a. If DoDDS places a handicapped child in a non-DoDDS school or facility as a means of providing special education and related services, the program of that institution, including nonmedical care, room, and board, as set forth in the child's IEP, must be at no cost to the child or the child's parents.

b. DoDDS may place a handicapped child in a non-DoDDS school or facility only if required by an IEP. An IEP for a student placed in a non-DoDDS school is not valid until signed by an authorized DoDDS official. The IEP shall include determinations that:

(1) DoDDS does not currently have an educational program appropriate to meet the needs of the handicapped child.

(2) The non-DoDDS school or facility and its educational program conform to this Part.

2. DoDDS is not responsible for the cost of a non-DoDDS placement, unless it is authorized by the appropriate DoDDS regional office in coordination with DoDDS Headquarters pursuant to a valid IEP or is directed by an impartial hearing officer or court of competent jurisdiction.

3. Non-DoDDS placements by DoDDS shall be:

a. In accordance with host nation requirements.

b. Subject to all treaties, executive agreements, and status of forces agreements between the United States and host nations, and all DoD and DoDDS regulations.

c. As close as possible to the DoDDS school that the handicapped child attends or would otherwise attend.

4. Before DoDDS places a handicapped child in a non-DoDDS school or facility, DoDDS shall conduct a meeting in accordance with this Part to develop an IEP for the child.

F. Procedural Safeguards

1. Parents shall be given written notice before DoDDS proposes to initiate or change, or refuses to initiate or change, either the identification, evaluation, or educational placement of a child receiving or entitled to receive special education and related services from DoDDS, or the provision of a free appropriate public education by DoDDS to the child. The notice shall fully inform a parent of the procedural rights conferred by this Part and shall be given in the parent's native language, unless it clearly is not feasible to do so.

2. The consent of a parent of a child who is handicapped or is suspected of having a handicapping condition shall be obtained before any:

a. Initiation of formal evaluation procedures.

b. Initial educational placement.

c. Change in educational placement.

3. If the parent refuses consent to any formal evaluation or initial placement in a special education program, DoDDS may initiate an impartial due process hearing under this Part to show cause why an evaluation or placement in a special education program should occur without such consent. If the hearing officer sustains the DoDDS position in the impartial due process hearing, the appropriate DoDDS school may evaluate or provide special education and related services to the child without the consent of a parent, subject to the parent's due process rights.

4. A parent is entitled to an independent evaluation of his or her child at DoDDS expense if the parent disagrees with the findings of an evaluation of the child conducted by the school and the parent successfully challenges the evaluation in an impartial due process hearing.

a. If an independent evaluation is provided at the expense of DoDDS, it must meet the following criteria:

(1) Conform to the requirements of this Part.

(2) Be conducted, when possible, within the area where the child resides.

(3) Follow all DoD regulations regarding the host nation.

(4) Meet DoDDS standards governing persons qualified to conduct an educational evaluation.

b. If the final decision rendered in an impartial due process hearing sustains the evaluation of the CSC, the parent has the right to an independent evaluation, but not at DoDDs expense.

5. The parents of a handicapped child shall be afforded an opportunity to inspect and review all educational records concerning not only the identification, evaluation, and educational placement of the child, but also the provision of a free appropriate public education to the child.

6. Upon complaint presented in a written petition, the parent of a handicapped child or DoDDs shall have the opportunity for an impartial due process hearing provided by DoDDS, in accordance with this Part.

7. During the pendency of any impartial due process hearing or judicial proceeding regarding the identification, evaluation, or educational placement of a handicapped child receiving an education from DoDDS or the provision of a free appropriate public education to such a child, unless DoDDS and a parent of the child agree otherwise, the child shall remain in his or her present educational placement, subject to the disciplinary procedures prescribed by this Part.

8. If a handicapped child who is entitled to receive educational instruction from DoDDS is applying for initial admission to a DoDDS school, the child shall enter the DoDDS system on the same basis as a nonhandicapped child. However, a handicapped child, with the consent of a parent and DoDDS, may receive an initial placement in a special education program comparable to the child's program prior to entering DoDDS, until all due process and judicial proceedings have been completed.

9. The General Counsel of the Department of Defense shall coordinate on modifications to Appendix 2 of this Part.

10. The parent of a handicapped child or a DoD employee may file a written complaint with the appropriate DoDDs regional office concerning a possible violation of this Instruction or Pub. L. 94–142.

G. Confidentiality of Records

DoDDS shall maintain all student records under this Part in conformity with 32 CFR 286a.

H. Disciplinary Procedures

1. All regular disciplinary rules and procedures applicable to children receiving educational instruction in DoDDS shall apply to handicapped children who violate school rules and regulations or disrupt regular classroom activities, subject to the provisions of this section.

2. Prior to the suspension or expulsion of a handicapped child, the appropriate CSC or, in the case of a handicapped child in a non-DoDDS school, authorized DoDDS officials shall determine whether the child's conduct is the result of the child's handicapping condition.

3. If the CSC or authorized DoDDS officials determine that the child's conduct results in whole or part from his or her handicapping condition, the child may not be subject to any regular disciplinary rules and procedures, and:

a. The child's parents shall be notified in accordance with this Part of the right to have an IEP meeting before any change in the child's educational placement.

b. The CSC or authorized DoDDS officials shall ensure that a meeting is held to determine the appropriate educational placement for the child in consideration of his or her conduct.

4. A handicapped child shall neither be suspended nor expelled, and his or her educational placement shall not otherwise be

changed for disciplinary reasons, unless in accordance with this section, except that:

a. This section shall be applicable only to children determined to be handicapped under this Part.

b. Nothing contained herein shall preclude the emergency suspension of any handicapped child who endangers or reasonably appears to endanger the health, welfare, or safety of himself or herself, or any other child, teacher, or school personnel, provided that:

(1) The appropriate CSC or authorized DoDDS officials shall immediately meet to determine whether the child's conduct results from his or her handicapping condition and what change in educational placement is appropriate for the child.

(2) The child's parents shall be notified immediately of the child's suspension, and of the time and location of, and their right to attend the meeting.

(3) The suspension of the child is only effective for the duration of the emergency.

Appendix 2.—Hearing Procedures

A. Purpose

This Appendix establishes adjudicative requirements whereby the parents of handicapped children and DoDDS are afforded impartial due process hearings with respect to the identification, evaluation, and educational placement of, and the free appropriate public education provided to, such children by the Department of Defense, in accordance with Pub. L. 94-142 and Pub. L. 95-561.

B. Administration

1. The DoDDS Regional Director with responsibility for the handicapped child whose education is at issue shall be responsible for the hearings conducted under this Part.

2. This Part shall be administered to ensure that the findings, judgments, and determinations made are prompt, fair, and impartial.

3. Impartial hearing officers shall be appointed by the ASD(MRA&L), or designee, and shall be attorneys who are independent of DoDDS and members in good standing of the bar of any state, the District of Columbia, or a territory or possession of the United States.

4. Counsel normally shall appear and represent DoDDS in proceedings conducted under this Part. A parent shall have the right to be represented in such proceedings at no cost to the government by counsel or a personal representative.

C. Mediation

1. Mediation can be initiated by either a parent or DoDDS in order to resolve informally a disagreement with respect to the identification, evaluation, or educational placement of, or the free appropriate public education provided to, a child. Mediation shall consist of but not be limited to an informal discussion of the differences between the parties in an effort to resolve those differences. The parents and the appropriate school officials may attend mediation sessions.

2. Mediation must be conducted, attempted, or refused in writing by a parent of the handicapped child whose education is at issue before a request for, or initiation of, a hearing authorized by this Part. Any request by DoDDS for a hearing under this Part shall state how this requirement has been satisfied. No stigma may be attached to the refusal of a parent to mediate or to an unsuccessful attempt to mediate.

D. Practice and Procedure

1. *Hearing.* a. Should mediation be refused or otherwise fail to resolve the issues concerning the provision of a free appropriate public education to a handicapped child or the identification, evaluation, or educational placement of the child, the child's parent or the school principal having jurisdiction over the child may request and shall receive a hearing before a hearing officer to resolve the matter. The parents of a handicapped child whose education is at issue and DoDDS shall be the only parties to a hearing conducted under this Part.

b. The party seeking the hearing shall submit a written request, in the form of a petition, setting forth the facts, issues, and proposed relief, to the DoDDS Regional Director who has responsibility for the handicapped child. The petitioner shall deliver a copy of the petition to the opposing party (that is, the parent or, on behalf of DoDDS, the school principal), either in person or by first-class mail, postage prepaid. Delivery is complete upon mailing. When DoDDS petitions for a hearing, it shall inform the other parties of the deadline for filing an answer under paragraph D.1.c., below, and shall provide the other parties with a copy of this Part.

c. An opposing party shall submit an answer to the petition to the appropriate Regional Director, with a copy to the petitioner, within 15 calendar days of receipt of the petition. The answer shall be as full and complete as possible, addressing the issues, facts, and proposed relief.

d. Within 10 calender days after receiving the petition, the Regional Director shall obtain the assignment of a hearing officer, who then shall have jurisdiction over the resulting proceeding. The Regional Director promptly shall forward all pleadings to the hearing officer.

e. The questions for adjudication shall be based on the petition and the answer, provided that a party may amend a pleading if the amendment is filed with the hearing officer and is received by the other parties at least 5 calendar days before the hearing.

f. The Regional Director shall arrange for the time and place of the hearing, and shall provide administrative support. Such arrangements shall be reasonably convenient to the parties.

g. The purpose of a hearing is to establish the relevant facts necessary for the hearing officer to reach a fair and impartial determination of the case. Oral and documentary evidence that is relevant and material may be received. The technical rules of evidence shall be relaxed to permit the development of a full evidentiary record, with the Federal Rules of Evidence, Title 28, U.S.C. serving as a guide.

h. The hearing officer shall be the presiding officer, with judicial powers to manage the proceeding and conduct the hearing. Those powers shall include the authority to order an independent evaluation of the child at the expense of DoDDS and to call and question witnesses.

i. Those normally authorized to attend a hearing shall be the parents of the child, the counsel and personal representative of the parents, the counsel and professional employees of DoDDS, the hearing officer, and an individual qualified to transcribe or record the proceedings. The hearing officer may permit other persons to attend the hearing, consistent with the privacy interests of the parents and the child, provided the parents have the right to an open hearing upon waiving in writing their privacy rights and those of the child.

j. A verbatim transcription of the hearing shall be made in written or electronic form and shall become a permanent part of the record. A copy of the written transcript or electronic recording shall be made available to a parent upon request and without cost. The hearing officer may allow corrections to the written transcript or electronic recording for the purpose of conforming it to actual testimony after adequate notice of such changes is given to all parties.

k. The hearing officer's decision of the case shall be based on the record, which shall include the petition; the answer; the written transcript or the electronic recording of the hearing; exhibits admitted into evidence; pleadings or correspondence properly filed and served on all parties; and such other matter as the hearing officer may include in the record, provided that such matter is made available to all parties before the record is closed under paragraph D.1.m., below.

l. The hearing officer shall make a full and complete record of a case presented for adjudication.

m. The hearing officer shall decide when the record in a case is closed.

n. The hearing officer shall issue findings of fact and render a decision in a case not later than 50 calendar days after being assigned to the case, unless a discovery request under subsection D.2., below, is pending.

2. *Discovery.* a. Full and complete discovery shall be available to parties to the proceeding, with the Federal Rules of Civil Procedure, Title 28, U.S.C. serving as a guide.

b. If voluntary discovery cannot be accomplished, a party seeking discovery may file a motion to accomplish discovery, provided such motion is founded on the relevance and materiality of the proposed discovery to the issues. An order granting discovery shall be enforceable as is an order compelling testimony or the production of evidence.

c. A copy of the written or electronic transcription of a deposition taken by DoDDS shall be made available free of charge to a parent.

3. *Witnesses; Production of Evidence.* a. All witnesses testifying at the hearing shall be advised that it is a criminal offense knowingly and willfully to make a false statement or representation to a department or agency of the United States Government as to any matter within the jurisdiction of that department or agency. All witnesses

shall be subject to cross-examination by the parties.

b. A party calling a witness shall bear the witness' travel and incidental expenses associated with testifying at the hearing. DoDDS shall pay such expenses when a witness is called by the hearing officer.

c. The hearing officer may issue an order compelling the attendance of witnesses or the production of evidence upon his own motion or, if good cause be shown, upon motion of a party.

d. When the hearing officer determines that a person has failed to obey an order to testify or to produce evidence, and such failure is in knowing and willful disregard of the order, the hearing officer shall so certify.

e. The party or the hearing officer seeking to compel testimony or the production of evidence may, upon the certification provided for in paragraph D.3.d., above, file an appropriate action in a court of competent jurisdiction to compel compliance with the hearing officer's order.

4. *Hearing Officer's Findings of Fact and Decision.* a. The hearing officer shall make written findings of fact and shall issue a decision setting forth the questions presented, the resolution of those questions, and the rationale for the resolution. The hearing officer shall file the findings of fact and decision with the appropriate Regional Director, with a copy to the parents, the school principal, and the Director of DoDDS.

b. The Regional Director shall forward a copy of the hearing officer's findings of fact and decision, with all personally indentifiable information deleted, to the National Advisory Panel.

c. The hearing officer shall have the authority to impose financial responsibility for educational placements, evaluation, and related services under his or her findings of fact and decision.

d. The findings of fact and decision of the hearing officer shall become final unless a notice of appeal is filed under subsection F.1., below. DoDDS shall implement a decision as soon as practicable after it becomes final.

E. Determination Without Hearing

1. At the request of a parent of the handicapped child whose education is at issue, the requirement for a hearing may be waived, and the case may be submitted to the hearing officer on written documents filed by the parties. The hearing officer shall make findings of fact and issue a decision within the period fixed by paragraph D.1.n., above.

2. DoDDS may oppose a request to waive the hearing. In that event, the hearing officer shall rule on the request.

3. Documents submitted to the hearing officer in a case determined without a hearing shall comply with paragraph D.1.g., above. A party submitting such documents shall provide copies to all other parties.

F. Appeal

1. A party may appeal the hearing officer's findings of fact and decision by filing a written notice of appeal with the ASD (MRA&L), or designee, within 5 calendar days of receipt of the findings of fact and decision. The notice of appeal must contain the appellant's certification that a copy of the notice of appeal has been provided to all other parties. Filing is complete upon mailing.

2. Within 10 calendar days of filing the notice of appeal, the appellant shall submit a written statement of issues and arguments to the ASD(MRA&L), or designee, with a copy to the other parties. The other parties shall submit a reply or replies to the ASD(MRA&L), or designee, within 15 calendar days of receiving the statement, and shall deliver a copy of each reply to the appellant. Submission is complete upon mailing.

3. The ASD(MRA&L), or designee, shall determine the matter on appeal, including the making of interlocutory rulings, within 20 calendar days of receiving timely submitted replies under subsection F.2., above. The ASD(MRA&L), or designee, may request oral argument at a time and place reasonably convenient to the parties.

4. The determination of the ASD(MRA&L), or designee, shall be a final administrative decision and shall be in written form. It shall address the issues presented and set forth a rationale for the decision reached. A determination denying the appeal of a parent in whole or in part shall state that the parent has the right under P.L. 94-142 to bring a civil action with respect to the matters in dispute in any state court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy.

5. No provision of this Instruction or other DoD guidance may be construed as conferring a further right of administrative review. A party must exhaust all administrative remedies afforded by this Instruction before seeking judicial review of a determination made under this Instruction.

G. Publication and Indexing of Final Decisions

Final decisions in cases arising under this Part shall be published and indexed in accordance with 32 CFR 286 to protect the privacy rights of the parents and children who are parties in those cases.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

December 18, 1981.

[FR Doc. 81-36610 Filed 12-22-81; 8:45 am]

BILLING CODE 3810-01-M

Department of the Navy

32 CFR Part 701

[SECNAVINST 5211.5B]

Availability Records and Publication of Documents Affecting the Public

AGENCY: Department of the Navy, DoD.

ACTION: Final rule; correction.

SUMMARY: This document corrects a section heading contained in a rulemaking document relating to availability of records and publication of documents affecting the public in the December 10, 1981 final rule changing this Part of the CFR.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Aitken, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP-09B1P) Department of the Navy, the Pentagon, Washington, D.C. 20350. Telephone 202/694-2004.

SUPPLEMENTARY INFORMATION:

PART 701—AVAILABILITY OF DEPARTMENT OF THE NAVY RECORDS AND PUBLICATION OF THE DEPARTMENT OF THE NAVY DOCUMENTS AFFECTING THE PUBLIC

Subpart F—Personal Privacy and Rights of Individuals Regarding Their Personal Records

The section heading for the changes to 32 CFR 701.104 as they appeared in the December 10, 1981 **Federal Register** (46 FR 60445) should have read as follows:

§ 701.104 Policy, responsibilities and authority.

* * * * *

December 18, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 81-36557 Filed 12-22-81; 8:45 am]

BILLING CODE 3810-AE-M

COPYRIGHT ROYALTY TRIBUNAL

37 CFR Part 307

[Requisition No: 100-82-42]

Adjustment of Royalty Payable Under Compulsory License for Making and Distributing Phonorecords

AGENCY: Copyright Royalty Tribunal.

ACTION: Final rule.

SUMMARY: This rule provides for three automatic stepped increases in the mechanical royalty rate based on data in the record of the 1980 mechanical royalty proceeding concerning recent trends in record prices, and deletes the existing regulations of the Tribunal providing for interim adjustments of the mechanical royalty.

EFFECTIVE DATE: January 31, 1982.

FOR FURTHER INFORMATION CONTACT: Frances Garcia, Chairman, Copyright Royalty Tribunal, 202-653-5175.

SUPPLEMENTARY INFORMATION: The Copyright Royalty Tribunal (Tribunal) published in the **Federal Register** of November 9, 1981 (46 FR 55278-7) a proposed rule to amend the regulations of the Tribunal providing for interim adjustments of the mechanical royalty. Information covering the background and purpose of the proposed rule is

contained in the November 9, 1981 notice.

The Tribunal received comments on the proposed rule from the Amusement and Music Operators Association (AMOA) and Shetland Sound.

AMOA restated its legal position that the Tribunal "is not authorized to prescribe interim rate adjustments, whether they are limited to automatic adjustments or not." The Tribunal concurs in the view of the United States Court of Appeals for the District of Columbia Circuit as found in *Recording Industry Association of America* v. *Copyright Royalty Tribunal* (No. 80–2545) that "we see nothing in the statute precluding the Tribunal from adopting a reasonable mechanism for automatic rate changes in interim years."

Shetland Sound maintained that the rate of the incremental increases provided in the rule are "distinctly inadequate and continues to reflect the injustices of the past 67 years." The Tribunal concludes that the rates provided in the rule are reasonable and promote the statutory objectives.

The Tribunal adopts as its findings in this proceeding the Statement in Support of Proposed Regulations contained in the November 9, 1981 publication.

The Tribunal at a public meeting on December 15, 1981 adopted the rule as published on November 9, 1981.

PART 307—ADJUSTMENT OF ROYALTY PAYABLE UNDER COMPULSORY LICENSE FOR MAKING AND DISTRIBUTING PHONORECORDS

Pursuant to 17 U.S.C. 801(b)(1) and 804, 37 CFR Part 307 is amended as follows:

§ 307.2 [Amended]

§ 307.4 [Removed]

By removing the words "§§ 307.3 and 307.4" from §307.2, and by adding in their place the words "§ 307.3"; by removing § 307.4; and by revising § 307.3 to read as follows:

§ 307.3 Adjustment of royalty rate

(a) For every phonorecord made and distributed on or after January 1, 1983, the royalty payable with respect to each work embodied in the phonorecord shall be either 4.25 cents, or .8 cent per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (b) and (c) of this section.

(b) For every phonorecord made and distributed on or after July 1, 1984, the royalty payable with respect to each work embodied in the phonorecord shall be either 4.5 cents, or .85 cent per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraph (c) of this section.

(c) For every phonorecord made and distributed on or after January 1, 1986, the royalty payable with respect to each work embodied in the phonorecord shall be either 5 cents, or .95 cent per minute of playing time or fraction thereof, whichever amount is larger.

Frances Garcia,

Chairman.

December 17, 1981.

[FR Doc. 81-36830 Filed 12-22-81; 8:45 am]

BILLING CODE 1410-01-M

POSTAL SERVICE

39 CFR Part 111

E–COM Service

AGENCY: Postal Service.

ACTION: Interim rule with request for comments.

SUMMARY: E–COM (Electronic Computer Originated Mail) service is a new method of entering First-Class Mail that will begin on January 4, 1982. In E–COM service, mailers will be able to submit mail in electronic form to designated serving post offices and receive delivery of their mail within two business days. Interim implementing regulations have been developed and are set forth below for comment and suggested revision prior to adoption in final form.

DATE: The interim regulations will take effect on January 4, 1982. Comments must be received on or before January 31, 1982.

ADDRESS: Written comments should be directed to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260. Copies of all written comments will be available for public inspection and copying between 9 a.m. and 4 p.m., Monday through Friday, in Room 8430, U.S. Postal Service Headquarters, 475 L'Enfant Plaza West, Washington, DC 20260–5360.

FOR FURTHER INFORMATION CONTACT: Don Mumma, Office of Mail Classification, (202) 245–4353.

SUPPLEMENTARY INFORMATION: On September 8, 1978, the Postal Service requested from the Postal Rate Commission a recommended decision on changing the Domestic Mail Classification Schedule to establish E–COM service. On April 8, 1980, following extensive hearings on the record and the rejection by the Governors of the Postal Service of a previous recommended decision, the Postal Rate Commission issued its recommended decision upon reconsideration, recommending that the Domestic Mail Classification Schedule be changed to establish E–COM service. On August 15, 1980, the Governors of the Postal Service issued a decision allowing the recommended decision upon reconsideration to take effect under protest. By resolution adopted on August 15, 1980, the Board of Governors of the Postal Service ordered the changes in the Domestic Mail Classification Schedule to become effective on January 4, 1982. The Postal Service hereby publishes interim regulations to implement the decision of the Governors pending receipt of public comments and issuance of final rules.

On June 19, 1981, the Postal Service published for comment in the **Federal Register** (46 FR 32111–32114) a description of E–COM service, a description of E–COM facilities, and proposed arrangements for telecommunications connection with E–COM serving post offices (SPOs). On October 15, 1981, after receiving and acting upon the comments received in response to the June 19, 1981, notice, the Postal Service published in the **Federal Register** (46 FR 50875–50882) a final description of E–COM service and final arrangements for telecommunications connection. The October 15, 1981, notice also invited interested carriers to meet with the Postal Service to discuss the details of connection. These interim regulations are published now to inform the public about E–COM service and to establish the procedures necessary for the Postal Service to administer the service when it starts on a permanent basis on January 4, 1982. The regulations were not published earlier because technical information about the E–COM system, which is still being deployed, was not available and because telecommunications connection arrangements with carriers based on the earlier notices had not been completed. The substance of the interim rule largely reflects the previously established mail classification and the details announced in the June and October notices.

These proposed regulations reflect the telecommunications connection arrangements previously published. They also provide additional information on the rates and classification structure for E–COM service and detailed operating procedures and rules for: (a) telecommunications common carriers to apply for dedicated access, (b) mailers to apply for an E–COM permit, (c) mailers and carriers to receive certification that their telecommunications connection

arrangements and/or data submission procedures are compatible with the E–COM technical interconnection standards, and (d) payment of postage by carriers or mailers. These interim regulations will be set forth in Chapter 5 of the Domestic Mail Manual.

In addition, section 325 has been added to Chapter 3 of the Domestic Mail Manual to identify E–COM as a subclass of First-Class Mail.

Following is a summary of the interim regulations.

E–COM service is a subclass of First-Class Mail. It consists of mail entered into the postal system at designated serving post offices (SPOs) by electronic means. These messages must be entered via communications common carriers whose facilities are connected to the SPOs. (The telecommunications common carriers' connection arrangements were previously detailed in the October 15, 1981 **Federal Register** notice and are reflected in section 560, "Preparation Requirements.") Mailers must enter at least 200 separately addressed messages for each transmission to a SPO, which is defined as the continuous input of electronic messages.

E–COM postage charges are based on the number of transmitted messages received, processed, and printed at a SPO. For one-page messages, the charge is $0.26 per message; for two-page messages, the charge is $0.31 per message. The minimum charge for each transmission is the rate per message for 200 messages less the charges for rejected messages.

There are two types of E–COM users. The first type has a direct relationship with the Postal Service under which the mailer must establish an advance deposit account with the Postal Service, receive certification that its interface equipment and procedures conform with the E–COM technical interconnection standards, pay a $50 annual fee, and prepay postage for transmitted messages received, processed and printed for each transmission. Each direct-relationship mailer must complete and submit a Form 5320, *E–COM Permit and Certification Application* to the local postmaster or E–COM sales and service representative. Once Form 5320 is processed by the Postal Service, an advance deposit account is automatically established at the management operations center (MOC). The mailer will be assigned a test E–COM access code and notified when its E–COM equipment and procedures will be tested. Once the mailer's equipment and procedures are certified, the mailer will be assigned a permanent E–COM access code. The E–COM annual permit fee will be automatically deducted from the mailer's advance deposit account as the first financial transaction after certification. Although E–COM mailers will have only one advance deposit account established at the MOC, postage deposits may be made to any of the SPOs or to other E–COM financial accounting post offices designated by the Director, Office of E–COM Operations. Mailers are responsible for ensuring that sufficient funds are on deposit in their advance deposit account at the MOC before transmitting messages to a SPO.

The second type of E–COM user has an indirect relationship with the Postal Service. These mailers deal only with authorized carriers acting as the mailers' agents for E–COM service. The carriers deal in a direct relationship with the Postal Service on behalf of their clients. A mailer who has an indirect relationship with the Postal Service does not have to establish an advance deposit account at the MOC and does not have to pay the annual permit fee. Each carrier serving as a mailer's agent for E–COM service, however, must establish an advance deposit account, be certified, and pay one annual permit fee which covers all of its clients. These carriers must complete a Form 5320.

The Postal Service expects that two separate administrative control forms will be used to certify that carriers wanting dedicated access to E–COM facilities meet the telecommunications connection arrangements as defined in the October 15, 1981 **Federal Register** notice. These are Form 5321, *E–COM Application for Dedicated Access Facilities* and Form 5322, *Standard Agreement for Dedicated Access to E–COM Serving Post Offices.*

These interim regulations include one provision concerning the arrangements for carriers' telecommunications connection to SPOs, which was not included in the October 15, 1981 **Federal Register** notice. This provision, which is included in section 525.3, Domestic Mail Manual, states that the Postal Service may require that each carrier having facilities and authority to render nationwide service connect its facilities to each SPO.

The interim regulations also provide that mailers may transmit messages 24 hours a day, seven days a week after February 1, 1982. After 8:00 a.m., January 4, 1982 and until February 1, 1982, mailers may transmit messages beginning at 8:00 a.m. each Monday 24 hours a day through Friday of each week. Messages which are received and successfully processed before 11:59 p.m. will be entered into the First-Class mailstream and will be subject to the following service objectives: Messages for 5-digit ZIP Code delivery areas near the SPOs will generally receive next business day service. Messages for other ZIP Code areas within the SPO service area will generally receive second business day service. Messages for ZIP Code areas not served by the SPO are subject to the service objectives for regular First-Class Mail entered at that post office. Undeliverable-as-addressed E–COM messages will receive the same forwarding and return service accorded to all First-Class Mail. No other ancillary services are available for E–COM messages.

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rule making by 39 U.S.C. 410(a), the Postal Service invites comment on the following interim addition to the Domestic Mail Manual which is incorporated by reference in the **Federal Register**. See 39 CFR 111.1.

CHAPTER 3—FIRST-CLASS MAIL

320 *CLASSIFICATION*

Part 325—*E-COM Service*

1. Add new section 325 to read as follows:

325 *E-COM Service*

E-COM (Electronic Computer Originated Mail) is First-Class Mail entered into the postal system at designated serving post offices (SPOs) by electronic means via communications common carriers whose facilities are connected to the SPOs. Mailers must enter at least 200 separately addressed messages. The messages are checked for errors while in electronic form, printed, inserted and sealed in specially marked envelopes provided by the Postal Service, and entered into the First-Class mailstream. E-COM messages may be one or two pages in length and may be in any of the three following formats:

a. "Single Address Messages" (SAMs) are messages in which a unique text accompanies each address.

b. "Common Text Messages" (COTs) are messages in which a common text is accompanied by a list of addresses.

c. "Text Insertion Messages" (TIMs) are messages in which a common text is accompanied by both a list of addresses and unique text to be inserted in each printed message.

Each E-COM message will identify, in a form intelligible to the recipient, the communications common carrier over whose facilities the message was entered into the SPO. For reasons of

convenience, postage rates and fees and regulations governing the transmission of messages to SPOs are set forth in Chapter 5.

2. Add new Chapter 5 to read as follows:

CHAPTER 5—E-COM SERVICE

510 *RATES & FEES*

511 *RATES*

511.1 *General.* E-COM postage charges are based on the number of transmitted messages received, processed and printed at serving post offices (SPOs) and the number of pages in each message.

511.2 *Rate Per Message.* The postage rate per message received, processed, and printed is:

For 1 page messages—26 cents
For 2 page messages—31 cents

511.3 *Minimun Rate for Each Transmission.* The minimum postage charge for each transmission is the rate per message for 200 messages—$52.00 plus $0.05 for each two-page message included, less the charge for rejected messages.

512 *Fees.* The annual E-COM permit fee is $50.

520 *CLASSIFICATION*

521 *General*

E-COM (Electronic Computer Originated Mail) service is a subclass of First-Class Mail (see 325). It consists of mail entered into the postal system at designated serving post offices (SPOs) by electronic means via communications common carriers (hereinafter "carriers," see 525.1) whose facilities are connected to the SPOs. The messages are checked for errors while in electronic form, printed, inserted and sealed in specially marked envelopes provided by the Postal Service, and entered into the First-Class mailstream. E-COM messages may be one or two pages in length and may be in any of the three following formats:

a. "Single Address Messages" (SAMs) are messages in which a unique text accompanies each address.

b. "Common Text Messages" (COTs) are messages in which a common text is accompanied by a list of addresses.

c. "Text Insertion Messages" (TIMs) are messages in which a common text is accompanied by both a list of addresses and unique text to be inserted in each printed message. Each E-COM message must identify, in a form intelligible to the recipient, the communications common carrier over whose facilities the message was entered into the SPO.

522 *Eligibility*

522.1 *Electronic Transmission.* E-COM messages may only be entered by electronic means using a carrier. An E-COM transmission is the continuous input of electronic information (as defined in 563.3) to a single SPO. The currently available SPOs are listed in Exhibit 570.

522.2 *Minimum Volume.* Mailers must enter at least 200 separately addressed messages for each transmission. Exception: If fewer than 200 messages are entered, or if fewer than 200 messages are acceptable for processing, the Postal Service will process the messages, but the mailer will be assessed charges at the minimum rate for each transmission as defined in 511.3.

523 *Types of E-COM Mailers*

523.1 *General.* Mailers who use E-COM service enter messages through either a direct or indirect relationship with the Postal Service, depending on the role of the carrier used by the mailer.

523.2 *Direct Relationship.* In the direct relationship, mailers must establish an advance deposit account with the Postal Service, pay the annual fee described in 512, and prepay the Postal Service for the E-COM messages delivered by the Postal Service. Mailers may use the telecommunications transmission services of any carrier which offers such service to transmit messages to one or more SPOs. The mailer will deal directly with the carrier for these transmission services and pay the carrier for them. The carrier may also perform services such as protocol conversion for the mailer.

523.3 *Indirect Relationship.* In the indirect relationship, mailers deal only with a carrier, which acts as the mailers' agent for E-COM service in dealing with the Postal Service. The mailer may not have an account with the Postal Service and may not separately pay the Postal Service for E-COM messages delivered. The carrier transmits the mailer's messages to SPOs and may also provide services such as protocol or format conversion for the mailer. These carriers may also accept messages from many small mailers and aggregate them to meet the 200 message minimum. Each carrier acting for indirect-relationship mailers must establish an advance deposit account with the Postal Service, pay the annual fee described in 512, and prepay the Postal Service for the E-COM messages delivered by the Postal Service.

524 *Mailer Access to E-COM Facilities*

524.1 *Dial-up Access Facilities.* Dial-up access facilities are available to mailers through the public switched telephone network using whichever carrier or combination of carriers the customer chooses. The Postal Service makes available all of the telecommunications equipment and services required at each SPO to permit dial-up access. Mailers who establish E-COM accounts will be provided with the telephone numbers and transmission characteristics for each dial-up telecommunications port at each SPO.

524.2 *Dedicated Access Facilities.* Mailers may gain access to E-COM SPOs through carriers which have been granted dedicated access by the Postal Service. Only carriers can obtain dedicated access to E-COM facilities from the Postal Service. E-COM mailers must arrange for the use of dedicated facilities through an authorized dedicated carrier.

524.3 *Mailer Certification.* Mailers who intend to gain access to facilities at one or more SPOs under 523.2 must obtain certification from the Postal Service that their transmission arrangements, data submission and formats, and transmission protocols conform with E-COM technical interconnection standards. Certification procedures are set forth in 542.2.

525 *Communications Common Carriers*

525.1 *General.* A communications common carrier, with respect to E-COM service, is any entity which is in the business of transmitting electronic messages to SPOs for others, without regard to whether it also offers computer services or whether it is regulated by the Federal Communications Commission.

525.2 *Carrier Access to E-COM Facilities*

525.21 *Dial-up Access.* Dial-up access facilities are available through the public switched telephone network. The Postal Service provides all of the telecommunications equipment and services required at each SPO, including protocol boards, hardware, software, modems and network connections.

525.22 *Dedicated Access.* Dedicated access facilities are only available to authorized dedicated carriers who enter into a specific agreement with the Postal Service setting forth the terms and conditions of dedicated access. Form 5322, *Standard Agreement for Dedicated Access to E–COM Serving Post Offices* is this agreement. The Postal Service will provide and maintain the required interface circuit boards and lease this equipment to the dedicated carriers for a minimum of one year, after which the lease arrangement can be discontinued with 30 days written notice. A monthly charge will be assessed for this interface equipment based on relevant costs. Dedicated carriers must provide their own telecommunications circuits and connection equipment including modems and data service units. This

equipment must meet compatibility and performance requirements outlined in 560. Dedicated carriers authorized and certified by the Postal Service to use dedicated access facilities have exclusive access at all times to a port at those SPOs where they are authorized access. Their authorization allows them control over resale or shared use of their dedicated access facilities.

525.3 *Authorization and Certification of Carriers.* Carriers requesting dedicated access to SPO facilities must obtain Postal Service authorization and certification. The Postal Service provides certification if all electronic communications equipment required and supplied by dedicated carriers conforms to the technical interconnection standards defined in 560. The Postal Service may require that each carrier employ only one access port at each SPO to which the carrier is connected. Also, the Postal Service may require that each carrier having facilities and authority to render nationwide service connect its facilities to each SPO (see 542.1).

530 *Service Objectives*

Messages for 5-digit ZIP Code delivery areas near the SPOs generally receive next business day service. All other ZIP Code areas within the SPO service area in Exhibit 570 generally receive second business day service. Messages for ZIP Code areas not served by the SPO are subject to the service objectives for First-Class Mail set forth in 330.

540 *Authorizations (Certifications) and Permits*

541 *Permits.* The E–COM permit fee in 512 must be paid once each calendar year by any mailer or carrier which has a direct E–COM relationship with the Postal Service. Carriers authorized dedicated access may act as a mailing agent for their clients. In such cases, the carrier pays one E–COM fee which is applicable to all of its clients (see 523.3).

542 *Authorizations (Certifications)*

542.1 *Authorization and Certification of Carriers.* Any carrier desiring dedicated access at one or more SPOs must receive certification from the Postal Service that its telecommunications equipment and procedures conform with the E–COM technical interconnection standards in 560. Carriers must complete and return Form 5321, *E–COM Application For Dedicated Access Facilities,* to the Director, Office of E–COM Operations, USPS Headquarters, 475 L'Enfant Plaza, Washington, DC 20260–7140. Before dedicated access is granted, the carrier must sign Form 5322, *Standard Agreement For Dedicated Access to E–COM Serving Post Offices.* Carriers which also serve as the mailers' agent for E–COM service (i.e., agent for mailers with indirect relationships with the Postal Service as defined in 523.3) must complete and submit a Form 5320, *E–COM Permit and Certification Application.*

542.2 *Certification of E–COM Mailers.* Any mailer wishing to maintain a direct relationship with the Postal Service (as defined in 523.2) must: open an E–COM account; be certified by the Postal Service that its transmission arrangements, data submission and formats, and transmission protocols conform with the E–COM technical interconnection standards in 560; and pay the fee in 512. These mailers must complete and return Form 5320 to their local postmaster or E–COM sales and service representative. The mailer first will be assigned a test E–COM access code. After the mailer is certified, a permanent operating access code will be assigned and the E–COM permit fee (512) will be automatically deducted from the mailer's advance deposit account. (NOTE: Mailers who gain access to E–COM facilities through a carrier in an indirect relationship (see 523.3) are not required to submit a Form 5320, establish an advance deposit account, or pay the annual E–COM permit fee. In these cases, the carrier serving as the mailers' agent for E–COM service must submit a Form 5320 and pay the annual fee.)

550 *PHYSICAL LIMITATIONS*

E–COM service is limited to E–COM messages which are one or two pages in length and are in any of the three following formats:

a. "Single Address Messages" (SAMs) are messages in which a unique text accompanies each address.

b. "Common Text Messages" (COTs) are messages in which a common text is accompanied by a list of addresses.

c. "Text Insertion Messages" (TIMs) are messages in which a common text is accompanied by both a list of addresses and unique text to be inserted in each printed message.

Note.—The messages are printed on 8½ inch x 11 inch paper and enveloped and sealed in special envelopes provided by the Postal Service.

560 *PREPARATION REQUIREMENTS*

561 *General*

E–COM messages may be entered into the postal system only at a designated SPO through an authorized carrier.

562 *Telecommunications Connection Arrangements*

562.1 *Dial-up Facilities*

.11 *Equipment.* The Postal Service makes available all of the telecommunications equipment and services needed at each SPO to permit dial-up access via the public switched telephone network, including communications interface protocol hardware and software, modems, and network connections. Mailers with E–COM accounts are provided the telephone numbers and transmission characteristics for each dial-up telecommunications port at each SPO.

.12 *Transmission Protocols.* The following transmission protocols are available for dial-up access at each SPO:

a. *Binary synchronous,* compatible with the IBM 2780 and 3780 protocols using EBCDIC character code sets, operating in half-duplex mode at 2400 bits per second with Bell System 201C compatible modems, and at 4800 bits per second with Bell System 208B compatible modems; and

b. *Asynchronous,* using the Texas Instruments 700 series convention for data block transmission and the 96 character ASCII subset as defined by ANSI Standard X3.4–1977, operating at 300 or 1200 bits per second full-duplex with Bell System 212A compatible modems.

562.2 *Dedicated Facilities*

562.21 *Equipment.* Carriers authorized dedicated access after entering into an agreement with the Postal Service (see 525.2) must provide and maintain their own private telecommunications circuits and related equipment including modems or data service units for each SPO. The Postal Service provides and maintains the telecommunications interface circuit boards by lease to the dedicated carriers for a minimum lease period of one year, after which the lease arrangement can be discontinued by giving 30 days' written notice. A monthly charge is assessed for this interface equipment based on relevant costs. The terms of the leasing arrangement are defined in Form 5322, *Standard Agreement for Dedicated Access to E–COM Serving Post Offices.* Exception: Users may request authorization from the Director, Office of E–COM Operations, USPS Headquarters, 475 L'Enfant Plaza, Washington, DC 20260–7140 to use their own telecommunications circuit boards, provided they meet Postal Service compatibility and performance requirements.

.22 *Maintenance.* The Postal Service conducts routine performance and fault isolation checks on all equipment provided by the dedicated carrier which is located at the SPOs. The carrier is responsible for making repairs to or replacing malfunctioning equipment and

ensuring that the equipment meets the necessary compatibility and performance requirements.

.23 *Transmission Protocols.* The following transmission protocols are available for dedicated access at each SPO. (The Postal Service considers requests for additional arrangements. Written requests should be directed to the Director, Office of E–COM Operations, USPS Headquarters, 475 L'Enfant Plaza, Washington, DC 20260–7140.) These arrangements are:

a. *Binary synchronous,* compatible with the IBM 2780 and 3780 protocols using EBCDIC character code sets, operating in half-duplex mode at 2400 bits per second with Bell System 201C compatible modems; at 4800 bits per second with Bell System 208B compatible modems; and at 9600 bits per second and full duplex with Bell System 209A compatible modems;

b. *Asynchronous,* using the Texas Instruments 700 series convention for data block transmission and the 98 character ASCII subset as defined by ANSI Standard X3.4–1977, operating at 300 or 1200 bits per second full-duplex with Bell system 212A compatible modems;

c. *Packet switched X.25,* with LAP data link protocol, binary synchronous framing, ASCII character sets, and full duplex operations at 2400, 4800, or 9600 bits per second; and

d. *DEC (Digital Equipment Corporation)* DDCMP serial synchronous byte-oriented line protocol, using the ASCII character set, with full-duplex operation at 2400, 4800, 9,600 and 56,000 bits per second.

563 *Data Submission Requirements*

563.1 *General.* Each transmission must be transmitted entirely in The American Standard Code For Information Interchange (ASCII), or entirely in The Extended Binary-Code-Decimal Interchange Code (EBCDIC).

563.2 *User Data Formats*

.21 *General.* E–COM messages are submitted in group submissions consisting of three separate blocks, which must be submitted in the following order: a. E–COM GROUP LABEL; b. MESSAGE BLOCKS; and c. E–COM END BLOCK.

.22 *E–COM Group Label.* The E–COM Group Label provides and identifies the type of character code, customer identification number (ID), transmission group ID, postage estimate, common carrier ID, and return address.

.23 *Message Blocks.* The Message Blocks provide the data necessary to print the complete letters.

.24 *E–COM End Block.* The E–COM End Block consists of four bytes of data (&END) to establish the end point of the submission.

.25 *E–COM Users Technical Guide.* Handbook DM–501, E–COM Users Technical Guide, provides a detailed byte level description of these formats. DM–501 is available to interested potential users through E–COM sales and service representatives or by writing to: Director, E–COM Operations, 475 L'Enfant Plaza, Washington, DC 20260–7140.

563.3 *Continuous Transmission Required*

To insure the most efficient use of communication facilities, mailers must transmit data continuously while they are connected to access facilities. Mailers may be automatically disconnected from access facilities if, while connected, they do not transmit data for a period of 30 seconds.

564 *Multiple Mailer Submissions*

Messages from several mailers can be merged into a single transmission by a carrier provided that the combined group:

a. Has a single group header,

b. Uses a single character code,

c. Is billed to a single user,

d. Has a single End of Group Block, and

e. Has message identification numbers for the merged transmission arranged in increasing order without duplication.

565 *USPS E–COM Termination Equipment*

E–COM line termination equipment consists of one or more protocol device units (PDU) unique to each supported protocol. Compatibility requirements and a complete description of user's E–COM termination equipment is set forth in DM–501 Handbook.

566 *Mailer Certification*

Prior to initial entry to the E–COM system, all direct-relationship E–COM mailers must receive certification from the Postal Service that the customer interface equipment and procedures conform with the technical interconnection standards in this section. E–COM mailers' transmissions are certified by the USPS Test and Development facility. E–COM mailers are assigned a test E–COM access code and scheduled for testing upon completing and submitting Form 5320, E–COM Permit and Certification Application, to their postmaster or E–COM sales and service representative.

570 *MAILING*

Mailers may transmit messages 24 hours a day, seven days a week, to each SPO listed in Exhibit 570. Exception: During the period January 4, 1982 through January 31, 1982, mailers may only transmit messages beginning at 8:00 p.m. each Monday for 24 hours a day through Friday of each week. Acceptable transmissions received at a SPO prior to 11:59 p.m. are processed and delivered according to the E–COM service objectives in 530.

EXHIBIT 570

SPO Location	Service area (States and ZIP Codes)
Northeast Region (2)	
1. Boston, MA	Massachusetts (010–027), Rhode Island (028–029), New Hampshire (030–039), Maine (040–049), Vermont (050–059), Connecticut (060–067).
2. New York, NY	Puerto Rico and Virgin Islands (068–069), Connecticut (068–069), New Jersey (070–079, 088–089), New York (004–005, 090–098, 100–1129).
Eastern Region (4)	
3. Philadelphia, PA	New Jersey (080–087), Pennsylvania (169–196), Delaware (197–199).
4. Washington, DC	Washington, DC (200, 202–205), Maryland (206–212, 214–219), Virginia (220–223, 226–227), West Virginia (254–267).
5. Pittsburgh, PA	New York (130–149), Ohio (439), Pennsylvania (150–168), West Virginia (250–253, 255–266, [illegible]).
6. Richmond, VA	Virginia (224–225, 228–245), West Virginia (246–249).
Southern Region (7)	
7. Charlotte, NC	North Carolina (270–289), South Carolina (290–297).
8. Atlanta, GA	South Carolina (298–299), Georgia (300–306), (308–319), Alabama (350–352, 354–355, 359–364, 367–368).
9. Nashville, TN	Georgia (307), Alabama (356–358), Tennessee (370–386), Mississippi (386), Kentucky (420–422), Arkansas (723).
10. Orlando, FL	Florida (320, 322–331, 333–340).
11. Dallas, TX	Arkansas (716–722, 724–729), Oklahoma (730–731, 734–738, 740–741, 743–749), Texas (750–767, 790–794).
12. San Antonio, TX	Texas (733, 768–789, 795–799).
13. New Orleans, LA	Alabama (365–366, 369), Mississippi (387, 389–397), Louisiana (700–701, 703–708, 710–714).
Central Region (7)	
14. Cincinnati, OH	Kentucky (400–418, 423–427), Ohio (430–433, 437–438, 440–459), Indiana (470–471).
15. Chicago, IL	Indiana (460–469, 472–479), Illinois (600–606, 609–611, 613–619).
16. Detroit, MI	Ohio (434–436), Michigan (480–482, 484–497).
17. Milwaukee, WI	Michigan (498–499), Wisconsin (530–532, 534–535, 537–539, 541–545, 549).
18. Minneapolis, MN	Wisconsin (540, 546–548), Minnesota (550–551, 553–554, 556–567), South Dakota (570–577), North Dakota (580–588).
19. Kansas City, MO	Iowa (500–508, 510–516, 520–528), Illinois (612), Missouri (640–641, 644–649, 653, 656–658), Kansas (660–662, 664–679), Nebraska (680–681, 683–693), Oklahoma (739).
20. St. Louis, MO	Illinois (620, 622–629), Missouri (630–631, 633–639, 650–652, 654–655).

V. 46 DEC 23 1981 UMI

EXHIBIT 570—Continued

SPO Location	Service area (States and ZIP Codes)
[illegible]	
21. Denver, CO	Colorado (800–816), Wyoming (820, 822–831), Utah (840–847), New Mexico (870–875, 877–884), Nevada (893, 898).
22. Phoenix, AZ	Arizona (850, 852–853, 855–857, 859–860, 863–865), Nevada (889–891).
23. Seattle, WA	Montana (590–599), Wyoming (821), Idaho (832–838), Oregon (970–979), Washington (980–994), Alaska (995–999).
24. San Francisco, CA	Nevada (894, 895, 897), California (936–941, 943–966), Hawaii (967–968).
25. Los Angeles, CA	California (900, 902–908, 910–916, 918–935, 937–942, 944–959).

580 *PAYMENT OF POSTAGE*

581.1 *Method of Postage Payment*

581.1 *General.* Direct-relationship E–COM mailers (see 523.2) must have an advance deposit account at the management operations center (MOC) where all financial accounting for E–COM is done.

581.2 *Direct-Relationship Mailers.* An advance deposit account is automatically established when a mailer submits Form 5320, *E–COM Permit and Certification Application.* The advance deposit account is activated when the mailer is certified according to procedures in 566. The mailer will be notified of the account number and E–COM access code after certification.

581.3 *Dedicated Carriers.* Carriers which have authorized dedicated access at one or more SPOs and are also E–COM mailers or serve as the mailers' agent for E–COM service must establish an advance deposit account at the MOC. Postage is deducted from this account for all transmissions entered by the dedicated carrier on behalf of its clients (see 584). An advance deposit account is automatically established when the carrier submits Form 5320.

582 *Prepayment of postage*

Postage must be prepaid for all transmitted messages which are received, processed, and printed at SPOs. The mailer must ensure that sufficient funds are on deposit in the mailer's advance deposit account when messages are transmitted to SPOs. Mailers may make deposits directly to any SPO listed in Exhibit 570 and such other postal facilities designated by the Director, Office of E–COM Operations.

583 *Applicable Postage*

The postage payment is based on: a. the number of messages per transmission (minimum of 200) submitted, processed, and printed at each SPO; and b. the number of pages (maximum of two) for each message transmitted and processed at each SPO.

584 *Aggregation of Messages*

When messages from one or more clients are included in a carrier's transmission to a SPO, the total applicable postage for the transmission is deducted from the carrier's advance deposit account for all messages accepted and processed for that transmission.

585 *Unacceptable Messages*

When a transmission entered at a SPO includes messages which cannot be processed at the SPO for technical or other reasons, postage is not charged for the messages which cannot be processed. The mailer or dedicated carrier is notified of the problem by telephone and mailed a listing of those messages which cannot be processed for each transmission.

590 *ANCILLARY SERVICES*

591 *FORWARDING*

E–COM messages are forwarded in accordance with 391.

592 *RETURN*

E–COM messages that are undeliverable as addressed are returned in accordance with 392.11.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of these changes will be published in the **Federal Register** as provided in 39 CFR 111.3. (39 U.S.C. 401(2), 403, 404(a)(2), 3621, 3625(d))

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 81-36818 Filed 12-22-81; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1902-8]

Ohio: Approval and Promulgation of Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On June 24, 1980, EPA promulgated two sets of sulfur dioxide (SO_2) emission limitations for Cleveland Electric Illuminating Company's Avon Lake and Eastlake power plants in Ohio. 45 FR 42279. The first set was immediately effective, and established limitations of 4.10 or 4.65 lbs. SO_2/MBTU for Avon Lake, depending on the sulfur content of the fuel burned, and of 5.64 lbs. SO_2/MBTU for Eastlake. The second set, based on a revised stack height policy, was to become effective one year later on June 24, 1981, and established limits of 3.43/3.93 lbs. at Avon Lake and 3.04 lbs. for Eastlake. EPA subsequently withdrew its revised stack height policy and stayed the second set of emission limitations. 46 FR 28650 (May 28, 1981). On August 4, 1981 (46 FR 39614) EPA proposed to withdraw the emission limits entirely. EPA is today taking final action to withdraw the second set of emission limits for the two plants.

EFFECTIVE DATE: December 23, 1981.

ADDRESSES: Docket No. 5A–79–1, containing information pertinent to EPA's June 24, 1980 promulgation, is available for inspection and copying during normal business hours at EPA's Public Information Reference Unit, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, and Room 2922, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. 312/886-6088.

SUPPLEMENTARY INFORMATION: On June 24, 1980, the Administrator promulgated sulfur dioxide (SO_2) emission limitations for the Avon Lake and Eastlake Power Plants owned by the Cleveland Electric Illuminating Company (CEI). 45 FR 42279. EPA established limitations of 4.10 or 4.65 lbs. SO_2 per MBTU for Avon Lake, depending on the sulfur content of the oil burned, and 5.64 lbs. SO_2 per MBTU for Eastlake. In the same notice EPA announced a revision of its stack height policy. The revised policy required sources seeking to raise existing stacks to demonstrate through fluid modeling or field studies that any increased height was necessary to avoid excessive concentrations due to downwash, wakes or eddies.[1] Since CEI was replacing existing stacks at each of the two plants with taller stacks, EPA determined it was appropriate to apply the revised policy to the CEI plants. However, to allow CEI time to satisfy the new fluid modeling requirement, EPA promulgated two sets of emission limitations. The first set, 4.10/4.65 lbs. SO_2 MBTU for Avon Lake and 5.64 lbs. SO_2 MBTU for Eastlake, assumed credit for the plants' new taller stacks in accordance with EPA's proposed formula for determining good engineering practice (GEP) height. (See

[1] In contrast EPA's proposed stack height regulations generally allowed sources automatic credit for stack height up to a good engineering practice height, as determined by an EPA formula. *See* 44 FR 2606 (January 12, 1979).

44 FR 2608, January 12, 1979). This set was immediately effective. The second set, 3.43/3.93 lbs. for Avon Lake and 3.04 lbs. for Eastlake, assumed no credit for the new tall stacks. This set was made effective one year from the date of promulgation in order to provide CEI with an opportunity to demonstrate through fluid modeling that the stack height increases were necessary.

At the time EPA promulgated the limitations, the Agency expected to complete work within a few months on its proposed stack height regulations (44 FR 2608, January 12, 1979), and to resolve any issues related to the revised stack height policy in the context of that rulemaking. However, the need for further analyses has resulted in a postponement of final action on the stack height regulations. Consequently, EPA withdrew the stack height policy revision. 46 FR 28650 (May 28, 1981). EPA has since reproposed its stack height regulations. 46 FR 49814 (October 7, 1981). This reproposal does not include a requirement for fluid modeling demonstrations at existing sources.

In view of the withdrawal of the policy on which the second set of emission limitations was based, EPA determined it was also appropriate to stay the effectiveness of the second set of emission limitations. 46 FR 28650. For the same reason, EPA is now withdrawing the second set of emission limits altogether. The effect of this withdrawal is to lift the stay of these emission limits issued on May 28, 1981. Should the final stack height regulations incorporate a requirement for fluid modeling or field studies for plants such as CEI, CEI and any other affected sources will be given ample time to perform the modeling or studies. Based on the results of such modeling or studies, the emission limits for these two plants would be revised if necessary.

Response to Comments

EPA received three comments supporting the withdrawal of the second set of emission limits, on the grounds that the limits were more restrictive than necessary to maintain the NAAQS and that their withdrawal will prevent a loss of coal mining jobs in Ohio. Three northeastern states submitted a single set of comments objecting to their withdrawal. The states asserted that the currently effective emission limits are not based on a proper analysis of GEP height, and consequently CEI should be given no credit for its taller stacks. Since the second set of emission limits reflect no credit for the taller stacks, the commenters concluded that the Agency must allow them to come into effect. They argued that without analyzing fluid modeling studies submitted by CEI to demonstrate the necessity for taller stacks, EPA could not withdraw these emission limits.

However, as noted above EPA did in fact determine GEP height for the CEI stacks according to a formula contained in the stack height regulations proposed in January 1979. The currently effective emission limits are based on that GEP height formula. The fluid modeling studies submitted by CEI are no longer needed to support the GEP height determination since the stack height policy requiring the studies has been withdrawn. Therefore EPA had no reason to analyze those studies.

As noted, EPA has recently reproposed stack height regulations which include the GEP formula used to calculate the CEI emission limits. The Agency's technical support for the GEP formula has been presented for public comment in that rulemaking.

The commenters also submitted a recent report by the National Academy of Sciences (NAS) on the ecological consequences of fossil fuel combustion. According to the commenters, the NAS data suggest that EPA should control the long-range transport of air pollutants to the maximum degree possible under the Clean Air Act. First, EPA notes that the report submitted only provided general data on global and regional patterns of SO_2 emissions and on long-range transport. The authors stated that it is impossible at this time to pinpoint particular source contributions to long-range transport of emissions. The Agency is still reviewing the NAS report's conclusions carefully. Consequently it is not possible to use the report as a basis for regulatory decisions. Second, as stated above EPA has proposed stack height regulations to control the dispersion of emissions from tall stacks, pursuant to Section 123. Therefore, the Agency is presently fulfilling its statutory duty under that section.

The states additionally objected to the use of the CRSTER model without further information on pollutant concentrations caused by lakeshore fumigation at the CEI plants. This issue was addressed in EPA's reconsideration and reaffirmation of the CEI emission limits, 46 FR 37642 (July 22, 1981), and the discussion of lakeshore fumigation contained in that notice is incorporated herein. The Agency's position on the issue of lakeshore fumigation remains unchanged. However, EPA has not committed itself to a further fumigation analysis as the commenters suggest. Furthermore, the second set of emission limits that the states urge EPA to retain was also based upon CRSTER modeling.

This revision is effective upon publication. The Administrator finds good cause for making this revision effective immediately because it lifts a potential regulatory restriction and imposes no new burden on the rights or interests of any party.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a regulatory impact analysis. Today's action does not constitute a major rule because it withdraws regulatory requirements and thereby relieves potential economic burdens.

Pursuant to the provisions of 5 U.S.C. 605(B), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only applies to two facilities.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings. (Section 110 of the Clean Air Act, as amended 42 U.S.C. 7410)

Dated: December 14, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart KK—Ohio

§ 52.1881 [Amended]

1. Section 52.1881 is amended by removing paragraphs (b)(35)(B)(vii) and (b)(38)(iv).

[FR Doc. 81-36529 Filed 12-22-81; 8:45 am]
BILLING CODE 6560-26-M

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40 CFR Part 180

[PP 8F1672/R370; PH-FRL-2013-3]

Carbofuran; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or On Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the insecticide carbofuran and its metabolites in or on the raw agricultural commodity fresh corn. This regulation to establish the maximum permissible level for the combined residues of carbofuran and its metabolites in or on fresh corn was requested by FMC Corp.

EFFECTIVE DATE: Effective on December 23, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St. SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 202, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7238).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of March 12, 1976 (41 FR 10709 which announced that FMC Corp., 2000 Market St., Philadelphia, PA 19103, submitted a pesticide petition (PP 6F1672) proposing that 40 CFR 180.254 be amended by the establishment of a tolerance for the combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate), its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-*N*-methylcarbamate, and the phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the raw agricultural commodity fresh corn, including sweet corn (kernel plus cobs with husk removed (K+CWHR)), at 1.0 part per million (ppm) of which not more than 0.2 ppm is carbamates.

There were no comments received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance included a 2-year chronic feeding/oncogenicity study in the rat and the mouse with a no-observable-effect level (NOEL) of 20 ppm for cholinesterase-inhibition and a systemic NOEL of 20 ppm and 125 ppm, respectively; a 3-generation rat reproduction study with a NOEL of 20 ppm; two rat teratology studies which were negative at up to 160 ppm and 1.2 milligrams (mg)/kilogram (kg) of body weight (bw)/day and had a NOEL for fetotoxicity of 20 ppm and a 1.2 mg/kg bw/day respectively; a rabbit teratology study which was negative for terata and fetotoxicity at 2.0 mg/kg bw/day; and mutagenicity testing which showed carbofuran not to be mutagenic. Based on the 2-year chronic rat feeding/oncogenicity study with a systemic effects and cholinesterase-inhibition NOEL of 20 ppm and using a 200-fold safety factor, the acceptable daily intake (ADI) for man is 0.005 mg/kg bw/day.

Desirable data that are lacking from the petition is a 6-month (or longer) dog feeding study. In a letter of August 7, 1981, the petitioner agreed to conduct the study and to voluntarily remove fresh corn, including sweet corn, from the label should the results of the study be found to exceed the risk criteria for adverse effects. The study is expected to be submitted to the Agency by December 1982. The metabolism of carbofuran is adequately understood, and an adequate analytical method (gas chromatography using a nitrogen specific microcoulometric detector) is available for enforcement purposes. No actions are currently pending against the continued registration of carbofuran, nor are there any other relevant considerations involved in establishing the tolerance. The existing meat and milk tolerances are adequate to cover any residues resulting from the proposed use. There is no reasonable expectation of residues in poultry and eggs.

The pesticide is considered useful for the purpose for which the tolerance is sought, and it is concluded that the tolerance for the combined residues of carbofuran and the metabolites in or on fresh corn, including fresh corn (K+CWHR), will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, on or before January 22, 1982, file written objections with the Hearing Clerk at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this rule from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: December 23, 1981.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

Dated: December 10, 1981.

Robert V. Brown,

Acting Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.254 is amended by adding and alphabetically inserting the commodity fresh corn to read as follows:

§ 180.254 Carbofuran; tolerances for residues.

* * * * *

Commodity	Parts per million (ppm)
* * * * *	
Fresh corn including sweet corn (K+CWHR) (of which not more than 0.2 ppm is carbamates)	1.0
* * * * *	

[FR Doc. 81–36843 Filed 12–22–81; 8:45 am]

BILLING CODE 6560–22–M

40 CFR Part 180

[PP 6F1789/R371; PH–FRL 2012–8]

Carbofuran; Tolerances and Exemptions From Tolerances for Pesticide Chemicals In or On Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the insecticide carbofuran and its metabolites in or on certain raw agricultural commodities. This regulation to establish the maximum permissible level for the combined residues of carbofuran and its metabolites in or on certain raw

agricultural commodities was requested by FMC Corp.

EFFECTIVE DATE: Effective on December 23, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St. SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 202 CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–2386).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of June 4, 1976 (41 FR 23988) which announced that FMC Corp., 2000 Market St., Philadelphia, PA 19103, submitted a pesticide petition (PP 6F1789) proposing that 40 CFR 180.254 be amended by the establishment of tolerances for the combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate), its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-*N*-methylcarbamate, and the phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the raw agricultural commodities squash at 0.8 part per million (ppm) of which not more than 0.6 ppm is carbamates; melons at 0.6 ppm of which not more than 0.4 ppm is carbamates; and cucumber at 0.4 ppm of which not more than 0.2 ppm is carbamates.

The petition was subsequently amended by including the raw agricultural pumpkins at 0.8 ppm of which not more than 0.6 ppm is carbamates and decreasing the proposed tolerance for melons to 0.4 ppm of which not more than 0.2 ppm is carbamates.

There were no comments received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerances included a 2-year chronic feeding/oncogenicity study in the rat and the mouse with a no-observable-effect level (NOEL) of 20 ppm for cholinesterase-inhibition and a systemic NOEL of 20 ppm and 125 ppm, respectively; a 3-generation rat reproduction study with a NOEL of 20 ppm; two rat teratology studies which were negative up to 160 ppm and 1.2 milligrams (mg)kilogram(kg) of body weight (bw)/day and had a NOEL for fetotoxicity of 20 ppm and 1.2 mg/kg bw/day, respectively; a rabbit teratology study which was negative for terata and fetotoxicity at 2.0 mg/kg bw/day; and mutagenicity testing which showed carbofuran not to be mutagenic. Based on the 2-year chronic rat feeding/oncogenicity study with a systemic effects and cholinesterase-inhibition NOEL of 20 ppm and using a 200-fold safety factor, the acceptable daily intake (ADI) for man is 0.005 mg/kg bw/day.

Desirable data that is lacking from the petition is a 6-month (or longer) dog feeding study. In a letter of August 7, 1981, the petitioner agreed to conduct the study and to voluntarily remove squash, melons, pumpkins, and cucumbers from the label should the results of the 6-month (or longer) dog feeding study be found to exceed the risk criteria for unreasonable adverse effects. The study is expected to be submitted to the Agency by December 1982. The metabolism of carbofuran is adequately understood, and an adequate analytical method (gas chromatography using a nitrogen specific microcoulometric detector) is available for enforcement purposes. No actions are currently pending against the continued registration of carbofuran, nor are there any other relevant considerations involved in establishing the proposed tolerances. There is no reasonable expectation of residues in eggs, milk, or meat of livestock from the proposed uses.

The pesticide is considered useful for the purpose for which the tolerances are sought, and it is concluded that the tolerances for the combined residues of carbofuran and the metabolites in or on the raw agricultural commodities will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, on or before January 22, 1982, file written objections with the Hearing Clerk at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291 EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this rule from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: December 23, 1981.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

Dated: December 10, 1981.

Robert V. Brown,

Acting Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.254 is amended by adding and alphabetically inserting the commodities cucumbers, melons, pumpkins, and squash to read as follows:

§ 180.254 Carbofuran; tolerances for residues.

* * * * *

Commodity	Parts per million (ppm)
* * * * *	
Cucumbers (of which not more than 0.2 ppm is carbamates)	0.4
* * * * *	
Melons (of which not more than 0.2 ppm is carbamates)	0.4
* * * * *	
Pumpkins (of which not more than 0.6 ppm is carbamates)	0.8
* * * * *	
Squash (of which not more than 0.6 ppm is carbamates)	0.8
* * * * *	

[FR Doc. 81–36045 Filed 12–22–81; 8:45 am]

BILLING CODE 6560–32–M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 1–12

[FPR Amdt. 219]

Labor; Addition of Price Adjustment Clause for Service Contracts

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This amendment provides for the use of a price adjustment clause in contracts which are subject to the Service Contract Act of 1965 and include either option or multiyear provisions. It is based primarily on a need to address the issue of labor cost increases in option years as a result of the adoption of option provisions in the FPR. The intended effect is (1) to eliminate the need for offerors to include contingency allowances in fixed price service contracts as a defense against possible increases in wage determinations under the Service Contract Act of 1965 or minimum wages under the Fair Labor Standards Act of 1938 and (2) to protect the Government from windfall payments to Government contractors by reason of decreases in wage determinations and minimum wages.

EFFECTIVE DATE: January 25, 1982.

FOR FURTHER INFORMATION CONTACT:
Mr. Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy (703–557–8947).

1. The table of contents for Part 1–12 is amended by adding the following new entry under Subpart 1–12.9:

PART 1–12—LABOR

* * * * *

Subpart 1–12.9—Service Contract Act of 1965

1–12.904–3 Price adjustment clause for fixed-price multiyear service contracts and fixed-price service contracts with renewal options.

Subpart 1–12.9—Service Contract Act of 1965

2. Section 1–12.904–3 is added to read as follows:

§ 1–12.904–3 Price adjustment clause for fixed-price multiyear service contracts and fixed-price service contracts with renewal options.

(a) The clause set forth in paragraph (d) of this section provides procedures applicable to situations in which revised minimum wage rates are applied to contracts by operation of law (see Subpart 1–12.7), or by revision of a wage determination prior either to exercise of a contract option, or to extension of a multiyear contract into a new program year. Its purpose is to permit adjustment of service contract prices for option years or for the out-years of multiyear contracts so as to eliminate the need for contractors to include contingency allowances in the prices for these periods. It also gains for the Government, the benefit of reduced wages. As used herein, the term out-years refers to the years following the first year in a multiyear contract.

(b) When there are elements of cost, other than those discussed in paragraph (a) of this section, that are subject to wide fluctuations, the Contracting Officer may include a provision for economic price adjustment authorized by § 1–3.404–3. If such a provision is used, care should be taken to ensure that it does not conflict with, or overlap, the clauses discussed in paragraph (c) of this section.

(c) Contracting Officers shall include the clause set forth in paragraph (d) of this section, or another clause which accomplishes essentially the same purpose, in fixed-price type multiyear service contracts and fixed-price type service contracts with options to renew that contain the clause in § 1–12.904–1. However, the FPR clause must be used when contract prices are negotiated on the basis of certified cost or pricing data (see § 1–3.807–3). This flexibility is provided because the size and nature of certain service contracts may not warrant requirements for the type of cost breakdowns anticipated under the clause in paragraph (d) of this section. On low dollar value contracts and contracts where adequate cost data is likely to be difficult to obtain, other techniques for adjusting out-year prices to reflect changes in wage determinations or statutory minimum wages may be more appropriate.

(d) The following clause shall be used in accordance with the instructions set forth in paragraph (c) of this section. It is to be noted that the adjustments under paragraph (c) of the clause are applicable only to periods after the base period of multiyear contracts or the option years of contracts with renewal options.

Fair Labor Standards Act and Service Contract Act—Price Adjustment (Multiyear and Option Contracts)

(a) The Contractor warrants that the prices set forth in this contract do not include any allowance for any contingency to cover increased costs for which adjustment is provided under this clause.

(b) The minimum prevailing wage determination, including fringe benefits, issued pursuant to the Service Contract Act of 1965, as amended (41 U.S.C. 351 et seq.), by the Administrator, Wage and Hour Division, U.S. Department of Labor, current at the beginning of each renewal option period, shall apply to any renewal of this contract. When no such determination has been made as applied to this contract, the Federal minimum wage, as established by section 6(a)(1), of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), current at the beginning of each renewal option period, shall apply to any renewal of this contract.

(c) The contract price of contract unit price labor rates for the option or renewal periods of this contract will be adjusted to reflect the Contractor's actual increase or decrease in applicable wages and fringe benefits to the extent that these increases or decreases are made to comply with:

(i) The Department of Labor determination of minimum prevailing wages and fringe benefits applicable at the beginning of the option or renewal period, or

(ii) An amendment to the Fair Labor Standards Act enacted after the award of this contract, affecting the minimum wage, that becomes applicable to this contract under law prior to an option or renewal period.

Any adjustment will be limited to increases or decreases in wages or fringe benefits as described above, and the accompanying increases or decreases in social security and unemployment taxes and workmen's compensation insurance, but shall not otherwise include any amount for general and administrative costs, overhead, or profits.

(d) The Contractor shall notify the Contracting Officer of any increases claimed under this clause within 30 days after receiving a new wage determination for an option or renewal period, unless this notification period is extended in writing by the Contracting Officer. In the case of any decrease under this clause, the Contractor shall promptly notify the Contracting Officer of such decrease, but nothing herein shall prevent the Government from asserting a claim within the period permitted by law. The notice shall state the amount claimed and any other relevant data in support thereof, which may reasonably be required by the Contracting Officer. Upon agreement of the parties, the contract price or contract unit price labor rates shall be modified in writing. Pending agreement on or determination of any such adjustment and its effective date, the Contractor shall continue performance.

(e) The Contracting Officer or his authorized representative shall have access to and the right to examine any directly pertinent books, documents, papers and records of the Contractor until the expiration of 3 years after final payment under the contract or such lesser time specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20) and for such longer period if any, as is required by applicable statute, or by other clauses of this contract.

(End of clause)

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: December 14, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81–36540 Filed 12–22–81; 8:45 am]

BILLING CODE 6820–61–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

41 CFR Ch. 7

[AIDPR Notice 82-2]

Miscellaneous Revisions to the AID Procurement Regulations

AGENCY: Agency for International Development, IDCA.

ACTION: Final rule.

SUMMARY: The Agency for International Development is amending its procurement regulations with respect to the review and approval authority of AID's Noncompetitive Review Board. The amendments raise the threshold for review of and approval of noncompetitive procurements, exempts contracts from unsolicited proposals, as authorized in 41 CFR 1–4.9 and 7–4.9 from review and approval by the Board, and raises the exception permitting noncompetitive negotiations by AID missions overseas to $100,000 for both services and commodities.

This rule also allows AID missions more flexibility regarding logistic support.

These amendments implement recommendations of a special AID task force established to review the project implementation process.

EFFECTIVE DATE: This AIDPR Notice is effective on December 8, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. J. M. Kelly, CM/SD/POL, Agency for International Development, Washington, D.C. 20523. Telephone: (703) 235–9107.

SUPPLEMENTARY INFORMATION: This AIDPR Notice implements recommendations of a special AID task force established to review the AID project implementation process. The recommendations were reviewed by AID senior staff, and were approved by the Administrator on September 30, 1981.

This AIDPR Notice is a procurement regulation, and has been exempted from the requirements of Executive Order 12291 of February 17, 1981, pursuant to section 8(b) of the order, by the Director, OMB, in a letter dated April 8, 1981.

The determination required by paragraph 4a of OFPP Policy Letter 80–5, and the certification required by the Regulatory Flexibility Act have been made and are included in the body of this AIDPR Notice.

PART 7–3—PROCUREMENT BY NEGOTIATION

Subpart 7–3.1—Use of Negotiation

1. Section 7–3.101–50, Justification for noncompetitive negotiation, is amended by revising paragraphs (b)(2), (c), and (d)(6) as follows:

§ 7–3.101–50 Justification for noncompetitive negotiation.

* * * * *

(b) * * *

(2) Contracts for goods or services by overseas procuring activities (AID Missions), where the estimated cost of the contract does not exceed $100,000.

* * * * *

(c) Use of the circumstances permitting noncompetitive negotiation specified in paragraph (b) of this section requires documentation, justification, and approval. Basic documentation and justification requirements are set forth in paragraph (d) of this section. Approval authority for the various circumstances in paragraph (b) are specified in paragraphs (c)(2), (3), (4) and (5) of this section.

(1) The authority to approve noncompetitive negotiation is separate from, *and in addition to,* any delegation of contracting authority. While a contracting official may have been delegated unlimited contracting authority, his/her authority to approve noncompetitive negotiation is limited by paragraphs (c)(3) and (c)(4) of this section.

(2) Authority to approve noncompetitive negotiation for procurements under paragraphs (b)(6) and (7) of this section rests with the Assistant Administrator having the program responsibility.

(3) Authority to approve noncompetitive negotiation, for procurements under paragraphs (b) (1), (3), (4) or (5) of this section executed by AID/Washington is based on the estimated cost of the procurement and is assigned as follows:

Dollar amount	Approving authority
(i) 0 to $25,000	The contracting officer.
(ii) $25,001 to $100,000	Cognizant SER/CM Division Chief.
(iii) $100,001 to $250,000	Director or Deputy Director, SER/CM.
(iv) over $250,000	The Noncompetitive Review Board.

(4) Authority to approve noncompetitive negotiation under paragraphs (b) (1), (2), (3), (4), or (5) of this section for procurements executed by an AID/Mission is also based on the estimated cost of the procurement, and is assigned as follows:

Dollar amount	Approving authority
(i) 0 to $25,000	The Mission contracting officer, if other than the Mission Director.
(ii) 0 to $100,000	The Mission Director.
(iii) over $100,000	The Mission Noncompetitive Review Board.

(5) The Mission Noncompetitive Review Board is appointed by the Mission Director, who serves as Chairman of the Review Board. As a minimum, Review Board membership must include in addition to the Chairman, the Mission or Regional Legal Advisor (or the Deputy Director if no Legal Advisor is available at the Mission), and a senior project officer not concerned with the procurement under consideration by the Review Board. The Mission Noncompetitive Review Board has jurisdiction over Mission procurements being awarded by the Area Contracting Officer (ACO) serving the Mission up to the limit of the ACO's contracting authority, or over any Mission procurement that exceeds the Mission Director's contracting authority; *provided,* that in the latter case, the Mission Director first obtains an ad hoc. redelegation of contracting authority for the procurement from SER/CM.

(d) * * *

(6) For procurements under paragraph (b)(6) of this section, a copy of the cognizant Assistant Administrator's approval and project officer's certification required by § 7–4.910, together with a certification by the contracting officer that the procurement meets the criteria in paragraph (b)(6) of this section. No further documentation or approval related to noncompetitive procurement is required.

* * * * *

Appendices

Appendix E—Logistic Support Overseas to AID-Direct Contractors

2. AIDPR Appendix E to chapter 7 is amended by revising paragraph 2(b) to read as follows:

* * * * *

2. * * *

(a) * * *

(b) *Arrangements for Logistics Support.* Each mission should assess the local logistical support situation and determine which method is best suited for its program or individual projects. While the following three options are listed in descending order of preference, the Mission is encouraged to use the option which is in the best interest of the project:

(1) Arrangements by the contractor itself where feasible and reasonably economical. (It is assumed that this test will be met in the case of virtually all construction contracts and in most of the larger engineering and technical assistance contracts.)

(2) Arrangements by the cooperating country where these would be timely, adequate, and feasible in terms of the country's economic and administrative resources.

(3) Arrangements by the mission alone or jointly with either or both of the other parties, in those cases where the Mission Director determines that adequate and timely logistic support at reasonable cost cannot be assured through the other options. In such cases, and when direct hire resources are inadequate, the mission is encouraged wherever feasible, to contract for assistance in providing logistic support. Guidance on logistic support contracts should be obtained from SER/CM and GC.

* * * * *

Determination: As required by paragraph 4a of OFPP Policy Letter 80–5, I hereby determine that this AIDPR Notice has been reviewed against the policies set forth in paragraphs (1) through (8) of section 2 of the Office of Federal Procurement Policy Act (Pub. L. 93–400 as amended by Pub. L. 96–83, hereinafter referred to as the Act), and policy directives issued by OFPP under section 6(h) of the Act. Based on this review, I hereby determine that this AIDPR Notice is not inconsistent with the policies set forth in paragraphs (1) through (8) of section 2 of the Act, and policy directives issued by OFPP under section 6(h) of the Act.

Certification: Pursuant to the Regulatory Flexibility Act, I hereby certify as head of the Agency, under AIDPR 7–1.204, that this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

(41 CFR 7–1.104.4)

Dated: December 8, 1981.

John F. Owens,

Acting Assistant Administrator, Bureau for Program and Management Services.

FR Doc. 81–36631 Filed 12–22–81; 8:45 am]

BILLING CODE 4710–02–M

Proposed Rules

Federal Register
Vol. 46, No. 246
Wednesday, December 23, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 987

Domestic Dates Produced or Packed in Riverside County, California; Proposed Amendment of Administrative Rules

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal invites written comments on a revision of the container regulations prescribed for DAC dates of any variety handled in the United States and Canada under the Federal marketing order for California dates. This action would allow handlers to ship dates to Canadian markets free of the container regulations and give handlers more shipping flexibility.

DATE: Comments must be received by January 7, 1982.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be available for public inspection during business hours.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202)447–5697.

SUPPLEMENTARY INFORMATION: This proposal has been reviewed under USDA guidelines implementing Executive Order No. 12291 and Secretary's Memorandum 1512–1 and has been classified a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated handlers.

J. S. Miller has determined that an emergency situation exists which warrants less than a 60-day comment period. The proposed revision would allow handlers to ship whole and pitted DAC dates to Canadian outlets free of container requirements and allow them to compete more effectively with other foreign suppliers. Therefore, the less restrictive regulations should be made available to handlers as soon as possible.

Information collection (reporting and recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

This proposal would revise § 987.112a(b)(3) of Subpart — Administrative Rules (7 CFR 987.101–987.173). This section is issued under §§ 987.12, 987.43, and 987.48 of the marketing agreement and Order No. 987 (7 CFR 987), both as amended, regulating the handling of domestic dates produced or packed in Riverside County, California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended unanimously by the California Date Administrative Committee, hereinafter referred to as the Committee, which works with USDA in administering the order.

Section 987.112a(b)(3) prescribes consumer sizes of plastic containers, in terms of net weight content, that handlers must use when they package whole or pitted DAC dates in such containers for handling in domestic and Canadian markets. Some foreign competitors have been selling dates in consumer-sized plastic containers in Canada with a few less ounces than the sizes that domestic handlers are required to ship under the current regulation and this places domestic handlers at a competitive disadvantage.

Section 987.12 of the order defines DAC dates to be marketable whole or pitted dates that are inspected and certified as meeting the grade, size, container, and identification requirements established by the Committee, with the approval of the Secretary, for a specific variety for handling in the United States and Canada.

Section 987.43 of the order authorizes the Committee, with the approval of the Secretary, to modify the designations specified in § 987.12 to reflect new regulatory requirements needed because of changes in marketing conditions. To permit domestic handlers to compete more effectively in Canadian markets, it is proposed that the container regulation in § 987.112a(b)(3) not apply to whole or pitted DAC dates of any variety shipped to Canada.

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

Therefore, the proposal is to revise § 987.112a(b)(3) of Subpart — Administrative Rules (7 CFR 987.101–987.172) to read as follows:

§ 987.112a Grade, size, and container requirements for each outlet category.

* * * * *

(b) * * *

(3) DAC dates of any variety, when packed in plastic containers, other than bags and master shipping containers, shall contain a net weight (i) for whole dates, of either eight ounces, twelve ounces, 1 pound 8 ounces, or more than two pounds, and (ii) for pitted dates, of either ten ounces, one pound, one pound eight ounces, or more than two pounds. DAC dates packed in other than plastic containers may be handled without regard to the net weight content. For the purpose of this subparagraph, "plastic container" means any containers of any shape made from plastic and in which dates are packed without the use of cardboard boats, trays, or other like stiffening material: *Provided,* That DAC dates shipped for sale in Canada in plastic containers are exempt from the net weight requirements of this sub-paragraph.

* * * * *

Dated: December 18, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-36617 Filed 12-22-81; 8:45 am]
BILLING CODE 3410-02-M

7 CFR Part 1135

[Docket No. AO-380-A1]

Milk in the Southwestern Idaho-Eastern Oregon Marketing Area; Decision on Proposed Amendments to Marketing Agreement and Order

Correction

In FR Doc. 81-36068, appearing at page 61480 in the issue of Thursday, December 17, 1981, the citation in parentheses in lines 12 and 13 of the second paragraph of column two on page 61480 should have read, "(46 FR 32873)".

BILLING CODE 1505-05-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Interim Requirements Related to Hydrogen Control

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is considering amending its regulations to improve hydrogen control capability during and following an accident in light-water reactor facilities.

The amendments would require improved hydrogen control systems for boiling water reactors with Mark III type containments and for pressurized water reactors with ice condenser type containments. All light-water nuclear power reactors not relying upon an inerted atmosphere for hydrogen control would be required to show that certain important safety systems must be able to function during and following hydrogen burning.

DATES: Comment period expires February 22, 1982. Comments received after that date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before that date.

FOR FURTHER INFORMATION CONTACT: Morton R. Fleishman, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301-443-5981.

ADDRESS: Written comments or suggestions for considertion in connection with the proposed amendments should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

SUPPLEMENTARY INFORMATION: The accident at Three Mile Island, Unit 2 (TMI-2) resulted in a severely damaged or degraded reactor core, a concomitant release of radioactive material to the primary coolant system, and a fuel cladding-water reaction which resulted in the generation of a large amount of hydrogen. The Nuclear Regulatory Commission has taken numerous actions to correct the design and operational limitations revealed by the accident. Included in these actions are several rulemaking proceedings intended to improve the hydrogen control capability of light-water nuclear power reactors. On October 2, 1980, the Nuclear Regulatory Commission published in the **Federal Register** (45 FR 65466) a notice of proposed rulemaking on "Interim Requirements Related to Hydrogen Control And Certain Degraded Core Considerations" (Interim Rule). The notice concerned proposed amendments to 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," to improve hydrogen management in light-water reactor facilities and to provide specific design and other requirements to mitigate the consequences of accidents resulting in a degraded reactor core.

On March 23, 1981, the Commission published in the **Federal Register** (46 FR 18045) a notice of proposed rulemaking on "Licensing Requirements for Pending Construction Permit and Manufacturing License Applications." The notice proposed a set of licensing requirements applicable to construction permit applications that stemmed from lessons learned from the TMI-2 accident. On May 13, 1981, the Commission published in the **Federal Register** (46 FR 26491) a notice of proposed rulemaking on "Licensing Requirements for Pending Operating License Applications" (OL Rule).

As a result of the various activities and considerations relative to the October 2, 1980 notice, the Commission decided to split the Interim Rule into two parts. One part was to be included in the OL Rule. The other part, limited only to hydrogen control, was to be issued separately. The details of this split are described in the companion **Federal Register** notice published on December 2, 1981 (46 FR 58484) concerning hydrogen control related to inerting, hydrogen recombiner capability and high point vents.

The Commission has also been considering the ability of all light-water reactors, particularly pressurized light-water reactor facilities with ice condenser type containments and boiling light-water reactor facilities with Mark III type containment, to withstand an accident with the concomitant generation of large amounts of hydrogen, such as the type which occurred at Three Mile Island, Unit 2 (TMI-2). As a result, three new amendments to the regulations are being proposed for public comment.

Hydrogen Control for Mark III BWRs and Ice Condenser PWRs [§ 50.44(c)(3)(iv)]

It is proposed that boiling water reactor (BWR) facilities with Mark III type containments and pressurized water reactor (PWR) facilities with ice condenser type containments, for which construction permits were issued prior to March 28, 1979, be required to install hydrogen control systems capable of accommodating an amount of hydrogen equivalent to that generated from the reaction of 75% of the fuel cladding (surrounding the active fuel region) with water, without loss of containment integrity. This new requirement is being contemplated as a result of safety issues raised during licensing reviews of new ice condenser and Mark III plants. In these reviews, it has become clear that additional protection is required to provide assurance that large amounts of hydrogen can be safety accommodated by these plants. The particular type of hydrogen control system to be selected is left to the discretion of the applicant or licensee; however, it must be found acceptable by the NRC based upon suitable programs of experiment and analysis. The selection should be supported by comparative analyses of alternative systems to show their relative advantages and disadvantages. These comparisons are to be submitted as part of the analyses required under § 50.44(c)(3)(vi). At present, a distributed igniter system has been found acceptable for the Sequoyah plant with an ice condenser containment, but only as an interim solution while the hydrogen control matter is studied further. A post-accident inerting system has also been discussed for the ice condenser and Mark III containments. Whatever systems are finally proposed and approved for the long term, large amounts of hydrogen must be safely accommodated, and operation of the system, either intentionally or inadvertently, must not further aggravate the course of an accident or endanger the plant during normal operations. The amount of hydrogen to be assumed in the design of the

hydrogen control system is that amount generated by assuming that 75% of the fuel cladding surrounding the active fuel region reacts with water. The 75% is judged to be representative of the maximum amount of hydrogen likely to be generated in an accident in which the threat to the containment is limited to the threat posed by the combustion of hydrogen. Events with metal-water reactions in excess of 75% are judged to be associated with core-melt accidents which could pose a threat to containment greater than the combustion of hydrogen. This 75% value also appears to be reasonable because it is sufficiently greater than the fuel cladding-water reaction analyzed to have occurred at TMI–2 to provide a conservative estimate for the cladding reaction that may occur during a TMI type degraded core accident. It is expected that the 75% value will permit plants that are either completed or are well along in the construction stage to have a hydrogen control system added without the need for major modifications to their containment structures. Research now in place will, over the next several years, yield data on the likelihood of termination of sequences with large amounts of cladding interaction.

The Commission would particularly welcome comments on whether the percent of fuel cladding that reacts with water should be less than, equal to, or greater than the 75 percent value being proposed for use in the rules covered by this notice. Supporting analyses, as available, would also be welcome.

Owners of Mark III BWR's now under construction have been surveyed by the NRC staff to determine the effect on their plant designs of the requirement that they do not exceed ASME Service Level A Limits or the Service Load Category during inadvertent full inerting of a post-accident inerting system. This survey was conducted because a post-accident inerting system (rather than a distributed ignition system) was thought to be the preferred approach for the Mark III containments. Based on their responses, the Commission has concluded that there would be no significant impact in specifying these requirements for inadvertent full inerting. Modest deviations from these ASME criteria will be permitted if good cause is shown. A comparable survey was not conducted for ice condenser plants because the distributed ignition system apparently is the approach preferred by the owners of these plants.

There are ongoing programs of research in a number of areas of hydrogen generation, release, burning, and control. These include the analysis of accident sequences, the chronology of hydrogen and steam injection (from the primary system into containment), the analysis of operations to recover coolability, and an assessment of equipment survivability. These studies are expected to reveal the advantages and disadvantages of various hydrogen control systems, including those that involve deliberate burning of the hydrogen within containment. Based on the state of technology as of August 1981, the Commission believes that control methods that do not involve burning provide protection for a wider spectrum of accidents than do those that involve burning.

As a result of the review of the deliberate ignition systems installed at Sequoyah and McGuire, the staff has identified issues which need to be investigated further. A spectrum of degraded core accident scenarios, including those which may lead to inadvertent suppression of combustion in the lower compartment due to a steam rich atmosphere, and several hydrogen combustion phenomena are continuing to be reviewed. In addition, there is incomplete verification of analytical models and equipment survivability. These issues are being addressed in ongoing research by NRC and the nuclear industry. The Commission concludes, based on available information, that the issues are sufficiently resolved to warrant interim approval of deliberate ignition systems for ice condenser plants. However, the Commission has required in individual licensing proceedings and in the section of this rule on analyses (§ 50.44(c)(3)(vi)) that studies of alternative hydrogen management systems be performed prior to the long-term approval of any particular method.

Standards for Safety Systems and Components That Must Function During or After Hydrogen Burn [Sec. 50.44(c)(3)(v)]

The Commission is considering a two-step approach to address qualification of essential equipment during and after a hydrogen burn. As a first step, essential equipment must be demonstrated to "survive" the hydrogen burn and continue to be able to perform its safety function. In this context, the equipment would not have to meet the more rigorous standards of the NRC's equipment qualification program but a different standard as defined below. As a second step, the Commission would require "qualification" of essential equipment.

The Commission feels a two-step approach is justified in light of our lack of knowledge of the probabilities of hydrogen-producing accident scenarios, the environmental conditions during a hydrogen burn, and the effect this environment has on different equipment. The Commission will develop "survivability" criteria which are intended as an interim step to assure the quality of essential equipment until enough information is accumulated from ongoing research to suitably define what equipment performance standards are appropriate. After sufficient information is developed, the Commission may propose long-term standards that are more stringent than the short-term or "survivability" standard being proposed.

The differences in concept between equipment demonstrated to meet the "survivability" standard and equipment that meets the "qualification" standard are described below. The Commission specifically seeks comment on the use of the two step approach for defining equipment standards, the "survivability" and "qualification" standards themselves, and proposals for implementation schedules developed on a well informed basis. Equipment required to be qualified (Eq) and equipment for which survivability must be demonstrated (Es) can be compared as follows:

(a) *Environmental Conditions*—The environmental conditions under which Eq must operate would be calculated using a model that has been demonstrated to be conservative by comparison with numerous experiments and by a long history of usage. For Es, the calculational model contains some conservatisms, but the level of assurance is generally not comparable to that for the Eq model due to a lack of available experimental data for verification.

b. *Testing Conditions*—For Eq, the test conditions would be more severe than the environmental conditions due to extra margins added to account for uncertainties in the test environment, inaccuracies of the measuring devices, variability of the test specimens, etc. For Es, the test conditions need not provide margin beyond the conservatively calculated environmental conditions.

c. *Operability*—Eq and Es would both be required to perform their functions during and after being exposed to their respective test conditions.

d. *Performance*—During and following a test, Eq would be required to perform to specifications determined by accident analyses performed prior to the test; however, for Es, a relaxation of these specifications would be permitted, as defined on a case-by-case (e.g., more instrument drift would be tolerated

during a hydrogen burn than during normal operations).

Another possible difference is the criteria used to select test specimens, e.g., individual type testing for Eq versus generic testing for Es. It should also be noted that if the test condition for Eq for a LOCA can be shown to envelope the predicted test condition for a hydrogen burn then the LOCA qualification test would be sufficient to demonstrate survivability.

This requirement would apply to all BWRs and PWRs, for which construction permits were issued prior to March 28, 1979, that do not have an inerted containment atmosphere for hydrogen control. That is, plants for which there exists the possibility that substantial amounts of hydrogen can be burned in the containment will be covered by the proposed new requirement. Safety systems provided on these plants that are needed (a) to shut down the reactor and bring it to and maintain it in a safe cold shutdown condition, and (b) to prevent loss of containment integrity, must meet the "survivability" criteria in the near term and may be required to meet "qualification" criteria in the long term. Thus, for example, if a distributed igniter system is selected for controlling large amounts of hydrogen, the applicants or licensees must assure in the near term that the specified safety systems can survive and continue to perform their needed safety functions during and following hydrogen burning. In the long term the equipment may be required to meet a more stringent equipment qualification standard, considering the environmental effects of hydrogen burning. If no new hydrogen control system is required, as is likely to be the case for PWRs with large dry containments, these applicants and licensees would still have to perform analyses to: (1) Show containment structural integrity, as defined in § 50.44(c)(3)(iv) can be maintained; and (2) assure that the specified safety systems can continue to perform their needed safety functions during and following hydrogen burning and local detonations. The new criteria for certain identified essential systems are needed because the environmental pressures and temperatures associated with hydrogen burning and local detonations can be more severe than the conditions for which the equipment has been previously qualified.

Analyses [§ 50.44(c)(3)(vi)]

The proposed Interim Rule required that for all PWR and BWR plants, except the Mark I and II BWRs, design analyses must be performed for new hydrogen control measures. Many commenters indicated that the description of the design analyses was not precise enough to elicit the desired response. Furthermore, several commenters have suggested that it is inappropriate to have a regulation requiring hydrogen control design studies in view of the fact that unambigious event descriptions and acceptance criteria are not supplied. The Commission agrees with these comments in part. As a result, the Commission intends to provide supplementary guidance concerning acceptable procedures that should be used, both for design of the hydrogen control systems per § 50.44(c)(3)(iv), for the demonstration of equipment survivability per § 50.44(c)(3)(v), and for the analysis of containment structural integrity.

The Commission is considering three different approaches concerning the supplementary guidance to be provided for performing the analyses. In all of these approaches, licensees are not restricted to the specified scenarios. If because of unique plant design features, other scenarios are known to present a greater risk than those identified by the Commission, the analyses should be based on the scenarios known to present the greatest risk. For example, if for a particular plant an intermediate break LOCA results in a greater risk than the scenarios in Table I, the licensee should base his calculations on the intermediate break LOCA scenario.

In the first approach, the Commission would identify accident sequences or scenarios which are found by probabilistic risk assessment techniques to be significant contributors to the likelihood of core degradation and thus pose a significant hydrogen threat. The licensee would then perform analyses, using these sequences, to determine the time variation of the hydrogen and steam release rates to the containment building. The analyses, which would include the failure assumptions of the different scenarios as well as the accident recovery phase and allowances for uncertainties, would provide the pressure and temperature histories to which the containment would be exposed. A list of possible accident sequences being considered under this approach is given in Table I. The scenarios include the production of substantial amounts of hydrogen as part of core-melt sequences; they were selected, based on experience and engineering judgment, because they are the more probable severe accident sequences which could be terminated short of primary vessel melt-through with available recovery techniques.

In the second approach, a base sequence would be chosen by the Commission based on its significance and characteristics from the standpoint of hydrogen threat. Key aspects of this scenario would then be parametrically varied, by the licensee, in determining the acceptability of the hydrogen control system or the containment response. This would provide a wider range than that of the selected base sequence alone. The acceptability of the analyses used in this approach would depend on the selection and range of the parameters being varied. The range must be chosen to include the effects of physically realistic degraded core accident scenarios with recovery. If licensees have determined that because of their own plant design another scenario presents a greater risk than the small break LOCA, the scenario presenting the greater risk should be chosen for parametric study. The variables and values studied should be determined on a case-by-case basis depending on the particular scenario. Table II represents a preliminary list of parameter variations that appear to provide reasonable extensions of a PWR small-break scenario (Item 1 of Table I). A corresponding BWR list has not yet been prepared.

In the third approach, the Commission would use a set of accident sequences as in Table I, and perform analyses which would define a reasonable envelope of time histories of hydrogen and steam release rates into the containment building. This envelope definition could be based on variations in the progression of different sequences and/or variations due to uncertainties within a particular sequence. The envelope of hydrogen and steam source terms to the containment would then be provided to all licensees for use in subsequent analyses. This approach would avoid the need for case-by-case sequence analyses using codes like MARCH and involving extensive iterative review of the MARCH analyses with the Commission. The intent would be for the Commission to provide hydrogen and steam source terms generic to each reactor type (BWR or PWR) and let the licensees' and NRC's ensuing attention be on the containment analysis. (The staff intends to publish for comment these generic source term analyses during the comment period for this proposed rule.)

TABLE I.—ACCIDENT SEQUENCES LEADING TO A SIGNIFICANT HYDROGEN THREAT

PWR	1. Small LOCA with temporary loss of emergency core cooling (ECC) injection.
	2. Transient with temporary loss of all feedwater and the high pressure ECC system.
	3. Interruption of all AC electric power with failure of the auxiliary feedwater system.
BWR	4. Transient with reactor isolation and temporary failure of all coolant make-up systems.
	5. Small LOCA with temporary failure of ECC injection.
	6. Transient with failure of reactor shutdown systems and interruption of ECC systems.

TABLE II.—PARAMETRIC VARIATIONS OF A PWR SMALL-BREAK SCENARIO

Rate of H_2 release[1] (lb/min)	Timing of H_2 release	Rate of steam/ enthalpy release (lb/min (millions of Btu/min))	Concurrent failures and recoveries
2	Starting at time.		
10	of Uncovering of Top.	[illegible](1)	Fans.
30	of core	[illegible](1)	Containment.
100	Prior to major steam release.	[illegible] 10,000(16)	Sprays.
1,000	Concurrent with major steam release.		All AC power.
	Following major steam release.		Recirculation.

[1] This high rate of steam release may occur for about 10 min. during ECC recovery.
[2] These rates should be assumed to be constant during the period of release and represent release from the primary system to the containment building.

The Commission particularly welcomes comments concerning which of the above approaches is preferred as well as suggestions regarding improvements or other alternatives.

The proposed rule has also been modified to clarify the types of analyses required. They can be grouped into four classes, depending upon containment design, as follows:

1. BWRs with Mark I and II type containments are required to be inerted by the companion rule on inerted containments appearing elsewhere in this issue. (See Table of Contents under NRC Rules and Regulations.) There are no further analyses required of these plants.

2. Effective [one year after the effective date of the rule], or the date of issuance of a license authorizing operation above 5 percent of full power, whichever is later, analyses would be required for BWRs with Mark III type containments and PWRs with ice condenser type containments to demonstrate that the installed hydrogen control system is adequate and will perform its intended function in a manner that provides adequate safety margins. Analyses should also be performed to assess the effectiveness of alternative systems.

3. Effective [one year after the effective date of the rule] or the date of issuance of a license authorizing operation above 5 percent of full power, whichever is later, additional analyses, described under item 4, would be required for BWRs with Mark III type containments and PWRs with ice condenser type containments, to show that safe shutdown will be assured and containment structural integrity maintained during degraded core accidents.

4. Owners of all other containments would be required to perform and submit by [two years after the effective date of the rule] or the date of issuance of a license authorizing operation above 5 percent of full power, whichever is later: (i) Analyses to assure that during degraded core accidents containment structural integrity will be maintained; and (ii) equipment survivability analyses to assure continued containment integrity and safe shutdown capability. These degraded core accidents will be assumed to produce hydrogen releases to the containment resulting from the containment reaction of up to and including 75% of the fuel cladding surrounding the active fuel region with water for a range of time periods consistent with the accident scenarios analyzed.

The analyses required by this section serve two purposes. First, they support continued reliance on the interim requirements of this rule. Second, the results will be considered in a longer term rulemaking on degraded cores.

Paperwork Reduction Act

The proposed rule will be submitted to the Office of Management and Budget for clearance of the application requirements that may be appropriate under the Paperwork Reduction Act (Pub. L. 96-511). The SF-83 "Request for Clearance," Supporting Statement, and related documentation submitted to OMB will be placed in the NRC Public Document Room at 1717 H Street NW., Washington, D.C. 20555. The material will be available for inspection and copying for a fee.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposed rule affects only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121. Since these companies are dominant in their service areas, this proposed rule does not fall within the purview of the Act.

Accordingly, notice is hereby given that, pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, adoption of the following amendments to 10 CFR Part 50 is contemplated.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 reads as follows:

Authority: Secs. 103, 104, 161, 182, 183, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239); secs. 201, 202, 206, 88 Stat. 1243, 1244, 1246 (42 U.S.C. 5841, 5842, 5846), unless otherwise noted. Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended; (42 U.S.C. 2234). Sections 50.100–50.102 issued under sec. 186, 68 Stat. 955; (42 U.S.C. 2236). For the purposes of sec. 223, 68 Stat. 958, as amended; (42 U.S.C. 2273), § 50.54(i) issued under sec. 161i, 68 Stat. 949; (42 U.S.C. 2201(i)), §§ 50.70, 50.71 and 50.78 issued under sec. 161o, 68 Stat. 950, as amended; (42 U.S.C. 2201(o)) and the Laws referred to in Appendices.

2. In § 50.44, paragraph (c) is amended by adding new subparagraphs (3) (iv), (v) and (vi) to read as follows:

§ 50.44 Standards for combustible gas control system in light water cooled power reactors.

* * * * *

(c) * * *
(3) * * *

(iv) Effective [one year after effective date of the rule], or the date of issuance of a license authorizing operation above 5 percent of full power, whichever is later, each boiling light-water nuclear power reactor with a Mark III type containment and each pressurized light-water nuclear power reactor with an ice condenser type containment, for which a construction permit was issued prior to March 28, 1979, shall be provided with an acceptable hydrogen control system justified by suitable programs of experiment and analysis. The hydrogen control system must be capable of handling an amount of hydrogen equivalent to that generated from the

reaction of 75% of the fuel cladding surrounding the active fuel region (excluding the cladding surrounding the plenum volume) with water, without loss of containment structural integrity (i.e., steel containments must meet the requirements of the ASME Boiler and Pressure Vessel Code, Section III, Division 1, Subsubarticle NE–3220, Service Level C Limits, except that evaluation of instability is not required, considering pressure and dead load alone. Concrete containments must meet the requirements of the ASME Boiler and Pressure Vessel Code, Section III, Division 2, Subsubarticle CC–3720, Factored Load Category, considering pressure and dead load alone. These subsubarticles have been approved for incorporation by reference by the Director of the **Federal Register**. A notice of any changes made to the material incorporated by reference will be published in the **Federal Register**. Copies of the ASME Boiler and Pressure Vessel Code may be purchased from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017. It is also available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C.) If the hydrogen control system relies on post-accident inerting, the containment structure must be capable of withstanding the increased pressure (A) during the accident, where it must not exceed Service Level C Limits or the Factored Load Category (as previously specified in this paragraph) and (B) following inadvertent full inerting that may occur during normal plant operations, where it must not exceed either Service Level A Limits (for a steel containment) or the Service Load Category (for a concrete containment). Equipment required to establish and maintain safe cold shutdown and containment integrity must be designed and qualified for the environment caused by post-accident inerting. Furthermore, inadvertent full inerting during normal plant operations must not adversely effect systems and components needed for safe operation of the plant. Modest deviations from these criteria will be considered by the Commission if good cause is shown.

(v) Each light-water nuclear power reactor, for which a construction permit was issued prior to March 28, 1979, that does not rely upon an inerted atmosphere to control hydrogen inside the containment, shall be provided with systems necessary to establish and maintain safe cold shutdown and maintain containment integrity that are capable of performing their functions during and after being exposed to the environmental conditions created by the burning (or local detonation) of hydrogen. The amount of hydrogen to be considered is equivalent to that generated from the reaction of 75% of the fuel cladding surrounding the active fuel region (excluding the cladding surrounding the plenum volume) with water. This requirement shall be effective as follows: for each boiling light-water nuclear power reactor with a Mark III type containment and each pressurized light-water nuclear power reactor with an ice condenser type containment, on [one year after the effective date of the rule] or the date of issuance of a license authorizing operation above 5 percent of full power, whichever is later; for every other light-water nuclear power reactor that must meet this requirement, on [two years after the effective date of the rule] or the date of issuance of a license authorizing operation above 5 percent of full power, whichever is later.

(vi) Analyses shall be performed and submitted to the Director of Nuclear Reactor Regulation for each light-water nuclear power reactor, for which a construction permit was issued prior to March 28, 1979, to evaluate the consequences of large amounts of hydrogen generated after the start of an accident (hydrogen resulting from the reaction of up to and including 75 percent of the fuel cladding surrounding the active fuel region with water) including consideration of hydrogen control measures as appropriate. Each analysis must include the period of recovery from the degraded condition. The accident scenarios to be used in the analyses must be acceptable to the NRC staff. The scope and implementation requirements for the analyses for the various types of light-water nuclear power reactors are as follows:

(A) For each boiling light-water nuclear power reactor with a Mark III type containment and each pressurized light-water nuclear power reactor with an ice condenser type containment, analyses shall be performed that justify the selection of the hydrogen control system required by § 50.44(c)(3)(iv). These analyses shall be completed and submitted by [one year after the effective date of the rule], or the date of issuance of a license authorizing operation above 5 percent of full power, whichever is later.

(B) For each light-water nuclear power reactor that does not rely upon an inerted atmosphere to control hydrogen inside the containment, analyses shall be performed to show that containment structural integrity as defined in § 50.44(c)(3)(iv) will be maintained, and systems and components necessary to establish and maintain safe cold shutdown and maintain containment integrity will be capable of performing their functions during and after being exposed to the environmental conditions created by the burning of hydrogen, including the effect of local detonations. These analyses shall be completed and submitted as follows: for each boiling light-water nuclear power reactor with a Mark III type containment and each pressurized light-water nuclear power reactor with an ice condenser type containment, by [one year after the effective date of the rule] or the date of issuance of a license authorizing operation above 5 percent of full power, whichever is later; for every other light-water nuclear power reactor for which these analyses are required, by [two years after the effective date of the rule] or the date of issuance of a license authorizing operation above 5 percent of full power, whichever is later.

Dated at Washington, D.C., this 16th day of December 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81–36858 Filed 12–22–81; 8:45 am]

BILLING CODE 7590–01–M

CIVIL AERONAUTICS BOARD

14 CFR Part 250

[EDR–436; Economic Regulations Docket No. 39932]

Denied Boarding Compensation Rules; Comprehensive Review

December 9, 1981.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The CAB is initiating a comprehensive review of its oversales and denied boarding compensation rules as part of its examination of consumer protection regulations prior to sunset. The Board is seeking comment on, first, eliminating all governmental oversight in this area and, second, retaining the present rules with modifications. This rulemaking is at the Board's initiative.

DATES: Comments by: February 22, 1982; Reply comments by: March 9, 1982.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List: January 7, 1982.

The Docket Section prepares the Service List and sends it to each person listed on it, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 39932, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Patricia Kennedy, Assistant to the Director for Programs, Bureau of Compliance and Consumer Protection, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202–673–5934, or Joanne Petrie, Office of the General Counsel, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION: Part 250 establishes minimum standards for the treatment of airline passengers holding confirmed reservations who are not accommodated because their flight has been oversold. In this notice of proposed rulemaking the Board is initiating a comprehensive review of part 250 as part of a general review of all consumer protection rules prior to sunset. Two distinct options are proposed. The first would eliminate all government regulation of oversales and denied boarding compensation as part of the transition to deregulation. Several suboptions as to timing are proposed. Alternatively, the Board proposes to retain the current rule with some modification to remove unnecessary burdens. In addition to inviting interested parties to submit written comments, the Board will entertain requests for an oral argument on the issues raised in this notice.

The Current Oversales Rule

The purpose of the Board's oversales rule is to balance the rights of ticket-holding passengers to transportation with the needs of air carriers to minimize the adverse economic effects of "no-shows" by passengers holding reservations. The focus of the rule is a carrier's failure to honor a confirmed reservation because of its overbooking practices. The rule sets up a two-part system. The first encourages passengers to voluntarily relinquish their confirmed reservations in exchange for some agreed-upon compensation. The second gives passengers who are involuntarily denied boarding some compensation. In addition, the Board requires carriers to state their practices in their tariffs, give passengers notice of those practices through signs and ticket inserts, and report the number of passengers denied boarding to the Board on a regular basis.

The Board first required payments to oversold passengers 20 years ago. In Order No. E–17914, dated January 8, 1962, the Board conditioned its approval of "no-show penalties" for confirmed passengers on the requirement that oversold passengers on those flights be compensated. An oversales rule was adopted in 1967 as 14 CFR Part 250, ER–503, 32 FR 11939, August 18, 1967, and revised substantially in 1978 after a comprehensive rulemaking proceeding, ER–1050, 43 FR 24277, June 5, 1978. The key features of the current requirements are as follows:

(a) In the event of an oversold flight, the airline must first seek volunteers who are willing to relinquish their seats in return for compensation offered by the airline;

(b) If there are not enough volunteers, the airline must deny boarding on the basis of non-discriminatory boarding priority procedures filed with the Board;

(c) Most passengers who are involuntarily bumped are eligible for denied boarding compensation, with the amount depending on the price of the ticket and the length of the delay. If the airline can arrange satisfactory alternate transportation scheduled to arrive at the passenger's destination within 2 hours of the oversold flight (4 hours on international flights), the compensation is the fare to the destination, with a $37.50 minimum and $200 maximum. If the airline cannot meet the 2-or 4-hour deadline, the amount of compensation doubles. This compensation is in addition to the value of the passenger's ticket, which the passenger keeps.

(d) There are a number of exceptions to the rule. If a passenger is denied boarding on an oversold flight because the government has requisitioned space or because equipment has been substituted for operational or safety reasons, the carrier has no duty to pay compensation. Passengers without confirmed reservations, and those who do not meet the airline's ticket purchase or check-in deadlines, are also ineligible.

(e) A passenger who is denied boarding involuntarily may refuse to accept the denied boarding compensation specified in the rule and seek additional compensation through negotiations with the carrier or by private legal action.

(f) Airlines must post counter signs and include notices with tickets to alert travelers of their overbooking practices. In addition, they must provide written notices explaining their oversales practices and boarding priority rules to each passenger involuntarily denied boarding, and to any person requesting a copy.

(g) Each U.S. airline must file with the Board a monthly report on the number of oversold passengers and the amount of compensation paid to them.

(h) Airlines must file tariffs with the Board describing their boarding priority rules and other practices relating to oversales.

In adopting the current rules, the Board wanted to reduce the number of passengers involuntarily denied boarding to the smallest practicable number without prohibiting deliberate overbooking or interfering unnecessarily with the airlines' reservations practices. Air travelers receive some benefit from controlled overbooking, in that it allows flexibility in making and cancelling reservations, as well as buying or refunding tickets. Overbooking makes possible a system of confirmed reservations that can almost always be honored, without the need for widespread use of advance purchase requirements or ticket refund penalties. It allows airlines to fill more seats, reducing the pressure for higher fares, and makes it easier for people to obtain reservations on the flights of their first choice. On the other hand, overbooking is the major cause of oversales, and the people who are inconvenienced are not those who do not show up for their flights, but passengers who have conformed to all carrier rules. The current rule allocates the risk of being denied boarding among travelers by requiring airlines to solicit volunteers and use a nondiscriminatory boarding priority procedure. The costs of overbooking are spread among all passengers.

In regulating oversales, the Board has been concerned about the potentially deceptive aspects of deliberate overbooking. The terms "confirmed" and "reservation" imply that the airline will provide air transportation on a specific flight. Part 250 attempts to limit the possibility that passengers will be deceived by requiring airlines to use counter signs and ticket notices informing passengers that reservations may not be honored due to overbooking. In addition, the Board and a number of airlines have undertaken passenger education programs to explain the rules, encourage volunteers, and explain the purpose of overbooking. We believe these efforts have increased public awareness that reservations are confirmed subject to occasional oversales.

The requirement that carriers file their boarding priority rules with the Board has discouraged airlines from selecting those to be bumped on an arbitrary or discriminatory basis. Most carriers deny boarding on a last come, last served basis, which allows some passengers to minimize the risks of being bumped by arriving at the boarding gate earlier than most others.

There are a number of other practices that airlines use to minimize their losses from confirmed passengers who do not show up for the flights. Air Florida offers a 20% discount to passengers who are willing to buy non-refundable tickets (which may be transferred to another passenger, if necessary) in order to limit the number of "no-shows." On certain flights, New York Air requires a passenger making a reservation by phone to provide a credit card number, and charges that account $20 if the passenger does not notify the airline at least 30 minutes before departure that the reservation will not be used. For almost 10 years Eastern Airlines has offered "conditional reservations" on fully booked flights, and has had one of the lowest involuntary bumping rates in the industry. World Airways subtracts substantial cancellation penalties from ticket refunds. Many carriers now combine advance purchase requirements and refund penalties with their discount fares. Some airlines rely heavily on stand-by passengers who pay lower fares than those with confirmed reservations.

The Board has been flexible in implementing Part 250. Airlines may offer passengers a choice of free tickets or cash payments as denied boarding compensation. The Board recently amended the rules in ER–1237, 46 FDR 42442, August 21, 1981, to exclude all operations using aircraft of 60 or fewer seats from the overbooking rules. Because of the disruption caused by the recent reduction in air traffic control personnel, the Board has temporarily relieved carriers of the double indemnity requirement (Orders 81–6–22, 81–8–86, 81–9–20 and 81–11–57).

In all, we believe the rules have served a useful purpose. They tend to reduce passenger inconvenience and financial loss occasioned by overbooking without imposing heavy burdens on the airlines or significant costs on the traveling public. In focusing only on the treatment of bumped passengers, we have avoided regulating carriers' reservations practices. As we consider the future of air transport regulations, however, the issue is whether detailed oversight of overbooking practices is justified in an increasingly deregulated industry and, if so, whether modifications of Part 250 are warranted in view of the more competitive environment.

Option 1: Revocation of the Oversales Rule.

Under this option, the Board would revoke part 250, *Oversales,* prior to sunset. This could be done at once, or the Board could adopt one of the two phased alternatives:

(1) Suspend Part 250 with automatic revocation in a year absent further Board action; or

(2) Retain Part 250 for one year with automatic revocation thereafter absent further Board action, but freely grant exemptions to allow any carrier to implement alternative means of handling oversales, provided carriers give adequate notice to passengers.

If we determined that the rules should be abolished, we would be reluctant to do so immediately. Rather, we would want to have some limited transition period during which we could monitor the impact on consumers of the relaxation of the oversales regulation and could act quickly to address any pervasive abuses that might occur.

The fundamental issue raised in this proceeding is whether the government or the marketplace should allocate the various risks and responsibilities relating to the practice of overbooking. Presently, Part 250 establishes the basic ground rules for allocating the various risks and responsibilities between carrier and passenger as well as among passengers.

Those advocating abolition of the rules argue that carriers should be given as much discretion as possible to make marketing decisions about various price and service quality options such as overbooking practices, free baggage allowances, and other amenities. Government involvement in determining reservations and oversales treatment may not be necessary in a competitive environment where carriers have incentives to alert passengers of risks and maintain customer goodwill. Where such market conditions exist, government regulation cannot allocate risks as efficiently or respond as quickly to changing conditions as can the competitive marketplace. Retaining the regulation may also inhibit competition among carriers and stifle innovation by lessening competitive uncertainty. Carriers may have some confidence that their competitors will continue to follow traditional overbooking practices and that they will have advance notice of any carrier's attempt to adopt innovative procedures.

Several factors indicate that the domestic airline industry has the market characteristics necessary to discontinue government regulation of oversales. The industry under deregulation has become increasingly competitive. Carriers should have a strong incentive to maintain customer goodwill, because slight changes in load factors have such a substantial impact on carrier profitability that financial success depends on the ability of carriers to attract and maintain repeat business. Reasonable treatment of passengers (including limiting the number of passengers involuntarily denied boarding to the smallest possible number) is an element of service quality that consumers consider in their choice of air carriers. If passengers feel they are not being treated well, they will use other airlines or alternative means of transportation.

In the event we decided to revoke Part 250, adequate notice to consumers of a carrier's reservations and denied boarding practices would be esential to minimize consumer confusion and possible deception. The use of the term "confirmed reservation" combined with deliberate overbooking is inherently misleading unless a clear explanation is provided to all passengers. Absent clear disclosure, we would have no confidence at all that the marketplace would satisfactorily allocate the risks and responsibilities between carrier and passenger.

Whether, absent our rules, airlines will provide sufficient information so that passengers will understand an individual carrier's reservations practices and the risks associated with them is uncertain. More specific notice than our regulations presently require may be insisted upon by the courts if the regulations are abolished. The Part 250 notice requires each carrier to state that it overbooks and is occasionally unable to accommodate all ticket holders. While this might be sufficient in the context of a regulation prescribing generous compensation to involuntarily bumped passengers, it may not be adequate where the carrier provides little or nothing to most bumped passengers. It may be difficult for an individual to determine if a specific flight is oversold, and most passengers are not sufficiently informed to know what questions they should ask about a carrier's boarding priorities or compensation procedures. Until the courts determine that greater disclosure is required, airlines may believe it is in their interest not to provide any more information about overbooking than they feel they absolutely have to.

However without tariffs, the threat of common law actions may provide a significant incentive for carriers to give adequate notice of the risks and responsibilities they place on passengers in order to limit their own liability. That incentive may be even stronger in the case of deliberate overbooking which, without reasonable disclosure, would almost certainly be considered deceptive. *See e.g., Nader v. Allegheny Airlines,* 426 U.S.C 290 (1976).

Continuation of the rule may be advisable if it appears that competition cannot adequately address the problems caused by involuntary oversales. Denied boarding compensation is a negative service element that is only called into play when something goes wrong. Under a competitive system, carriers may not want to highlight any service failure that occurs. Even prior to the Airline Deregulation Act when airline competition was largely restricted to service quality, carriers generally did not compete on their oversales and other consumer protection practices. Today, there continues to be little competition on negative service elements. With the competitive pressures to keep load factors as high as possible, carriers feel increased pressure to minimize costs, and may consider denied boarding practices a fruitless area of competitive endeavor.

In this connection, there are a number of other issues that concern us if Part 250 is revoked, in addition to the adequacy of disclosure discussed earlier. Specifically, we question whether, under the discipline of the market without Part 250: (1) Airlines might increase the extent to which they overbook and thereby increase a passenger's risk of being bumped; (2) those involuntarily bumped may not be treated fairly or compensated adequately; and (3) airlines might abandon the volunteer solicitation process and bump passengers on an arbitrary and discriminatory basis. We discuss each of these concerns individually below.

Although Part 250 does not directly regulate overbooking, the requirement for denied boarding compensation payments provides some regulatory incentives for carriers to overbook prudently. Proponents of eliminating Part 250 might argue that, without the rule, carriers will have competitive incentives to moderate overbooking and oversales because of the importance to airlines of repeat business. Moreover, word of mouth information about an airline's services is often an important factor in a prospective passenger's choice of carriers. But competition may, at the same time, increase the pressure on airlines to adopt new ways of keeping load factors up, which could lead to far more overbooking than occurs now and perhaps many more bumped passengers. The extent to which a carrier can overbook without losing sales due to a reputation for unreliability is uncertain.

There is also the possibility that people who are involuntarily denied boarding will receive less compensation than they do under the present rules or even no compensation at all. In addition to competitive pressures to keep load factors as high as possible, carriers will feel increased pressures to minimize costs, including the costs of compensating bumped passengers. Despite the incentives to attract repeat business, they may consider an involuntarily bumped passenger a lost cause no matter what they pay. Carriers may find it uneconomic to pay denied boarding compensation voluntarily to all bumped passengers, since the costs of doing so might not be offset by lower complaint handling expenses, fewer instances of litigation, and reductions in revenue losses that occur when dissatisfied passengers take future business to competing airlines.

If we eliminate Part 250, there may be changes in the way in which airlines select bumped passengers. Under the rules, the carriers have a regulatory and economic incentive to seek volunteers. By so doing, the airline can, in most cases, reduce significantly the amount of compensation payments it has to pay. Board-prescribed involuntary denied boarding compensation payments made during the first six months of 1981 were roughly twice as high as payments to volunteers, averaging $232 and $120 respectively. But absent Board regulation, there may be a temptation for airlines to select the people to be bumped in an arbitrary and discriminatory manner. Carriers might want to avoid bumping those who appear to be business travelers because of their greater potential as repeat passengers, or they may arbitrarily select people who appear to be relatively unsophisticated or unassertive.

On a more general level, we have some reservations about revoking a rule that, overall, seems to work well in balancing risks and benefits between airlines and passengers. The cost of compensation is spread among all passengers and amounts to about 10 or 11 cents per flight coupon. The rule is flexible yet provides relatively clear criteria for implementation. It has facilitated the responsive reservations system that travelers now enjoy, without substantial advance purchase or cancellation charge burdens for normal fare service. At the same time, the number of seats that would fly empty is minimized, which benefits both the carriers and consumers.

If the oversales rule were eliminated, there would be a range of possible effective dates, and the Board requests comment on which would be the most appropriate. Also, comment is invited on whether there should be a limited transition period so that the Board could monitor the effect of deregulation in this area and reenter the field if problems develop. As noted earlier, we tentatively believe that a transition period is desirable. A related issue is the best method to eliminate the rule if this option is chosen. Should revocation be outright, or should the rule's effectiveness be suspended for some stated period with automatic revocation absent further Board action? Alternatively, instead of revolting the rule itself, the Board could announce a policy of freely granting exemptions from Part 250 to any carrier on the condition that the carrier remove any mention of its overbooking and oversales practices from its tariffs.

If this option were adopted, carriers could follow whatever practices they chose. Airlines could design their own forms of notice and could deal with oversales situation in any way they thought best.

Arguments for suspending Part 250's application in domestic markets may not apply to many international operations, where significant barriers to entry and limited pricing flexibility still limit the role of competitive forces in determining carrier behavior. In addition, airlines will continue to file tariffs governing international services, including rules tariffs that limit their liability for service failures such as oversales. As long as airlines are protected by these tariffs, we believe that air travelers' interests must be protected by governmental monitoring of the tariff provisions. We are inclined to suspend Part 250 for foreign air transportation only if (1) we do so domestically, (2) U.S. and foreign air carriers agree to remove all rules tariffs relating to overbooking and oversales, and (3) the passengers have adequate notice of the carriers' overbooking policy. We are, however, proposing a modification for inbound traffic if the rule is retained under Option 2, as discussed below.

A final issue raised by this option is whether the present reporting requirements found in § 250.10, *Reports of unaccommodated passengers,* should

be continued. Form 251 provides the Board and the public with information concerning the number of passengers boarded, the number of volunteers, and the number of passengers denied boarding involuntarily by all U.S. carriers on domestic flights, and for international flights subject to Part 250. The information provided by this form has helped the Board gauge the level of oversales and the effectiveness of the regulation . According to the Board's recent staff report, "CAB Information Systems and Early Sunset," the reporting requirements of Form 251 are informally scheduled to terminate at sunset. As an alternative to immediate termination, the reports could be retained for a limited period to help the Board monitor the effects of this change and see if any problems result.

Option 2: Retain the Current Rule with Some Modification

If the Board decides against Option 1, and retains a rule on oversales, it proposes to make some modification to reflect changes that have taken place during the transition to deregulation, and to reduce the rule's costs and burdens while maintaining most of its effectiveness. The proposed changes would be as follows:

(a) *Denied Boarding compensation on inbound foreign flights.* Apart from certain tariff, reporting, and notice provisions, Part 250 does not apply on a mandatory basis to flights on foreign air carriers from a foreign country to the United States. On comparable flights on U.S. air carriers, however, the rules do apply. Foreign airlines that do not voluntarily comply with the requirements for U.S. airlines now file tariffs governing the alternate practices and must use Board-prescribed counter signs and ticket notices to alert passengers that they offer less protection against overbooking than that provided for by Part 250. Some U.S. carriers, who are not exempt from the rules, argue that the voluntary nature of this provision has given foreign competitors an unfair advantage. Some foreign airlines, on the other hand, have complained about the negative effect of the notices to passengers. In this notice, we propose to amend § 250.2, *Applicability,* to reflect these concerns. All U.S. and foreign air carriers operating inbound flights from foreign points would have a choice of structuring their oversales practices in one of three ways. First, carriers could adhere to Part 250 by providing the regulatory notices and substantive protection. Alternatively, a U.S. or foreign carrier could adopt oversales practices that did not meet all the Part 250 requirements. If such a carrier wanted to file rules tariffs on this subject, it would have to provide the Board-prescribed notices set forth in § 250.11, *Public disclosure of deliberate overbooking and boarding procedures* and § 250.12, *Disclosure on inbound flights.* The § 250.12 notice would be amended to reflect the fact that carriers may offer different consumer protections on their inbound flights and that passengers should check with the airline or their travel agent for further details. A U.S. or foreign air carrier that chose not to comply with all the requirements of Part 250 and that did not wish to provide the notices required by § 250.11 and § 250.12 woud be required to withdraw relevant tariff rules for in-bound flights and to provide actual notice of their oversales practices to people who purchase tickets in this country. Such carriers would develop their own notices to inform passengers of their practices and provide the reports required by § 250.10. Under all three options, carriers would still be required to provide the reports required by § 250.10, *Reports of unaccommodated passengers.*

(b) *Calculation of involuntary denied boarding compensation payments.* In other proceedings, several carriers have raised objections to basing the amount of the denied boarding compensation payment on the value of the flight coupons to the passenger's next stopover or final destination. The current requirement was based on the fact that passengers with connecting flights may be more severely inconvenienced by oversales than point to point travellers, if they miss their connection. The current rule strengthens an airline's incentive to solicit volunteers to order to reduce costs. The provision, however, is burdensome for carriers operating in short-haul markets with relatively few frequencies and a large proportion of interline connecting traffic. Although we believe the rule has worked well, we invite comments and the submission of specific data on whether compensation should be based only on the oversold flight.

(c) *Exceptions to eligibility for denied boarding compensation.* In EDR–400 (45 FR 30086, May 7, 1980), the Board sought comments on an exception to the oversales rule for persons accommodated on extra sections of oversold flights. We proposed to allow the exception if extra sections depart within 1 hour of the original flight, because this type of relatively short delay seemed to be a reasonable adjustment by anyone who travels by air. The same rationale may apply when bumped passengers can be accommodated at no extra charge on regularly scheduled flights that get them to their ultimate destination within an hour of their original arrival time. By this notice, we propose to add an exception to § 250.6, *Exceptions to eligibility for denied boarding compensation,* so that carriers would not be required to make payments to passengers who can be accommodated on alternate flights that are scheduled to arrive within 1 hour of the original flight. This addition would eliminate the windfall currently given to oversold passengers who are not seriously inconvenienced. We recognize, however, that this change may lower the number of volunteers since carriers would more often avoid liability for involuntary compensation.

(d) *Minimum denied boarding compensation payments.* The minimum involuntary denied boarding compensation payment set by Part 250 is currently $75, or $37.50 if alternate transportation within 2 hours (4 for foreign air transportation), is arranged. Several carriers have proposed or begun to offer low-cost service in short and medium-haul markets at fares below these amounts. As a result, there is a possibility that the net financial effect on those carriers is proportionately higher than is the effect on other carriers with comparable bumping rates. To correct this disparity, we propose to remove the minimum payments from the rule. We request comments on whether this proposed change would make the amount of compensation so small in some cases as to provide no meaningful recompense.

(e) *Exemptions from Part 250.* The Board has already adopted a liberal policy when considering exemption requests from airlines that have asked permission to experiment with alternatives to our rules. To date, however, a few carriers operating large aircraft have asked for such exemptions, and those requested have not involved substantial deviations from the substantive requirements of Part 250.

In a recent Petition for Rulemaking, (Docket 39376) which was denied in Order 81–8–98, August 17, 1981, Transamerica petitioned the Board to carve out special exceptions for low-fare carriers in Part 250. We are hesitant to treat airlines differently solely on the basis of fare level. Low-fare air service varies greatly, as do the characteristics of the markets in which the carriers operate. The availability of alternate transportation (or lack of it) will affect the potential for severely disrupted travel plans. The nature of the

alternative to involuntary denied boarding compensation is also an important consideration, since whatever is offered should be of sufficient value to adequately compensate non-volunteers. The interrelationship of an airline's other practices such as no-show or cancellation penalties is another significant factor for consideration.

We do, however, want to encourage airlines to experiment with innovative alternatives to our requirements. If we were to allow exemptions that provided for less protection than that required by Part 250, we would require carriers to remove any provisions relating to oversales and denied boarding compensation from their passenger rules tariffs. While we would not prescribe the language of actual notices to passengers, carriers would be expected to convey adequate information to passengers about their oversales practices, their boarding priority and what, if any, compensation oversold passengers would receive.

We solicit comments on the need for a liberal exemption policy, considering the large degree of flexibility airlines already have to minimize their denied boarding compensation payments. Since the rules only apply to "confirmed" reservations, any tickets that a carrier wants to sell on a conditional or some other non-reserved basis are no subject to Part 250 at all. Additionally, carrier scan reduce the costs of overbooking with effective volunteer solicitation.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, Pub. L. 96–354, the Board certifies that none of these proposed changes will, if adopted as proposed, have a significant economic impact on a substantial number of small entities. Board rules governing oversales and denied boarding compensation only include operations with large aircraft, which are the only operations that would be covered under any of the proposed options.

PART 250—OVERSALES

Accordingly, the Civil Aeronautics Board proposes to adopt one of the following two alternative options concerning 14 CFR Part 250, *Oversales*.

Option 1

Part 250, *Oversales*, would be removed. The Board would, by show cause order, cancel all tariff rules relating to overbooking and oversales. The Board specifically requests comments on an effective date, and whether the rule should be removed outright or suspended for a stated period with automatic revocation if the Board takes no further action. In addition, the Board request comments on whether the reporting requirements found in § 250.10, *Reports of unaccommodated passenger*, should be retained; and if so, in what form and for what period of time.

Option 2

1. Paragraph (b) of § 250.2, *Applicability*, would be amended as follows:

§ 250.2 Applicability.

* * * * *

(b) The requirements of this part other than §§ 250.10, 250.11, and 250.12 do not apply on a mandatory basis to flights from a foreign country to the United States. For those flights, only §§ 250.10, 250.11, and 250.12 are mandatory unless that carrier or foreign air carrier obtains an exemption according to the provisions set forth in §250.13.

2. Section 250.5 would be amended to remove the clauses describing the minimum level of compensation, so that it would read as follows:

§ 250.5 Amount of denied boarding compensation for passengers denied boarding involuntarily.

A carrier, as defined in §250.1, shall pay compensation to all passengers denied boarding involuntarily from its oversold flights at the rate of 200 percent of the value of the passenger's remaining flight coupons up to the passenger's next stopover, or if none, to the passenger's destination, with a $400 maximum. However, the compensation shall be one-half the amount described above, with a $200 maximum, if the carrier arranges for comparable air transportation, or other transportation, used by the passenger that, at the time either such arrangement is made, is scheduled to arrive at the airport of the passenger's next stopover or if none, at the airport of the passenger's destination, not later than 2 hours after the time the direct or connecting flight on which confirmed space is held is planned to arrive in the case of interstate and overseas air transportation, or 4 hours after such time in the case of foreign air transportation.

3. Section 250.6 would be amended by adding paragraph (d) as follows:

§250.6 Exceptions to eligibility for denied boarding compensation.

A passenger denied boarding involuntarily from an oversold flight shall not be eligible for denied boarding compensation if:

* * * * *

(d) The carrier arranges alternate air transportation at no extra cost to the passenger, or other transportation, used by the passenger that, at the time such arrangements are made, is scheduled to arrive at the passenger's next stopover or, if none, final destination within 1 hour after the scheduled arrival time of the passenger's original flight or flights.

4. The third and fourth portions of the written explanation that carriers must provide oversold passengers under §250.9 would be amended as follows:

§ 250.9 Written explanation of denied boarding compensation and boarding priorities.

* * * * *

Compensation for Denied Boarding

If you have been denied a reserved seat on (name of air carrier), you are probably entitled to monetary compensation. This notice explains the airline's obligations and the passenger's rights in the case of an oversold flight, in accordance with regulations of the U.S. Civil Aeronautics Board.

Volunteers and Boarding Priorities

If a flight is oversold (more passengers hold confirmed reservations than there are seats available), no one may be denied boarding against his or her will until airline personnel first ask for volunteers who will give up their reservation willingly, in exchange for a payment of the airline's choosing. If there are not enough volunteers, other passengers may be denied boarding involuntarily in accordance with the following boarding priority of (name of air carrier): (In this space carrier inserts its boarding priority rules or a summary thereof, in a manner to be understandable to the average passenger.)

Compensation for Involuntary Denied Boarding

If you are denied boarding involuntarily, you are entitled to a payment of "denied boarding compensation" from the airline unless: (1) You have not fully complied with the airline's ticketing, check-in, and reconfirmation requirements, or you are not acceptable for transportation under the airline's usual rules and practices, or (2) you are denied boarding because the flight is canceled; or (3) you are denied boarding because of government requisition of space or because a smaller capacity aircraft was substituted for safety or operational reasons; or (4) you are offered accommodations in a section of the aircraft other than that specified in your ticket, at no extra charge, (a

passenger seated in a section for which a lower fare is charged must be given an appropriate refund); or (5) the airline is able to provide another flight or flights that are scheduled to reach your destination within one hour of your original flight.

Amount of Denied Boarding Compensation

Passengers who are eligible for denied boarding compensation must be offered a payment equal to the sum of the face values of their ticket coupons, with a $200 maximum. However, if the airline cannot arrange "alternate transportation" (see below) for the passenger, the compensation is doubled. The 'value' of a ticket coupon is the one-way fare for the flight shown on the coupon including any surcharge and air transportation tax, minus any applicable discount. All flight coupons including connecting flights, to the passenger's destination or first 4-hour stopover are used to compute the compensation.

"Alternate transportation" is air transportation (by an airline licensed by the C.A.B.) or other transportation used by the passenger which, at the time the arrangement is made, is planned to arrive at the passenger's next scheduled stopover (of 4 hours or longer) or destination no later than 2 hours (for flights within U.S. points, including territories and possessions) or 4 hours (for international flights) after the passenger's originally scheduled arrival time.

Method of Payment

The airline must give each passenger who qualified for denied boarding compensation, a payment by check or draft for the amount specified above, on the day and place the involuntary denied boarding occurs. However, if the airline arranges alternate transportation for the passenger's convenience that departs before the payment can be made, the payment will be sent to the passenger within 24 hours.

Passenger's Options

Acceptance of the compensation may relieve (name of air carrier) from any further liability to the passenger caused by its failure to honor the confirmed reservation. However, the passenger may decline the payment and seek to recover damages in a court of law or in some other manner

5. Section 250.12 would be amended by removing the word "foreign" from the title and by revising paragraph (a), to read as follows:

§ 250.12 Disclosure by air carriers on inbound flights.

(a) Any air carrier engaged in foreign air transportation that does not have on file with the Board tariffs conforming with §§ 250.3 and 250.4 of this part for inbound traffic to the United States shall include the following statement at the end of the notices required by paragraphs (a) and (b) of § 250.11:

Although some airlines do not apply these consumer protections to travel from some foreign countries, other consumer protections may be available. Check with your airline or travel agent.

* * * * *

6. The title of § 250.12 would be amended by removing the phrase "by foreign air carriers," so that it would read, *Disclosure on inbound flights.*

7. A new § 250.13, which would allow for exemptions from Part 250, would be added as follows:

§ 250.13 Exemptions from this part.

(a) Any carrier that wishes to obtain an exemption from this part to experiment with alternative practices for compensating oversold passengers shall file a petition with the Board's Bureau of Domestic Aviation;

(b) Any U.S. or foreign air carrier, as a condition for obtaining such an exemption, shall remove from its passenger rules tariffs all provisions relating to its overbooking and oversales practices and provide actual notice to passengers of such practice;

(c) The granting of an exemption to this part in no way implies Board approval of the reasonableness of the exempt carrier's alternate practices or the adequacy of notice provided to passengers.

(Secs. 204, 401, 402, 403, 404, 407, 411, 416, 1002 of Publ. L. 85-726, as amended, 72 Stat. 743, 754, 757, 758, 760, 766, 769, 771, 788; 49 U.S.C. 1324, 1371, 1372, 1373, 1374, 1377, 1381, 1386, 1482)

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-36014 Filed 12-22-81; 8:45 am]

BILLING CODE 6320-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 239 and 274

[Release Nos. 33-6367, 34-18338, IC-12108; File No. S7-854]

Withdrawal of Proposed Amendments of Investment Company Report Forms

AGENCY: Securities and Exchange Commission.

ACTION: Withdrawal of proposals.

SUMMARY: The Commission is withdrawing two proposed form amendments concerning the annual reporting by management investment companies of portfolio transactions. Under the proposed amendments, reporting companies would have included in their annual updating amendments to their registration statements a table of portfolio information virtually identical to the table heretofore required by Item 1 of Form N-1Q.

DATE: Effective December 16, 1981.

FOR FURTHER INFORMATION CONTACT: Anthony A. Vertuno, Esq. (202) 272-2107, or Jane A. Kanter, Esq. (202) 272-2033, Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: On November 25, 1980, the Commission published for comment revisions to Form N-1Q [17 CFR 274.106] and amendments to Forms N-1 [CFR 239.15, 17 CFR 274.11] and N-2 [17 CFR 239.14, 17 CFR 274.11a-1].[1]

In conjunction with its proposal to eliminate Item 1 from Form N-1Q, the Commission had proposed to amend Form N-1, which is used by open-end management investment companies to update their registration statements under the Investment Company Act of 1940 [15 U.S.C. 80a-1-80a-64], and Form N-2, which is used by closed-end management investment companies for the same purpose. Under the proposed amendments, reporting companies would have included in Part II of their annual updating amendments to their registration statements a table of portfolio information virtually identical to the table heretofore required by Item 1 of Form N-1Q. Reporting companies would have been required to show in a tabular format: (a) The number of shares (or other units) of equity securities or principal amount of debt securities acquired or disposed of for their portfolios during the preceding fiscal year; (b) their holdings of such securities and cash at the end of the fiscal year; and (c) their holdings of all other securities as of the end of the fiscal year.

The Commission has determined to withdraw these proposed form amendments for the reasons stated in Release No. 33-6366 (December 16, 1981) published under Rules and Regulations in this issue.

1 Securities Act Release No. 6263 (November 17, 1980) [45 CFR 78158 (November 25, 1980)].

By the Commission.
George A. Fitzsimmons,
Secretary.
December 16, 1981.
[FR Doc. 81-36487 Filed 12-22-81; 8:45 am]
BILLING CODE 7020-01-M

INTERNATIONAL TRADE COMMISSION

19 CFR Part 210

Procedures for Initial Determination and Discretionary Review, Investigations of Unfair Practices in Import Trade

AGENCY: International Trade Commission.
ACTION: Notice of proposed rulemaking.

SUMMARY: The proposed rules would amend Part 210 of the Commission's rules of practice and procedure governing investigations under section 337, which covers investigations of unfair practices in import trade, of the Tariff Act of 1930 (19 U.S.C. 1337). The effect of the amended rules would be to provide procedures in section 337 investigations for an initial determination by the presiding officer regarding violation of section 337 and discretionary review of the initial determination by the Commission. This would alter current Commission practice, which requires the presiding officer to file a recommended determination that is reviewed by the Commission before it issues a final determination.

DATES: Comments will be considered if received on or before February 8, 1982.
ADDRESS: Comments should conform with Commission rule § 201.8 (19 CFR 201.8) and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, Washington, D.C. 20436.

FOR FURTHER INFORMATION CONTACT: Michael P. Mabile, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C., telephone 202–523–1625.

SUPPLEMENTARY INFORMATION: Authority for the proposed rulemaking is contained in 19 U.S.C. 1335, which authorizes the Commission to adopt such reasonable procedures and rules and regulations as it deems necessary to carry out its functions and duties, including those exercised under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Authority is also derived from the Administrative Procedure Act (5 U.S.C. 551, et seq.), which authorizes the adoption of certain procedures in an adjudicative proceeding when an agency does not preside over the hearing at which the evidenced is received. Under 5 U.S.C. 557, the agency may require the presiding officer to make an initial decision that becomes the decision of the agency without further proceedings unless the decision is appealed to, or reveiwed by, the agency. Alternatively, the agency may require that the entire record be certified to it for decision with a recommended decision by the presiding officer.

The purpose of these proposed amendments to the Commission's rules is to adopt an initial determination procedure, with discretionary Commission review, in section 337 investigations. Present Commission practice calls for the presiding officer to issue a recommended determination which is subject to full Commission review with regard to every issue arising in the investigation, regardless of its significance or potential impact upon Commission policies. It is believed that the proposed rules changes would permit the Commission to make better use of its time and resources by allowing it to focus its attention on the most substantial issues coming before it in unfair import trade practice investigations, and also would diminish the amount of time required for adjudication of less complex investigations.

Explanation of Proposed Rules

§ 210.21 The response.

Section 210.21 is amended to conform its provisions with the proposed initial determination procedure by changing "recommended determination" to read "initial determination."

§ 210.22 Amendments to pleading and notice of investigation.

The first sentence of paragraph (a) is amended to conform it to the procedures set forth in proposed § 210.53(c), under which the presiding officer is to grant a motion by filing an initial determination or deny the motion by issuing an order directing denial.

§ 210.36 Failure to make discovery; sanctions.

Paragraph (b)(5) is amended to conform its provisions with the proposed initial determination procedure by changing "recommended" to read "by initial determination" and "recommended determination" to read "initial determination."

§ 210.43 Record.

Paragraph (c) is amended to conform its provisions with the proposed initial determination procedure by changing "a recommended determination" to read "an initial determination."

§ 210.50 Summary determinations.

The second of paragraph (f) is amended to conform its provisions with the proposed initial determination procedure by changing "a recommended determination" to read "an initial determination."

§ 210.51 Termination of investigation.

The revisions of § 210.51 are technical in nature, designed to conform the section with the proposed initial determination procedure. In the final sentences of paragraph (c)(2), (d), and (e), the reference to "§ 210.55" is changed to read "§ 210.56(c)" to reflect that the rule governing Commission determinations is found in § 210.56(c) under the proposed rules. Paragraph (e) is also revised by changing "a recommended determination" to read "an initial determination."

§ 210.53 Initial Determination.

(Present §§ 210.53 through 210.55 are replaced by proposed §§ 210.53 through 210.56, and present §§ 210.56 through 210.58 are redesignated §§ 210.57 through 210.59).

Paragraph (a) and (b) are drafted to remove all intermediary deadlines to which the presiding officer is presently subject in the conduct of a hearing and the rendering of a determination in a section 337 investigation. The amended language makes reference only to a final deadline for filing an initial determination and removes all reference to hearing deadlines and the amount of time allowed for the drafting and filing of such a determination. This would allow the presiding officer to conduct the hearing according to a schedule appropriate to the nature and complexity of the investigation, while retaining a final deadline to insure timely conclusion of the investigation. The time periods stated are applicable to hearings on the violation phase of an investigation only. They do not take into account any additional time that may be necessary for the creation of a record on the public interest factors enumerated in 19 U.S.C. 1337(d), (e), and (f), and in 19 CFR 210.14(a)(2) in the event the presiding officer is ordered by the Commission to take evidence and hear argument on those matters.

Paragraph (c) provides for use of the initial determination procedure with respect to certain interlocutory motions that significantly affect the conduct of the investigation. It is intended to shorten the time required for resolution of these motions. The four motions

concerned are those under the current rules that require a recommended determination from the presiding officer. Proposed paragraph (c) also follows current practice with the exception of practice pertaining to motions for amendment of the complaint or notice), which provides that the presiding officer shall grant a motion by filing a recommended determination or deny the motion by issuing an order which is not certified to the Commission for further action.

Proposed paragraph (d) defines the contents of an initial determination more generally than do the current rules. The intent is to give the presiding officer the option of discussing the findings of fact and conclusions of law in a general manner throughout a written opinion. Section 210.53(b) of the present rules requires the recommended determination to set out in separate sections specific findings of fact and conclusions of law; these findings and conclusions usually must be repeated in the discussion of the written opinion. The proposed rule introduces flexibility in the format of an initial determination. The presiding officer may, depending on the complexity of the issues involved, either discuss the material facts in the body of an opinion or use the format presently required. The rule's description of contents is designed to encompass either broad treatment for initial determinations issued following the close of the hearing or narrow treatment for initial determinations on motions under proposed § 210.53(c). This section additionally provides for notice to the parties of the effect of the initial determination in the event it is not reviewed by the Commission.

Paragraph (e) is similar to current § 210.53(c), but alters the existing provision by requiring an initial determination from the presiding officer who presided over "the investigation" rather than "the hearing." This language change is intended to clarify that the presiding officer is required to render an initial determination on motions ruled upon without hearings as well as motions and determinations based on hearings. This subsection, like its counterpart in the current rules, is patterned after the provision of the Administrative Procedure Act in 5 U.S.C. 554(d).

Paragraph (f), with a minor change, tracks § 210.53(d) of the rules now in effect.

Proposed paragraph (g) is the heart of the initial determination procedure. Under it, the initial determination would become the determination of the Commission after the passage of a certain period of time if the Commission does not order a review on the petition of a party or on its own motion. The time period of thirty days in paragraph (g)(i) before an initial determination can become the determination of the Commission allows for the expedited conclusion of an investigation when there are no objections to the initial determination. It also provides adequate opportunity for the Commission to review an initial determination and decide whether to initiate review on its own motion or to grant a petition for review. The ten-day period allowed for filing a petition for review is the same as that provided under the present rules for the filing of exceptions to a recommended determination.

Paragraph (g)(2) provides fifteen days before an initial determination would become the Commission's determination with respect to rulings on requests for temporary relief and the four types of motions mentioned in paragraph (c). The fifteen-day period is intended to reflect the need for prompt resolution of the issues involved, while allowing adequate time for consideration and responsive action by the parties and the Commission.

Paragraph (h) provides for notice to the parties in the event that an initial determination becomes the determination of the Commission.

§ 210.54 Petition for review.

Paragraph (a) of proposed section 210.54 grants "any party to an investigation" the right to request review of an initial determination. As written, it does not exclude parties who are in default or otherwise did not participate in the evidentiary hearing. This extensive grant of authority to request review may be limited in the rule concerning default, Commission Rule 210.21(d), 19 CFR 210.21(d), in which default is deemed to constitute a waiver of a party's right to appear. Otherwise, the provision is consistent with the broad authority for seeking judicial review granted by 19 U.S.C. 1337(c), which extends to "[a]ny person adversely affected by a final determination."

Paragraphs (2) and (4) not only set forth portions of what the petition for review shall contain, but also establish standards for review. In addition to the other standards for review enumerated, paragraph (2) allows review when an initial determination on an issue is rendered without the benefit of controlling precedent or rule. This gives the Commission an express procedural vehicle for establishing policy in those areas not addressed or resolved in prior Commission determinations.

Paragraph (a) provides for waiver or abandonment of any issues not sought for review in the petition. The intent of this provision is to give final effect to all unreviewed portions of the initial determination. Paragraph (a) also establishes time limits for filing responses to the petition. No limitations on the contents of the response to the petition are set forth, as they are for the petition. The rule provides that any party, and not just those parties opposed to the petition for review, may file a response to the petition.

Paragraph (b) establishes a time limit of thirty days within which the Commission is to decide whether to grant review of an initial determination on the petition of a party. It is the same amount of time allowed the Commission by proposed rule § 210.55 for deciding whether to grant review on its own motion. This provision permits the Commission the option of requiring oral argument and written submissions with respect to the petition for review, if necessary.

Proposed paragraph (b) allows the Commission to grant a petition for review on the vote of at least one of the Commissioners participating in the vote. Should the Commission grant review, under this rule it shall issue an order establishing the issues to be reviewed and specifying provisions for briefs and oral argument, along with a notice to the parties that further action respecting the initial determination is being taken.

§ 210.55 Commission review on its own motion.

Proposed § 210.55 provides for Commission review *sua sponte* of an initial determination. The number of Commissioners' votes required for review of an initial determination on the Commission's own initiative is the same as that for granting a petition for review under proposed § 210.54(b). As in § 210.54(b), provision is made for an order establishing the issues to be reviewed and a notice to the parties of the Commission's action.

§ 210.56 Review by Commission.

Paragraph (a) leaves to Commission discretion the size, nature and timing of briefs on issues granted review, since the number and complexity of issues brought before the Commission will vary from case to case. The Commission has the option of requiring oral argument, if deemed appropriate.

Proposed paragraph (b) limits review to those issues specifically granted review by the Commission, and complements the third paragraph of

proposed § 210.54(a) concerning abandonment of issues.

Proposed paragraph (c) enumerates the actions the Commission may take upon review of an initial determination.

§ 210.60 Interlocutory appeals.

The first sentence of § 210.60 is revised to conform its provisions with the proposed initial determination procedure by changing "recommended determination" to read "initial determination."

PART 210—ADJUDICATION PROCEDURES

19 CFR Part 210 is proposed to be amended as set forth below.

1. In § 210.21, paragraph (d) is revised to read as follows:

§ 210.21 The response.

* * * * *

(d) *Default.* Failure of a respondent to file a response within the time provided for in paragraph (a) of this section may be deemed to constitute a waiver of its right to appear and contest the allegations of the complaint and of the notice of investigation, and to authorize the presiding officer, without further notice to that respondent, to find the facts to be as alleged in the complaint and notice of investigation and to enter an initial determination (or a determination if the Commission is the presiding officer) containing such findings.

2. In § 210.22, paragraph (a) is revised to read as follows:

§ 210.22 Amendments to pleadings and notice of investigation.

(a) *By leave.* If and whenever disposition of the issues in an investigation on the merits will be facilitated, the presiding officer, upon such conditions as are necessary to avoid prejudicing the public interest and the rights of the parties to an investigation, may allow appropriate amendments to pleadings: Provided, however, that a motion for amendment of a compliant after the institution of an investigation shall be made to the presiding officer, who shall grant the motion by filing with the Commission an initial determination, or shall deny the motion issuing an order directing denial; the motion shall be decided according to the standards of § 210.20(d) of this part. A motion for amendment of a notice of investigation shall be dealt with as provided for with respect to motions for amendment of a complaint.

* * * * *

3. In § 210.36, paragraph (b)(5) is revised to read as follows:

§ 210.36 Failure to make discovery; sanctions.

* * * * *

(b) * * *

(5) Rule that a motion or other submission by the party concerning the order or subpoena issued be stricken or rule (by initial determination where the presiding officer is not the Commission) that a determination in the investigation be rendered against the party, or both. Any such action may be taken by written or oral order issued in the course of the investigation or by inclusion in the initial determination of the presiding officer when the presiding officer is not the Commission. It shall be the duty of the parties to seek, and that of the presiding officer to grant, such of the foregoing means of relief or other appropriate relief as may be sufficient to compensate for the lack of withheld testimony, documents, or other evidence. If in the presiding officer's opinion such relief would not be sufficient, the presiding officer shall certify to the Commission a request that court enforcement of the subpoena or other discovery order be sought.

4. In § 210.43, paragraph (c) is revised to read as follows:

§ 210.43 Record.

* * * * *

(c) *Certification of record.* The record shall be certified to the Commission by the presiding officer upon his filing of a initial determination or at such earlier time as the Commission may order.

5. In § 210.50, paragraph (f) is revised to read as follows:

§ 210.50 Summary determinations.

* * * * *

(f) *Order of summary determination.* An order of summary determination shall constitute a determination of the Commission under § 210.56(c) of this part when the Commission is the presiding officer. An order of summary determination shall constitute an initial determination of the presiding officer under § 210.53 of this part when the presiding officer is not the Commission.

6. In § 210.51, paragraphs (c)(2), (d) and (e) are revised to read as follows:

§ 210.51 Termination of investigation.

* * * * *

(c) * * *

(2) The motion, licensing or other agreement and any agreements supplemental thereto, and affidavit shall be certified by the presiding officer to the Commission with a recommendation. The Commission shall promptly publish notice of such motion along with a nonconfidential summary of the licensing or other agreement in the **Federal Register** and, unless otherwise ordered, for a period of thirty (30) days thereafter receive and consider any comments that maybe filed by interested persons concerning the agreement. An order of termination based upon such licensing or other agreement shall not constitute a determination of the Commission under § 210.56(c).

(d) *Consent order settlement.* An investigation before the Commission may be terminated as provided in paragraph (a) of this section on the basis of a consent order settlement under §211.20(b). An order of termination based upon such a settlement shall not constitute a determination of the Commission under § 210.56(c).

(e) *Effect of termination.* Except as provided in paragraphs (c) and (d) of this section, an order of termination issued by the Commission shall constitute a determination of the Commission under § 210.56(c), and an order of termination issued by the presiding officer (when not the Commission) shall constitute an initial determination of the presiding officer under § 210.53.

7. Sections 210.53, 210.54, and 210.55 are revised to read as follows:

§ 210.53 Initial determination.

(a) *On issues concerning permanent relief.* Following a hearing for the taking of evidence and hearing of arguments and within nine months, or within fourteen months in a more complicated case, of the date of publication in the **Federal Register** of the notice instituting the investigation, the presiding officer shall certify the record to the Commission and shall file with the Commission an initial determination as to whether there is a violation of section 337 of the Tariff Act of 1930.

(b) *On issues concerning temporary relief.* Following a hearing for the taking of evidence and hearing of arguments and within four months of the date of publication in the **Federal Register** of the notice instituting the investigation, the presiding officer shall certify the record to the Commission and shall file with the Commission an initial determination as to whether there is reason to believe there is a violation of section 337 of the Tariff Act of 1930.

(c) *On motions for summary determination, termination, finding of default, or amendment to complaint or notice.* Following the filing of a motion for summary determination pursuant to § 210.50, motion for termination pursuant to § 210.51, motion for a finding of default pursuant to §§ 210.21(d) and § 210.51(b), or motion to amend the

complaint or notice of investigation pursuant to § 210.22(a), the presiding officer shall grant such motions by filing with the Commission an initial determination, or shall deny such motions by issuing an order directing denial.

(d) *Contents.* The initial determination shall include: an opinion stating findings (with specific page references to principal supporting items of evidence in the record) and conclusions and the reasons or bases therefor necessary for the disposition of all material issues of fact, law or discretion presented in the record; and a statement that pursuant to § 210.53(g) of these rules the initial determination shall become the determination of the Commission unless a party files a petition for review of the initial determination pursuant to § 210.54 of these rules, or the Commission pursuant to § 210.55 of these rules orders on its own motion a review of the initial determination or certain issues therein.

(e) *Initial determination made by the presiding officer.* The initial determination shall be made and filed by the presiding officer who presided over the investigation, except when that person is unavailable to the Commission.

(f) *Reopening of proceedings by the presiding officer.* At any time prior to the filing of the initial determination, the presiding officer may reopen the proceedings for the reception of additional evidence.

(g) *Effect.* (1) An initial determination filed pursuant to § 210.53(a) shall become the determination of the Commission thirty (30) days after the service thereof, except:

(i) The initial determination shall not become the determination of the Commission if any party shall have filed a petition for review of the initial determination within ten (10) days after the service thereof pursuant to § 210.54; or

(ii) The initial determination shall not become the determination of the Commission if within thirty (30) days after the date of filing of the initial determination the Commission shall have ordered review of the initial determination or certain issues therein pursuant to § 210.55, or by order shall have changed the effective date of the initial determination.

(2) An initial determination filed pursuant to § 210.53 (b) or (c) shall become the determination of the Commission fifteen (15) days after the service thereof, except:

(i) The initial determination shall not become the determination of the Commission if any party shall have filed a petition for review of the initial determination within five (5) days after the service thereof pursuant to § 210.54(a); or

(ii) The initial determination shall not become the determination of the Commission if within fifteen (15) days after the date of filing of the initial determination the Commission shall have ordered review of the initial determination or certain issues therein pursuant to § 210.55, or by order shall have changed the effective date of the initial determination.

(h) *Notice of determination.* In the event an initial determination becomes the determination of the Commission, the parties shall be notified thereof by the Secretary. The notice shall also state that the time for filing a petition for review of the initial determination has expired and that the Commission has decided not to review the initial determination on its own motion.

§ 210.54 Petition for review.

(a) *The petition and responses.* (1) Any party to an investigation may request a review by the Commission of an initial determination by filing with the Secretary a petition for review pursuant to § 210.53(g)(1)(i) or § 210.53(g)(2)(i). A petition for review shall:

(i) identify the party seeking review;

(ii) specify the issues presented for review regarding a finding or conclusion of material fact which is clearly erroneous, a legal conclusion which is erroneous or without governing precedent, rule or law, an abuse of discretion, or a decision affecting Commission policy;

(iii) set forth a concise statement of the facts material to the consideration of the stated issues; and

(iv) present a concise argument setting forth the reasons why review by the Commission is necessary or appropriate to resolve an important issue of fact, law or policy.

(2) Any issue not raised in the petition for review filed pursuant to this rule will be deemed to have been abandoned and may be disregarded by the Commission in reviewing an initial determination.

(3) Any party may file a response to the petition for review within five (5) days after service of the petition.

(b) *Grant or denial of review.* (1) The Commission shall decide whether to grant in whole or in part, a petition for review filed pursuant to § 210.53(g)(1)(i) within thirty (30) days of the filing of the initial determination, or a petition for review filed pursuant to § 210.53(g)(2)(i) within fifteen (15) days of the filing of the initial determination, or by such other time as the Commission may order.

(2) The Commission shall decide whether to grant a petition for review, based upon the petition and response thereto, without oral argument or further written submissions unless the Commission shall order otherwise.

(3) The Commission shall grant a petition for review and order review of an initial determination or certain issues therein when at least one of the participating Commissioners votes for ordering review. In its order, the Commission shall establish the scope of the review and the issues that will be considered and make provisions for filing of briefs and oral argument if deemed appropriate by the Commission. The order and notice that the Commission has granted the petition for review shall be served on all parties by the Secretary.

§ 210.55 Commission review on its own motion.

Within the time provided in § 210.53(g)(1)(ii) or § 210.53(g)(2)(ii), the Commission on its own initiative may order review of an initial determination or certain issues therein when at least one of the participating Commissioners votes for ordering review. In its order, the Commission shall establish the scope of the review and the issues that will be considered and make provisions for filing of briefs and oral argument if deemed appropriate by the Commission. The order and notice that the Commission has directed review on its own initiative shall be served on all parties by the Secretary.

§§ 210.56, 210.57 and 210.58 [Redesignated as §§ 210.57, 210.58 and 210.59].

8. Present §§ 210.56, 210.57, and 210.58 are redesignated §§ 210.57, 210.58, and 210.59, respectively.

9. A new § 210.56 is added to read as follows:

§ 210.56 Review by Commission.

(a) *Briefs and Oral Argument.* In the event the Commission orders review of an initial determination the parties may file review briefs concerning the issues on review at a time, and of a size and nature set forth in the order granting the petition for review. The parties within the time provided for filing the review briefs may submit a written request for a hearing to present oral argument before the Commission, which the Commission in its discretion may grant or deny.

(b) *Scope of review.* Only the issues set forth in the order granting review, and all subsidiary issues therein, will be considered by the Commission.

(c) *Determination on review.* On review the Commission may affirm, reverse, modify, set aside or remand for further proceedings, in whole or in part, the initial determination of the administrative law judge and make any findings or conclusions which in its judgment are proper based on the record in the proceeding.

10. In § 210.57 (formerly § 210.56), as redesignated, paragraph (a) is revised to read as follows:

§ 210.57 Implementation of Commission action.

(a) *Service of Commission determination upon the parties.* A Commission determination pursuant to § 210.56(c) or a termination on the basis of a licensing or other agreement or consent settlement pursuant to §§ 210.51 (c) and (d), respectively, shall be served upon each party to the investigation.

* * * * *

11. The introductory text of § 210.60 is revised to read as follows:

§ 210.60 Interlocutory appeals.

Rulings by the presiding officer on motions may not be appealed to the Commission prior to the presiding officer's issuance of his initial determination except in the following circumstances:

* * * * *

By order of the Commission.

Issued: December 15, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-36874 Filed 12-22-81; 8:45 am]

BILLING CODE 7020-02-M

VETERANS ADMINISTRATION

38 CFR Part 1

Demand for Repayment, Offset, Refund, Committee on Waivers and Compromises Authority

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: The Veterans Administration proposes to change the procedures it uses to collect debts owed to it by beneficiaries of VA programs. These changes are necessary to comply with recent court decisions and laws which afford greater procedural protections to these beneficiaries. Some of these changes have already been implemented in order to afford beneficiaries an opportunity to exercise their legal rights. These regulations will principally affect the manner and timing of recoupment of an overpayment from other VA benefits. In addition, the procedures for considering a request for waiver of an indebtedness are revised to comply with recent court decisions which require that an agency afford a beneficiary the right to request an oral hearing on their waiver request.

DATE: Comments must be received on or before January 25, 1982. It is proposed to make these regulations effective upon final approval.

ADDRESS: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. Comments will be available for inspection at the above address only between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays) until February 8, 1982. Any person visiting Central Office for the purpose of inspecting such comments will be received by the Central Office Veterans Service Unit in room 132. Such visitors to any field station will be informed that records are available for inspection only in Central Office and furnished the above address and room number.

FOR FURTHER INFORMATION CONTACT: Peter T. Mulhern, (202) 389-3405.

SUPPLEMENTARY INFORMATION: Califano v. Yamasaki, 442 U.S. 682 (1979) and Pub. L. 96-466 "Veterans Rehabilitation and Education Amendments of 1980" require that benefit overpayments cannot be recouped from current or future benefit payments unless the debtor is first notified of the indebtedness and also of certain waiver, hearing, and appellate rights. In addition, recoupment cannot be initiated until after a decision is reached on either a waiver request or dispute concerning the indebtedness filed within a specified period of time after the initial notification of such rights. Recoupment from other VA benefit payments of a loan indebtedness arising from participation in the loan guaranty program is now permitted without the debtor's written consent.

In the event that recoupment is made either prior to a request for waiver or prior to a decision on a request for waiver, new Veterans Administration policy requires that the entire amount of the overpayment be considered for waiver and refunded in full if waiver is granted.

As the result of increased handling time and rising administrative costs, single signature waiver authority is now granted for debts of $1,000 or less, exclusive of interest. Such authority had previously been extended only to debts of $500 or less, exclusive of interest.

The Administrator hereby certifies that these proposed rules will not, if promulgated, have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-602. Pursuant to 5 U.S.C. 605(b), these proposed rules are therefore exempt from the initial and final regulatory flexibility analyses requirements of Sections 603 and 604. The reason for this certification is that the proposed rules affect only those individuals indebted to the U.S. Government as a result of participation in Veterans Administration benefit payment programs. These proposed rules have also been reviewed under E.O. 12291 and have been determined to be nonmajor because they only revise Veterans Administration debt collection, refund, and waiver procedures and do not have any adverse economic impact on or increase costs to consumers, individual industries, Federal, State and local government agencies, or geographic regions. There is no Federal Catalog of Domestic Assistance Number.

Approved: December 4, 1981.

Robert P. Nimmo,

Administrator.

PART 1—GENERAL PROVISIONS

38 CFR Part 1 is amended as follows:

1. Section 1.911 is revised to read as follows:

§ 1.911 Demand for repayment.

(a) The Veterans administration shall make written demands for the payment of all debts which arise from its activities in terms which inform the debtor of the consequences of the failure to cooperate with collection efforts. The Veterans Administration shall normally make three written demands for repayment at not more than thirty day intervals. The initial demand letter shall be issued as soon as possible after the decision which causes the indebtedness. The third letter of demand for repayment shall normally be the agency's final demand for such repayment. Three demand letters will not be necessary if—

(1) The Administrator determines that further demand will be futile;

(2) The debtor has responded to a previous demand letter and indicated that he/she will not repay the indebtedness; or

(3) Prompt suit/attachment is indicated to protect the interest of the government.

(b) The initial notice of indebtedness shall—

(1) State the exact amount of the indebtedness;

(2) State the reasons for the establishment of the indebtedness;

(3) State that the debtor has the right to appeal the decision which causes the indebtedness or its amount;

(4) State that the debtor has the right to request a waiver of the collection of the indebtedness;

(5) State that the debtor has the right to request an oral hearing in conjunction with the waiver issue which would be held prior to a waiver determination;

(6) State the statutory time limit in which to request a waiver;

(7) State that offset from current or future awards will be initiated unless the debtor, within thirty days of the date of this notice of indebtedness, disputes the creation of the indebtedness or its amount or requests a waiver and/or a hearing in conjunction with such waiver request;

(8) State that if a dispute or a request for waiver is filed within thirty days, the time limit set forth in paragraph (b)(7) of this section, offset will not be initiated until a determination is rendered on the dispute or request for waiver, except in the circumstances specified in § 1.912(c);

(9) State that failure to repay the debt, in full, within thirty days of the initial notice of the indebtedness will result in the charging of interest or administrative costs or both by the Veterans Administration.

(c) Further explanation may be found for—

(1) Notification of appellate rights in § 19.109;

(2) Notification of any decision affecting the payment of benefits or granting relief in § 3.103(e);

(3) Right to appeal a waiver decision in § 1.958; and

(4) Repayment to a successful waiver applicant of money already withheld in § 1.967.

(d) Notification shall be considered sufficient when effected by ordinary mail, addressed to the last known address, and such notice is not returned as undeliverable by postal authorities.

(e) An individual may informally dispute the accuracy of an indebtedness or request additional information regarding it without filing an appeal in accordance with § 19.109. The Veterans Administration shall review the decision which is the basis of the dispute and either affirm or revise such decision. (38 U.S.C. 3102, 3114)

2. Section 1.912 is revised to read as follows:

§ 1.912 Collection by offset.

(a) The Veterans Administration shall initiate collection by offset against current or future benefit payments when an indebtedness is of record as a result of a payee's participation in a benefit program administered by the Veterans Administration.

(b) Offset shall not be initiated in accordance with paragraph (a) of this section unless the debtor is—

(1) Notified of the proposed offset;

(2) Notified of the right to dispute the existence or amount of the indebtedness in accordance with § 19.109;

(3) Notified of the right to request a waiver of collection of the indebtedness and a hearing in conjunction with the waiver request in accordance with §§ 1.955–1.970;

(4) Notified that if a dispute concerning the indebtedness or its amount or a waiver request and a hearing in conjunction with the waiver is received within thirty days of the notification of such rights, offset shall not be initiated until an initial station decision has been reached upon the dispute of the indebtedness or waiver request.

(c) Offset may be initiated prior to a decision described in paragraph (b)(4) of this section where recovery of the overpayment is jeopardized by delaying offset beyond the termination of a debtor's running award status. However, every effort should be made to reach an initial station decision on such dispute or waiver request prior to the termination of a running award status.

(d) If the Veterans Administration obtains a judgement against the debtor as the result of an indebtedness owed the Veterans Administration, the amount of such indebtedness shall be immediately offset from current or future benefit payments without providing the notice set forth in paragraph (b) of this section. However, a waiver request received within the statutory two year time limit will be considered even if received after a judgement has been obtained, and all amounts of the indebtedness that have been recouped will be refunded in event that waiver is granted.

(e) Collection by offset from persons receiving Veterans Administration pay or compensation for services rendered shall be effected over a period not greater than the period during which such pay or compensation is to be received. (See 5 U.S.C. 5514) Appropriate use should be made of the cooperative efforts of other agencies in effecting collection by offset, including utilization of the Army Holdup list. (38 U.S.C. 3114, ch. 37)

§ 1.916 [Amended]

3. Section 1.916 is revised by changing the word "his" to the words "his/her".

§ 1.930 [Amended]

4. Section 1.930 is revised by changing the word "his" to the words "his/her".

5. In § 1.955, paragraph (d) is revised to read as follows:

§ 1.955 Regional office committees on waivers and compromises.

* * * * *

(d) *Single signature authority.* Where a request is for waiver of collection of a debt of $1,000 or less, exclusive of interest, the Chairperson shall designate from members and/or alternates one person, with special competence in the program area where the debt arose, to consider the question. His/her signature alone to the decision will suffice. In compromise cases, however, three person panels are always required regardless of the amount of the debt. (38 U.S.C. 210(c)(1))

§ 1.966 [Amended]

6. In § 1.966, paragraph (b)(2)(ii) is removed.

7. Section 1.967 is revised to read as follows:

§ 1.967 Refunds.

(a) Except as provided in paragraph (c) of this section, any portion of an indebtedness which has been recovered by the U.S. Government will also be considered for waiver action, as long as such request for waiver is timely filed in accordance with § 1.963(b). If collection of an indebtedness is waived, such portions of the indebtedness previously collected will be refunded. Entitlement will be charged for any amounts of an educational benefits indebtedness which are waived.

(b) Any collected portions of an indebtedness arising from erroneous payment of pay or allowances shall be considered for waiver regardless of the date of request for waiver, as long as such request is filed timely in accordance with § 1.963a(c)(1). If collection is waived, refund will be made to the employee: *Provided*, That application for refund is made no later than two years following the date of the waiver.

(c) Refund of amounts collected will not be made when only a part of the debt is waived or when collection of the balance of a loan guaranty indebtedness by the Veterans Administration from obligors, other than a husband or wife of the person requesting waiver, will be adversely affected. Only where the amount waived exceeds the balance of the indebtedness still in existence will a refund be made in the amount of the difference between the two. Otherwise, refunds will be made in accordance with

paragraph (a) of this section. (38 U.S.C. 3102; 5 U.S.C. 5584)

[FR Doc. 81-36836 Filed 12-22-81; 8:45 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Docket No. AH300g/IVA; A-3-FRL 2001-3]

Commonwealth of Virginia; Proposed Revisions of the State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On July 3, 1981, and on August 10, 1981, the Commonwealth of Virginia submitted Rules and Regulations governing the State's automobile inspection and maintenance (I/M) program and mobile source emission standards for inclusion in its State Implementation Plan (SIP). These regulations will apply only to vehicles registered in the Northern Virginia ozone nonattainment area. EPA is today proposing to approve these regulations as part of the Virginia SIP.

DATE: Comments must be submitted on or before January 22, 1982.

ADDRESSES: Copies of the proposed SIP revisions and the accompanying support documents are available for inspection during normal business hours at the following addresses:

U.S. Environmental Protection Agency, Region III, Air Media & Energy Branch (3AH13), Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, ATTN: Ms. Eileen M. Glen

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street SW (Waterside Mall), Washington, D.C. 20460

Virginia State Air Pollution Control Board, Ninth Street Office Building, Room 1106, Richmond, Virginia 23219, ATTN: Mr. John M. Daniel, Jr.

All comments on the proposed revisions submitted within 30 days of publication of this Notice will be considered and should be directed to Mr. James E. Sydnor, Chief of the WVA/VA Section at the EPA, Region III address above. Please reference the EPA Docket number found in the heading of this Notice.

FOR FURTHER INFORMATION CONTACT: Ms. Eileen M. Glen at the EPA, Region III address or telephone 215/597-8187.

SUPPLEMENTARY INFORMATION: Under Section 172 of the Clean Air Act, nonattainment plans for major urban areas which require an extension beyond 1982 for attainment of a standard for ozone or carbon monoxide, are required to include a vehicle I/M program as an element of the 1979 SIP revision. Full implementation of that program, in accordance with EPA's established I/M policy, is required in all cases by December 31, 1982.

Virginia included I/M as an element in its 1979 SIP revision. EPA's evaluation of and action on the I/M portion of Virginia 1979 SIP revision is documented in 45 FR 55180 (August 19, 1980), 46 FR 22185 (April 16, 1981) and 46 FR 45628 (September 14, 1981).

On May 15, 1980, the Commonwealth submitted a schedule for implementation of the I/M program in Northern Virginia. EPA will be publishing full approval of that schedule, as revised by an April 3, 1981 submittal, shortly (EPA Docket No. AH300a/b/eVA). Two of the increments of progress in this schedule pertain to the adoption of Administrative and Procedural Regulations, and Motor Vehicle Emission Standards. The proposed SIP revisions which are the subject of today's Notice satisfy these increments. The I/M program itself will be implemented by January 1, 1982.

EPA published the 1982 SIP policy (part of which pertains to I/M programs) on January 22, 1981 (46 FR 7182). As discussed in that policy, states with areas that have I/M programs under development or operational as part of their 1979 SIP revisions were required to submit only qualitative descriptions of the I/M program elements in the 1979 SIP submittal. The 1982 SIP revision to be submitted to EPA on or before July 1, 1982, must include, unless already submitted and approved as part of a previous SIP submittal, rules and regulations and all other I/M elements which could affect the ability of the I/M program to achieve the minimum emission reduction requirements. More specifically, the 1982 submittal must include the following critical elements: (1) inspection test procedures; (2) emission standards; (3) inspection station licensing requirements; (4) emission analyzer specification and maintenance/calibration requirements; (5) recordkeeping and record submittal requirements; (6) quality control, audit, and surveillance procedures; (7) procedures to assure that non-complying vehicles are not operated on the public roads; (8) any other official program rules, regulations and procedures; (9) a public awareness plan; and (10) a mechanics training program, if additional emission reduction credits are being claimed for mechanics training.

EPA will determine the overall adequacy of the critical elements of each I/M program and, therefore, the approvability of the 1982 SIP by comparing those elements to established I/M policy. I/M program elements must be consistent with EPA policy or a demonstration must be made that the program elements are equivalent.

State or local governments that have I/M programs, but plan to increase the coverage and/or stringency of the programs in order to achieve greater reductions and to demonstrate earlier attainment of the standards, must submit the program modifications in legally enforceable form through the 1982 SIP revision process.

In the case of a partial submittal, EPA's action will be limited to the submitted program elements. Final action on the total I/M program must be reserved until all elements are submitted and reviewed in order to assure that the program satisfies the requirements of Part D of the Clean Air Act.

Virginia has submitted the following elements to satisfy part of the I/M requirements for the 1982 SIP revision:

(1) Inspection test procedures—Sections 3, 4 and 5 of the July 13, 1981 submittal require an idle exhaust emission test to be performed for initial inspections and reinspections.

(2) Emission standards—Part IV, Section 4.103 of the Virginia Regulations for the Control and Abatement of Air Pollution prescribes carbon monoxide and hydrocarbon emission limitations for the motor vehicles subject to the I/M regulations. This proposed revision to the Virginia SIP was submitted on August 10, 1981. EPA is proposing approval of these emission standards but, as part of the 1982 SIP revision, Virginia will have to demonstrate that these standards, in combination with other elements of the I/M program, will be adequate to attain the required emission reductions from the program.

(3) Inspection Station Licensing Requirements—Section 1 of the July 13, 1981 submittal describes the Licensing requirements for private garage inspection facilities. These requirements include: (1) having an analyzer which meets State's specifications; (2) employing an inspector who has demonstrated proficiency and has been trained in the use of analyzers and their calibration, test procedures and I/M rules and regulations; and (3) maintaining and periodically submitting records on vehicle inspections.

(4) Emission analyzer specifications and maintenance/calibration requirements—Sections 2, 6, and 7 of the July 13, 1981 submittal prescribe the minimum instrument specifications and maintenance/calibration requirements.

(5) Recordkeeping and record submittal requirements—Section 1 of the July 13, 1981 submittal provides that garages maintain records on vehicle inspection and submit these records to the State for auditing and is acceptable to EPA. However, no information has yet been submitted to EPA concerning what inspection data will be collected and submitted to EPA to verify that the program is effective and adequately enforced. Therefore, although these regulations are approvable, this element will not be fully complete until the State has submitted, as part of the 1982 SIP revisions, an adequate description of the inspection data.

(6) Quality control, audit, and surveillance procedures—Sections 6 and 7 of the July 13, 1981 submittal prescribes the quality control procedures which must be followed by the garages and is acceptable to EPA. However, the procedures to be followed by the State in conducting unannounced, unscheduled audits have not yet been submitted and, therefore, this element will not be fully complete until these procedures are submitted.

(7) Procedures to assure that non-complying vehicles are not operated on the public roads—The Virginia I/M legislation prohibits the registration or re-registration of vehicles which have not passed the I/M test or have not received a waiver from passing the I/M test. In addition, Section 8 of the I/M regulations provide for the issuing of windshield stickers to those vehicles which have either passed or failed the I/M test or have received a waiver. Although the windshield sticker program will augment the procedures to prevent non-complying vehicles from operating on public roads, it is EPA's understanding that the primary procedure to prevent non-complying vehicles from operating on public roads is denial of registration, and it is on these basis that EPA is proposing approval of Virginia's procedures to prevent non-complying vehicles from operating on public roads.

(8) Other program rules, regulations and procedures—The geographic coverage area is described in the section entitled SCOPE. Mandatory I/M is scheduled to start January 1, 1982 as specified in House Bill No. 116 passed by 1980 Virginia General Assembly. The classes and ages of subject vehicles were also specified in House Bill No. 116 (the most recent eight model years of motor vehicles with a registered gross vehicle weight of less than 6,000 pounds). Provisions for referee stations, also required by House Bill 116, have also been submitted.

(9) Public Awareness Plan—Virginia is in the process of developing a public awareness plan, but it has not yet been submitted.

(10) Mechanics Training Plan—Virginia has not claimed any emission reduction credits for mechanics training and, therefore, a mechanics training plan does not have to be submitted.

The Commonwealth of Virginia submitted proof that appropriate public hearings were held with respect to these amendments.

In summary, EPA is proposing to approve all those completed elements described above, namely, the inspection test procedures, the emission standards, the inspection station licensing procedures, the emission analyzer specifications and maintenance/calibration requirements, the procedures to assure that non/complying vehicles are not operated on the public roads, and the other program rules, regulations and procedures describing the geographic coverage area, the start-up date, and the classes and ages of subject vehicles as well as the provisions for referee stations. We are also proposing to approve the regulations submitted by the Commonwealth on July 13, 1981 and August 10, 1981 which only partially satisfy the following elements: recordkeeping and record submittal requirements; and the quality control, audit, and surveillance procedures. Additional information, as outlined above, must be submitted before these elements will be fully satisfied. Furthermore, today's action is *not* intended, nor should it be interpreted, as complete approval of Virginia's total I/M program or the total I/M section of Virginia 1982 SIP revision. Approval of the total I/M program and the I/M section of the 1982 SIP revision can only be granted after all of the remaining elements, as specified above, required by the 1982 SIP policy (46 FR 7181, January 22, 1981) are submitted and reviewed in order to assure that Virginia's total I/M program and I/M section of Virginia's 1982 SIP satisfy the requirements of Part D of the Clean Air Act.

The public is invited to submit, to the address stated above, comments on whether the proposed revisions should be approved as revisions of the Virginia State Implementation Plan.

The Administrator's decision to approve or disapprove the proposed revisions will be based on the comments received and on a determination whether they meet the requirements of Sections 110 and 172 of the Clean Air Act and 40 CFR Part 51, Requirements for Preparations, Adoption, and Submittal of State Implementation Plans.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action, if promulgated, only approves State actions and imposes no new requirements.

Pursuant to the provisions of 5 U.S.C. Section 605(b), the Administrator has certified that this action will not have a significant economic impact on a substantial number of small entities. (46 FR 8709) This action, if promulgated, constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act and only approves State actions. It imposes no new regulatory burden on anyone.

Dated: October 19, 1981.

Alvin R. Morris,

Acting Regional Administrator.

[FR Doc. 81-36606 Filed 12-22-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 180

[OPP-300054; PH-FRL-2013-7]

Dimethylformamide (DMF); Proposed Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that dimethylformamide (DMF) be exempted from the requirement of a tolerance. The exemption is limited to use by the U.S. Department of Interior (USDI) in formulations of the lamprecide sodium salt of alpha, alpha, alpha-trifluoro-4-nitro-meta-cresol or 4-nitro-3-(trifluoromethyl)phenol (also called TFM) in the Great Lakes.

DATE: Written comments must be received on or before January 22, 1982.

ADDRESS: Written comments to: Peter Gray, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Peter Gray (703-557-7110).

SUPPLEMENTARY INFORMATION: In 1976, the Fish and Wildlife Service, USDI, submitted a petition (6E1743) for an exemption from the requirement for a tolerance for sodium salt of alpha,

alpha, alpha-trifluoro-4-nitro-meta-cresol or 4-nitro-3-(trifluoromethyl)phenyl, (also called TFM) in water for control of the sea lamprey. Since DMF is solvent for the TFM, the USDI also requested an exemption for DMF.

In the course of scientific review, it was concluded that the DMF exemption should be announced simulataneously with the exemption of TFM. Since announcement by the agency of TFM exemption is imminent, the DMF exemption is necessary.

Inert ingredients are all ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term inert is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

Preambles to proposed rulemaking documents of this nature include the common or chemical name of the substance under consideration, the name and address of the firm making the request for the exemption, and toxicological and other scientific basis used in arriving at a conclusion of safety in support of the exemption.

Name of Inert Ingredient. Dimethylformamide (DMF).

Name and Address of Requestor. U.S. Department of the Interior, Fish and Wildlife Service, Washington, DC 20240.

Basis for Approval

1. A 119-day mouse feeding study indicated that the no-observed-effect-level (NOEL) was 540 parts per million (ppm) (systemic).

2. A 13-week rat feeding study indicated that the NOEL (systemic) was 750 ppm.

3. Use of the DMF solvent is quite limited.

Based on the above information, and review of its use, it has been found that, when used in accordance with good agricultural practices, this ingredient is useful and does not pose a hazard to humans or to the enviornment. It is concluded, therefore, that the proposed amendment to 40 CFR Part 180 will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains this inert ingredient may request, on or before January 22, 1982, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number "[OPP-300054]". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Process Coordination Branch (TS-767C), Rm. 514D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register on May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e)))

Dated: December 9, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, it is proposed that 40 CFR 180.1046 be amended by designating the existing text as paragraph (a) and adding paragraph (b) to read as follows:

§ 180.1046 Dimethylformamide; exemption from requirement of tolerance.

* * * * *

(b) Dimethylformamide (DMF) is exempted from the requirement of a tolerance, when used by the U.S. Department of Interior, Fish and Wildlife Service, as a solvent for the lamprecide, sodium salt of alpha, alpha, alpha-trifluoro-4-nitro-meta-cresol, or 4-nitro-3-(trifluoromethyl)phenol in the Great Lakes.

[FR Doc. 81-36602 Filed 12-22-81; 8:45 am]
BILLING CODE 6560-32-M

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40 CFR Part 180

[PP 6E1856/P206; PH-FRL-2013-1]

MCPA; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that tolerances be established for the herbicide 2-methyl-4-chlorophenoxyacetic acid (MCPA). This proposed amendment to establish a maximum permissible level for residues of MCPA in or on certain raw agricultural commodities was submitted by the Interregional Research Project No. 4 (IR-4).

DATE: Comments must be received on or before January 22, 1982.

ADDRESS: Written comments to: Donald R. Stubbs, Emergency Response Section, Registration Division (TS-767C), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-7123).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition number 6E1856 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Illinois, Iowa, Michigan, Minnesota, South Dakota, and Wisconsin. This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug and Cosmetic Act, propose the establishment of a tolerance for residues of the herbicide MCPA in or on the forage legumes alfalfa, clovers, lespedeza, trefoils, and vetches at 20 parts per million (ppm). The petition was later amended to propose a tolerance of 0.1 ppm in or on alfalfa, clovers, lespedeza, trefoils, vetches, and the hay of each. Residues will be as a result of treatment of small grains underseeded with the named forage legumes.

The data submitted in the petiton, and all other relevant material, have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerances were: A 90-day rat

feeding study resulting in a NOEL of 8 mg/kg/day (80 ppm); a 13-week dog feeding study resulting in a NOEL of 4 mg/kg/day (160 ppm); two rat studies and a mouse teratology study negative for teratogenic effects; and a rat metabolism study showing no bioaccumulation.

Data which are lacking include the following studies: Acute neurotoxicity (chicken); 2-year feeding study in rats; a 6-month or longer feeding study in dogs; oncogencity in two species; and 3-generation reproduction (rat). No regulatory actions are pending against MCPA at this time.

The nature of the residues is adequately understood and an adequate analytical method (gas chromatography) is available for enforcement purposes. Residues of MCPA in milk, meat, fat, and meat byproducts resulting from the proposed use will be adequately covered by existing tolerances of 0.1 ppm for these food items. Consequently, human exposure to MCPA will not be affected by the requested tolerances.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR 180.339 would protect the public health. It is proposed, therefore, that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, which contains any of the ingredients listed herein, may request on or before January 22, 1982, that this proposed rulemaking be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this proposed regulation. Comments must bear a notation indicating the document control number "[PP 6E1656/P206]". All written comments filed in response to this petition will be available in the Emergency Response Section, Registration Division at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, the EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposed regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels, or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

Effective on: December 23, 1981.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

Dated: December 10, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, it is proposed that 40 CFR 180.339 be amended by adding and alphabetically inserting in paragraph (a) the raw agricultural commodities "alfalfa", "clovers", "lespedeza", "trefoils", and "vetches" and the hay of each to read as follows:

§ 180.339 2-Methyl-4-chlorophenoxyacetic acid; tolerances for residues.

(a) * * *

Commodity	Part per million
Alfalfa	0.1
Alfalfa hay	0.1
Clovers	0.1
Clover hay	0.1
Lespedeza	0.1
Lespedeza hay	0.1
Trefoils	0.1
Trefoil hay	0.1
Vetches	0.1
Vetch hay	0.1

[FR Doc. 81-36844 Filed 12-22-81; 8:45 am]

BILLING CODE 6560-32-M

GENERAL SERVICES ADMINISTRATION

Federal Property Resources Service

41 CFR Part 101-47

Airport Disposals

AGENCY: General Services Administration.

ACTION: Proposed rule.

SUMMARY: The General Services Administration proposes to provide clarification as to the proper statute under which federally owned real property may be disposed of for airport purposes.

DATE: Comments must be received on or before February 22, 1982.

ADDRESS: Written comments should be sent to the General Services Administration (DR), Washington, DC 20406.

FOR FURTHER INFORMATION CONTACT: James H. Pitts, Office of Real Property (703-557-2531).

SUPPLEMENTARY INFORMATION: GSA has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweight the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

PART 101-47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Accordingly, it is proposed to amend 41 CFR Part 101-47 as follows:

Subpart 101-47.3—Surplus Real Property Disposal

1. Section 101-47.308-2 is amended by adding a new subsection (i) immediately following (h). It should read as follows:

§ 101-47.308-2 Property for public airports.

* * * * *

(i) It should be emphasized that section 23 of the Airport and Airway Development Act of 1970 (Airport Act of 1970) is not applicable to the transfer of airports to State or local agencies. The transfer of airports to State and local agencies may be made only under section 13(g) of the Surplus Property Act of 1944 which is continued in effect by the Act. Only property which the holding agency determines cannot be reported excess to GSA for disposition under the Act, but which, nevertheless, may be made available for use by a State or local public body for public airport purposes without being inconsistent with the Federal program of the holding agency, may be conveyed under section 23 of the Airport Act of 1970. In the latter instance, section 23 may be used for the transfer of nonexcess land for airport development purposes providing that such real property does not constitute an entire

airport. An entire, existing and established airport can only be disposed of to a State or eligible local government under section 13(g) of the Surplus Property Act of 1944.

(Sec. 205(c), 63 stat. 390; 40 U.S.C. 486(c))

Dated: Dec. 4, 1981.

Roy Markon,

Commissioner, Federal Property Resources Service.

[FR Doc. 81-36088 Filed 12-22-81; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 638

Gulf of Mexico Fishery Management Council and South Atlantic Fishery Management Council; Public Hearings

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public hearings.

SUMMARY: The Gulf of Mexico and South Atlantic Fishery Management Councils will be holding public hearings for the purposes of public input on the Draft Environmental Impact Statement/Fishery Management Plan for Coral and Coral Reefs.

DATES: Written comments on the coral and coral reefs plan from members of the public may be submitted no later than January 31, 1982.

Individuals or organizations wishing to comment may do so at public hearings to be held as follows:

January 12, 1982—Houston, Texas
January 19, 1982—Marathon, Florida
January 20, 1982—Daytona Beach, Florida
January 21, 1982—St. Petersburg, Florida

All of the above hearings will start at 7:30 p.m. and adjourn at 10:00 p.m.

The hearings will be tape recorded and the tapes will be filed as an official transcript of the proceedings. A written summary will be prepared on each hearing.

ADDRESS: Send comments to:

Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, or
Chairman, South Atlantic Fishery Management Council, Southpark Building, Suite 306, 1 Southpark Circle, Charleston, South Carolina 29407, or
Harold B. Allen, Acting Regional Director, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

HEARING LOCATIONS:

January 12, 1982—Garden Center, 1500 Hermann Drive, Houston, Texas.
January 19, 1982—Marathon High School Cafeteria, Sombrero Beach Road, Marathon, Florida.
January 20, 1982—Holiday Inn Surfside, 2700 N. Atlantic Avenue, Daytona Beach, Florida.
January 21, 1982—Bayfront Center—Posno Room, 400 First Street South, St. Petersburg, Florida.

FOR FURTHER INFORMATION CONTACT:

Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, (813) 228–2815, or
David Gould, Executive Director, South Altantic Fishery Management Council, Southpark Building, Suite 306, 1 Southpark Circle, Charleston, South Carolina 29407, (803) 571–4366, or
Harold B. Allen, Acting Regional Director, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702, (813) 893–3141.

SUPPLEMENTARY INFORMATION: The hearings will deal with a proposal to implement a fishery management plan for coral and coral reefs in the geographical area of authority of the Gulf of Mexico and South Atlantic Fishery Management Councils under the Magnuson Fishery Conservation and Management Act (MFCMA).

The environmental impact statement is a review of the plan and a statement of its expected impacts. A fishery management plan is a major Federal action significantly affecting the human environment and requires the approval of the Secretary of Commerce prior to implementation.

The plan for coral and coral reefs, when approved, will manage the resource for optimum yield (OY) and therefore, contains regulatory measures applicable to domestic fishing. The fishery for coral and coral reefs as addressed in this plan is located in the Gulf of Mexico, and the waters of the Atlantic Ocean from the Texas-Mexican border through North Carolina.

The management unit consists of the coral and coral reefs of the fishery conservation zone (FCZ) of the Gulf of Mexico and South Atlantic Fishery Management Councils. Management measures in the plan will be recommended to adjacent States where appropriate.

Included in this management unit are:

A. Corals: The corals of the class Hydrozoa (stinging and hydrocorals) and the class Anthozoa (sea fans, whips, precious corals, sea pen, and stony corals).

B. Coral Reefs: The hard bottoms, deepwater banks, patch reefs, and outer bank reefs as defined in the plan.

With the existing data, a single maximum sustainable yield (MSY) for the entire management unit is incalculable.

The OY is the level of coral harvest as authorized pursuant to the permitting criteria established in this plan. Based on available data it is the Councils' intent to allow the existing level of legal, reported harvest consistent with the objectives of this plan.

The OY for stony corals is to be zero (0) except as may be authorized for scientific and educational purposes. The current level of harvest for this purpose is estimated to be 140 kilograms per year.

The OY for octocorals is the amount of harvest which is authorized pursuant to this plan. Octocorals, except for sea fans, are identified as presently being harvested without apparent stock damage. Present directed level of harvest is estimated to be about 5,845 colonies, 1,463 of which come from the FCZ.

The estimated domestic annual harvest is to be equal to OY.

The total allowable level of foreign fishing is to be zero.

Primary Management Objective

Optimize the benefits generated from the coral resource while conserving the coral and coral reefs.

Specific Management Objectives

1. Develop scientific information necessary to determine feasibility and advisability of harvest of coral.
2. Minimize, as appropriate, adverse human impacts on coral and coral reefs.
3. Provide, where appropriate, special management for coral habitat areas of particular concern.
4. Increase public awareness of the importance and sensitivity of coral and coral reefs.
5. Provide a coordinated management regime for the conservation of coral and coral reefs.

Management Measures

Catch Limitations

A. Total allowable level of foreign fishing—none. The expected domestic annual harvest will equal the OY.

B. Types of catch limitations:

(a) Prohibit the taking of stony coral and sea fans (*Gorgonia flabellum* or *G. ventalina*) or the destruction of these corals and coral reefs in the FCZ of the Gulf and South Atlantic Fishery Management Councils' geographical

area of authority, except as provided for in the plan.

(b) Stony corals and sea fans taken incidentally in other fisheries must be returned to the water in the general area of capture as soon as possible. An exception is provided for the groundfish, scallop, or other similar fisheries, where the entire unsorted catch is landed. In such instances the stony corals and sea fans may be landed but may not be sold.

(c) Should harvest of octocorals become accelerated and, in the Councils' judgment, is threatening the habitat in localized areas, the Councils may request the Secretary to take available measures designed to eliminate such threat of damage to the resource and fishery habitats.

Permits

Establish a permit system for:

A. The use of toxic chemicals in taking fish or other marine organisms which inhabit coral reefs.

B. For taking protected corals for scientific and educational purposes.

Types of Vessel, Gear, and Enforcement Devices

Prohibit the use of toxic chemicals in taking fish and other marine organisms which inhabit coral reef areas except under permit as may be specified in this or any other fishery management plan.

Identify habitat areas for corals which may be threatened or subject to degradation and provide a management program for them. These habitat areas of particular concern are recognized as providing habitat to valuable or special assemblages of corals or coral reefs. Some of these areas are presently under management programs, some are under consideration for inclusion in such programs, and others are presently without management. Identified coral habitat areas of particular concern and proposed measures are:

A. East and West Flower Garden Banks (nominated National Marine Sanctuary). The taking of all corals is prohibited except as authorized by permit. Bottom longlines, traps and pots, bottom trawls, and anchoring by vessels 100 feet or more in registered length are prohibited within the 100 meter isobath.

B. Florida Middle Grounds—the northernmost shallow reef-type coral community in the Gulf of Mexico. The area is bounded on the north by latitude 28°45′ N.; on the south by latitude 28°11′ N.; on the east by longitude 84°00′ W.; and on the west by longitude 84°25′ W. The taking of all corals is prohibited except as authorized by permit. Within the 34 by 22 mile area, bottom longlines, traps and pots, and bottom trawls are prohibited.

Special Recommendations

1. Recommended that the Secretary establish a communication/coordination system in support of the coral management program.

2. Recommended that the Secretary establish a procedure to coordinate coral management activities in the FCZ and territorial sea within the Councils' geographical area of authority.

3. Recommended that the States and NMFS monitor at least at the present level of effort the condition of the octocorals and report damage or threat of damage to their habitat. The Councils believe under existing monitoring regime, these agencies can effectively carry out this request without a significant increase in current expenditure.

Dated: December 17, 1981.

William H. Stevenson,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 81-36530 Filed 12-22-81; 8:45 am]

BILLING CODE 3510-22-M

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50 CFR Part 661

Pacific Fishery Management Council and Its Salmon Subpanel Scientific and Statistical Committee; Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice of public meetings with a partially closed session.

SUMMARY: As required by the Federal Advisory Committee Act, this notice sets forth the schedule and proposed agendas of the forthcoming separate public meetings of the Pacific Fishery Management Council, its Scientific and Statistical Committee and Salmon Subpanel. The Pacific Fishery Management Council was established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), and the Council has established a Scientific and Statistical Committee and Salmon Subpanel to assist the Council in carrying out its responsibilities.

DATES: January 25–28, 1982.

ADDRESS: All meetings will take place at the Holiday Inn, 17338 Pacific Highway South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 SW. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221–6352.

AGENDAS:

Council (open meeting)—January 26–28, 1982 (2 p.m. to 5 p.m. on January 26; 10 a.m. to 5 p.m. on January 27; 8 a.m. to 5 p.m. on January 28)—consideration of the draft 1982 amendment to the ocean salmon fishery management plan (FMP) and consideration of 1982 foreign fishery applications. Oral comments or questions by the public will be invited beginning at 4 p.m., on January 26, 1982.

Council (closed session)—January 27, 1982 (8 a.m. to 10 a.m.)—discussion of the status of maritime boundary and resource negotiations between the U.S. and Canada. Only those Council members and selected staff having security clearances will be allowed to attend this closed session.

Scientific and Statistical Committee (open meeting)—January 25–26, 1982 (1 p.m. to 5 p.m. on January 25; 8 a.m. to 5 p.m. on January 26–28). The Committee will consider the 1982 amendment to the ocean salmon FMP and an amendment to the anchovy FMP; evaluate and develop recommendations on issues referred to the Committee by the Council; conduct a public comment period beginning at 3:30 p.m. on January 26.

Salmon Subpanel (open meeting)—January 26, 1982 (8 a.m. to 5 p.m.). The Subpanel will meet to consider the 1982 amendment to the ocean salmon FMP and will also meet in joint session with the Scientific and Statistical Committee in the forenoon on January 26.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on October 14, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda item covered in the closed session is exempt from the provisions of the Act relating to open meetings and public participation therein, because the meeting will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(1), as information which will disclose matters that are (A) specifically authorized under criteria established by an executive order to be kept secret in the interests of national defense or foreign policy and (B) in fact properly classified pursuant to such executive order. (A copy of the determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Department of Commerce.) All other portions of the Council's meeting will be open to the public.

Dated: December 17, 1981.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 81-36513 Filed 12-22-81; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 46, No. 240
Wednesday, December 23, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Agricultural Conservation Program (ACP) Payments; Determination of Primary Purpose for Amounts That May Be Excluded From Income Under Section 126 of the Internal Revenue Code of 1954 as Amended

AGENCY: Office of the Secretary, USDA.

ACTION: Notice of Determination.

SUMMARY: The purpose of this notice is to announce the determination by the Secretary of Agriculture that certain Federal payments made to farmers under the Agricultural Conservation Program (ACP) are deemed by the Secretary to have been made primarily for purposes of conserving soil and water resources, protecting or restoring the environment, improving forests, or providing a habitat for wildlife. This determination by the Secretary is made in accordance with Section 126(b) of the Internal Revenue Code of 1954, as amended by Section 543 of the Revenue Act of 1978 and the Technical Corrections Act of 1979. The effect of this determination is to make it possible for recipients of these payments to exclude some or all of them from gross income for Federal income tax purposes if certain other conditions are met.

FOR FURTHER INFORMATION CONTACT: Dirctor, Conservation and Environmental Protection Division, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, D.C. 20013, (202) 447–6221.

SUPPLEMENTARY INFORMATION: This action has been reviewed in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified as "not major." It has been determined that these program provisions will not result in an annual effect on the economy of $100 million or more; would not cause a major increase in costs or prices for consumers, individuals, industries, Federal, State or local government agencies or geographic regions; and would not cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

The titles and numbers of the Federal Assistance Program to which this notice applies are: Title Agricultural Conservation Program; Number—10.063; as found in the Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local governments are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice of determination since ASCS is not required to publish a notice of proposed rulemaking pursuant to 5 U.S.C. 553 or any other provision of law with respect to the subject matter of this determination.

Section 126 of the Internal Revenue Code of 1954, as amended by the Revenue Act of 1978 and the Technical Corrections Act of 1979, provides that certain payments which are made to persons under designated programs administered by the Department of Agriculture may be eligible for exclusion from gross income if certain determinations are made. One such determination involves the Secretary of Agriculture who must determine whether certain payments issued to persons under designated programs listed in Section 126(a) are "made primarily for the purpose of conserving soil and water resources, protecting or restoring the environment, improving forests, or providing a habitat for wildlife." In making any such determination the Secretary of Agriculture must evaluate each of those designated programs based upon criteria set forth at 7 CFR Part 14.

One of the conservation programs listed in Section 126(a) is the Agricultural Conservation Program (ACP) authorized by the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a). This program is funded annually by agriculture appropriations acts.

The ACP provides technical and financial assistance to agriculture through annual and long-term (3 to 10 years) agreements to assure the continued supply of food and fiber necessary for the maintenance of a strong and healthy people and economy, and to provide for environmental conservation or enhancement.

Cost-share payments are made to eligible producers under the program for the satisfactory installation of conservation practices developed primarily to meet a definite need to accomplish one or more of the following:

(a) Establish long-lasting protective cover to conserve soil and water resources and protect the environment.

(b) Improve or sustain existing protective cover to prevent soil erosion and excessive surface water runoff.

(c) Conserve or safely dispose of water to prevent soil erosion, protect the environment and prevent water pollution.

(d) Benefit wildlife by providing an improved habitat while conserving soil.

(e) Establish or improve stands of forest trees for soil protection, forestry purposes and enhance the environment.

(f) Give protection against soil erosion to conserve our soil and water resources and abate pollution.

(g) Prevent or abate agricultural related pollution of water, land and air to protect the environment.

(h) Meet special State or county conservation needs by conserving soil and water resources, protecting or restoring the environment, improving forests or providing a habitat for wildlife.

The ACP authorizing legislation, regulations, and operating procedures have been carefully examined using the criteria established by the Department of Agriculture under 7 CFR Part 14 for making "primary purpose" determinations. The Department has concluded that the payments under the ACP are made for the purpose of providing financial assistance to agricultural producers for carrying out enduring conservation and environmental enhancement measures. An "Agricultural Conservation Program (ACP) Record Decision: Primary Purpose Determination for Federal Tax Purposes" has been prepared and is

available upon request from the Conservation and Environmental Protection Division, ASCS.

Determination

Therefore, the Secretary of Agriculture has determined that in accordance with Section 126(b)(1) of the Internal Revenue Code of 1954, as amended, all payments made for those conservation practices approved by the Secretary under the ACP after September 30, 1979 are made primarily for the purpose of conserving soil and water resources, protecting or restoring the environment, improving forests, or providing a habitat for wildlife.

Signed at Washington, D.C. on December 16, 1981.

John R. Block,

Secretary, U.S. Department of Agriculture.

[FR Doc. 81-36577 Filed 12-22-81; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

Hop Marketing Advisory Board; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-436; 86 Stat. 770), notice is given of a meeting of the Hop Marketing Advisory Board at 9:00 a.m., local time, January 8, 1982, in Portland, Oregon, at the Imperial Hotel.

The purpose of the meeting is to discuss marketing policy, and related matters. The meeting will be open to the public.

The Hop Marketing Advisory Board is established under Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production. The marketing order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

The names of Board members, agenda, location of meeting, summary of the meeting and other information pertaining to the meeting may be obtained from Robert H. Eaton, Hop Administrative Committee, Room 1002, Corbett Building, 430 S.W. Morrison Street, Portland, Oregon 97204, telephone (503) 224-1823.

Dated: December 18, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-36622 Filed 12-22-81; 8:45 am]

BILLING CODE 3410-02-M

CIVIL AERONAUTICS BOARD

[Docket 31290; Order 81-12-107]

Establishment of Interim Standard Industry Fare Level

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of December, 1981.

The Airline Deregulation Act of 1978 requires that we compute a "standard industry fare level" (SIFL) based upon the fare level in effect on July 1, 1977, and, not less than semiannually, update the SIFL by increasing or decreasing it by the percentage in actual operating costs per available seat-mile (ASM) for interstate and overseas transportation combined. Once computed, the SIFL becomes the benchmark for measuring the statutory zone of reasonableness.

Applying our methodology to the year ended September 1981 financial data and October 1981 fuel costs[1] and projecting fuel and nonfuel costs to April 1, 1982 (the midpoint of the January-June period) results in a cost escalation factor of 1.8342 over July 1, 1977, or an increase over the last SIFL adjustment of about 2.9 percent. (See Appendix).

Revisions to the SIFL adjustment factor also control the upward flexibility in connection with the zone of limited suspension for domestic passenger fares. The calculation is described in 14 CFR 399, *Statements of Gneral Policy*. Section 399.32(d)(1) currently provides flexibility of up to 30 percent above the sum of the SIFL plus $16. These regulations also provide that each time we adjust the SIFL for cost increases, we will adjust the $16 figure by the same percentage rounded to the nearest whole dollar. However, the current SIFL adjustment of 2.9 percent does not result in any change in the current $16 amount.

TRUNK AND LOCAL SERVICE CARRIER, SCHEDULED SERVICE FUEL PRICE CALCULATION

[In cents]

Month	Price/gallon	Change from prior month
July	102.80	-0.77
August	102.48	-.32
September	101.99	-.49
October	101.54	-.45

Our usual methodololgy projects the average change in price over the last four months to the chosen future date, then adds the projected change to the current fuel price. However, in this case, due to the moderation of the downward trend of fuel prices and recent OPEC actions in moving toward a uniform price and cutting production to maintain price stability, we have based our current fuel projection on the latest actual fuel price—October. Consequently, we projected a cost of 101.54 cents per gallon as of April 1, 1982.

We intend to monitor closely fuel prices over the coming months and, if necessary, we shall revise the SIFL should the actual fuel prices fluctuate significantly, either up or down, from our projection.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly section 1002.

1. We set the cost adjustment factor for the Standard Industry Fare Level effective January 1, 1982, at 1.8342.

2. We set the Standard Industry Fare Level formula effective January 1, 1982, as follows:

Terminal charge, $29.64, plus $0.1621 per mile (0 to 500 miles); $0.1236 per mile (501 to 1,500 miles); $0.1189 per mile (over 1,500 miles).

This order shall be served on the Air Transport Association of America, all certificated carriers, and shall be published in the **Federal Register.**

By the Civil Aeronautics Board.[1]

Phyllis T. Kaylor,

Secretary.

[1] See table below.

APPENDIX A—METHODOLOGY FOR DETERMINING CHANGE IN OPERATING EXPENSE PER AVAILABLE SEAT-MILE

	Trunks	Local	Trunks plus locals	Total passenger/cargo [1 6]
Year ended September 1981:				
Total operating expense (mils)[1]	$22,254	$4,025	$26,279	$26,852
Less:				
All-cargo expenses[2]	329		329	329
Belly offset[3]	1,178	176	1,354	1,429
Nonscheduled[4]	93	35	128	152
Trans-related[5]	456	42	500	511

APPENDIX A—METHODOLOGY FOR DETERMINING CHANGE IN OPERATING EXPENSE PER AVAILABLE SEAT-MILE—Continued

	Trunks	Local	Trunks plus locals	Total passenger/cargo [16]
Plus: Capitalized lease adjustment [10]				
Passenger operating expense			23,903	24,402
Passenger fuel cost [11]			7,566	NA
Passenger nonfuel cost			16,365	NA
Scheduled service ASM's (mils)			319,789	326,260
Passenger nonfuel operating expense per ASM (dollars)			0.05117	NA
Passenger fuel expense per ASM (dollars)			0.02379	NA
Total passenger expense per ASM (dollars)			0.07493	0.07479
Year ended September 1982				
Total operating expense (mils) [1]	$20,002	$3,299	$23,901	$24,489
Less:				
All cargo expense [2]	288		288	288
Belly offset [3]	1,125	155	1,280	1,344
Nonscheduled [4]	147	35	182	208
Trans. related [5]	424	41	465	475
Plus: Capitalized lease adjustment [10]				
Passenger operating expense	18,875	3,068	21,740	22,174
Passenger fuel cost [11]			7,035	NA
Passenger nonfuel cost			14,711	NA
Scheduled service ASM's (mils)			332,398	339,366
Passenger nonfuel operating expense per ASM (dollar)			0.04426	NA
Passenger fuel expense per ASM (dollar)			0.02116	NA
Total expense per ASM (dollar)			0.06542	0.06593
Percent change in Nonfuel operating expense per ASM (percent)			15.61	NA
Projected change in nonfuel expense from April 1, 1981 to April 1, 1982 [6]			15.61	NA
Estimated change in fuel cost, year ended September 1, 1981, average to April 1, 1982 [14]			2.66	NA
Nonfuel operating expense per ASM at April 1, 1982 (dollar) [7]			0.05116	NA
Fuel expense per ASM at April 1, 1982 (dollar) [7]			0.02444	NA
Total expense per ASM at April 1, 1982 (dollar) [7]			0.08360	[15] 0.08344
Year ended March 1977				
Total operating expense (mils) [1]	$11,726	$1,590	$13,316	$13,801
Less:				
All-cargo expense [2]	238		238	238
Belly offset [3]	729	96	825	865
Nonscheduled [4]	220	35	255	266
Trans. related [5]	427	111	538	554
Passenger operating expense	$10,112	$1,348	$11,460	$11,878
Capitalized lease adjustment [10]				(112)
Revised passenger operating expense				$11,566
Scheduled service ASM's (mils)			303,021	295,837
Operating expense per ASM (dollars)				0.04351
Projected expense per ASM (dollars) as at July 1, 1977 [13]				0.04549
Projected operating expense per ASM as at April 1, 1982 (page 1) (dollar)				0.08344
Cost adjustment factor [8]				83.42
Change from prior SIFL				+2.94

[1] Total operating expense for all operations and service (in millions).
[2] Scheduled all-cargo operations expense.
[3] Total scheduled-service cargo revenue, less scheduled all-cargo operations revenue, carried as a by-product in aircraft belly compartments. Includes freight, express, priority and non-priority U.S. mail, and excess baggage.
[4] Total non-scheduled revenues times .95, assuming charter operations would only be conducted at a profit.
[5] Total transport-related expense, less any excess of expense over total transport-related revenues.
[6] We here project costs from April 1, 1981, (the midpoint of the data year ended September 1, 1981) to April 1, 1982 the resultant increase factor effective through June 30, 1982.
[7] Operating expense per ASM for year-ended September, 1981 times projected change.
[8] Projected operating expense per ASM on April 1, 1982 divided by the operating expense as at July 1, 1977.
[9] Adjustment results in a 2.94 percent increase.
[10] Now that all appropriate leases have been capitalized, we have discontinued our adjustment of current data by restating the base period.
[11] Total fuel cost, scheduled service, times complement of rate of All-Cargo expense to total Operating Expense.
[12] Order 77-7-28.
[13] Year ended March 1977 cost per ASM, times cost escalation factor of 1.04543 (to July 5, 1977). See DPFI workpapers, Y.E. March, 1977.
[14] Estimated average cost per gallon for the trunk plus local service carriers at April 1, 1982 divided by the average for the year ended September 1981 (99.72¢).
[15] Change in Trunks plus Locals cost per ASM as at April 1, 1982 to year ended September, 1981 times Total Passenger/Cargo cost for the year ended September, 1981.
[16] Includes Alaskan, Hawaiian and other regional carriers.

Notes:
D.P.F.I. Formula effective July 15, 1977 (Order 77-7-28). Terminal charge, $16.16; plus: $0.0884 per mile (0 to 500 miles); $0.0574 per mile (501 to 1,500 miles); $0.0346 per mile (over 1,500 miles).
SIFL formula through June 30, 1982. (Adjustment results in a 2.94 percent increase). Terminal charge, $29.84; plus: 0.1621 per mile (0 to 500 miles); 0.1238 per mile (501 to 1,500 miles); 0.1189 per mile (over 1,500 miles).

[FR Doc. 81-36037 Filed 12-22-81; 8:45 am]
BILLING CODE 6320-01-M

Availability of Orders Concerning Mail Rates

Order 81-12-105, December 17, 1981, Docket 37294, proposes new domestic final service mail rates for the period January 1 through June 30, 1982.

Order 81-12-106, December 17, 1981, Docket 37392, proposes new international final service mail rates for the period January 1 through June 30, 1982.

Copies of the orders are available from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington Metropolitan area may send a postcard request.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-36038 Filed 12-22-81; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of

whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, on or before January 12, 1982.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 82–00042. Applicant: University of California, Lawrence Livermore National Laboratory, P.O. Box 5012, Livermore, CA 94550. Article: Mass Spectrometer, Model ISOMASS 54E and Accessories. Manufacturer: VG Isotopes Limited, United Kingdom. Intended use of article: The article is intended to be used for studies of lunar samples, meteorites, geological samples, and materials of interest to the nuclear weapons test program. The article will be used for high-precision measurements of the isotopic composition of various elements isolated from the above-cited materials. Elements to be analyzed shall include but not be limited to Li, K, Ca, Tl, Rb, Sr, Nd, Sm, Gd, Pb, U, and Pu. The experiments to be conducted will include the following:

(a) Studies of isotopic anomalies in extra-terrestrial materials.

(b) Studies of cosmic-ray irradiation effects in extra-terrestrial materials.

(c) Chronology studies in terrestrial and extra-terrestrial materials.

(d) Development of isotopic analysis techniques of use to the nuclear weapons test program.

Application received by Commissioner of Customs: November 9, 1981.

Docket No.: 82–00050. Applicant: Butterworth Hospital, 100 Michigan N.E., Grand Rapids, MI 49503. Article: Electron Microscope, Model EM 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for the ultrastructural morphology/investigation of human surgical and autopsy tissue specimens. Experiments will be conducted to increase the capability of the surgical pathology department to make the correct diagnosis in those cases in which the light microscopic findings are equivocal. A second objective will be to examine and record the ultrastructural morphology of specific pathologic diseases in order to further increase knowledge and understanding of pathogenesis, cell type and morphology with the ultimate objective of increasing the specificity and accuracy of light microscopic diagnoses. The article will also be used in an electron microscopy training course which will provide the residents with the ability to interpret and understand the medical literature, to be able to eventually direct their own programs and apply electron microscopy to surgical pathology in their own institutions if they wish to specialize in this field or to understand when and if the use of electron microscopy is appropriate and applicable to an individual problem in surgical pathology, even if they do not choose to specialize in the field themselves. Application received by Commissioner of Customs: November 18, 1981.

Docket No.: 82–00051. Applicant: Baylor University Medical Center, 3500 Gaston Avenue, Dallas, Texas 75246. Article: TP–11 Radiotherapy Planning System. Manufacturer: Atomic Energy of Canada, Ltd., Canada. Intended use of article: The article is intended to be used for studies of the efficacy of the use of radiation in the treatment of cancer patients along with the various implications and attendant effects of the use of this modality. The interaction of a number of different types of radiation is to be investigated for the individual patient having a diagnosis of cancer and being treated in a medical center. In addition, the article will be used for educational purposes in the courses: Radiation Physics, Computer Applications in Medicine, Dosimetry of Treatment Planning, and Review of Radiation Physics for Residents. Application received by Commissioner of Customs: November 18, 1981.

Docket No. 82–00052. Applicant: Pacific Dental Research Foundation, University of the Pacific, School of Dentistry, 2155 Webster Street, San Francisco, CA 94115. Article: Titanium Product System for Osseointegration. Manufacturer: Bofors Nobelpharma, Sweden. Intended use of article: The article is intended to be used for a research project based upon the principle of osseointegration, developed by a team of Swedish scientists. The principle of osseointegration denotes permanent anchoring of the titanium implants by direct connection of the implants to vital remodelling jawbone without any intermediary connective tissue coat. This bio-mechanical connection requires a combination of surgical techniques and specialized instrumentation, based upon biological knowledge about optimization of the healing process of bone tissue in contact with the inert implant material with a special micro-structure. Application received by Commissioner of Customs: November 18, 1981.

Docket No. 82–00053. Applicant: Texas Tech University School of Medicine, Department of Anatomy, Texas Tech University Health Sciences Center, Lubbock, TX 79430. Article: Electron Microscope, Model H–600–3 and Accessories. Manufacturer: Hitachi Scientific Instruments, Japan. Intended use of article: The article is intended to be used for cell biological research primarily in the field of teratology. In these studies, material examined will be rat embryonic hearts from normal controls and animals with environmentally-induced cardiac malformations. Results will be compared with comparably staged defective human hearts obtained from stillborn or spontaneously aborted fetuses. Experiments conducted on rats include determination of the relationship of mucopolysaccharide metabolism to cardiac defects and intra-amniotic therapy with mucopolysaccharide precursors in preterm diagnosis of a defect. Additional experiments are designed to screen the ultrastructural effects of various drugs on cardiac developments. The overall objective of the research is to examine cogenital cardiac defects, induced by a variety of teratogens, as to their cellular mechanisms of formation.

In addition to the above research, the article may be used by other researchers whose work involves:

1. Morphological and histochemical studies of tanycytes in the third ventricle of the brain.

2. Morphological, histochemical and autoradiography studies into the development of smooth muscle implants in cardiac tissue.

3. Morphological studies into the development of the endocardium and extracellular matrix in developing systems.

The article will also be used to train graduate students working for the Ph.D. degree in Anatomy. Application received by Commissioner of Customs: November 18, 1981.

Docket No.: 82–00054. Applicant: Northwestern University Medical School, Department of Molecular Biology, 303 East Chicago Avenue Searle 4–541, Chicago, IL 60611. Article: Electron Microscope, JEM 100S with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies

of the following materials or phenomena:

(a) Plasmid DNA molecules isolated from prokaryotic and eukaryotic cells.

(b) DNA-binding proteins from bacterial cells.

(c) RNA molecules during transcription.

(d) DNA—histone complexes from eukaryotic cells.

(e) Hormone receptors on cell membranes.

(f) Replicating DNA molecules from extrachromosomal genomes.

(g) Ultrastructural studies of differentiating cells.

The article will also be used for the training of Ph. D. candidates, postdoctoral students, and medical and dental students in molecular biology and biochemistry. Application received by Commissioner of Customs: November 18, 1981.

Docket No.: 82-00055. Applicant: Indiana University, Purchasing Department (for Fine Arts), 1101 East Seventeenth St., Bloomington, IN 47405. Article: Infrared Reflectography Equipment. Manufacturer: Grundig Nederland, B.V., The Netherlands. Intended use of article: The article will be used for the following purposes:

(1) to examine art works to reveal underdrawing and stages of the painting process in art historical research.

(2) to assist in determining the authenticity of works of art in the Indiana University Museum of Art.

(3) to determine the condition of works of art in problems of conservation.

(4) to instruct undergraduate and graduate students in art history, conservation, and museology in the operation of the equipment and the interpretation of the technical documents obtained when using infrared reflectography. Application received by Commissioner of Customs: November 18, 1981.

Docket No.: 82-00056. Applicant: University of Minnesota, 111 Church Street, SE., Minneapolis, MN 55455. Article: Hexagonal Concave Mirrors. Manufacturer: Boussois, S.A., France. Intended use of article: The articles will be used to concentrate sunlight to a very high intensity so that it can be used to heat materials to very high temperatures. High temperature thermochemical properties of refractory metals and ceramic materials are to be studied. The properties to be investigated include vaporization rates, deformation characteristics, and chemical reactivity. Application received by Commissioner of Customs: November 18, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 81-36500 Filed 12-22-81; 8:45 am]

BILLING CODE 3510-25-M

[A-122-050]

Racing Plates (Aluminum Horseshoes) From Canada; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on racing plates (aluminum horseshoes) from Canada. The review covers the two known exporters of this merchandise to the United States during the review period, February 1, 1980 through January 31, 1981. There are no known unliquidated entries.

As a result of this review, the Department has preliminarily determined to require cash deposits equal to the calculated margin for the last shipments by that firm for which information was available. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: December 23, 1981.

FOR FURTHER INFORMATION CONTACT: E. Valerie Newkirk or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-5345/5289).

SUPPLEMENTARY INFORMATION:

Procedural Background

On December 29, 1980, the Department published in the **Federal Register** (45 FR 85494) the final results of its first administrative review of the antidumping finding on racing plates (aluminum horseshoes) from Canada (39 FR 54388, February 27, 1974). The Department announced in the **Federal Register** of March 16, 1981 (46 FR 16921) its intent to conduct the next administrative review by the end of February 1982. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review of the finding on racing plates (aluminum horsehorses) from Canada.

Scope of the Review

The imports covered by this review are racing plates (aluminum horseshoes) that are used on race horses, polo, jumping, hunting, and other performing horses, as differentiated from pleasure any work horses, are made of aluminum, may have cleats or caulks, and come in a variety of sizes. Racing plates (aluminum horseshoes) are currently classifiable under item 652.4200 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of two Canadian exporters of racing plates (aluminum horseshoes) to the United States during the period of review, Canadian Racing Plate Co. Limited, and Equine Forgings Limited. The review covers the period February 1, 1980 through January 31, 1981.

There were several small shipments from each firm during this period. In each case the entries were inadvertently liquidated by the Customs Service. Since Canadian Racing Plate Co. Ltd. had no sales in Canada for the period we are unable to calculate a cash deposit rate based on this period; therefore, the best information for cash deposit purposes is the rate established in the prior review. The response received from Equine Forgings Limited was inadequate; therefore, we used the best information available to determine the estimated deposit rate. The best information available is the rate for Canadian Racing Plate Co. Limited. There are no known unliquidated entries for the review period.

Preliminary Results of the Review

As provided by §353.48(b) of the Commerce Regulations, we preliminary determine that a cash deposit of estimated duties of 31.94 percent of the entered value, based on the margin calculated on the last shipments by Canadian Racing Plate Co. Limited for which information was available, shall be required on all shipments of racing plates (aluminum horseshoes) from Canada entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the administrative review. For any shipments from a new exporter not covered in this administrative review, unrelated to any covered firm, a cash deposit shall be required at the highest rate for responding firms with shipments during the most recent period in which shipments occurred. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results on or before January 22, 1982, and may request disclosure and/or a hearing on or before January 7, 1982. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

(Section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and §353.53 of the Commerce Regulations (19 CFR 353.53))

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

December 10, 1981.

[FR Doc. 81-36561 Filed 12-22-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Pacific Fishery Management Council's Anchovy/Jack Mackerel Subpanel; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), has established an Anchovy/Jack Mackerel Subpanel which will meet to discuss amendment #3 to the northern Anchovy Fishery Management Plan and the calibration of the 1982 biomass estimate. Information obtained at this meeting will be presented to the Council at its January 26-28, 1982, meeting in Seattle, Washington.

DATE: The public meeting will convene on Thursday, January 21, 1982, at approximately 10 a.m., and will take place in the auditorium of the California State University Headquarters, 400 Golden Shore, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street—Second Floor, Portland, Oregon 97201, Telephone: (503) 221-6352.

Dated: December 17, 1981.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 81-36512 Filed 12-22-81; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Privacy Act of 1974; Deletions of Systems Notices

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Deletions of systems notices.

SUMMARY: The Office of the Secretary of Defense proposes to delete the notices for systems of records: DPA DXA.A 07, "Personnel Files," DPA DDI.B 03, "Portrait-Photograph File," DPA DDI.C 04, "Case Files," and DPA DDI.A 02, "Biography File" subject to the Privacy Act of 1974. It has been determined that the personnel data contained in these systems duplicates the information contained in Privacy Act systems of records maintained by the Military Services and by OPM/GOVT-1.

DATES: These deletions shall be effective January 22, 1982.

ADDRESS: Send any comments to the System Managers identified in the systems notices (44 FR 74088) December 17, 1979.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C315, Pentagon, Washington, D.C. 20301. Telephone: (202) 695-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a) Pub. L. 93-579 were published in the **Federal Register.**

FR Doc. 81-897 (46 FR 6427) January 21, 1981
FR Doc. 81-5566 (46 FR 12772) February 18, 1981
FR Doc. 81-6246 (46 FR 14031) February 25, 1981
FR Doc. 81-6491 (46 FR 14154) February 26, 1981
FR Doc. 81-7597 (46 FR 16114) March 11, 1981
FR Doc. 81-8041 (46 FR 16926) March 16, 1981
FR Doc. 81-8127 (46 FR 17074) March 17, 1981
FR Doc. 81-8281 (46 FR 17243) March 18, 1981
FR Doc. 81-8282 (46 FR 17243) March 18, 1981
FR Doc. 81-10201 (46 FR 20260) April 3, 1981
FR Doc. 81-10722 (46 FR 21228) April 9, 1981
FR Doc. 81-11473 (46 FR 22257) April 16, 1981
FR Doc. 81-11765 (46 FR 22632) April 20, 1981
FR Doc. 81-12892 (46 FR 23987) April 29, 1981
FR Doc. 81-13225 (46 FR 24620) May 1, 1981
FR Doc. 81-14226 (46 FR 26365) May 12, 1981
FR Doc. 81-14406 (46 FR 26676) May 14, 1981
FR Doc. 81-14909 (46 FR 27373) May 19, 1981
FR Doc. 81-14975 (46 FR 27373) May 19, 1981
FR Doc. 81-15770 (46 FR 28470) May 27, 1981
FR Doc. 81-17763 (46 FR 31306) June 15, 1981
FR Doc. 81-19042 (46 FR 33074) June 26, 1981
FR Doc. 81-20404 (46 FR 35983) July 13, 1981
FR Doc. 81-21228 (46 FR 37306) July 20, 1981
FR Doc. 81-21498 (46 FR 37751) July 22, 1981
FR Doc. 81-23482 (46 FR 40786) August 12, 1981
FR Doc. 81-25853 (46 FR 44494) September 4, 1981
FR Doc. 81-28992 (46 FR 49177) October 6, 1981
FR Doc. 81-31994 (46 FR 54791) November 4, 1981
FR Doc. 81-32109 (46 FR 54979) November 5, 1981
FR Doc. 81-32239 (46 FR 55130) November 6, 1981
FR Doc. 81-32656 (46 FR 55555) November 10, 1981
FR Doc. 81-33756 (46 FR 57339) November 23, 1981
FR Doc. 81-34463 (46 FR 58546) December 2, 1981
FR Doc. 81-34875 (46 FR 59291) December 4, 1981

December 18, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

Deletions

DPA DXA.A 07

SYSTEM NAME:

Personnel Files.

Reason:

Data contained in this system duplicates information contained in Privacy Act systems of records maintained by the Military Services and by OPM/GOVT-1.

DPA DDI.B 03

SYSTEM NAME:

Portrait-Photograph File.

Reason:

Data contained in this system duplicates information contained in Privacy Act systems of records maintained by the Military Services and by OPM/GOVT-1.

DPA DDI.C 04

SYSTEM NAME:

Case Files.

Reason:

Data contained in this system duplicates information contained in Privacy Act systems of records maintained by the Military Services and by OPM/GOVT-1.

DPA DDI.A 02

SYSTEM NAME:

Biography File.

Reason:

Data contained in this system duplicates information contained in Privacy Act systems of records

maintained by the Military Services and by OPM/GOVT–1.

[FR Doc. 81–36583 Filed 12–22–81; 8:45 am]
BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

National Advisory Council on Bilingual Education; Meeting

AGENCY: National Advisory Council on Bilingual Education.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Bilingual Education. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES:

January 16, 1982—Public Hearings—9:00 a.m.–4:00 p.m.
January 28, 1982—Public Hearings—9:00 a.m.–5:00 p.m.
January 29–31, 1982—Business Meetings—9:00 a.m.–5:00 p.m.

ADDRESSES: The Public Hearings of January 16, 1982 will be held at the San Francisco Downtown Hilton Hotel, Mason & O'Farrell Streets, San Francisco, CA. The January 28, 1982 Public Hearings will be held at the HHS North Building Auditorium, 330 Independence Avenue, SW., Washington, DC. The Business Meetings of January 29–31, 1982 will be held at the Reporters Building, 300 7th Street, SW., Room 402, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ramon Ruiz, Designated Federal Official, Room 421, Reporters Building, 400 Maryland Avenue, SW., Washington, DC 20202 (202–245–2600).

SUPLEMENTARY INFORMATION: The National Advisory Council on Bilingual Education is established under Section 732(a) of the Bilingual Education Act (20 U.S.C. 3242). The Council is established to advise the Secretary of the Department of Education concerning matters arising in the administration of the Bilingual Education Act and other laws affecting the education of limited English proficient populations.

The meeting of the Council is open to the public. The proposed agenda includes the following:

January 16, 1982 and January 28, 1982

The Council will take testimony from 9:00 a.m. to 4:00 p.m. (January 16) and 9:00 a.m. to 5:00 p.m. (January 28) on the following topics:

(1) 1983 Reauthorization.
(2) Research.
(3) Reports of the Effectiveness of Bilingual Education.
(4) Structure of Education Foundation and the Role of the Office of Bilingual Education and Minority Languages Affairs and other language related programs.
(5) Interrelations and Interdependency of Bilingual Education and Modern Language Teachers.
(6) Importance of Bilingual Education on International Trade and Commerce.

The following procedures shall be observed during the public hearings:

(1) Witnesses shall be heard on a first come basis.
(2) Witnesses shall limit their testimony to twenty minutes.
(3) All testimony shall be tape recorded.
(4) Exceptions to the aforementioned procedures shall be at the discretion of the Chairperson.

January 29–31, 1982

The Business Meeting agenda includes the following:

I. Call to Order.
II. Approval of the Minutes.
III. Committee Reports.
IV. Other Reports.
V. Committee Reports & Action Items.
VI. Old Business.
VII. New Business.
VIII. Other.
IX. Adjournment.

Records are kept of all Council proceedings, and are available for public inspection at the Office of Bilingual Education and Minority Languages Affairs, Room 421, Reporters Building, 400 Maryland Avenue, SW., Washington, DC 20202 from the hours of 9:00 a.m. to 5:00 p.m.

Dated: December 18, 1981.

Jesse M. Soriano,

Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 81–36619 Filed 12–22–81; 8:45 am]
BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Extension of Comment Period for the Draft Northeast Regional Environmental Impact Statement

AGENCY: Department of Energy.

ACTION: Notice of extension of the comment period on the Draft Enviromental Impact Statement (DEIS).

SUMMARY: The Department of Energy (DOE) announced the availability of the Draft Northeast Regional Environmental Impact Statement (DOE/EIS–0083–D) on November 17, 1981 (46 FR 56494). In that notice written comments on the document were invited and receipt was requested by January 5, 1982, in order to insure consideration in preparing the final environmental impact statement. In response to requests for an extension of time, DOE is extending the comment period to February 5, 1982.

ADDRESS: Comments should be sent to: Ms. Marsha S. Goldberg, Department of Energy, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 6128, Washington, D.C. 20461, Phone No. (202) 653–3374.

Issued in Washington, D.C., December 17, 1981.

William A. Vaughan,

Assisant Secretary, Environmental, Protection, Safety, and Emergency Preparedness.

[FR Doc 81–36001 Filed 12–22–81; 8:45 am]
BILLING CODE 6450–01–M

Economic Regulatory Administration

Summit Transportation Co.; Action Taken on Consent Order

Correction

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on consent order—correction.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of a correction to the **Federal Register** Notice published on June 1, 1981, which gave notice of a Consent Order issued as signed.

DATE: December 11, 1981.

FOR FURTHER INFORMATION CONTACT: William Harrison, Division Director, Crude Producers and Crude Resellers, Office of Special Counsel, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 633–9640.

SUPPLEMENTARY INFORMATION: On March 4, 1981, 46 FR 15203 (1981), the Office of Enforcement of the ERA published notification in the **Federal Register** that it had executed a Consent Order with Summit Transportation Company (Summit) on January 6, 1981. Interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the Consent Order.

On June 1, 1981, the Office of Enforcement of the ERA erroneously published notification in the **Federal Register**, "Although interested persons were invited to submit comments

regarding the Consent Order to the DOE, no comments were received." One comment, however, was received. The commentor recommended that the Consent Order be modified to require that refunds be paid to those customers which were directly overcharged by Summit. The terms of the Consent Order do not direct a specific distribution of the refunds and do not prevent the distribution suggested by the commentor. The ERA has therefore determined that the Consent Order should not be modified.

Issued in Washington, D.C. on the 11th day of December, 1981.

Robert D. Gerring,

Director, Program Operations Division, Economic Regulatory Administration.

[FR Doc 81-36616 Filed 12-22-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59074; TSH-FRL-2012-4]

Certain Chemicals; Premanufacture Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the Federal Register of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of two applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by: January 7, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-59074]" and the specific TME number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E-401, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on TMEs received by the EPA:

TME 81-49

Close of Review Period. January 28, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Less than $1,000,000.

Manufacturing site—Pacific region.

Standard Industrial Classification Code—284.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Protein associated biopolymer.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a biosurfactant.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data

Acute oral toxicity LD_{50}—>5g/kg.

Acute dermal toxicity LD_{50}—>5g/kg.

Skin irritation—Mild dermal irritant.

Eye irritation—Mild to moderate irritant.

Environmental Test Data

Inhalation toxicity LC_{50} 1 hr. (rat)—>0.47 mg/1.

Exposure. The manufacturer states that the new chemical substance is biodegradable and the only adverse effect known from the manufacture and/or use of the new chemical is inhalation of dust of the new chemical substance when it is in a powdered form, may produce temporary flu-like systems. However, after initial exposure, persons have appeared to develop an immunity to the dust. Further, the dust problem will be substantially eliminated by use of breathing devices during manufacture and blending of the new chemical substance. The new chemical substance will be dispersed or dissolved in a liquid medium during use. Use of the compound will involve exposure to non-chemical industrial and commercial employees no more than 5 times per week with potential skin contact.

Environmental Release/Disposal. The manufacturer states that the substance will be used in an open use that will release from about 5,000 kg/yr to 50,000 kg/yr to the environment. There will be release in an industrial waste stream to a publicly owned treatment works (POTW).

TME 81-50

Close of Review Period. January 28, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—$500,000,000.

Manufacturing site—Atlantic region.

Standard Industrial Classification Code—739.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Saturated dicarboxylic acid diamine polyamide.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use that will release less than 50 kg of the substance (landfill) during the test market period.

Production Estimates

	Kilograms	
	Minimum	Maximum
3 months	200	1,000

Physical/Chemical Properties.

Flash point, open cup—275°C.

Viscosity (Brookfield) at room temperature—610 poise.

Density—0.994.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that a maximum of 2 workers/day for 3 hrs/day for 25 days may have dermal exposure during packaging and clean-up operations at one site and 3 workers/week for 8 hrs/day for 20 days may have dermal exposure at another site. The use may also involve a restricted and minimal consumer exposure to the substance as part of an article.

Environmental Release/Disposal. The manufacturer states that less than 50 kg of the substance will be released to the environment (landfill) during the test marketing period.

Released material would be in the form of a viscous liquid from vessel cleanout and maintenance and would be disposed of at an EPA approved landfill.

Dated: December 15, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc 81-36646 Filed 12-22-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51368; TSH-FRL-2012-2]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of two PMNs and provides a summary of each.

DATES: Written comments by:
PMN 81-630—February 7, 1982.
PMN 81-631—February 8, 1982.

ADDRESSES: Written comments, identified by the document control number "[OPTS-51368]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 81-630

Close of Review Period. March 9, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:
Annual sales—$450,000,000.
Manufacturing site—South Atlantic region.
Standard Industrial Classification Code—282.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Poly(ester)—Co-poly(ether).

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in a commercial and consumer textile fiber.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data

Acute dermal toxicity LD_{50}—Non-irritating and non-sensitizing.
Skin irritation—Non-toxic.
Skin sensitization—Non-toxic.
Repeated insult patch test/photosensitization study in human subjects—Non-toxic.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Disposal is to an approved landfill.

PMN 81-631

Close of Review Period. March 10, 1982.

Manufacturer's Identity. Franklin Chemical Industries, Inc., 2020 Bruck Street, Columbus, OH 43207.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of mixed alkyl acrylates and methacrylates.

Use. The manufacturer states that the PMN substance will be used as a pressure-sensitive adhesive for packaging tapes, labels, etc.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	250	15,000
2d year	15,000	50,000
3d year	50,000	100,000

Physical/Chemical Properties

PH—4-5.
Specific gravity—1.02-1.03.
Boiling point—210° F.
Viscosity—500-3,000 cps.
Solubility:
Water—Dispersible.
Percent solids—58-60.
Biodegradability—Very slow.
Chemical oxidation—Very slight.
Particle size—0.1 to 0.2 microns.
Hydrolysis—Slight.
Photochemical degradation—Very slight.

Toxicity data. No data were submitted.

Exposure. The manufacturer states that during manufacture, use and disposal 7 workers may experience dermal exposure up to 8 hrs/day, up to 37 days/yr.

Environmental Release/Disposal. The manufacturer states that 100-1,000 kg/yr will be released to water 0.5 hr/day, up to 37 days/yr. Disposal is by publicly owned treatment works (POTW) and approved landfill.

Dated: December 11, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 81-36646 Filed 12-22-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51369; TSH-FRL-2012-3]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of two PMNs and provides a summary of each.

DATE: Written comments by: PMN 81-632, and 81-633, February 9, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51369]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Room, E-409, 401 M Street SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Room E-216, 401 M Street SW., Washington, DC 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 81-632

Close of Review Period. March 11, 1982.

Manufacturer's Identity. S. C. Johnson & Son, Inc., 1525 Howe Street, Racine, WI 53403.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Methacrylate copolymer.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in a highly dispersive manner.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. No data were submitted.

Toxicity Data

Oral toxicity LD_{50}—Very low order.

Dermal toxicity LD_{50}—Not dermally absorbed.

Skin sensitization—No known sensitizers.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Disposal is by landfill and incineration.

PMN 81-633

Close of Review Period. March 11, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—$5,000,000,000.

Manufacturing site—Middle Atlantic region.

Standard Industrial Classification Code—285.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Hydroxy alkenyl borate.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in a contained use.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Appearance—Light tan liquid.

Flash point—354°F.

Viscosity Gardner-Hodlt @ 210F°—12.2 cSt.

Density (20°C)—0.95.

Vapor pressure @ 70°F—.002 Psia.

Toxicity Data

Acute oral toxicity LD_{50}—5 g/kg.

Acute dermal toxicity LD_{50}—2 g/kg.

Skin irritation—4.0/8.0.

Eye irritation—6.7 at 1 hr. decreasing to 0.0/110 by 72 hrs.

Ames salmonella—Negative.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

Dated: December 14, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 81-36647 Filed 12-22-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51370; TSH-FRL-2012-5]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of four PMNs and provides a summary of each.

DATE: Written comments by: PMN 81-634, 81-635, 81-636, and 81-637, February 12, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51370]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Room E-409, 401 M Street, SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Room E-216, 401 M Street, SW., Washington, D.C. 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 81-634

Close of Review Period. March 14, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annaul sales—Under $1,000,000.

Manufacturing site—Pacific region.

Standard Industrial Classification Code—284.

Specific Chemical Identify. Claimed confidential business information. Generic name provided: Protein associated biopolymer.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a biosurfactant.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data.

Acute oral toxicity LD_{50} (rat)—5 g/kg.

Acute dermal toxicity LD_{50} (rat)—2 g/kg.

Primary skin irritation (rabbit)—slight irritant.

Primary eye irritation (rabbit)—Moderate irritant.

Skin sensitization (guinea pig)—Non-sensitizing.

Exposure. The manufacturer states that during manufacture, processing, use, and disposal workers may experience dermal and inahlation exposure.

Environmental Release/Disposal. Claimed confidential business information.

PMN 81-635

Close of Review Period. March 14, 1982.

Manufacturer's Identity. E. I. du Pont de Nemours and Company, Inc., 1007 Market Street, Wilmington, DE 19898.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Metal salt of the coupling product of amino naphthalene sulfonic acid and β-oxynaphthoic acid.

Use. The manufacturer states that the PMN substance will be used in the paint and plastics market.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Dry solid powder.

pH—8-9.

Specific gravity—1.52.

Solubility: water—Trace.

Color—Red.

% volatiles by weight—3-4%.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture a total of 120 workers may experience dermal and inhalation exposure 8 hrs/day, up to 10 days/yr.

Environmental Release/Disposal. Disposal is to a publicly owned treatment works (POTW), an off-site land disposal, and air emissions.

PMN 81-636

Close of Review Period. March 14, 1982.

Manufacturer's Identity. E. I. du Pont de Nemours and Company, Inc., 1077 Market Street, Wilmington, DE 19898.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Metal salt of the coupling product of amino naphthalene sulfonic acid and β-oxynaphthoic acid.

Use. The manufacturer states that the PMN substance will be used in the ink, paint, and plastics market.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Appearance—Powder solid.
pH—6.0–9.5.
Specific gravity—1.6–2.1.
Boiling point—760 mm Hg decomposes.
Melting point—Decomposes.
Solubility: water—Not soluble.
Color—Red.
% volatiles by weight—< 4% (depending on code)

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture a total of 120 workers may experience dermal and inhalation exposure up to 8 hrs/day, up to 44 days/yr.

Environmental Release/Disposal. Disposal is to a POTW, an off-site land disposal, and air emissions.

PMN 81-637

Close of Review Period. March 14, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:
Annual sales—Over $500,000,000.
Manufacturing site—Atlantic region.
Standard Industrial Classification Code—282.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Saturated dicarboxylic acid diamine polyamine.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Flash point, (open cup)—275°C.
Solubility: water—Essentially insoluble.
Density—0.994.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing 9 workers may experience exposure 8 hrs/day, 75 days/yr during maintenance, packaging and cleanup operations.

Environmental Release/Disposal. Disposal is to an approved landfill.

Dated: December 15, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 81-36649 Filed 12-22-81; 8:45 am]
BILLING CODE 6560-31-M

[PF-160B; PH-FRL-2013-6]

Dow Chemical Co.; Amendments to Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Dow Chemical Co. has amended a pesticide petition by proposing to increase established tolerances for the combined residues of chlorpyrifos and its metabolite in or on certain raw agricultural commodities.

ADDRESS: Written comments to: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while the petition is pending before the agency. The comments are to be identified by the document control number "[PF-160B]" and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA issued a notice of filing in the **Federal Register** of December 12, 1979 (44 FR 71895) that Dow Chemical Co., PO Box 1706, Midland, MI 48640, had submitted a pesticide petition (PP OF2281) to EPA. The petition proposed that 40 CFR 180.342 be amended by establishing tolerances for the combined residues of the insecticide chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodities alfalfa green forage at 4.0 parts per million (ppm) and alfalfa hay at 15.0 ppm.

Dow Chemical Co. has submitted amendments to the petition by increasing the established tolerances for fat, meat, and meat byproducts of cattle from 1.5 ppm to 2.0 ppm and milk, fat with 0.01 ppm (N) in whole milk from 0.25 ppm to 0.5 ppm with 0.02 ppm (N) in whole milk. The proposed analytical method for determining residues is by gas chromatography equipped with a hydrogen flame ionization detector.

(Sec. 408(d); 21 U.S.C. 346a)

Dated: December 10, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-36651 Filed 12-22-81; 8:45 am]
BILLING CODE 6560-32-M

[PF-30B; PH-FRL-2013-5]

FMC Corp.; Pesticide Petition; Corporation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice corrects a pesticide petition proposing the establishment of a tolerance for residues of the insecticide carbofuran and its metabolites.

ADDRESS: Written comments to: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of October 15, 1981 (46 FR 50842) that FMC Corp. Agricultural Chemical Group, 2000 Market St., Philadelphia, PA 19103, had submitted an amendment to pesticide petition (PP 6F1789) by adding a tolerance proposal for the combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate), its carbamate metabolite, 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-*N*-methylcarbamate, and the phenolic metabolites, 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the raw agricultural commodity squash at 0.8 part per million (ppm), of which not more than 0.6 ppm is carbamates.

In FR Doc. 81-29823, appearing in the third column of page 50842 under "SUPPLEMENTARY INFORMATION" under the petition number (PP 6F1789), line 15 the word "squash" is corrected to read "pumpkins" at the same tolerance levels.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 135))

Dated: December 10, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-36050 Filed 12-22-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

FCC Public-Use Forms Approved by OMB

The Paperwork Reduction Act of 1980 (Pub. L. 96-511) requires all agencies to submit public reporting requirements to the Office of Management and Budget (OMB) for approval. Forms used to report information to the Commission must have OMB approval numbers by 1 January 1982. The public protection clause of the Act (section 3512) states that "* * * no person shall be subject to any penalty for failing to maintain or provide any information * * * if the information collection request was made after December 31, 1981, and does not display a current control number assigned by the Director * * *"

Until the Paperwork Reduction Act was passed, the General Accounting Office (GAO) was responsible for reviewing FCC forms and all FCC forms have a GAO clearance number indicating their approval. Recently, all of the Commission's public use forms were given OMB approval numbers. However, many of these forms are printed and stocked in large quantities by the Commission to ensure availability. For this reason, the Commission holds supplies of these forms printed prior to OMB's review and approval, which do not show the appropriate numbers. These forms have been approved as required and should be used as before. Attached is a list of all FCC forms, showing the new OMB number assigned, the former GAO code, the FCC form number, and the title of the form. When current stocks are depleted, new forms showing the OMB numbers will be printed. Until that time, the current forms should be used. Unless directed otherwise, all forms on the list will continue to be required and should be submitted within established deadlines.

For further information, contact Richard D. Goodfriend, Office of Managing Director, (202) 632-7513.

William J. Tricarico,

Secretary, Federal Communications Commission.

OMB No.	GAO No.	FCC form No. or recordkeeping requirement	Title
3060-0001	3-180227 (RO001)	324	Annual Financial Report of Networks and Licensees of Broadcast Stations.
3060-0002	3-180227 (RO016)	L	Annual Report of Licensee in Domestic Public Land Mobile Radio Service.
3060-0003	3-180227 (RO039)	610	Application for Amateur Radio Station and/or Operator License.
3060-0004	3-180227 (RO085)	Sec. 1.1311 [1]	Environmental Information to be Submitted with Applications for Authority to Construct Major Communications Facilities.
3060-0005	3-180227 (RO100)	P	Annual Report of Miscellaneous Common Carriers.
3060-0006	3-180227 (RO102)	506	Application for Station License in the CB or R/C Service.
3060-0007	3-180227 (RO116)	494	Application for a New or Modified Common Carrier Microwave Radio Station Construction Permit under Part 21.
3060-0008	3-180227 (RO119)	129	Notice of Frequency to be Received by Radio Astronomy Station.
3060-0009	3-180227 (RO120)	316	Application for Consent to Assignment of Radio Broadcast Station Construction Permit or License or Transfer of Control of Corporation Holding Radio Broadcast Station Construction Permit or License.
3060-0010	3-180227 (RO122)	323	Ownership Report.
3060-0011	3-180227 (RO123)	330-L	Application for Instructional Television Fixed Station License.
3060-0012	3-180227 (RO125)	701	Application for Extension of Construction Permit or to Replace Expired Construction Permit.
3060-0013	3-180227 (RO126)	Sec. 73, 1800-1850 [1]	Standard Broadcast and FM Station Program Logging Rules.
3060-0014	3-180227 (RO127)	308	Application for Permit to Deliver Programs to Foreign Broadcast Stations.
3060-0015	3-180227 (RO128)	310 [2]	Application for an International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station License.
3060-0016	3-180227 (RO129)	346	Application for Authority to Construct or Make Changes in a TV or FM Broadcast Translator Station.
3060-0017	3-180227 (RO130)	347	Application for TV or FM Broadcast Translator Station License.
3060-0018	3-180227 (RO131)	348	Application for Renewal of TV or FM Broadcast Translator Station License.
3060-0019	3-180227 (RO134)	403	Application for Radio Station License or Modification Thereof under Parts 21, 22, 23, and 25.
3060-0020	3-180227 (RO135)	406	Application for Ground Station Authorization in the Aviation Services.
3060-0021	3-180227 (RO136)	490	Civil Air Patrol Radio Station License.
3060-0022	3-180227 (RO138)	610-A	Application of Alien Amateur Radio Licensee for Permit to Operate in the United States.
3060-0023	3-180227 (RO139)	714	Supplement to Application for New or Modified Radio Station Authorization (Concerning Antenna Structure Notification to FAA).
3060-0024	3-180227 (RO143)	Sec. 76.[illegible] [1]	Special Temporary Authority Rules in the Cable Television Service.
3060-0025	3-180227 (RO148)	755	Application for Restricted Radiotelephone Operator Permit by an Alien.
3060-0027	3-180227 (RO174)	301	Application for Authority To Construct a New Broadcast Station or Make Changes in an Existing Broadcast Station.
3060-0028	3-180227 (RO175)	313	Application for Authorization in the Auxiliary Radio Broadcast Services.
3060-0029	3-180227 (RO176)	302	Application for New Broadcast Station License.
3060-0030	3-180227 (RO177)	318	Request for Subsidiary Communications Authorization.
3060-0031	3-180227 (RO179)	314	Application for Consent to Assignment of Broadcast Station Construction Permit or License.
3060-0032	3-180227 (RO180)	315	Application for Consent to Transfer of Control of Corporation Holding Radio Broadcast Station Construction Permit or License.
3060-0033	3-180227 (RO181)	341	Application for a New Noncommercial Educational Broadcast Station License.
3060-0034	3-180227 (RO182)	340	Application for Authority To Construct or Make Changes in a Noncommercial Educational Broadcast Station.
3060-0035	3-180227 (RO183)	313-R	Application for Renewal of Auxiliary Broadcast License (Short Form).
3060-0037	3-180227 (RO185)	400-S	Supplemental Information for Trunked and Conventional Systems.
3060-0038	3-180227 (RO205)	325	Cable Television Annual Financial Report.
3060-0039	3-180227 (RO207)	436	Application for a New or Modified Common Carrier Microwave Radio Station License Under Part 21.
3060-0040	3-180227 (RO208)	404	Application for Aircraft Radio Station License.
3060-0041	3-180227 (RO214)	301-A	Application for Authority To Operate a Broadcast Station by Remote Control or To Make Changes in a Remote Control Authorization.
3060-0042	3-180227 (RO215)	130-A	Notice of Frequency Assignment to Earth Station—Receiving Earth Station.
3060-0043	3-180227 (RO216)	130-R	Notice of Frequency Assignment to Space Station—Receiving Space Station.
3060-0044	3-180227 (RO217)	130-E	Notice of Frequency Assignment to Earth Station—Transmitting Earth Station.
3060-0045	3-180227 (RO218)	130-S	Notice of Frequency Assignment to Space Station—Transmitting Space Station.
3060-0046	3-180227 (RO219)	401	Application for New or Modified Common Carrier Radio Station Construction Permit Under Parts 22 and 25.
3060-0047	3-180227 (RO220)	407 [2]	Application for Radio Station Construction Permit for Part 23.
3060-0048	3-180227 (RO221)	704	Application for Consent to Transfer of Control of Corporation Holding Common Carrier Radio Station Construction Permit or License.
3060-0049	3-180227 (RO222)	753	Restricted Radiotelephone Operator Permit Application.
3060-0050	3-180227 (RO224)	801	Application for Ship Radio Inspection.
3060-0051	3-180227 (RO234)	405-B	License Expiration Notice, Renewal Application Short Form.

OMB No.	GAO No.	FCC form No. or recordkeeping requirement	Title
3060-0052	B-180277 (RO256)	440-A	Supplemental Information for Applications in the Experimental Radio Service Involving Government Contracts.
3060-0053	B-180277 (RO239)	703	Application for Consent to Transfer of Control of Corporation Holding Construction Permit or Station License.
3060-0054	B-180277 (RO242)	826	Application for Exemption from Ship Radio Station Requirements.
3060-0055	B-180277 (RO279)	327	Application for Cable Television Relay Service Station Authorization.
3060-0056	B-180277 (RO307)	730	Application for Registration of Equipment to be Connected to the Telephone Network.
3060-0057	B-180277 (RO351)	731	Application for Equipment Authorization—Radiofrequency Devices.
3060-0058	B-180277 (RO353)	901	Monthly Report of Revenues, Expenses, and Other Items—Telephone Companies.
3060-0059	B-180277 (RO366)	740	Statement Regarding the Importation of Radio Frequency Devices Capable of Causing Harmful Interference.
3060-0060	B-180277 (RO367)	Sec. 73, 1800-1850 [1]	Television Broadcast Program Logging Rules.
3060-0061	B-180277 (RO368)	325	Annual Report of Cable Television Systems.
3060-0062	B-180277 (RO369)	330-P	Application for Authority to Construct or Make Changes in an Instructional Television Fixed and/or Response Station(s) and Low Power Relay Station(s).
3060-0064	B-180277 (RO375)	402	Application for License in the Private Operational Fixed Microwave Radio Service.
3060-0065	B-180277 (RO376)	442	Application for New or Modified Radio Station Authorization under Part 5 of FCC Rules, Experimental Radio Services [other than Broadcast].
3060-0066	B-180227 (RO384)	330-R	Application for Renewal of an ITFS and/or Response Station(s) and Low Power Relay Station(s) License.
3060-0067	B-180277 (RO389)	400	Application for Radio Station Authorization in the Safety and Special Radio Services.
3060-0068	B-180277 (RO393)	702	Application for Consent to Assignment of Radio Station Construction Permit or License (for Stations in Services other than Broadcasting).
3060-0069	B-180277 (RO394)	756	Application for Commercial Radio Operator License.
3060-0070	B-180277 (RO395)	757-S	Application for Re-examination for Commercial or Amateur Radio Operator License Prior to Expiration of Waiting Period (Waiver of Secs. 13.27 and 97.33 of Rules).
3060-0071	B-180277 (RO397)	809	Application for Periodic Survey (Great Lakes Agreement).
3060-0072	B-180277 (RO415)	409	Application for Individual Mobile Radio Telephone License in the Domestic Public Land Mobile Radio Service.
3060-0073	B-180277 (RO432)	808	Application for and Certificate of Overtime Services Involving Inspection of Ship Radio Equipment.
3060-0074	B-180227 (RO447)	309	Application for Authority to Construct or Make Changes in an International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station.
3060-0075	B-180227 (RO448)	345	Application for Consent to Assignment of Broadcast Translator Station Construction Permit or License.
3060-0076	B-180227 (RO449)	395	Annual Employment Report.
3060-0077	B-180227 (RO450)	Report and Order 76-1169 [1]	Request for Supplemental Data for Application License on Domestic Satellite Earth Station for Applicant Whose Program Uses Small Dish Antenna.
3060-0078	B-180227 (RO458)	Secs. 90.119 and 90.242 [1]	Travelers' Information Stations.
3060-0079	B-180227 (RO464)	610-B	Application for Amateur Club or Military Recreation Station License.
3060-0080	B-180227 (RO465)	349-L [2]	Application for an FM Booster Station License.
3060-0081	B-180227 (RO466)	349-P [2]	Application for Authority to Construct or Make Changes in an FM Booster Station.
3060-0082	B-180227 (RO467)	349-R [2]	Application for Renewal of FM Booster Station License.
3060-0084	B-180227 (RO531)	329-E	Ownership Report for Noncommercial Educational Broadcast Station.
3060-0085	B-180227 (RO541)	66	Employment Inquiry.
3060-0086	B-180227 (RO542)	759	Verification of Radio Operator License or Permit for Additional Posting.
3060-0087	B-180227 (RO548)	453-B	Certificate of Special Temporary Authorization for Operation of Radio Station on Board New Aircraft or Aircraft with an Initial Radio Installation.
3060-0088	B-180227 (RO549)	402-A	Annual Report of Licensees of Private Operational Fixed Microwave Radio Service Stations.
3060-0089	B-180227 (RO550)	509	Application for Land Radio Station License in the Maritime Mobile Service or an Alaska Public Fixed Service.
3060-0090	B-180227 (RO551)	410	Registration of Canadian Radio Station Licensee and Application for Permit to Operate.
3060-0091	B-180227 (RO552)	410-B	Application for Permit to Operate a Canadian General Radio Service Station in the United States and Permit to Operate.
3060-0092	B-180227 (RO553)	812	Application for Periodic Inspection (Communications Act, Title III, Part III).
3060-0093	B-180227 (RO556)	405	Application for Renewal of Radio Station License in Specified Services.
3060-0094	B-180227 (RO570)	Sec. 22.901(1)(10)(ii) [1]	Common Carrier Land Mobile Channel Loading Measurement.
3060-0095	B-180227 (RO578)	395-A	Annual Employment Report—Cable Television.
3060-0096	B-180227 (RO588)	508/508-A	Application for Ship Radio Station License and Temporary Permit for Ship Radio Station.
3060-0097	B-180227 (RO831)	195-A/195-B	Fee Refund Program (Phase I), Refund Request Form and continuation page.
3060-0099	B-180227 (RO659)	M	Annual Report Form M.
3060-0100	B-180227 (RO679)	199-C	Fee Refund Program (Phase II), Refund Request Form.
3060-0101	B-180227 (RO691)	847	Examination Credit Certificate, Commercial Radio Operator.
3060-0102	B-180227 (RO197)	915	Priority Request and Certification.
3060-0103	B-180227 (RO694)	Sec. 97.423 [1] [3]	Amateur-Satellite Service Notifications Required.
3060-0104	B-180227 (RO702)	572	Temporary Permit to Operate a Business Radio Station.
3060-0105	B-180227 (RO117)	430	Common Carrier and Satellite Radio Licensee Qualification Report.
3060-0106	B-180227 (RO124)	336 [2]	Report of Overseas Telecommunications Traffic.
3060-0107	B-180227 (RO391)	405-A	Application for Renewal of Radio Station License and/or Notification of Change to License Information.
3060-0108	B-180227 (RO704)	201	Emergency Broadcast System (EBS) Activation Report.
3060-0109	(New approval)	303-C	Renewal Application Audit Form for Commercial TV Broadcast Stations.
3060-0110	(New approval)	303-S	Application for Renewal of License for Commercial and Noncommercial AM, FM or TV Broadcast Station.
3060-0111	(New approval)	303-N	Renewal Application Audit Form for Noncommercial Educational AM, FM, and TV Broadcast Stations.
3060-0113	(New approval)	396	Equal Employment Opportunity Program.

[1] Recordkeeping requirement only.
[2] Display of OMB number previously assigned no longer required (fewer than 10 respondents).

[FR Doc. 81-36524 Filed 12-22-81; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-142]

Capitol Federal Savings and Loan Association, Oklahoma City, Oklahoma; Final Action Approval of Conversion Applications

Dated: December 18, 1981.

Notice is hereby given that on November 18, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 81-684 approved the application of Capitol Federal Savings and Loan Association, Oklahoma City, Oklahoma for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Topeka, 3 Townsite Plaza, 120 East 6th Street, Topeka, Kansas 66601.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-36652 Filed 12-22-81; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-144]

First Federal Savings and Loan Association, Arcadia, Florida; Final Action Approval of Conversion Applications

Dated: December 18, 1981.

Notice is hereby given that on November 16, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 81-685 approved the application of First Federal Savings and Loan Association, Arcadia, Florida for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, Coastal States Building, 260 Peachtree Street, N.W., Atlanta, Georgia 30343.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-36653 Filed 12-22-81; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-143]

Northwestern Savings and Loan Association, Traverse City, Michigan; Final Action Approval of Conversion Applications

Dated: December 18, 1981.

Notice is hereby given that on November 16, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 81-683 approved the application of Northwestern Savings and Loan Association, Traverse City, Michigan for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Indianapolis, 1350 Merchants Plaza, South Tower, 115 West Washington Street, Indianapolis, Indiana 46206.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-36654 Filed 12-22-81; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-145]

Victor Federal Savings and Loan Association Muskogee, Oklahoma; Final Action Approval of Conversion Applications

Dated: December 18, 1981.

Notice is hereby given that on November 16, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 81-687 approved the application of Victor Federal Savings and Loan Association, Muskogee, Oklahoma for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Topeka, 3 Townsite Plaza, 120 East 6th Street, Topeka, Kansas 66601.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-36655 Filed 12-22-81; 8:45 a.m.]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10327; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after the date of the **Federal Register** in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: T-4007.

Filing Party: Mr. Carl S. Parker, Jr., Traffic Manager, Port of Galveston, P.O. Box 328, Galveston, Texas 77553.

Summary: Agreement No. T-4007 between the Board of Trustees of the Galveston Wharves (Galveston Wharves) and Southern Stevedoring Co., Inc. (Lessee), provides for the lease by Galveston Wharves of premises located at Piers 19 and 21 in the Port of Galveston to be used as a public terminal for the handling of bananas, other tropical fruit and other general cargo. As rent Lessee shall pay to the Galveston Wharves $40,000 per annum. The term of the lease is for one year, with an option for one renewal period of one year. Rental for the option period will be renegotiated. Indemnity, insurance, liabilities, maintenance and repair are as agreed to by the parties.

Agreement No.: 17-41.

Filing Party: Mr. Elkan Turk, Jr., Burlingham Underwood and Lord, One Battery Park Plaza, New York, New York 10004.

Summary: Agreement No. 17-41 modifies the basic agreement of the Far East Conference to comply with the Commission's General Order 7 requirements.

Agreements Nos.: 4610-29 and 8120-22.

Filing Party: Mr. Nathan J. Bayer, Freehill, Hogan & Mahar, 21 West Street, New York, New York 10006.

Summary: Agreements Nos. 4610-29 and 8120-22 amend the basic agreement of the United States Atlantic & Gulf/Jamaica Conference and the United States Atlantic & Gulf-Haiti Conference to (1) allow the parties to vote to suspend self-policing provisions when there are less than three parties to the agreement and (2) provide for automatic reinstatement of the self-policing provisions thirty days from the effective date of membership of an additional party.

By order of the Federal Maritime Commission.

Dated: December 17, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-36680 Filed 12-22-81; 8:45 am]

BILLING CODE 6730-01-M

Filing and Approval of Agreement

The Federal Maritime Commission hereby gives notice that on November 30, 1981, the following agreement was filed with the Commission pursuant to section 15 of the Shipping Act, 1916, as amended by section 4 of the Maritime Labor Agreements Act of 1980, Pub. L. 96-325, 94 Stat. 1021, and was deemed approved that date, to the extent it constitutes an assessment agreement as described in the fifth paragraph of section 15, Shipping Act, 1916.

Agreement No. LM-82.

Filing Party: James Patrick Cooney, Esquire, Royston, Rayzor, Vickery & Williams, 2200 Texas Commerce Tower, Houston, Texas 77002.

Summary: Agreement No. LM-82 is a Resolution of the West Gulf Maritime Association (WGMA) establishing the Guaranteed Annual Income Program and Fringe Benefits Contract Administration Assessment. The Assessment will be collected and administered by WGMA for funding various agreements between WGMA and the South Atlantic and Gulf District, International Longshoremen's Association including, but not limited to, the Guaranteed Annual Income Program, the Manpower Development Program, implementation of the Stabilization and Decasualization Program, Safety Training Program, and general expenses of administering such agreements.

By order of the Federal Maritime Commission.

Dated: December 17, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-36600 Filed 12-22-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2077-R]

Jester International Forwarding Co., Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Jester International Forwarding Company, Inc., 2408 Timberlock Place, D-2, Woodlands, TX 77380 was cancelled effective February 1, 1980.

Jester International Forwarding Company, Inc., has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2077-R be and is hereby revoked effective February 1, 1980.

It is ordered, that Independent Ocean Freight Forwarder License No. 2077-R issued to Jester International Forwarding Company, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Jester International Forwarding Company, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-36580 Filed 12-22-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Aktivbanken A/S; Formation of Bank Holding Company

Aktivbanken A/S, Vejle, Denmark, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of National Bank of Long Beach, Long Beach, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than January 15, 1982. Any comment on an application that request a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 16, 1981.

Theordore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36606 Filed 12-22-81; 8:45 am]

BILLING CODE 6210-01-M

Banks County Financial Corp.; Formation of Bank Holding Company

Banks County Financial Corporation, Homer, Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent (less directors' qualifying shares) of the voting shares of Bank of Banks County, Homer, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 15, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 16, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36605 Filed 12-22-81; 8:45 am]

BILLING CODE 6210-01-M

Climbing Hill Bancshares, Inc.; Formation of Bank Holding Company

Climbing Hill Bancshares, Inc., Climbing Hill, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Climbing Hill Savings Bank, Climbing Hill, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Climbing Hill Bancshares, Inc., Climbing Hill, Iowa, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire

the business of Hoyd Insurance Agency, Climbing Hill, Iowa.

Applicant states that the proposed subsidiary would engage in general insurance agency activities in a town with a population of under 5,000. These activities would be performed from offices in Climbing Hill, Iowa, and the geographic area to be served is Climbing Hill, Iowa. This activity has been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than January 9, 1982.

Board of Governors of the Federal Reserve System, December 17, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36602 Filed 12-22-81; 8:45 am]

BILLING CODE 6210-01-M

Deutsche Bank AG; Proposed Acquisition of Freightliner Credit Corporation

Deutsche Bank AG, Frankfurt, Federal Republic of Germany, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Freightliner Credit Corporation, Portland, Oregon, through its indirect subsidiary, Mercedes Benz North America, a Delaware corporation.

Applicant states that the proposed subsidiary would make or acquire for its own account loans and other extensions of credit such as would be made or acquired by a finance company; lease personal property or act as agent, broker, or adviser in leasing such property; and act as agent or broker for credit life insurance that is directly related to extensions of credit. The indirect subsidiary and Freightliner Credit Corporation also propose to engage *de novo* in dealer inventory financing for dealers of all present and future affiliates of Mercedes Benz North America; retail financing; full pay-out leasing with respect to products sold by its various automobile and truck retail affiliates; and to act as insurance agent or broker for credit accident and physical damage insurance that is directly related to extensions of credit by Freightliner Credit Corporation.

These activities will be conducted from offices in Portland, Oregon; Claymont, Delaware; Atlanta, Georgia; Oak Brook, Illinois; and through various retail subsidiary dealerships of the automobile and truck affiliates throughout the United States, servicing the entire United States. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received no later than January 3, 1982.

Board of Governors of the Federal Reserve System, December 15, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36004 Filed 12-22-81; 8:45 am]

BILLING CODE 6210-01-M

Multi-Line, Inc.; Acquisition of Bank

Multi-Line, Inc., Tampa, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire an additional 10 percent of the voting shares of First Florida Banks, Inc., Tampa, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than January 15, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, indentifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 16, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36003 Filed 12-22-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[E-81-36]

Delegation of Authority to the Secretary of Energy

1. *Purpose.* This delegation authorizes the Secretary of Energy to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Nevada Public Service Commission involving electric rates, Docket No. 81-602.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Energy to represent the consumer interests of the executive agencies of the

Federal Government in proceedings before the Nevada Public Service Commission involving the application of the Nevada Power Company for an increase in its electric rates in Docket No. 81-602.

b. The Secretary of Energy may redelegate this authority to any officer, official, or employee of the Department of Energy.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Energy shall add GSA to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Energy filings.

Dated: December 14, 1981.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 81-36040 Filed 12-22-81; 8:45 am]

BILLING CODE 6820-AM-M

[E-81-35]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Colorado Public Utilities Commission involving gas service rates, Advice Notice 83.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Colorado Public Utilities Commission involving the application of the Department of Public Utilities of the City of Colorado Springs for an increase in its gas service rates in Advice Notice 83.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add GSA to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Defense filings.

Dated: December 14, 1981.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 81-36041 Filed 12-22-81; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological and Communicative Disorders and Stroke; Neurological Disorders Program-Project Review B Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Neurological Disorders Program-Project Review B Committee, National Institutes of Health, February 12, and 13, 1982, in Conference Room 7, Building 31, NIH Bethesda, Maryland 20205.

The meeting will be open to the public from 8:00 a.m. until 9:00 a.m. on February 12th, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4), and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on February 12th from 9:00 a.m. to adjournment on February 13th, for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which could constitute a clearly unwarranted invasion of personal privacy.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda, MD 20205, telephone 301/496-5751, will furnish summaries of the meeting and roster of committee members.

Dr. Ellen G. Archer, Executive Secretary, Federal Building, Room 9C10B, Bethesda, MD 20205, telephone 301/496-9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance program No. 13.852, Neurological Disorders Program, National Institutes of Health)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: December 11, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-36052 Filed 12-22-81; 8:45 am]

BILLING CODE 4140-01-M

Arteriosclerosis, Hypertension, and Lipid Metabolism Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Arteriosclerosis, Hypertension, and Lipid Metabolism Advisory Committee, National Heart, Lung, and Blood Institute, January 29, 1982, Conference Room 9, 6th Floor, C-Wing, Building 31, National Institutes of Health, Bethesda, Maryland 20205. The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on Friday, January 29, to evaluate program support in Arteriosclerosis, Hypertension, and Lipid Metabolism. Attendance by the public will be limited on a space available basis.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. G. C. McMillan, Associate Director, Arteriosclerosis, Hypertension, and Lipid Metabolism Program, NHLBI, Room 4C-12, Federal Building, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-1613, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

NIH Programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: December 15, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc 81-36055 Filed 12-22-81; 8:45 am]

BILLING CODE 4140-01-M

Biomedical Research Support Subcommittee, General Research Support Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the

Biomedical Research Support (BRS) Subcommittee, General Research Support Review Committee, Division of Research Resources, February 2, 1982, Conference room 9, Bldg. 31, National Institute of Health, Bethesda, Maryland 20205.

The meeting will be open to the public from 9:00 a.m. to adjournment for the discussion of (1) changes in the eligibility threshold for admission to the BRSG Program; (2) an update on the status of the BRS Shared Instrumentation Program and the possible need to revise program guidelines for FY '83; (3) impact of President Reagan's FY '82 and FY '83 budget on both programs; and (4) updating the DRR Five-Year Plan. Attendance by the public will be limited to space available.

Mr. James Augustine, Information Officer, Division of Research Resources, Room 5B10, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–5545, will provide summaries of the meeting and rosters of Committee members. Dr. Thomas G. Bowery, Program Director, Biomedical Research Support Program, Room 5B23, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–6743, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs, No. 13.337, Biomedical Research Support, National Institutes of Health)

NIH programs are not covered by OMB Circular A–05 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: December 15, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–36587 Filed 12–22–81; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Allergy and Infectious Diseases and American Academy of Allergy; Symposium

The National Institute of Allergy and Infectious Diseases and the American Academy of Allergy will hold a symposium on February 25, 1982, entitled Occupational Immunologic Lung Disease. The program will cover immunologic aspects and other mechanisms of the disease and the state-of-the-art in hazard measurement, risk assessment, disease detection and measurement and patient evaluation. Participants will include medical scientists drawn from industry, health care delivery systems and government agencies, institutes and bureaus, and representatives of consumer, labor and industrial organizations.

The symposium, to be held in Washington, D.C. at the Department of Health and Human Services North Building Auditorium at 330 Independence Avenue, SW., is sponsored jointly by the Institute's Asthma and Allergic Disease Centers Program and the American Academy of Allergy. There is no registration fee, but pre-registration is required, and attendance will be limited.

For registration forms or additional meeting information call: Marsha Ryan at (301) 299–4380. For technical information call: Robert Goldstein at (301) 496–7104 or Janet Ayres at (301) 496–7551.

Dated: December 15, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–36587 Filed 12–22–81; 8:45 am]

BILLING CODE 4140–01–M

Neurological Disorders Program Project Review A Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Neurological Disorders Program Project Review A Committee, National Institutes of Health, February 16, 17 and 18, 1982 at the Monteleone Hotel, 214 Rue Royal, New Orleans, Louisiana 70140.

The meeting will be open to the public from 8:00 p.m. until 10:00 p.m. on February 16, 1982 to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4), and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on February 17, 1982 from 8:00 a.m. to adjournment on February 18, 1982 for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which could constitute a clearly unwarranted invasion of personal privacy.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda, MD 20205, (Tel. No. 301/496–5751) will furnish summaries of the meeting and roster of committee members.

Dr. Leon Jack Greenbaum, Jr., Executive Secretary, Federal Building, Room 9C14, Bethesda, MD 20205, telephone 301/496–9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.852, Neurological Disorders Program, National Institutes of Health)

NIH programs are not covered by OMB Circular A–05 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: December 11, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–36584 Filed 12–22–81; 8:45 am]

BILLING CODE 4140–01–M

National Advisory Child Health and Human Development Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Child Health and Human Development Council, January 25–26, 1982, in Building 31, Conference Room 10, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on January 25 from 9:00 a.m. to 5:00 p.m. with current status reports, review of the Reproductive Sciences Program, and scientific presentations. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on January 26 from 9:00 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Council Secretary, NICHD, Landow Building, Room 6C08, National Institutes of Health, Bethesda, Maryland 20205, Area Code 301, 496–1485, will provide a summary of the meeting and a roster of Council members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.864, Population Research, and 13.865, Research for Mothers and Children, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–05 because they fit the description of "program not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: December 9, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81-36073 Filed 12-22-81; 8:45 am]

BILLING CODE 4140-01-M

National Advisory General Medical Sciences Council; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory General Medical Sciences Council, National Institute of General Medical Sciences, National Institutes of Health, on January 28 and 29, 1982, Building 31, Conference Room 10, Bethesda, Maryland.

This meeting will be open to the public on January 28, 1982, from 9:00 a.m. to 3 p.m. for opening remarks; report of the Director, NIGMS; and other business of the Council. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public for approximately the last two hours of the day on January 28, 1982, and eight hours on January 29, 1982. It is estimated that the closed session will occur on January 28 from approximately 3:00 p.m. to 5:00 p.m., and on January 29, 1982, from 9:00 a.m. until adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Ellen Casselberry, Public Information Officer, National Institute of General Medical Sciences, National Institutes of Health, Room 9A12, Westwood Building, Bethesda, Maryland 20205, Telephone: 301, 496-7301 will provide a summary of the meeting and a roster of council members. Dr. Ruth L. Kirschstein, Executive Secretary, NAGMS Council, National Institutes of Health, Building 31, Room 4A52, Bethesda, Maryland 20205, Telephone: 301, 496-5231 will provide substantive program information.

(Catalog of Federal Domestic Assistance Programs Nos. 13-821, Physiology and Biomedical Engineering; 13-859, Pharmacology-Toxicology Research; 13-862, Genetics Research; 13-863, Cellular and Molecular Basis of Disease Research; and 13-880, Minority Access to Research Careers [MARC])

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Cicular.

Dated: December 9, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81-36072 Filed 12-22-81; 8:45 am]

BILLING CODE 4140-01-M

National Advisory Neurological and Communicative Disorders and Stroke Council and the Planning Subcommittee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Neurological and Communicative Disorders and Stroke Council, January 28 and 29, 1982, at 9 a.m. in Building 31-C, Conference Room 6, National Institutes of Health, Bethesda, MD 20205. In addition, a meeting of the Planning Subcommittee of the above Council will be held on January 27, 1982, at 1 p.m. to approximately 5:30 p.m. in Building 31, Room 8A28, National Institutes of Health, Bethesda, MD 20205.

The meeting of the full Council will be open to the public from 9 a.m. until approximately 11:30 a.m. on January 28, 1982, to discuss administration, management and special reports. The meeting of the Planning Subcommittee will be open from 1 p.m. to approximately 3 p.m. on January 29 to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4), and 552b(c)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the Advisory Council meeting will be closed to the public from approximately 11:30 a.m. on January 28, 1982, until the conclusion of the meeting that day, and from 8:30 a.m. until adjournment on January 29, 1982, for review, discussion and evaluation of Research Grant applications and applications for Teacher-Investigator Awards, Research Career Development Awards, and Institutional National Research Service Awards. The meeting of the Planning Subcommittee will be closed from approximately 3 p.m. to adjournment on January 29, 1982, also for the review, discussion and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Chief, Office of Scientific and Health Reports, Miss Sylvia Shaffer, Building 31, Room 8A06, NIH, NINCDS, Bethesda, Maryland 20205, telephone (301) 496-5751, will furnish summaries of the meeting and rosters of committee members.

Dr. John C. Dalton, Executive Secretary, Federal Building, Room 1016, Bethesda, Maryland 20205, telephone (301) 496-9248, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.851, Communicative Disorders Program; No. 13.852, Neurological Disorders Program; No. 13.853, Stroke and Nervous System Trauma; No. 13.854, Fundamental Neurosciences Program, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: December 9, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc 81-36071 Filed 12-22-81; 8:45 am]

BILLING CODE 4140-01-M

National Arthritis Advisory Board; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Arthritis Advisory Board on January 13, 1982, 9:00 a.m. to 5:00 p.m., at the Bethesda Marriott, 1 Pooks Hill Road, Bethesda, Maryland, to discuss the Board's activities and to continue the evaluation of the implementation of the long-range plan to combat arthritis. The meeting will be open to the public. Attendance by the public will be limited to space available. Notice of the meeting room will be posted in the Hotel lobby.

Certain Subcommittees of the Board will meet the day before, January 12. Further information, times and meeting locations of the Subcommittees may be obtained by contacting Mr. William Plunkett, Executive Director, National Arthritis Advisory Board, P.O. Box 30286, Bethesda, Maryland 20205, (301) 496-1991. The agenda and roster of members can also be obtained from his Office. Summaries of the meetings may be obtained by contacting Carole A. Peters, Committee Management Office, NIADDK, National Institutes of Health, Room 9A46, Building 31, Bethesda, Maryland 20205, (301) 496-5765.

Dated: December 7, 1981.

Thomas E. Malone,
Deputy Director, NIH.

[FR Doc. 81-36570 Filed 12-22-81; 8:45 am]
BILLING CODE 4140-01-M

Pulmonary Diseases Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given to the meeting of the Pulmonary Diseases Advisory Committee, National Heart, Lung, and Blood Institute, on February 18 and 19, 1982 in Conference Room 4, Building 31 at the National Institutes of Health, Bethesda, Maryland.

The entire meeting, from 8:30 a.m. on February 18 to 4:00 p.m. on February 19, will be open to the public. The Committee will review the "10-year retrospective evaluation and 5-year forward plan of the Division of Lung Diseases" in order to plan a course of action to meet a final deadline date of summer 1982. Attendance by the public will be limited to the space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-4236, will provide summaries of the meeting and rosters of the Committee members.

Dr. Suzanne Hurd, Acting Executive Secretary of the Committee, Westwood Building, Room 6A16, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-7208, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.838, Lung Diseases Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of the Circular.

Dated: December 7, 1981.

Thomas E. Malone,
Deputy Director, NIH.

[FR Doc. 81-36569 Filed 12-22-81; 8:45 am]
BILLING CODE 4140-01-M

Public Health Service

Orderly Closure, Transfer, and Financial Self-Sufficiency of Public Health Service Hospitals and Clinics; Delegation of Authority

Notice is hereby given that in furtherance of the November 23, 1981, delegation by the Secretary of Health and Human Services to the Assistant Secretary for Health of authority concerning the orderly closure, transfer, and financial self-sufficiency of Public Health Service hospitals and clinics, the Assistant Secretary for Health has made the following delegations:

1. Delegation by the Assistant Secretary for Health to the Director, Medical Facilities Conversion Staff, Office of the Assistant Secretary for Health, with authority to redelegate, the authority delegated to the Assistant Secretary for Health under section 987, Subtitle J, Title IX of Pub. L. 97-35, Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 248b), concerning proposals for transfer or financial self-sufficiency of Public Health Service hospitals and clinics.

2. Delegation by the Assistant Secretary for Health to the Administrator, Health Services Administration, with authority to redelegate, the authority delegated to the Assistant Secretary for Health under section 988, Subtitle J, Title IX of Pub. L. 97-35, Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 249 note), concerning the continued care for merchant seamen hospitalized in Public Health Service Hospitals.

The July 1, 1973 delegation made by the Assistant Secretary for Health to the Administrator, Health Services Administration, has been superseded insofar as it pertains to the authorities under section 321 of the Public Health Service Act relative to the operation of the Public Health Service hospitals and clinics but only to the extent of the operation of the Public Health Service hospitals and clinics during the transition period pertinent to the orderly closure, transfer, and self-sufficiency of Public Health Service hospitals and clinics provided for under Subtitle J, Title IX of Pub. L. 97-35 the Omnibus Budget Reconciliation Act of 1981. Provision has been made for delegations and redelegations to other officials within the Public Health Service of the authority under section 321 of the Public Health Service Act to continue in effect provided they are consistent with the delegation to the Director, Medical Facilities Conversion Staff, Office of the Assistant Secretary for Health.

The above delegations became effective on December 3, 1981.

Dated: December 3, 1981.

Edward N. Brandt, Jr.,
Assistant Secretary for Health.

[FR Doc 81-36613 Filed 12-22-81; 8:45 am]
BILLING CODE 4160-17-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-81-1103]

General Prototype Housing Costs for One- to Four-Family Dwelling Units

Correction

In FR Doc. 81-34801 appearing on page 59494 in the issue of Friday, December 4, 1981, make the following corrections to the tables beginning on page 59494 and ending on page 59503:

(1) In the column headings, the dollar signs appearing with "Low Range", "Medium Range" and "High Range" should be removed. (The numbers refer to square-foot areas and not to dollars.)

(2) All of the boldface designations for the Field Offices should be moved above the column headings for "Market Area—Low Range—Medium Range—High Range".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Gulf of Mexico Outer Continental Shelf (OCS)

AGENCY: Geological Survey, Interior.

ACTION: Notice of availability of environmental documents prepared for OCS mineral exploration proposals on the Gulf of Mexico OCS.

SUMMARY: The USGS, in accordance with Federal Regulations (40 CFR Section 1501.4 and section 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related environmental assessments (EAs) and findings of no significant impact (FONSIs), prepared by the USGS for the following oil and gas exploration activities proposed on the Gulf of Mexico OCS. This listing includes all proposals for which environmental documents were prepared by the Gulf of Mexico OCS Region in the 3-month period preceding this Notice.

Activity/operator	Location	FONSI date
Sohio Production Co., EA No. 494, Plan Control No. N-0570.	OCS Block 563, Desoto Canyon Area; (44 mi from the Florida coast).	Aug. 5, 1981.

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about EAs and FONSIs prepared for activities on the Gulf of Mexico OCS are encouraged to contact the USGS office in the Gulf of Mexico OCS Region.

FOR FURTHER INFORMATION CONTACT: Deputy Conservation Manager, Offshore Operations Support, Gulf of Mexico OCS Region, U.S. Geological Survey, Post Office Box 7944, Metairie, Louisiana 70010, 504/837–4720.

SUPPLEMENTARY INFORMATION: The Conservation Division of the USGS prepares EAs and FONSIs for proposals which relate to exploration for oil and gas resources on the Gulf of Mexico OCS. The EAs examine the potential environmental effects of activities described in the proposals and present USGS conclusions regarding the significance of those effects. EAs are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA § 102(2)(C). A FONSI is prepared in those instances where the USGS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA Regulations.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81–36506 Filed 12–22–81; 8:45 am]

BILLING CODE 4310–31–M

Bureau of Land Management

Miles City District Grazing Advisory Board; Meeting

December 14, 1981.

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Miles City District Grazing Advisory Board will be held January 25, 1982. The meeting will begin at 10:00 a.m. in the conference room at the Miles City District Bureau of Land Management Office, West Highway 10–12, Miles City, Montana.

The agenda is as follows:

(1) Maintenance Policy on Range Improvements;

(2) Categorizing Allotments;

(3) Wilderness EIS.

The meeting is open to the public. The public may make oral statements before the Grazing Advisory Board or file written statements for the board's consideration. Depending upon the number of persons wishing to make an oral statement, a per person time limit may be established.

Summary minutes of the meeting will be maintained in the Bureau of Land Management District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

For further information contact District Manager, Miles City District, Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301.

Ray Brubaker,

District Manager.

[FR Doc. 81–36508 Filed 12–22–81; 8:45 am]

BILLING CODE 4310–84–M

[M 059318]

Montana; Ordering Providing for Partial Opening of Public Lands

December 16, 1981.

The Federal Energy Regulatory Commission, in determination DA–206–Montana, issued April 7, 1981, found the withdrawal for Power Project No. 2188 would not be injured or destroyed for the purpose of power development by the disposal of 2.76 acres of land, subject to the provisions of Section 24 of the Federal Power Act and subject to the prior right of the licensee for Project No. 2188, its successors or assigns, to use the lands for project purposes as contemplated in the license for the project.

By virtue of the authority contained in Section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075, 16 U.S.C. 818), as amended, and pursuant to Bureau Order No. 701 of July 23, 1964, as amended, it is ordered as follows:

1. The segregative effect of the withdrawal for Project No. 2188 is lifted, in part, as to 2.76 acres, described below:

Principal Meridian

T. 14 N., R. 3 W.,

Sec. 34, 2.22 acres in the S½SW¼ and 0.54 acres in the SW¼SE¼.

These lands are located in Lewis and Clark County.

2. Effective December 23, 1981, this order restores 2.76 acres of Power Project No. 2188 to the operation of the mining laws (Act of August 11, 1955, 30 U.S.C. 621 (1976)), and to the operation of the public land laws for direct non-competitive sales (Selection 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2750; 43 U.S.C. 1713).

3. The lands have been open to applications and offers under the minerals leasing laws.

Inquires concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–36507 Filed 12–22–81; 8:45 am]

BILLING CODE 4310–84–M

Alaska Outer Continental Shelf; Availability of Draft Environmental Impact Statement and Intent to Hold Public Hearings Regarding Proposed Oil and Gas Lease Sale No. 71

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a draft environmental impact statement relating to a proposed Outer Continental Shelf oil and gas lease sale of 372 tracts of submerged Federal lands in the Diapir Field region in Alaska.

Single copies of the draft environmental impact statement can be obtained from the Office of the Manager, Bureau of Land Management, Alaska OCS Office, P.O. Box 1159, Anchorage Alaska 99510 and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the draft environmental impact statement will also be available for review in the following public libraries: Alaska Federation of Natives, 1577 "C" Street, Suite 304, Anchorage, AK 99501; Anchor Point Public Library, Anchor Point, AK 99556; Department of the Interior Alaska Resources Library, 701 "C" Street, Box 36, Anchorage, AK 99513; Cordova Public Library, Box 472, Cordova, AK 99574; Kenai Community Library, Box 157, Kenai, AK 99611; Elim Learning Center, Elim, AK 99739; Haines Public Library, P.O. Box 36, Haines, AK 99827; North Star Borough Library, Fairbanks, AK 99701; University of Alaska, Institute of Social and Economic Research Library, Fairbanks, AK 99801; Homer Public Library, Box 356, Homer,

AK 99603; Z.J. Loussac Public Library, 427 F Street, Anchorage, AK 99801; Juneau Memorial Library, 114 W. 4th Street, Juneau, AK 99824; Alaska State Library, Documents Librarian, Pouch G, Juneau, AK 99811; Ketchikan Public Library, 629 Dock Street, Ketchikan, AK 99901; Department of Defense, Army Corps of Engineers Library, P.O. Box 7002, Anchorage, AK 99501; Kodiak Public Library, P.O. Box 985, Kodiak, AK 99615; Metlakatla Extension Center, Metlakatla, AK 99926; Department of Interior, Bureau of Mines Library, AF–F.O. Center, P.O. Box 550, Juneau, AK 99802; Petersburg Extension Center, Box 289, Petersburg, AK 99833; Seldovia Public Library, Drawer D, Seldovia, AK 99663; Seward Community Library, Box 537, Seward, AK 99664; University of Alaska Juneau Library, P.O. Box 1447, Juneau, AK 91447; Sitka Community Library, Box 1090, Sitka, AK 99835; Douglas Public Library, Box 469, Douglas, AK 99824; University of Alaska Anchorage Library, 3211 Providence Drive, Anchorage, AK 99504; University of Alaska Elmer E. Rasmusson Library, Fairbanks, AK 99701; Wrangell Extension Center, Box 651, Wrangell, AK 99929.

We anticipate that public hearings will be held during the period of February 2–6, 1982, for the purpose of receiving comments and suggestions relating to the draft statement. The exact locations and dates of these hearings will be announced at a later date. Comments concerning the draft environmental impact statement will be accepted until February 12, 1982, and should be sent to the Manager, Alaska OCS Office, at the above listed address.

After the public hearings are held and comments are received and considered, a final environmental impact statement will be prepared.

Approved:

Arnold E. Petty,

Director, Bureau of Land Management.

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 81-36570 Filed 12-22-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 7771]

Oregon; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the **Federal Register** of September 27, 1979, FR Doc. 79–29979, Page 55668, an allowance of 40 days was made for comments concerning the proposal by the Fish and Wildlife Service to withdraw 200 acres of land for an addition to the Malheur National Wildlife Refuge in Harney County. An additional 50 days from the date of this publication (through February 11, 1982) is hereby provided for interested persons to comment ore request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 16, 1981.

Champ C. Vaughan, Jr.,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-36587 Filed 12-22-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 9505]

Oregon; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the **Federal Register** of February 10, 1977, FR Doc. 77–4310, Page 8434–5, an allowance of 30 days was made for comments concerning the proposal by the U.S. Forest Service to withdraw 6,200 acres of land for the Rock Mesa Geologic Area within the Deschutes and Willamette National Forest in Deschutes and Lane Counties. An additional 60 days from the date of this publication (through February 22, 1982) is hereby provided for interested persons to comment or request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 16, 1981.

Champ C. Vaughan, Jr.,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-36592 Filed 12-22-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 11158]

Oregon; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the **Federal Register** of July 18, 1979 FR Doc. 79–22163, Page 41968–9, an allowance of 33 days was made for comments concerning the proposal by the U.S. Forest Service to withdraw approximately 5,525 acres of land for a campground extension, streamside zone, and a roadside zone within the Umatilla and Whitman National Forest in Grant, Baker and Union Counties. An additional 57 days from the date of this publication (through February 16, 1982) is hereby provided for interested persons to comment or request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 16, 1981.

Champ C. Vaughan, Jr.,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-36591 Filed 12-22-81; 8:45 am]

BILLING CODE 4310-84-M

[ORE 016753]

Oregon; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the **Federal Register** of January 16, 1979, FR Doc. 79–1782, Page 3788–9, an allowance of 33 days was made for comments concerning the proposal by the U.S. Army Corps of Engineers to withdraw 840.59 acres of land for the Elk Creek Reservoir Project in Jackson County. An additional 57 days from the date of this publication (through February 16, 1982) is hereby provided for interested persons to comment or request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 16, 1981.

Champ C. Vaughan, Jr.,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-36593 Filed 12-22-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 8008-WASH]

Washington; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the **Federal Register** of July 3, 1978, FR Doc. 78–18368, Page 28857, an allowance of 34 days was made for comments concerning the proposal by the U.S. Army Corps of Engineers to withdraw 40 acres of land for the Lower Monumental Lock & Dam Project in Franklin County. An additional 56 days from the date of this publication (through February 17, 1982) is hereby provided for interested persons to comment or request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 10, 1981.

Champ C. Vaughan, Jr.,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-36868 Filed 12-22-81; 8:45 am]
BILLING CODE 4310-84-M

[OR 11331-WASH]

Washington; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the Federal Register of January 18, 1980, FR Doc. 80-1602, Page 3672-3, an allowance of 33 days was made for comments concerning the proposal by the Bureau of Land Management to withdraw 24.65 acres of land for the Split Rock Recreation Site (formerly Palmer Lake Recreation Site) in Okanogan County. An additional 57 days from the date of this publication (through February 18, 1982) is hereby provided for interested persons to comment or request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 10, 1981.

Champ C. Vaughan, Jr.,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-36869 Filed 12-22-81; 8:45 am]
BILLING CODE 4310-84-M

[OR 11479-WASH]

Washington; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the Federal Register of April 17, 1979, FR Doc. 79-11827, Page 22820, an allowance of 28 days was made for comments concerning the proposal by the Bureau of Land Management to withdraw 80 acres of land for the Hot Lake Research Natural Area in Okanogan County. An additional 62 days from the date of this publication (through February 23, 1982) is hereby provided for interested persons to comment or request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 10, 1981.

Champ C. Vaughan, Jr.,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-36870 Filed 12-22-81; 8:45 am]
BILLING CODE 4310-84-M

[OR 16905 (Wash)]

Washington; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the Federal Register of January 24, 1980, FR 80-2151, Page 5843, an allowance of 39 days was made for comments concerning the proposal by the U.S. Forest Service to withdraw 1400 acres of land for the Steamboat Mountain Research Natural Area within the Gifford Pinchot national Forest in Skamania County. An additional 51 days from the date of this publication through (February 12, 1982) is hereby provided for interested persons to comment or request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 10, 1981.

Champ C. Vaughan, Jr.,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-36868 Filed 12-22-81; 8:45 am]
BILLING CODE 4310-84-M

[OR 19107-WASH]

Washington; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the Federal Register of January 24, 1978, FR Doc. 78-1980, Page 3316, an allowance of 30 days was made for comments concerning the proposal by the Fish and Wildlife Service to withdraw approximately 18 acres of land for the Flattery Rocks National Wildlife Refuge in Clallam County. An additional 60 days from the date of this publication (through February 22, 1982) is hereby provided for interested persons to comment or request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 10, 1981.

Champ C. Vaughan, Jr.,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-36869 Filed 12-22-81; 8:45 am]
BILLING CODE 4310-84-M

National Park Service

Delta Region Preservation Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Delta Region Preservation Commission will be held at 7:30 p.m. CST on February 1, 1982, at the Jefferson Parish Council Chambers, 3330 North Causeway Boulevard, Metairie, Louisiana.

The Delta Region Preservation Commission was established pursuant to Pub. L. 95-265, section 907(a) to advise the Secretary of the Interior in the selection of sites for inclusion in Jean Lafitte National Historical Park, and in the development and implementation of a general management plan and of a comprehensive interpretive program of the natural, historic, and cultural resources of the Region.

During this time there will be an election of officers for the Commission and a final review of the General Management Plan for Jean Lafitte National Historical Park.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-serve basis. Any member of the public may file a written statement concerning the matters to be discussed with the Superintendent, Jean Lafitte National Historical Park.

Persons wishing further information concerning this meeting, or who wish to submit written statements may contact James Isenogle, Superintendent, Jean Lafitte National Historical Park, 400 Royal Street, Room 220, New Orleans, Louisiana 70130, telephone area code 504-589-3882. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of Jean Lafitte National Historical Park.

Dated: December 16, 1981.

Robert L. Kerr,
Regional Director, Southwest Region.

[FR Doc. 81-36867 Filed 12-22-81; 8:45 am]
BILLING CODE 4310-70-M

Gateway National Recreation Area; Gateway Advisory Commission Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Gateway National Recreation Area Advisory Commission will be held commencing at 3:00 p.m., Thursday, January 28, 1982, at the Peter W. Rodino, Jr. Federal Building, Room 730, 970 Broad Street, Newark, New Jersey.

The Commission was established by Pub. L. 92-552 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to

the development of Gateway National Recreation Area.

The matters to be discussed at this meeting include:

1. Discussion of public comments and reaction regarding formal proposal for Floyd Bennett Field development, at the January 11, 1982 public meeting.
2. Ferry Service: Coney Island—Gateway; Status of private funding request.
3. Sandy Hook: Plans and funding to resolve erosion problems.
4. Status of legislation extending Commission until 1992.
5. Fort Wadsworth: Status of litigation and impact of court decision.
6. Superintendent's report.
7. Set location for next Commission meeting.

The meeting will be open to the public. The facility at which the meeting will be held is considered physically accessible. If interpretive services are requested by deaf or hearing impaired individuals they should be sent to this agency within five working days before the meeting, and it will be provided. However, facilities and space to accommodate members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements, may contact John Guthrie, Acting Superintendent, Gateway National Recreation Area, Headquarters, Building No. 69, Floyd Bennett Field, Brooklyn, New York 11234, (212) 630-0363.

Minutes of the meeting will be available for inspection four weeks after the meeting at the Gateway National Recreation Area Headquarters Building in Brooklyn.

Dated: December 14, 1981.

John Guthrie,

Acting Superintendent, Gateway National Recreation Area.

[FR Doc. 81-36668 Filed 12-22-81; 8:45 am]

BILLING CODE 4310-70-M

Upper Delaware National Scenic and Recreation River; Meeting

AGENCY: National Park Service; Upper Delaware Citizens Advisory Council.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: January 22, 1982, 7:00 p.m.

ADDRESS: Arlington Hotel, Narrowsburg, New York.

FOR FURTHER INFORMATION CONTACT: John T. Hutzky, Superintendent, Upper Delaware National Scenic and Recreation River, Drawer C, Narrowsburg, N.Y. 12764 (717/729-7135).

SUPPLEMENTARY INFORMATION: The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Pub. L. 95-625, 16 U.S.C. 1274 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region. The agenda for the meeting will include (1) implementation of section 704 of Pub. L. 95-625, (2) new business, and (3) installation of new members.

The meeting will be open to the public. Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Council, c/o Upper Delaware National Scenic and Recreation River, Drawer C, Narrowsburg, N.Y. 12764. Minutes of the meeting will be available for inspection four weeks after the meeting at the new headquarters site of the Upper Delaware National Scenic Recreational River in Damascus Township, Wayne County, Pennsylvania.

Dated: December 14, 1981.

Homer L. Rouse,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 81-36669 Filed 12-22-81; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

Meeting of the Commission on Fiscal Accountability of the Nation's Energy Resources

By notice published in the Federal Register on December 9, 1981 (46 FR 60277), it was announced that the Commission on Fiscal Accountability of the Nation's Energy Resources would hold a business meeting in Washington, D.C. on January 9, 1982. This amended notice announces that a business meeting will also be held on January 8, 1982. The specific location for the meeting is yet to be determined. For additional information including the site location for the meeting, interested parties should contact the Commission staff at the Commission on Fiscal Accountability of the Nation's Energy Resources, 1111 18th Street, N.W., Suite 403, Washington, D.C. 20036, telephone (202) 653-9051.

Dated: December 18, 1981.

William L. Carpenter,

Deputy Director, Office of Financial Management.

[FR Doc. 81-36683 Filed 12-22-81; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

[Section 5b Application No. 2, 3 and 6]

Western, Eastern and Southern Railroads, Agreements

AGENCY: Interstate Commerce Commission.

ACTION: Clarification of prior notice of decision.

SUMMARY: The Commission issued a decision in this proceeding, served January 21, 1981 (46 FR 9218 January 28, 1981). Members of the major rail rate bureaus petitioned the Commission as to the status of newsprint delivery charge tariffs and the voting prohibitions of 49 U.S.C. 10706(a)(3)(A)(i). Except for certain affiliated carriers, where newsprint delivery charges are preceded by a joint line movement of this commodity tariffs containing these charges will not be considered single-line for the voting prohibitions.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall (202) 275-7656.

SUPPLEMENTARY INFORMATION: On October 22, 1981, petitioners, the Traffic Executive Association—Eastern Railroads (TEA), the Western Railroad Association (WRA), and the Southern Freight Association (SFA) sought clarification of our January 21, 1981 decision, 364 ICC 635, with regard to newsprint delivery charges and the single-line voting prohibitions of 49 U.S.C. 10706(a)(3)(A)(i). That provision prohibits a rate bureau from permitting a member carrier to discuss, to participate in agreements related to, or to vote on single-line rates proposed by another carrier.

In a 1978 decision [1] in this proceeding, we held that where carriers under the same management and control propose, establish, or change rates, allowances or charges between them, such proposals shall be considered single-line. Later, in our January 21, 1981 decision, we stated

[1] 358 ICC 662, 670-672 (1978).

that car compensation, demurrage and car allowance would not be considered single-line rates, but surcharges and contract rates would. We also found that government rates under 49 U.S.C. 10721 would be treated as single-line, in a later decision served April 24, 1981.

Newsprint delivery charge tariffs generally provide for rail carriers to absorb local cartage charges on shipments of this commodity delivered from railheads to the consignee's location or to give an allowance to consignees who do their own unloading at their sidings. These tariffs are published by individual carriers although most tariffs cannot be promulgated by a single carrier since most shipments of newsprint are via joint-line movements. Accordingly, because each carrier participating in the movement must absorb its proportional share of the allowance or cartage charge, all involved carriers must consider and approve the tariff. The tariffs are not usually published in agency tariffs since delivery costs vary from railhead to railhead, city to city. Petitioners claim it would be extremely difficult to formulate an agency tariff to cover all eventualities, although SFA does publish newsprint delivery charge tariffs in an agency tariff. They allege these delivery charge tariffs are similar to car allowances but involve more joint and collective activity than demurrage, car compensation and allowances do. Petitioners ask that we find all newsprint delivery charge tariffs joint-line for the purposes of 49 U.S.C. 10706(a)(3)(A)(i).

Congress defines a single-line rate as "a rate or allowance proposed by a single rail carrier that is applicable only over its line and for which the transportation (exclusive of terminal services by switching, drayage or other terminal carriers or agencies) can be provided by that carrier." 49 U.S.C. 10706(a)(1)(B). Additonally, Congress specifically named three items which would not be considered single-line rates. These are car compensation, demurrage and car allowances. H.R. Rep. No. 96–1430, 96th Cong., 2d Sess. 114 (1980). These areas are of nationwide importance and require a high degree of coordination.

Given the great emphasis on individual and flexible ratemaking in the Staggers Rail Act of 1980 (See our January 21, 1981 decision for discussion), the Commission will not authorize additional exceptions to voting prohibitions without adequate justification. That has not been presented here to the extent necessary to support a total exception. While it is true that newsprint delivery charge tariffs are published by individual carriers, they most often involve two or more carriers participating in the joint-line movement prior to the delivery. In such instances, concurrence on the level of charges is required and antitrust immunity is available. We see no compelling reason to expand immunity beyond this situation and, by so doing, allow anticompetitive behavior.

For purposes of 49 U.S.C. 10706(a)(3)(A)(i), the pivotal issue is not whether newsprint delivery charges are involved, but, rather what type of movement preceded the delivery, single-line or joint-line. Except for certain affiliated carriers discussed in our 1978 decision, *supra*, where newsprint delivery charges are applicable and are preceded by a joint-line movement, we find that tariffs containing these charges will not be considered single-line rates. We remind petitioners that 49 U.S.C. 10706(a)(3)(A) (ii) and (iii), as well as other provisions and Commission decisions, govern proper activity for joint-line rate poroposals.

This decision will not significantly affect either the quality of the human environment or conservation of energy resources.

Authority: 49 U.S.C. 10706.

Dated: December 16, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–36648 Filed 12–22–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–175

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC145880 (Sub-II–1–TA), filed December 10, 1981. Applicant: EUGENE W. BELL d.b.a. BELL TRUCKING, 1048 Shoemaker Ave., Shoemakersville, PA 19555. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. *Contract Carrier,* Irregular routes: *Confectionery products* from West Reading, PA, to La Mirada and San Francisco, CA, Phoenix, AZ, Salt Lake City, UT, and Denver, CO, under continuing contract(s) with R. M. Palmer Company, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: R. M. Palmer Company, 77 Second Ave., West Reading, PA 19611.

MC159567 (Sub-II–1–TA), filed December 4, 1981. Applicant: BENNETT LOGGING CO., INC., S.R. Box 111, Nettie, WV 26681. Representative: John M. Friedman, 2930 Putnam Ave., P.O. Box 426, Hurricane, WV 25526. *Wood products, wood chips, sawdust, logs, brick, blocks and machinery* between Nicholas and Greenbrier Counties, WV, on the one hand, and, on the other, points in GA, KY, MD, NY, NC, OH, PA, SC, TN and VA, for 270 days. Supporting shipper: Highland Lumber Co., Inc., P.O. Box 536, Nettie, WV 26681.

MC 73865 (Sub-II–1TA), filed December 10, 1981. Applicant: HUGH F. GANNON TRUCKING, INC., 510 N. Front Street, Philadelphia, PA 19123. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. *Pulp, paper and related products; rubber and plastic products; non-wovens and non-wovens*

articles; metal products, between Philadelphia, PA, on the one hand, and, on the other points in PA on and east of U.S. Hwy 15, points in DE and NJ for 270 days. An underlying ETA seeks 120 days' authority. Supporting shipper: Fort Howard Paper Company, P.O. Box 130, Green Bay, WI 54305.

MC 158752 (Sub-II–2TA), filed December 10, 1981. Applicant: L. W. McCURDY, P.O. Box 694, Latrobe, PA 15650. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Contract: Irregular: Malt beverages, including materials, equipment and supplies,* between Washington, PA, including its commercial zone, on the one hand, and, on the other, Eden, NC; Fulton, NY; Milwaukee, WI and Trenton, OH, including their respective commercial zones, under a continuing contract or contracts with Washington Bottling Co., for 270 days. An underlying ETA seeks 120 days' authority. Supporting shipper: Washington Bottling Company, 31 Hanna St., Washington, PA 15301.

MC 138805 (Sub-II–5TA), filed December 10, 1981. Applicant: S&L SERVICES, INC., RD #1, Milton, PA 17847. Representative: Terrence D. Jones, 2033 K Street, NW., Washington, DC 20006. *Egg cartons, cases, trays, boxes and packaging* from Troy, Ohio to points in PA, NJ, NY, CT, RI, MA, NH, VT, DE, and MD for 270 days. An underlying ETA seeks 120 days' authority. Supporting shipper: Barlett's Egg Dispatch, Inc., 360 Merrimack St., Lawrence, MA 01843.

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 129148 (Sub-4–1TA), filed December 14, 1981. Applicant: R. MIRR ENTERPRISES, INC., 202 N. Fulton St., Princeton, WI 54941. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703. (1) *Water heaters, parts and accessories* from Madison, WI to points in CT, DE, FL, ME, MA, MD, NH, NJ, NY, PA and RI. (2) *Tank heads* from Youngstown, OH to Princeton, WI. (3) *Tanks and water heaters* (a) from Princeton, Madison, Red Granite and Milwaukee, WI to Detroit, MI and (b) *tanks and water heaters* from Detroit, MI to points in NY, NJ, MD, WI, PA, TN and the District of Columbia. (4) *Metal products and machinery* from Conshohocken, PA to points in MI, OH, and IL. Supporting shippers: Bock Corporation, 110 S. Dickinson, Madison, WI; McDowell Tanks, Inc., 500 River Rd., Princeton, WI; Lochinvar Water Heater Corporation, 12151 Coyle, Detroit, MI; and Wood Industrial Products Company, 100 E. Washington St., Conshohocken, PA.

MC 142059 (Sub-4–22TA), filed December 14, 1981. Applicant: CARDINAL TRANSPORT, INC., 1230 Northern Illinois Dr., Channahon, IL 60410. Representative: Jack Riley (same as applicant). *Food and related products (except in bulk)* from Carroll, Cherokee, Denison, Des Moines, Fort Dodge, Iowa Falls and Sioux City, IA and Crete, Lincoln and Omaha, NE to points in the U.S. (except AK and HI). Supporting shipper, Farmland Foods, Inc., P.O. Box 403, Dension, IA 51442.

MC 143032 (Sub-4–8TA), filed December 14, 1981. Applicant: WALCO TRANSPORT, INC., 3112 Truck Center Dr., Duluth, MN 55806. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Minneapolis, MN 55402. *Metal products,* between Dane County, WI, on the one hand, and, on the other, Scott County, MN; Jasper County, IN; Rosebud County, MT; Bethlehem, PA; Gary, IN and Chicago, IL. Supporting shipper: Mid-States Steel, Inc., P.O. Box 279, 400 Industrial Circle, Stoughton, WI 53589.

MC 149308 (Sub-4–7TA), filed December 14, 1981. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. *Contract* irregular: *Such commodities as are dealt in or utilized by a manufacturer of lead products (except in bulk),* between the facilities of RSR Corporation, at or near Indianapolis, IN, Dallas, TX, Middletown, NY, Seattle, WA, and City of Industry, CA, on the one hand, and, on the other, points in the U.S. (except AK and HI). Restriction: Restricted to the transportation of shipments handled under a continuing contract or contracts with RSR Corporation. Supporting Shipper: RSR Corporation, 1111 W. Mockingbird Lane, Dallas, TX 75247.

MC 153478 (Sub-4–2), filed December 9, 1981. Applicant: S & W MOTOR SERVICES, INC., 6128 W. 80th Place, Burbank, IL 60459. Representative: Donald E. Weishaar, Suite 202, 1301 W. 22nd St., Oak Brook, IL 60521. *Contract* irregular: *Such commodities as are dealt in by Drug, Health Food, Catalog, and General Department Stores* between terminals and warehouses within a fifty mile radius of Oak Brook, IL and points and places in the states of MN, ND, OH, OK, PA, and TX under continuing contract(s) with General Nutrition Corporation with return of out of date merchandise and raw materials, equipment, and supplies used in the preparation and manufacture of such articles. Supporting Shipper: General Nutrition Corporation, 3125 Preble Avenue, Pittsburgh, PA.

MC 156191 (Sub-4–4TA), filed December 9, 1981. Applicant: RAYMOND COSSETTE TRUCKING, 2202 5th Ave. North, Fargo, ND 58102. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Frozen potatoes,* between points in Otter Tail County, MN on the one hand, and, on the other, points in IL, IN, KS, AL, GA, FL, LA, MO, MD, NY, OH, PA, NC, SC, SD, MI, TN, TX, VA, and WI. An underlying ETA seeks 120 days authority. Supporting shipper: Chef Reddy Foods Corporation, P.O. Box 552, Park Rapids, MN 54670.

MC 157457 (Sub-4–3TA), filed December 14, 1981. Applicant: CONGOLEUM CARTAGE CORP., 2323 17th St. Elkhart, IN 46514. Representative: H. Barney Firestone, Sullivan & Assoc., Ltd., 10 S. LaSalle, Suite 1600, Chicago, IL 60603. *Metal products* between Mishawaka, IN on the one hand, and, on the other, Lancaster, PA; Snaford, NC; Carlsbad, CA and Princeton, IL. Supporting Shipper: Hart Indiana, Inc., 920 South Logan, Mishawaka, IN 46544.

MC 157523 (Sub-4–2TA), filed December 14, 1981. Applicant: REUBEN A. BRUE d.b.a. R. A. BRUE, P.O. Box 458, Ottawa, IL 61350. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. *Bananas, coconuts and pineapples,* from points in the State of FL to Terre Haute, IN. Supporting shipper: Drake Products, Inc., 325 North 2nd Street, Terre Haute, Indiana 47807.

MC 157755 (Sub-4–1TA), filed December 14, 1981. Applicant: MICHIANA NEWS SERVICE, INC., 2232 S. Eleventh St., Niles, MI 49120. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. *General commodities (except in bulk, Classes A and B explosives, and household goods as defined by the Commission)* between Cincinnati, OH and points in IN. Restricted to traffic originating at or destined to the facilities owned, utilized or operated by Triangle Publications. Supporting shipper: Triangle Publications, Four Radnor Corporate Center, Radnor, PA 19088.

MC 158511 (Sub-4–2TA), filed December 10, 1981. Applicant: WISCONSIN GENERAL CARTAGE AND WAREHOUSE, INC., 4060 North Port Washington Rd., Milwaukee, WI 53212. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719.

Automobile parts between the Milwaukee, WI, commercial Zone, on the one hand, and, on the other hand, the Chicago, IL, Commercial Zone. Restriction: restricted to transportation having a prior or subsequent movement by rail, moving on freight forwarder bills of lading of Intermodal Brokerage Services, Inc. Supporting shipper: Intermodal Brokerage Services, Inc., 952 Fargo, Elk Grove Village, IL 60007.

MC 159184 (Sub-4–1TA), filed December 10, 1981. Applicant: CLAUSEN CONSTRUCTION, INC., Box 192, Clark, SD 57225. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101. *Contract:* irregular: *Frozen potato products* between points in the continental U.S., under continuing contract(s) with Chef-Reddy Foods, Inc. of Othello, WA. Supporting shipper: Chef-Reddy Foods, Inc., Clark, SD.

MC 159840 (Sub-4–1TA), filed December 10, 1981. Applicant: PHIL'S MOVERS, INC., 8455 South 77th Avenue, Bridgeview, IL 60455. Representative: Joel H. Steiner, 29 South LaSalle, Suite 905, Chicago, IL 60603. *Furniture and fixtures,* between Rock Island and Chicago, IL and points in their respective Commercial Zones, on the one hand, and, on the other, points in IN, MI and WI. *Supporting shipper:* Ther-A-Pedic Midwest, Inc., 23–55th Street, Rock Island, IL 61201.

MC 159841 (Sub-4–1TA), filed December 10, 1981. Applicant: LAWRENCE REILING d.b.a. REILING TRUCKING, R.R. 1, 651 W. County Lane, DeKalb, IL 60115. Representative: Daniel O. Hands, Suite 200–A, 205 W. Touhy Ave., Park Ridge, IL 60068. *Edible lard, inedible beef tallow, crushed bones, bone meal and meat scraps,* in bulk, (1) from the facilities of Dubuque Packing Company at Rochelle, IL to Davenport, Dubuque and Muscatine, IA and points in their commercial zones, (2) from the facilities of Dubuque Packing Company at or near Dubuque, IA to points in IL and (3) from the facilities of Dubuque Packing Company at or near Joslin, IL to Muscatine and Davenport, IA and Union Center, WI and points in their commercial zones. Supporting shipper: Dubuque Packing Company, P.O. Box 176, Genesco, IL 61254.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 123490 (Sub-5–2TA), filed December 11, 1981. Applicant: CHIP CARRIERS INC., 11218 Elm Street, Omaha, NE 68144. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. Contract Irregular *Drums,* between Council Bluffs, IA (and points in its commercial zone) on the one hand, and, on the other, points in IA, MO, NE, MN and KS under a continuing contract(s) with McCollister Container Service, Inc. of Council Bluffs, IA. Supporting shipper: McCollister Container Service, Inc., P.O. Box 589, Council Bluffs, IA 51502.

MC 125299 (Sub-5–4TA), filed December 10, 1981. Applicant: WITTE BROTHERS EXCHANGE, INC., 690 E. Cherry Street, Troy, MO 63379. Representative: Harold C. Witte (same as applicant). *Wine* between CA and AL, CT, DE, FL, GA, IL, IN, KS, KY, LA, MA, MD, MI, MN, MO, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WI, WV. Supporting shipper: Gonzales and Company Incorporated, 800 South Ata Street, Gonzales, CA 93926.

MC 145810 (Sub-5–1TA), filed December 11, 1981. Applicant: THREE L CORPORATION, Second and Siegel, Tama, IA 52339. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. Contract irregular: *Meat and meat products,* from the facilities of Union-Marshall Packing Co. at Marshalltown, IA to Chicago, IL; Minneapolis, MN; and Omaha, NE under continuing contract(s) with Union-Marshall Packing Co. of Marshalltown, IA. Supporting shipper(s): Union-Marshall Packing Co., 816 Union Street, Marshalltown, IA 50158.

MC 146675 (Sub-5–2TA), filed December 9, 1981. Applicant: KINCAID COACH LINES, INC., 5639 Merriam Dr., Merriam, KS 66203. Representative: Michael T. Kincaid (same as applicant). Contract: Irregular. *Passengers and baggage of passengers* for charter operations between Wichita, KS, on the one hand, and, on the other, points in CO and NM. Supporting shippers: Wichita Ski Club, Box 2451, Wichita, KS 67201; and Education Overland II, Inc., Box 2366, Wichita, KS 67201.

MC 151504 (Sub-5–6TA), filed December 9, 1981. Applicant: PHELCO, INC., 11841 Missouri Bottom Road; St. Louis, MO 63042. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105. Contract, Irregular: *Such commodities as are dealt in by manufacturers and distributors of Pharmaceutical and Medical Supplies, Foods, and Products,* between Cleveland, MS, Mountain Home, AR, Hays, KS, Kingstree, SC, Easton, OH, Round Lake, IL, North Cove, NC, Memphis, TN and points in the United States (except AK and HI) under continuing contract(s) with Travenol Laboratories, Inc. Supporting shippers: Travenol Laboratories, Inc., 6301 Lincoln Avenue, Morton Grove, IL 60053.

MC 155371 (Sub-5–4TA), filed December 9, 1981. Applicant: JERRY L. ELLIS, d.b.a. JERRY L. ELLIS TRUCKING CO., 505 Metcalf, Mansfield, TX 76063. Representative: Clint Oldham, 623 S. Henderson, 2d Floor, Fort Worth, TX 76104. *Pipe,* from Port of Houston to Wichita, Tarrant and Dallas Counties, TX, and (2) from Wichita, Tarrant and Dallas Counties, TX, to points in AR, KS, LA, NM and OK. Supporting shippers: Intercontinental Pipe & Steel, 8340 Meadow Road, #150, Dallas, TX 75231; Robert R. McClanahan & Associates, 8609 Northwest Plaza, Suite 222, Dallas, TX 75225.

MC 156499 (Sub-5–5TA), filed December 10, 1981. Applicant: CIRCLE C TRUCKING, INC., P.O. Box 865, Grand Island, NE 68802. Representative: Robert D. Eklund, 175 W. Apple Avenue, Muskegon, MI 49443–0786. Contract irregular: *General commodities (except Classes A and B explosives and hazardous waste materials)* between all points in the U.S. Restricted to traffic under continuing contract with Country Home, Inc. and its subsidiaries. Supporting shipper: Country Home, Inc.

MC 156561 (Sub-5–3), filed December 10, 1981. Applicant: METROPLEX FREIGHT SERVICE, INC., 1804 Vantage St., Carrollton, TX 75006. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Contract: Irregular, *Drugs and Medical Supplies* between Farmers Branch, TX on the one hand, and, on the other, points in Oklahoma. Restricted to shipments originating at or destined to facilities of Abbott Laboratories of Chicago, IL. Supporting shipper: Abbott Laboratories, 14th and Sheridan Rd., No. Chicago, IL 60064.

MC 157061 (Sub-5–6TA), filed December 10, 1981. Applicant: ATLAS CARRIERS, INC., 800 S. Main St., Searcy, AR 72143. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. *Office furniture* from facilities of Eck-Adams Corporation at Osceola, AR, to points in the US. Supporting shipper: Eck-Adams Corporation, 10121 Paget Dr., St. Louis, MO 63132.

MC 157211 (Sub-5–2TA), filed December 10, 1981. Applicant: DI-MON, INC., P.O. Box 32834, Oklahoma City, OK 73123. Representative: Michael H. Lennox, P.O. Box 75613, Oklahoma City, OK 73147. *Oilfield Equipment, Materials and Supplies,* between NM on the one hand, and on the other, OK and TX. Supporting shipper(s): Mud Control Inc., Odessa, TX, American Coldset Corp.,

Midland, TX, Christensen Downhold Tool, Midland, TX.

MC 157819 (Sub-5–2TA), filed December 10, 1981. Applicant: TRUK-TRAK TRANSPORTATION, INC., P.O. Box 28655, Dallas, TX 75288. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Contract, Irregular; *General Commodities* (except classes A and B explosives or Hazardous Materials) Between Dallas, TX on the one hand, and, on the other, points in the United States. Restricted to shipments originating at or destined to the facilities of Sunbelt Consolidators, Inc. Supporing shipper: Sunbelt Consolidators, Inc., Dallas, TX.

MC 158708 (Sub-5–2TA), filed December 11, 1981. Applicant: BEST-WAY TRUCK LINE, INC., Highway 10 West, Richmond, MO 64085. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Filters* from Columbus, OH to Denver, CO, MO, NE, IL, TX, NY, NJ, and CT. Supporting shipper: Dust Stop Corporation, 2195 Broehm Road, Columbus, OH 43207.

MC 159629 (Sub-5–1TA), filed December 10, 1981. Applicant: CONSOLIDATED SHIPPERS, INC., P.O. Box 962, North Little Rock, AR 72115. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201. *General Commodities (with the usual exceptions)*, between points in AR, on the one hand, and on the other, points in KS, KY, GA, AL, TN, MS, LA, OK, MO, TX and CA. There are 35 supporting shippers.

MC 159631 (Sub-5–1TA), filed December 10, 1981. Applicant: VER RON FARM SERVICE, INC., P.O. Box 299 Carlisle, AR 72024. Representative: James M. Duckett, 221 W. 2nd, Suite 411 Little Rock, AR 72201. *Agricultural grain carts and landlevelers*, between the facilities of Brandt, Inc., at Carlisle, AR, and points in KS, IA, LA, TX, MS, NE, CO, IL, KY, TN and OK. Supporting shipper: Brandt, Inc., Carlisle, AR.

MC 159658 (Sub-5–1TA), filed December 11, 1981. Applicant: L & R TRUCKING, INC., 802 West South Omaha Bridge Road, Council Bluffs, IA 51501. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Contract; Irregular. *Meats and packinghouse products* from pts in IA and NE to pts in the Los Angeles, CA commercial zone, under continuing contract(s) with Dominic Pesavento Co. of West Covina, CA. Supporting shipper: Dominic Pesavento Co., 1415 West Garvey Avenue North, West Clovina, CA 91790.

MC 117373 (Sub-5–3TA), filed December 14, 1981. Applicant: NU-WAY TRUCKING, INC., P.O. Box 1129-N, Rosebud, MO 63091. Representative: Michael C. Feagan (same address as applicant). *Metal Products*, between points in Franklin County, Mo, on the one hand, and, on the other, points in AR, IL, KS, OK and TX. Supporting shipper(s): Bull Moose Tube Co., P.O. Box 214, Gerald, MO 63037.

MC 117792 (Sub-5–3TA), filed December 14, 1981. Applicant: J.C. JACKSON, JR., d.b.a. FARM PRODUCTS, CO., P.O. Box 189, East Prairie, MO 63845. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101. *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* from (1) Marshall, MO and points in its commercial zone, to points in AL, AR, LA, MS, TN, and TX, and (2) from points in Iowa to points in TX. Supporting shippers: The Rath Packing Co., Waterloo, IA; Wilson Foods Corporation, Oklahoma City, OK.

MC 119741 (Sub-5–32TA), filed December 14, 1981. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same as applicant). *Modulane and bowling alley parts and equipment and related products*, between Polk County, FL, on the one hand, and, on the other, pts in the U.S. Supporting shipper: Perry Austen Mod-U-Lane, Sales Co., Des Moines, IA 50303.

MC 128600 (Sub-5–2TA), filed December 14, 1981. Applicant: EHRSAM TRANSPORT, INC., 108 North Factory, Enterprise, KS 67441. Representative: Bob W. Storey, 310 Columbian Title Building, 820 Quincy Street, Topeka, KS 66612. Contract, Irregular: *Construction equipment, all types and kinds of commercial and industrial machinery, agricultural machinery and implements, and semi-trailer units*, between Wichita, KS on the one hand, and all points and places within the U.S. except AK and HI, on the other. Supporting shipper: Murphy Machinery Company, 4200 West MacArthur, Wichita, KS 67200.

MC 135997 (Sub-5–5TA), filed December 14, 1981. Applicant: TEXAS TANK LEASING, INC., Route 5, Box 99, Conroe, TX 77301. Representative: Willam D. Lynch, P.O. Box 912, Austin, TX 78767. *Liquid Asphalt in tank truck vehicles*, Between Lubbock, Irving and Houston, TX on the one hand, and, on the other, points in NM, LA, OK, and Mobile, AL. Supporting shipper: Trumbull Asphalt Division, Owens-Corning Fiberglas Corporation, 59th & Archer Road, Summit, IL 60501.

MC 144117 (Sub-5–12TA), filed November 19, 1981. Applicant: TLC LINES, INC., 1666 Fabick Drive, Fenton, MO 63026. Representative: Jack H. Blanshan, Attorney at Law, 205 W. Touhy Ave., Suite 200–A, Park Ridge, IL 60068. *Wine (except commodities in bulk)*, from points in CA on, west and north of U.S. Highway 395, to points in CT, DE, DC, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MO, ND, NH, NJ, NY, OH, PA, RI, SD, VT, VA and WI. Supporting shipper: LDS Forwarding, Inc., 2211 Wood St., Oakland, CA 94607.

MC 145744 (Sub-5–3TA), filed December 14, 1981. Applicant: C. V. SOHN, INC., 142 Midland, Maryland Heights, MO 63043. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105. *Food and Related Products* from points in IA, IL and NE on the one hand, to on the other, points in the U.S. except AK and HI. Supporting shipper(s): Farmland Foods, Inc., P.O. Box 403, Denison, IA 51442.

MC 147648 (Sub-5–1TA), filed December 14, 1981. Applicant: ROBERT L. PERKINS, d.b.a. PERKINS TRANSPORT, 4913 Maple Street, Omaha, NE 68104. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite #210B, Omaha, NE 68114. Contract; Irregular. *Such commodities as are manufactured, used, or distributed by manufacturers and distributors of recreational, travel, or mobile vehicles, including haulaway or towaway service, in initial or secondary movements.* Between points in the U.S., under a continuing contract(s) with Winnebago Industries, Inc., of Forest City, IA. Supporting shipper: Winnebago Industries, Inc., P.O. Box 152, Forest City, IA 50436.

MC 149616 (Sub-5–2TA), filed December 14, 1981. Applicant: R.C.R., INC., P.O. Box 157, Yutan, NE 68073. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Meats and packinghouse products*, from Omaha, NE to Daytona and Miami, FL, and points in their commercial zones. Supporting shipper: Armour & Co., Box 3690, Hialeah, FL 33013.

MC 151637 (Sub-5–3TA), filed December 14, 1981. Applicant: LARRY BREEDEN TRUCKING, INC., 1301 Fayetteville Road, Van Buren, AR 72956. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72702. *Paper Articles and Plastic Articles and Materials, Equipment and Supplies* used in the manufacture thereof—Between Sebastian County, AR, on the one hand, and, on the other, points in CA, OR and

WA. Supporting shipper: American Can Company, Inc., Post Office Box 428, Ft. Smith, AR 72902.

MC 152444 (Sub-5-5TA), filed December 14, 1981. Applicant: SHARP'S TRUCK & TRACTOR, INC., Business Hwy 36 and 69 West, Cameron, MO 64429. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105-1961. *Chemicals and related products* from Ft. Madison, IA to all points in IL, MO, KS and NE. Supporting shipper: Chevron Chemical Company, P.O. Box 282, Ft. Madison, IA 52027.

MC 153323 (Sub-5-7TA), filed December 14, 1981. Applicant: IOWA-TEXAS EXPRESS, LTD., P.O. Box 283, Denison, IA 51442. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk),* from the facilities of Farmland Foods, Inc. at or near Denison, Iowa Falls, Carroll, Cherokee, Des Moines, Fort Dodge, and Sioux City, IA and Crete, Omaha, and Lincoln, NE to points in AL, FL, GA, KY, MS, NC, SC, TN and WV. Supporting shipper(s): Farmland Foods, Inc., P.P. Box 403, Denison, IA 51442.

MC 153789 (Sub-5-3TA), filed December 15, 1981. Applicant: EASON & SMITH ENTERPRISES, INC., P.O. Box 15463, Oklahoma City, OK 73155. Representative: Billy A. Gaines, P.O. Box 25186, Oklahoma City, OK 73125. Contract; irregular: *Hazardous chemical waste, from Oklahoma City, OK, to Union County, AR, Sumter County, AL, Harris County, TX, and Calcasieu Parish, LA. Supporting shipper: OC/ALC Tinker AFB, OC/ALC PMKFC Tinker AFB, OK 73145.*

MC 154696 (Sub-5-5TA), filed December 14, 1981. Applicant: SILLIMAN BROS. FREIGHT CO., INC., Route 2, BOx 10-A, Bernie, MO 63822. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. *Liquid propane* from points in Stoddard County, MO, on the one hand, and, on the other, points and places in TN, AR, and KY. Supporting shipper: Dome Petroleum Limited, Suite 905, International Tower, 1900 West Loop South, Houston, TX 77027.

MC 155467 (Sub-5-3TA), filed December 15, 1981. Applicant: BUR-COLD EXPRESS, INC., P.O. Box 3192, Brownsville, TX 78520. Representative: Kenneth R. Hoffman, 1600 W. 38th Street, Suite 410, Austin, TX 78731. *Cheese and cheese products* between points in IL, IA, MN, MO, OH and WI, on the one hand, and, on the other, points in MO, O, and TX. Supporting shipper: Milkhouse Cheese Corp., Houston, TX.

MC 158101 (Sub-5-4TA), filed December 14, 1981. Applicant: DIRECT DELIVERY SERVICE, INC., 4204 N.E. 14th Street, Des Moines, IA 50313. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. Contract; irregular: *Paper and paper products,* from Des Moines, IA, to pts in Kansas City, KS, and its commercial zone and Omaha and Lincoln, NE. Supporting shipper: Leslie Paper Co., 2220 E. 17th Street, Des Moines, IA 50316.

MC 158928 (Sub-5-1TA), filed December 14, 1981. Applicant: D. J. WALTERS TRANSPORT CO., P.O. Box 416, Kearney, NE 68847. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Contract; irregular: *Petroleum products,* from pts in Phillips County, KS, to pts in Buffalo, Furnas, Phelps and Red Willow Counties, NE, under a continuing contract(s) with Landmark of Nebraska, Inc. and J & D Oil Co. Supporting shippers: J & D Oil Co. and Landmark of Nebraska, Inc., P.O. Box 416, Kearney, NE 68847.

MC 159050 (Sub-5-2TA), filed December 14, 1981. Applicant: MARATHON TRANSPORTATION SYSTEMS, INC., 318 E. Nakoma, San Antonio, TX 78216. Representative: Robert A. Wehage (same as applicant). *General Commodities, having a prior or subsequent movement by water, rail or air* between Bexar, Cameron, Galveston, Harris, Hidalgo, Nueces, Travis and Webb counties, TX, on the one hand, and, on the other points in TX on or east of US 277. Supporting Shippers: There are 12 supporting shippers.

MC 159245 (Sub-5-1TA), filed December 14, 1981. Applicant: SOUTH CENTRAL COORS OF ARKANSAS, INC., Post Office Box 8807, Pine Bluff, AR 71611. Representative: Janet L. James, One Riverfront Place, Suite 850, North Little Rock, AR 72114. Contract; Irregular. *Oak dimensional lumber and particleboard panels or sheets,* between Little Rock, AR; Denver and Colorado Springs, CO; Sioux Falls, SD; Cottonwood, Zumbrota, Minneapolis, Fergus Falls, MN. Supporting Shipper: Wrape Forest Industries, Inc., 519 East Capitol, Little Rock, AR 72203.

MC 159445 (Sub-5-1TA), filed December 14, 1981. Applicant: V. W. CRAVEN PRODUCE, INC., P.O. Box 673, Gonzales, TX 78629. Representative: Timothy Mashburn, P.O. Box 2207, Austin, TX 78768-2207. (1) *Malt beverages and related advertising materials;* and (2) *empty used beverage containers* between points in Lavaca County, TX, on the one hand, and, on the other, points in Los Angeles County, CA. Supporting Shipper: Bella Brands, 14934 Hesby Street, Sherman Oaks, CA 91403.

MC 159675 (Sub-5-1TA), filed December 14, 1981. Applicant: PAUL M. LUKE, d.b.a. L & B TRUCKING COMPANY, P.O. Box 225, Centerville, LA 70522.Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205. *Contract* irregular *Paper and paper products* between Washington Parish, LA, on the one hand, and, on the other, points in the State of TX under continuing contract(s) with Crown-Zellerbach Corporation, Bogolusa, LA.

MC 159685 (Sub-5-1TA), filed December 14, 1981. Applicant: TWIN RIVERS TRUCKING, Rural Route #4 Box 169, Emporia, KS 66801. Representative: Ronald Ray Brammell (same as applicant). Contract; irregular. *Meat and Meat Products,* between points IA, NE, MO, KS. Supporting Shipper: Fanestil Packing Company, Rural Route #4 Box 629, Emporia, KS 66801.

MC 159687 (Sub-5-1TA), filed December 14, 1981. Applicant: ROBERT PIPPERT, d.b.a. PIPPERT TRUCKING, Box B, Gladbrook, IA 50635. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. Contract irregular *meat and meat products,* from Marshalltown, IA and Omaha, NE to points in AL, AR, FL, GA, IL, KY, LA, MO, MS, NC, SC and TN, under continuing contract(s) with Union-Marshall Packing Co. Supporting shipper(s): Union-Marshall Packing Co., 816 Union Street, Marshalltown, IA 50158.

MC 159697 (Sub-5-1TA), filed December 15, 1981. Applicant: UNITED TRANSFER, INC., Highway 61-67, Imperial, MO 63052. Representative: Marion David Cox, Jr., (same as applicant). *General Commodities (except household goods as defined by the Commission, secret materials, and sensitive weapons)* between points in MO, on the one hand, and, on the other, points in the US (except AK, HI, NH, ND, VT, RI, SD and DE). Supporting shippers: 12.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 156754 (Sub-6-1TA), filed December 7, 1981. Applicant: LLOYD C.

PIERCE, d.b.a., ASSOCIATED EXPRESS, 1539 Mines Ave., Montebello, CA 90640. Representative: Lloyd C. Pierce (same as applicant). (1) *Chemicals and related articles,* between points in Los Angeles and Orange Counties, CA and points in AZ, CO, ID, MT, NV, NM, OR, UT, WA, and WY; and (2) *Contractors equipment and building materials* between AZ, CA, CO, ID, MT, NM, OR, TX, WA, and WY; and (3) *Metal, metal products and metal scrap* , between Torrance, CA and points West of the Mississippi River and Memphis, TN and AZ, CO, KS, MO, OK, OR, TN, UT, and WA, for 270 days. Supporting shipper(s): Pacific Smelting Co., 22219 S. Western Ave., Torrance, CA; Hunt Process Co., 12767 E. Imperial Hwy., Santa Fe Springs, CA; Hunt Contracting Co., 1627 Chico Ave., South El Monte, CA 91733.

MC 134387 (Sub-6–29TA), filed December 9, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., Ste. 1800, Los Angeles, CA 90017. *Prepared animal feed,* from Ogden, UT to Phoenix, AZ, WA and OR; (2) from Phoenix, AZ to Los Angeles, Orange, San Diego, and San Bernardino, CA; (3) from Denver, CO to Flagstaff, AZ; and (4) from Flagstaff, AZ to points in and south of Kern, San Bernardino and San Luis Obispo Counties, CA, for 270 days. Supporting shippers: American Nutrition, Inc., 2890 Reeves Ave., Odgen, UT 84002; Ralston Purina Company, Checkerboard Sq., St. Louis, MO 63188.

Republication

MC 159211 (Sub-6–1TA), filed November 9, 1981. Applicant: CAMPUS LINK INC., P.O.B. 8536, Moscow, ID 83843. Representative: J. S. Overstreet, 858 Harold Ave., Moscow, ID 83483. *Common Carrier;* Regular Routes: *Passengers and express* Nezperce and Latah Counties, ID; Whitman and Spokane Counties, WA; Pullman and Colfax, WA and points in-between U.S. Hwy 95, ID SH 8, Airport Rd., WA, SH 270, U.S. Hwy 195, Interstate 90, U.S. Hwy 2, and Spokane Airport Rd. for 180 days. Supporting shipper(s): University Inn, Best Western, Moscow, ID; Pullman Travel Service, Pullman WA; Linda's World Travel, Inc., Pullman, WA; Travel by Thompson, Moscow, IA.

MC 148472 (Sub-6–3TA), filed December 10, 1981. Applicant: CLOVER CLUB FOODS COMPANY, P.O.B. 228, Kaysville, UT 84037. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111. *Contract carrier;* irregular routes: *Tallow and animal fats,* from Albuquerque, NM to Vernon, Los Angeles, and Long Beach, CA and Phoenix, AZ for 270 days. Supporting shipper: Baker Commodities, Inc., P.O.B. 332, 3300 Broadway, SE, Albuquerque, NM.

MC 159551 (Sub-6–1TA), filed December 3, 1981. Applicant: FLAMINGO TOURS, INC., 327 Wilshire Blvd., Suite 220, Santa Monica, CA 90401. Representative: Nelly G. Toomaru, 12120 Texas Ave., Apt. #203, Los Angeles, CA 90025. *Passengers and their baggage* in charter and special operations from Los Angeles County, CA to points in NV, AZ and return; from Los Angeles County, CA to the port of entry between the U.S. and Mexico at San Ysidro, CA, and return, on trips destined to the Republic of Mexico for 180 days. Supporting shippers: There are thirteen (13) supporting shippers. Their statements may be examined at the Regional Office listed.

MC 159612 (Sub-6–1TA), filed December 7, 1981. Applicant: TOM MONTE, d.b.a. MONTES TRUCKING, 2409 E. Lake Mead, N. Las Vegas, NV 89030. Representative: Clara Hewitt, 3615 Taylor Ave., N. Las Vegas, NV 89030. *Contract Carrier;* Irregular routes: *Dairy products and dairy by-products* from Logandale and Las Vegas, NV to Kingman, AZ and Needles and Los Angeles, CA; *Plastic articles, fiberboard other than corrugated* (empty milk containers) from Los Angles and Needles, CA to and between Las Vegas and Logandale, NV for 270 days for the account of Needles Cold Storage and Knudsen Dairy. An underlying ETA seeks 120 days authority. Supporting shipper(s): Needles Cold Storage, P.O.B. 276, Needles, CA 92363; Knudsen Dairy, P.O.B. 2335, Terminal Annex, Los Angeles, CA 90051.

MC 151683 (Sub-6–3TA), filed December 10, 1981. Applicant: NAVAJO NATION TRANSIT SYSTEM, Dept. of the Navajo Tribe of Indians, P.O.B. 1330, Window Rock AZ 86515. Representative: Willian Riordan (same as applicant). *Common Carrier:* Regular Route: *Passengers, baggage, newspapers and express materials* between points on and near the Navajo Nation as follows: Between Tuba City, AZ and Window Rock, AZ from Tuba City, AZ east on State Hwy 264 to Window Rock, AZ and return over the same route, serving all intermediate points. Between Kayenta, AZ and Window Rock, AZ from Kayenta, AZ east on U.S. Hwy 160 to JCT U.S. Hwy 160 with Navajo Route 59, thence south on Navajo Route 59 to Many Farms, AZ thence south on State Hwy 63 to Chinle, AZ, thence southeast on Navajo Route 64 to Tsaile, AZ, thence south on Navajo Route 12 to Window Rock, AZ and return over the same route, serving all intermediate points. Between Shiprock, NM and Window Rock, AZ from Shiprock, NM west on State Hwy 160 to Mexican Water, AZ, thence south on State Hwy 63 to Round Rock, AZ, thence south on Navajo Route 12 to Window Rock, AZ, and return over the same route, serving all intermediate points. Between Window Rock, AZ, and Crownpoint, NM, from Window Rock, AZ east on State Hwy 264 to Yatahey, NM thence north on U.S. Hwy 666 with Navajo Route 9, thence east on Navajo Route 9 to Crownpoint, NM, and return over the same route, serving all intermediate points. Between Window Rock, AZ and Gallup, NM from Window Rock, east on State Hwy 264 to Yahahey, NM, thence south on U.S. Hwy 666 to Gallup, NM, thence return on the same route, serving all intermediate points. Between Tuba City, AZ and Flagstaff, AZ from Tuba City, AZ east on State Hwy 264 JCT State 264 with State Hwy 87 to JCT State Hwy 87 with Navajo Route 60, thence south on Navajo Route 60 to JCT Navajo Route 60 with State 87, thence south on State Hwy 87 to JCT State Hwy 87 with U.S. Interstate 40, thence west on U.S. Interstate 40 to JCT U.S. Interstate 40 with State Hwy 99, thence on 99 to Leupp, AZ, thence west on Navajo Route 15 to JCT Navajo Route 15 with U.S. Hwy 89, thence west on U.S. Hwy 89 to Flagstaff, AZ, and return over the same route, serving all intermediate points for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: There are eleven (11) supporting shippers. Their statements may be reviewed in the Regional Office above.

Republication

MC 158586 (Sub-6–1TA), filed October 13, 1981. Applicant: PAY'N SAVE CORPORATION, 1511 Sixth Ave., Seattle, WA 98101. Representative: Robert G. Gleason, 1127 10th East, Seattle, WA 98102. *General commodities,* (except hazardous waste materials) in containers having prior or subsequent movement via rail, from Seattle and Auburn, WA to points in ID, UT, and WY and between points in the states of ID, UT and WY for 270 days. An underlying ETA requesting 120 days authority has been filed. Supporting shippers: Pay'n Save Corporation, 1511 Sixth Ave., Seattle, WA 98101; Pacific Northwest Perishable Shippers Association, 200 W. Thomas St., Seattle, WA 98119.

MC 158586 (Sub-6–2TA), filed December 10, 1981. Applicant: PAY'N SAVE CORPORATION, 1511 Sixth Ave.,

Seattle, WA 98101. Representative: Robert G. Gleason, 1127 10th East, Seattle, WA 98102. *General commodities,* in containers having had prior or subsequent movement via rail (except hazardous waste materials and household goods) between points in WA, OR, CA, NV and AK; and between points in CA and NV for 270 days. Supporting shippers: Pay'n Save Corporation, 1511 Sixth Ave., Seattle, WA 98101 and Pacific Northwest Perishable Shippers Association, 200 W. Thomas St., Seattle, WA 98119.

MC 147727 (Sub-6-3TA), filed December 10, 1981. Applicant: SCOTT DAVIS TRANSPORT, INC., 611 N. Front St., Yakima, WA 98901. Representative: Jerry R. Woods, 101 SW Main St., Rm 1600, Portland, OR 97204. *Wine in bulk,* from points in CA to points in WA on the international boundary line between the U.S. and Canada, for 270 days. Supporting shippers: Casabello Wines, Div. of Ridout Wines, Ltd., 2210 Main St., Penticton, B.C. Canada and Calona Wines Limited, 1125 Richter St., Kelowna, B.C., Canada.

MC 141867 (Sub-6-15TA), filed December 10, 1981. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 2301 Milwaukee Wy., Tacoma, WA 98421. Representative: Ronald R. Brader (same as applicant). *Canned food products,* between Sonoma County, CA and points in WA, OR, AZ, NV and UT, for 270 days. Supporting shipper: M. J. McDonald Juice Co., Inc., 2999 Bowen Ave., Sebastopol, CA 95472.

MC 151471 (Sub-6-16TA), filed December 8, 1981. Applicant: STEINBECKER BROS, INC., P.O.B. 852, Greeley, CO 80632. Representative: Jack B. Wolfe, 1600 Sherman St., #665, Denver, CO 80203. *Contract Carrier,* Irregular routes: *Meat and meat products,* from Garden City and Dodge City, KS and their commercial zones and points in NE to Hyrum, UT, for the account of E. A. Miller & Sons Packing Co., Inc., for 270 days. Supporting shipper: E. A. Miller & Sons Packing Co., Inc., P.O.B. EA, Hyrum, UT 84319.

MC 150656 (Sub-6-1TA), filed December 7, 1981. Applicant: DAVID A. THOMPSON an individual d.b.a. TEC INDUSTRIES, 901 NE Gertz Rd., Portland, OR 97211. Representative: David A. Thompson (same as applicant). (1) *Lumber,* from points in Redmond and Bend, OR to points in NJ, MD, OH for 270 days. Supporting shipper(s): Bear Springs Forest Products, P.O. Box 5193, Portland, OR 97208.

MC 146794 (Sub-6-2TA), filed December 8, 1981. Applicant: WILLIAM V. THOMAS, P.O.B. 10238, Albuquerque, NM 87184. Representative: John P. Jennings (same as applicant). *Gypsum, gypsum wallboard, gypsum wallboard paper, joint system materials and supplies used in the application thereof,* from Albuquerque, NM to points in AZ and CO, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: American Gypsum Company, P.O.B. 6345, Station B., Albuquerque, NM 87197; MYCO, 502 W. Royal Palm Rd., Phoenix, AZ 85021.

MC 153628 (Sub-6-5TA), filed December 9, 1981. Applicant: JIM LARSEN, d.b.a. WIND RIVER TRUCKING, 215 First Ave., SW., Park City, MT 59063. Representative: Charles M. Williams, 1600 Sherman St., #665, Denver, CO 80203. *Lumber* and *wood products* from points in WA, OR, ID, MT and those in CA in and north of Mendocino, Lake, Colusa, Sutter and Placer Counties, to points in PA, WV, and NY and those points in the U.S. in and west of MI, OH, KY, TN, AR and LA for 270 days. Supporting shippers: Shepard & Morse Lumber Company, Riverside Office Park, P.O.B. 600, Weston, MA 02193; Henry H. Ketcham Lumber Co., P.O.B. 9887, Seattle, WA 98109; and Simpson Timber Co. (Alberta) Ltd., Blude Ridge, Alberta, Canada T0E 0B0. Permission to interline is requested with Canadian carriers at points on the International Boundary between the U.S. and Canada in WA, ID and MT.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-36044 Filed 12-22-81; 8:45 am]
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[Volume No. 28]

Motor Carriers; Applications, Alternate Route Deviations, and Intrastate Applications

Motor Carrier Alternate Route Deviations

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this Federal Register notice.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

Motor Carriers of Passengers

MC 1934 (Deviation No. 6) THE ARROW LINE, INC., 105 Cherry St., E. Hartford, CT 06108, filed November 19, 1981. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *passengers and their baggage,* and *express* and *newspapers* in the same vehicle with passengers over a deviation route as follows: From Storrs, CT, over CT Hwy 195 to junction Interstate Hwy 86 to Tolland, CT, then over Interstate Hwy 86 to junction Interstate Hwy 84 in E. Hartford, CT, then over Interstate Hwy 84 to juction Interstate Hwy 684 in Brewster, NY, then over Interstate Hwy 684 to junction Interstate Hwy 287 in White Plains, NY, then over Interstate Hwy 287 to junction Interstate Hwy 87 in Elmsford, NY, then over Interstate Hwy 87 to New York, NY, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Storrs, CT, over CT Hwy 195 to junction CT Hwy 89, then over CT Hwy 89 to junction CT Hwy 32, then over CT Hwy 32 to junction CT Hwy 52, then over CT Hwy 52 to junction Interstate Hwy 95, then over Interstate Hwy 95 to New York, NY, and return over the same route.

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

New York Docket No. T-664, filed November 17, 1981. Applicant: WEST FARMS EXPRESS, INC., 1095 Close Ave., New York, NY 10472. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of; General

commodities: Liquid petroleum products; forest products in packages.—Between New York City on the one hand, and, on the other, all points in Albany, Columbia, Delaware, Dutchess, Greene, Nassau, Ontario, Orange, Putnam, Rensselaer, Rockland, Suffolk, Sullivan, Ulster, Westchester Counties and New York City. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-38550 Filed 12-22-81; 8:45 am]

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[Volume No. OP1-322]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this Federal Register notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251) addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the Federal Register of July 3, 1980, at 45 FR 45539.

MC 157441 (republication), filed July 31, 1981, published in the Federal Register August 13, 1981, and republished this issue. Applicant: TOM SORENSEN, d.b.a. SORENSEN ROCK AND GRAVEL, Rural Route Box 283–A, Weeping Water, NE 68463. Representative: Tom Sorensen (same address as applicant), (402) 267–4025. A decision by the Commission, Review Board #1, decided November 10, 1981, served November 23, 1981, finds that applicant is authorized to operate as a *common carrier*, by motor vehicle, in transporting over irregular routes, *sand, gravel, rock, dirt, and construction materials*, between points in Cass County, NE, on the one hand, and, on the other, points in Plymouth, Woodbury, Monona, Harrison, Pottawattamie, Mills, and Fremont Counties, IA, and Atchison and Holt Counties, MO. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to indicate that applicant has been granted authority in Atchison and Holt Counties, MO in lieu of Atchison and Holt Counties, IA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-38547 Filed 12-22-81; 8:45 am]

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[Volume No. 212]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

December 17, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 85747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 35358 (Sub-64)X, filed November 20, 1981. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Dr. N.E., Minneapolis, MN 55421. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. Subs 23 and 40F and E34, E35, E36, E37, E38 and E46 letter notices broaden: (1)(a) Uncrated school, hospital and industrial furniture, cabinets, fixtures, sinks, and tops, Sub 23, (b) uncrated furniture, cabinets, fixtures, sinks, and tops, Sub 40, to "furniture and fixtures and machinery", from (a) uncrated furniture, uncrated fixtures, uncrated furnishings, and uncrated appliances, E34, E35, E36, E37 and E38, (b) uncrated household furniture, uncrated household furnishings and appliances, and uncrated household kitchen equipment, E46 to "furniture, fixtures, furnishings, and machinery"; (2) to radial authority, Subs 23 and 40F, (3) cities to county-wide authority: (a) Sub 23, Kane and DuPage Counties, for Geneva, IL; (b) Sub 40F, Lake, DuPage, Cook, Will Counties, IL and Lake and Porter Counties, IN, for Chicago, IL.

MC 39588 (Sub-15)X, filed December 11, 1981. Applicant: ARROW TRANSFER & STORAGE CO., 1116 Market Street, Chattanooga, TN 37402. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Sub 12: (1) Broaden commodity description: self-propelled cranes and power shovels, in driveaway service, and parts and attachments for self-propelled cranes and power shovels to "commodities which because of size or weight require the use of special equipment"; (2) change authority to serve facilities at Chattanooga, TN, to county-wide authority of Hamilton County, TN; and (3) expand one-way to radial authority.

MC 116092 (Sub-10)X, filed December 1, 1981. Applicant: CHAMPLAIN EXPRESS TRANSPORT (INTERNATIONAL) INC., 411 Rivere, Cowansville, Quebec J2K 1N4. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Subs 2, 5 and 7F. Broaden: in Sub 2, imported wool, paper makers' felts (except commodities in bulk), to "textile mill products"; in Sub 5, lumber and building materials to "lumber and wood products and building materials"; in Sub 7F, (1) synthetic resin and plastic articles and (2) toilet preparations, cosmetics (except in bulk), "chemicals and related products"; in Subs 2 and 5, replace ports of entry on United States and Canada boundary line at Champlain and Rouses Point, NY and Highgate Springs, Richford and Troy, VT and in Sub 7 at Champlain and Ogdensburg, NY and Norton Mills, Derby Line, Richford and Highgate Springs, VT, with

ports of entry located in NY and VT; in Sub 2, Albany to Albany County, NY and Gilbertville to Worcester County, MA and Hudson and Maynard to Middlesex County, MA; in Sub 7F, Chatham to Columbia County, NY and Stamford to Fairfield County, CT; in Sub 5 to radial service.

MC 123074 (Sub-21)X, filed December 9, 1981. Applicant: M. L. ASBURY, INC., 141 S. Main St., Romeo, MI 48065. Representative: Robert E. McFarland, 2855 Coolidge Rd., Ste. 201A, Troy, MI 48084. Sub 17, Broaden: (1) inedible tallow, in bulk, in tank vehicles to "commodities in bulk"; (2) Detroit to Wayne, Oakland, Macomb, Washtenaw and Monroe Counties, MI; and (3) one-way to radial.

MC 123601 (Sub-5)X, filed December 9, 1981. Applicant: E & F TRUCKING, INC., 445 Winding Road, Old Bethpage, NY 11804. Representative: Roy A. Jacobs, Esq., 550 Mamaroneck Avenue, Harrison, NY 10528. Sub 3 to (1) broaden to points in NJ and points in Columbia, Delaware, Dutchess, Greene, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, NJ and New York, NY for those points in NY and NJ within 100 miles of Jersey City, NJ; and (2) from incandescent lamps and raw materials used in the manufacture of incandescent lamps to "such commodites as are dealt in by manufacturers and distributors of electric and electronic products and equipment, materials, and supplies used in the manufacture and distribution of such commodities."

MC 124004 (Sub-71)X, filed December 7, 1981. Applicant: RICHARD DAHN, INC., 620 West Mountain Road, Sparta, NJ 07871. Representative: Richard W. Dahn (same as applicant). Sub 63, broaden: general commodities, with exceptions to "general commodities" (except classes A and B explosives).

MC 124328 (Sub-146)X, filed December 7, 1981. Applicant: BRINK'S INCORPORATED, Thorndal Circle, Darien, CT 06820. Representative: Chandler L. Van Orman, 1729 H. Street, N.W., Washington, DC 20006. Lead permit, broaden to between points in the U.S. under continuing contract(s) with named shippers or classes of shippers.

MC 144057 (Sub-4)X, filed December 4, 1981. Applicant: WHITEHALL TRANSPORT, INC., P.O. Box 357, Whitehall, WI 54773. Representative: Eugene D. Anderson, 910 17th St. N.W., Suite 428, Washington, DC 20006. Sub 1 certificate: Broaden to (1) "food and related products" from foodstuffs; (2) county-wide authority: Lake and Cook Counties, IL (Deerfield); and (3) radial authority.

MC 144128 (Sub-4)X, filed December 7, 1981. Applicant: ELLIOTT, INC. OF CLARKSVILLE, P.O. Box 342, Clarksville, VA 23927. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Lead and Subs 1 and 2 permits, (1) broaden lumber, pallets, and particle board, to "lumber and wood products," lead; steel and steel articles, to "metal products", both subs; and (2) to between points in the U.S. under contract(s) with named shippers, lead and all subs.

MC 146367 (Sub-5)X, filed December 7, 1981. Applicant: VANS BUILDERS SUPPLY, INC., 1422 Western Avenue, Las Vegas, NV 89102. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. Sub 4, broaden to radial authority.

MC 150219 (Sub-2)X, filed December 7, 1981. Applicant: SILVER EAGLE SERVICES, INC., 577 Meadowlark Lane, Grand Junction, CO 81503. Representative: James A. Beckwith, 1365 Logan, Suite 100, Denver, CO 80203. Sub 1F: (1) broaden such commodities as are dealt in by drug and pharmaceutical supply houses to "such commodities as are dealt in by drug and pharmaceutical supply houses and materials, equipment and supplies used in the distribution, advertising and marketing thereof," and (2) change the territorial authority to between points in the U.S., under continuing contract(s) with named shipper.

MC 153207 (Sub-4)X, filed December 7, 1981. Applicant: NEBRASKA CARRIERS, INC., R.R. 2, P.O. Box 122–D, Grand Island, NE 68801. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101–1103. Sub 1 certificate: (A) Broaden to (1) "machinery, metal products and building materials" from grain storage, grain drying, and grain handling equipment, augers and conveyors, knocked down buildings (iron or steel), aeration pipe and irrigation systems, iron, steel and aluminum articles, and materials and equipment used in the manufacture of the above commodities; and (2) countywide authority: Montgomery County, IN (Crawfordsville) and Hamilton County, IA (Webster City), (part 3); (B) Remove (1) facilities restriction, (part 1); (2) "originating at or destined to" restriction; and (3) restriction prohibiting the transportation of traffic to Omaha, Seward, Beatrice, Norfolk, Valley, York, Columbus, Fremont, Lindsey and Gering, NE and points in their commercial zones, (part 4); and (C) Broaden to radial authority, (part 1).

[FR Doc. 81-36548 Filed 12-22-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

December 17, 1981.

In our recent decisions, an 18.0-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figures set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 18.0-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.0 percent. All owner-operators are to receive compensation at this level.

No change is authorized in the 2.0-percent surcharge for United Parcel Service, the 3.1-percent on less-than-truckload (LTL) traffic performed by carriers not using owner-operators, or the 6.7-percent surcharge for the bus carriers.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. for public inspection and by depositing a copy to the Director, Office of the Federal Register, for publication therein.

It is ordered:

This decision shall become effective Friday, 12:01 a.m. December 18, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

December 14, 1981.

APPENDIX—FUEL SURCHARGE

Base date and price per gallon (including tax)	
Jan. 1, 1979	68.6¢
Date of current price measurement and price per gallon (including tax)	
Dec. 14, 1981	131.0¢

	Transportation performed by—			
	Owner-operator[1]	Other[2]	Line carrier	UPS
	1	2	3	4
Average percent fuel expenses (including taxes) of total revenue	[illegible]	2.9	[illegible]	[illegible]
Percent surcharge developed	[illegible]	3.1	[illegible]	[illegible][3]
Percent surcharge allowed	[illegible]	3.1	[illegible]	[4] 2.0

[1] Apply to all truckload traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-36549 Filed 12-22-81; 8:45 am]
BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Housing Guaranty Program; Investment Opportunity

The Agency for International Development (A.I.D.) has authorized guaranties of loans to a number of developing countries as part of A.I.D.'s overall development assistance program. The proceeds of these loans will be used by these countries to finance shelter projects for low income families. Set forth below is the address of a country (the "Borrower") for which a loan has recently been authorized. The Borrower is interested in being advised of the terms and conditions at which financing would be available under current market conditions and requests proposals from U.S. lenders or investment bankers.

Dominican Republic

Project: 517-HG-009—$15,000,000, Gustavo Volmar, Financial Manager, Banco Nacional de la Vivienda, Apartado 1504, Santo Domingo, Dominican Republic, Telephone: 565-0621.

Additional projects will be advertised from time to time as they become ready for borrowing.

By this notice of investment opportunity, the Borrower is soliciting expressions of interest from U.S. lenders or investment bankers to counsel on loan timing, structure and features, and to manage the loans or underwritings. Interested investment bankers or lenders should contact the Borrower. Selection of an investment banker and/or lender and the terms of the loan are initially subject to the individual discretion of the Borrower and thereafter subject to approval by A.I.D. The lender and A.I.D. shall enter into a Contract of Guaranty covering the loan. Disbursements under the loan will be subject to certain conditions required of the Borrower by A.I.D. as set forth in an implementation agreement between A.I.D. and the Borrower.

The full repayment of the loan will be guaranteed by A.I.D. The A.I.D. guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority of Section 222 of the Foreign Assistance Act of 1961, as amended (the "Act").

Lenders eligible to receive an A.I.D. guaranty are those specified in Section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic U.S. corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least ninety-five percent (95%) owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for an A.I.D. guaranty, the loans must be repayable in full no later than the thirtieth anniversary of the disbursement of the principal amount thereof and the interest rates may be no higher than the maximum rate established from time to time by A.I.D.

Information as to the eligibility of investors and other aspects of the A.I.D. housing guaranty program can be obtained from: Director, Office of Housing, Agency for International Development, Room 625, SA/12, Washington, D.C. 20523, Telephone: (202) 632-9637.

Dated: December 16, 1981.

Fredrik A. Hansen,

Deputy Director, Office of Housing.

[FR Doc. 81-36585 Filed 12-22-81; 8:45 am]
BILLING CODE 6116-01-M

[Delegation of Authority No. 133]

Senior Assistant Administrator, Science and Technology Assistant Administrator, Program and Policy Coordination Assistant Administrator, Food and Voluntary Assistance Assistant Administrator, Private Enterprise Regional Assistant Administrators; Authorization of Project and Non-Project Assistance

AID Delegation of Authority No. 133, dated February 1, 1979 (44 FR 8050, February 8, 1979), as amended, is revised to read as follows:

Section 1. Issuance Authority

This delegation is issued pursuant to IDCA Delegation of Authority No. 1, dated October 1, 1979.

Section 2. Purpose

The purpose of this delegation is to delegate authority to approve project and non-project assistance. Authority to approve or to extend AID project and non-project assistance occurs principally at three levels of authority within the Agency. These levels are:

The Administrator (including the Deputy Administrator); Designated Assistant Administrators (including their Deputies); and

Designated Mission Directors or other principal officers of field posts and Designated AID/Washington officers.

Within the limits prescribed by law, the Administrator may approve any project, amend any project authorization, and approve any project extension. Assistant Administrators are given limited authority to approve and amend projects, to extend the life of projects, and to redelegate such authorities within their respective Bureaus.

Section 3. Definitions

a. "Project", for purposes of this delegation, includes project and non-project assistance.

b. "Project Assistance Completion Date" (PACD) is the estimated date by which all AID-financed goods are to have been delivered or all services performed under the Project Agreement. In non-project assistance, the equivalent date is the terminal date for requests for disbursement authorizatons.

c. "Life of Project" is the planned length of the project as determined in project preparation. The life of project runs from the estimated date of signature of the Project Agreement or other obligating document to the PACD.

Section 4. Authorities Delegated to Assistant Administrators

a. The following authorities are delegated to the Senior Assistant Administrator for Science and Technology, the Assistant Administrator for Program and Policy Coordination, the Assistant Administrator for Food and Voluntary Assistance, the Assistant Administrator for Private Enterprise, the Assistant Administrator for Near East, the Assistant Administrator for Latin America and the Caribbean, the Assistant Administrator for Africa, and the Assistant Administrator for Asia, within their respective areas of responsibility;

(1) The authority to authorize a project, if the project:

(a) Does not exceed $20 million over the approved life of project (except as provided in subparagraph (2) below);

(b) Does not present significant policy issues;

(c) Does not require issuance of waivers that may only be approved by the Administrator or if such waivers are required they are approved by the Administrator prior to such authorization; and

(d) Does not have a life of project in excess of ten years.

(2) The authority to amend project authorizations executed by any AID official, if the amendment:

(a) Does not result in a total life of project funding of more than $30 million;

(b) Does not present significant policy issues; and

(c) Does not require issuance of waivers that may only be approved by the Administrator or is such waivers are required they are approved by the Administrator prior to such authorizations.

(3) The authority to approve extensions of the life of a project, provided that the extension does not result in a total life of project (from point of initial obligation to revised PACD) of more than ten years.

b. Authorities delegated under this section may be exercised by persons performing the functions of the Assistant Administrator in an "Acting" capacity.

Section 5. Authorities That May Be Redelegated to AID/Washington Officers

Assistant Administrators may, each within their respective Bureaus, redelegate the authorities delegated to them under Section 4 to Deputy Assistant Administrators, and, in the case of the Bureau for Science and Technology, to the Agency Directors for Food and Agriculture, Energy and National Resources, Human Resources and Health and Population. Authorities so redelegated may be exercised by persons performing the functions of the designated AID/Washington officer in an "Acting" capacity but may not be redelegated.

Section 6. Authorities That May Be Redelegated to Principal Officers of Field Offices

a. Regional Assistant Administrators may, each within their area of responsibility, redelegate the authorities delegated to them under Section 4, at their discretion and in accordance with criteria established by the Bureau, to Mission Directors or other principal officers of field posts.

b. The Senior Assistant Administrator for Science and Technology, and Assistant Administrators for Program and Policy Coordination, Food and Voluntary Assistance and Private Enterprise may redelegate authorities delegated to them under Section 4 to Mission Directors or other principal officers of field posts for individual projects, with the concurrence of the relevant Regional Assistant Administrator.

c. Authorities redelegated hereunder may be exercised by persons performing the functions of the Mission Director in an "Acting" capacity and may be redelegated by the Mission Director to the principal deputy of the Mission Director, but may not be further redelegated. Authorities redelegated to principal officers of field posts other than Missions may be exercised by persons performing the functions of the principal officer in an "Acting" capacity, but may not be redelegated.

Section 7. Miscellaneous

a. Technical Review of Project Actions.—Technical review, including legal, shall be completed prior to the exercise of the authorities delegated herein, in accordance with procedures established by each Bureau.

b. Concurrent Authority and Instructions.—I retain for myself concurrent authority to exercise any of the functions herein delegated, and such authorities shall be exercised subject to instructions issued by me or my designee.

c. Effective Date.—This delegation is effective immediately.

Dated: December 11, 1981.

M. Peter McPherson,

Administrator.

[FR Doc. 81-36879 Filed 12-22-81; 8:45 am]

BILLING CODE 6116-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-92]

Certain Airtight Wood Stoves; Denial of Motion To Withdraw Action and Order of Termination and To Order Hearing

AGENCY: U.S. International Trade Commission.

ACTION: Denial of motion to withdraw action and order of termination and to order hearing.

SUPPLEMENTARY INFORMATION: On November 2, 1981, the Commission received a Motion to Withdraw Action and Order of Termination and Order Hearing (Motion 92-13) from Energy Harvesters Corp., the complainant in the above-captioned investigation. Complainant requests that the motion be granted because the Commission's ordering of the termination of the investigation without a hearing allegedly violates the Fifth Amendment to the U.S. Constitution and 5 U.S.C. 554.

This motion follows the termination of this investigation on October 9, 1981 based upon mootness. The Commission stated in its Memorandum Opinion of October 9, 1981, that as a result of the issuance of consent orders in investigation No. 337-TA-106 the stove under investigation in this case was no longer to be imported. Thus, Energy Harvesters had already received all of the relief that it could possibly receive under section 337.

On December 14, 1981, the Commission denied Energy Harvesters' motion. Copies of the Commission's Action and Order and all other nonconfidential documents in the record of this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Jeffrey S. Neeley, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0359.

By order of the Commission.

Issued: December 17, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-36826 Filed 12-22-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. TA-203-12]

Clothespins; Report to the President

December 7, 1981.

To the President:

In accordance with section 203(i)(2) and 203(i)(3) of the Trade Act of 1974 (19 U.S.C. 2253(i)(2) and (i)(3)), the United States International Trade Commission herein reports the results of an investigation concerning clothespins.

Summary of advice of the Commission

Commissioners Alberger, Calhoun, Stern, Eckes, and Frank advise, on the basis of information obtained in the investigation, that the termination or reduction of the import relief presently in effect will have an adverse economic

effect on the domestic industry producing clothespins and that such relief therefore should be extended at the level presently in effect for the full 3-year period allowed.

Background

The Commission instituted this investigation on July 20, 1981, following receipt, on July 10, 1981, of a petition filed on behalf of Diamond International Corp., Forster Manufacturing Co., National Clothespin Co., and Penley Corp. Public notice of the investigation and hearing was given by posting copies of the notice at the office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** of July 29, 1981 (46 FR 38779). A public hearing was held in connection with this investigation on October 5, 1981, in Portland, Maine. All interested persons were afforded an opportunity to be present, to present evidence, and to be heard.

The information in this report was obtained from field work, questionnaires sent to domestic producers and importers, the Commission files, other Government agencies, briefs filed by interested parties, and other

Statement of the Commission

Based on information presented to the Commission in this investigation, it is our judgment that termination or reduction of import relief for spring-type clothespins would have an adverse economic effect on the domestic clothespin industry.[1] We therefore recommend extending this relief at existing levels for an additional 3 years to provide the domestic industry more time to complete its orderly adjustment to import competition.

This advice is based on our assessment of several factors. These include the present condition of the industry, levels and trends of imports during the relief period, the effectiveness of further relief, efforts made by the industry to adjust during the relief period, and the factors set forth in section 202(c) of the Trade Act of 1974.

In essence, the Commission believes that the domestic clothespin industry can become efficient and profitable without the aid of import restraints if temporary protection is extended now to allow the industry to implement fully its adjustment plans.

[1] The relief presently in effect is that provided for in Presidential Proclamation 4640 of Feb. 23, 1978.

The product

Import relief covers two categories of clothespins—spring-type clothespins of wood and spring-type clothespins of plastic. It does not cover spring-type clothespins of materials other than wood or plastic or nonspring-type clothespins (such as round-head clothespins).

Imported wooden clothespins are in two sizes, a small clothespin measuring 2⅞ inches in length and a larger "regular-sized" clothespin measuring 3 to 3¼ inches in length. The smaller clothespins are imported primarily from Taiwan and China, and the larger primarily from Poland, West Germany, and other European countries. Plastic clothespins are imported primarily from Taiwan and Hong Kong. The larger European clothespins are considered to be stronger and more durable than those from the Far East and are also considerably more expensive.

Domestic producers manufacture four types of clothespins—spring-type clothespins of wood, spring-type clothespins of plastic, roundhead (or square head) nonspring-type clothespins of wood, and roundhead nonspring-type clothespins of wood that are iron bound. The bulk of domestic production is in the form of spring-type clothespins of wood, which are the second least expensive of the four types. For their principal use the different types of imported and domestic clothespins are functionally interchangeable.

Imports during the relief period

Import relief has been effective. As a result of quantitative restrictions, imports have declined both in absolute terms and relative to U.S. consumption. The share of the U.S. market accounted for by imports declined from an average of 48 percent in 1976–77 to approximately * * * percent during the relief period.[2] Imports of wood spring clothespins exceeded 3 million gross in 1976 and 1977, declined to slightly over 2 million gross in 1978 and fell below 2 million gross as the quota became effective.[3]

The import quotas cover three price categories of clothespins (not over 80 cents per gross, over 80 cents but not over $1.35 per gross, and $1.35 but not over $1.70 per gross) and are on a fiscal-year basis (February 23 to February 22), with quarterly limitations. The quotas limit total imports for the three categories to 2 million gross annually. The quarterly quotas for each of the two lower price categories have been filled in each quarter since the relief went into effect, indicating that imports in those price categories could have been substantially higher in the absence of quotas. Quarterly quotas for the highest price category have been substantially filled in recent quarters.[4]

Taiwan has been the most important supplier of imported wood and plastic spring-type clothespins since 1976. Its share of imports during the relief period ranged from 47 percent in 1978 to 88 percent in 1979, 60 percent in 1980, and 62 percent in January-June 1981. The bulk of the imports from Taiwan enter in the two lower price categories. Imports from the traditional European suppliers of more expensive clothespins declined during the relief period in terms of quantity, value, and share of total imports.

Condition of the domestic industry

With the domestic industry's recapture of a 70 percent share of the U.S. market as a result of the relief, its condition has improved significantly. Production, capacity utilization, and employment have all increased, and the industry, which had operated at a loss in 1978, is once again profitable.

U.S. production of clothespins (including the nonspring types) increased from 4.4 million gross in 1978, the year prior to the imposition of relief, to 4.9 million gross in 1979, before declining slightly to 4.8 million gross in 1980.[5] Production increased from 2.5 million gross in January-June 1980 to 3.1 million gross in January-June 1981, an increase of 29 percent, largely due to a significant increase in spring-type wood clothespin production.[6]

Capacity utilization similarly increased during the period from 59 percent in 1978 to 65 percent in 1979, 64 percent in 1980, 65 percent in January-June 1980, and 84 percent in January-June 1981.[7] Industry capacity remained at a constant 7.5 million gross during the period.[8]

Employment rose irregularly during the relief period. The number of persons employed in producing clothespins rose from 387 in 1978 to 400 in 1979, declined to 388 in 1980, and increased to 427 in January-June 1981. Hours worked followed similar trends.[9] Hourly compensation increased modestly during the period from $4.14 per hour in 1978 to $4.40 per hour in 1979, $4.51 per

[2] Report, p. A–28.
[3] Id., pp. A–19, A–21.
[4] Report, p. A–28.
[5] Id., p. A–32.
[6] Id., pp. A–31 through A–32.
[7] Id., p. A–31. Capacity utilization data are helpful in measuring trends but are not necessarily accurate in measuring actual capacity utilization levels.
[8] Report, p. A–31.
[9] Id., p. A–42.

hour in 1980, and $4.93 per hour in January-June 1981.[10] Labor productivity, as measured in gross per hour, was at its highest level of the period in January-June 1981.[11]

The net operating profit (before income taxes) of wood spring-type clothespin operations of U.S. producers increased substantially from a negative (i.e., loss) of $614,000 in 1978 to a positive $499,000 in 1979 and $1.2 million in 1980.[12] The net profit in January-June 1980 was $467,000, and it increased to $695,000 in January-June 1981.[13] The ratio of net operating profit (before income taxes) to sales increased from a negative 8.2 percent in 1978 to a positive 5.6 percent in 1979, and 10.3 percent in 1980.[14] This ratio increased further from 8.6 percent in January-June 1980 to 12.8 percent in January-June 1981.[15]

In summary, the relevant economic indicators show the industry to be in considerably better condition at the present time than it was in 1978, the year before import relief was proclaimed. This improved condition is primarily the result of import relief.[16] The industry, however, clearly has not yet adjusted to import competition. As discussed more thoroughly below under "Extension of relief," the economic conditions indicating serious injury which existed just prior to the imposition of relief are likely to return quickly if import relief is terminated at this time.

Efforts to adjust

U.S. producers have invested approximately $700,000 in plant and equipment since January 1979.[17] However, this represents only about 20 percent of the domestic industry's total planned adjustment effort. Producers project an additional $3.3 million investment in 1982–84.[18] The magnitude of these investments is significant given the cash-generating capabilities of the industry today.

To date, most of the funds invested have been allocated to modify or repair existing equipment to improve machine efficiency.[19] The current relief period has also been used to develop plans for more substantial changes. There is no machine building industry oriented to the production of clothespins. Therefore, machinery improvements must be self-instituted and implemented by the clothespin producers. Future expenditures would be used to purchase and install new systems and equipment, simplify production methods, and improve productivity.[20] These changes would require several years for further planning and implementation.

If the domestic producers are to compete successfully with imports when restrictions are removed, the margin of import underselling must be reduced.[21] This will not be possible unless domestic industry costs are lowered through improved production methods. Profitability increases realized during import relief have underwritten improvements already made. Unless relief is continued, however, producers may not be willing or able to commit or attract funds for the more substantial changes envisioned.[22]

Reduction of the price differential is only one element in establishing a competitive posture. The domestic industry also reports that it has adopted or is devising new marketing strategies. As part of this effort, firms have improved their sales forces and changed their product mix.[23] Further improvements in this area along with reduction of the margin of import underselling should place the industry in a more competitive position at the end of the 3-year relief extension period.

Extension of relief

We believe relief should be extended for the maximum 3-year period at present levels for three reasons.

First, we believe that any effective long-term adjustment to import competition is contingent upon implementation of the industry's plan to bring on-stream new equipment and production techniques. In the absence of relief, the industry is unlikely to have adequate profits or the ability to attract capital to finance the acquisition of new equipment.[24]

Second, and corollary to the first point, we believe that there would be a substantial increase in clothespin imports, especially of those in the two lower price categories, if import relief were terminated. As noted above, the import quotas for the two lower priced categories have been filled in all of the quarterly periods under the relief program, and the quarterly quotas for the third category have been substantially filled in recent quarters.[25]

Imports exceeded 3 million gross in 1976 and 1977 and thus were more than 50 percent above the present annual quota level of 2 million gross.[26] We have no information that would lead us to believe that foreign producers are not capable of reestablishing the import levels they obtained in 1976 and 1977. In fact, if relief is terminated, imports may exceed the 1976–77 levels. If increases in imports since 1977 from countries included in the 1976 and 1977 figures are added to the 1976 and 1977 totals, one can easily conceive of imports doubling in the absence of quotas.[27]

Taiwan has clearly strengthened its position as a supplier of inexpensive clothespins during the relief period.[28] The largest supplier of imported clothespins since 1976, its 1979 exports to the U.S. market were fully double the 1976 levels. While imports from Taiwan declined in 1980 to 1.16 million gross from the 1979 level of 1.49 million gross, imports in January–June 1981 were running about 44 percent over the January–June 1980 level and, if continued for the duration of 1981, will nearly equal the 1979 level.[29]

China remains an important threat to the domestic industry. Imports from China, which had been nil as late as 1974, rose to 669,000 gross in 1976 before declining to 24,000 gross in 1979 and 48,000 gross in 1980.[30] However, imports from China of 88,000 gross in the first 6 months of 1981 have already exceeded total imports from China for calendar years 1978 and 1979, and China reportedly is committed to exporting several times that amount to the U.S. market in 1982.[31]

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[10] Id., p. A–47.
[11] Id.
[12] Id., p. A–55.
[13] Id.
[14] Id.
[15] Id. Commissioner Stern points out that financial information is not evaluated in a vacuum. It is assessed in light of all relevant market conditions. For example, in investigation No. TA–203–7 on non-rubber footwear, the improved profitability of the domestic industry indicated some adjustment toward open trading conditions. Improvements in the profitability of footwear producers occurred despite the fact that imports did not decline over the relief period. In contrast, for clothespin producers, profitability rose as import levels fell and most likely reflects the assistance given the industry by the quotas.
[16] Commissioner Frank notes, notwithstanding the industry's short-term improvement manifested by certain operational and profitability indices, that its overall financial condition remains hampered by an inability to attract outside equity investment and debt capital.
[17] Report, p. A–63.
[18] Id., p. A–65.
[19] Id., pp. A–63, A–113 through A–120.
[20] Id., pp. A–65, A–115 through A–120.
[21] Pricing data are set forth in the report at pp. A–67 through A–81.
[22] Report, p. A–67.
[23] Id., pp. A–63 through A–64.
[24] Id., p. A–67.
[25] Id., p. A–23. Commissioner Frank notes that during most recent 1981–82 quota year (running from Feb. 23, 1981, through Feb. 22, 1982) quarterly quotas for each of the two lower price categories were filled at the opening of each quarter.
[26] Report, pp. A–19 through A–20.
[27] Id., pp. A–81 through A–82.
[28] Id., p. A–82.
[29] Id., pp. A–19 through A–20, A–82.
[30] Id., pp. A–20, A–84.
[31] Id., pp. A–84 through A–85.

Other past significant suppliers such as Poland, Hong Kong, West Germany, Romania, and Czechoslovakia could pose a significant threat to the U.S. industry if they resume exporting to the U.S. market at the levels of the years preceding the imposition of relief.[32] There is also a potential for increased imports from Portugal.[33]

Third, we are convinced that the domestic clothespin industry could be viable, although we believe it is unlikely that its prices will match those of low-valued imports for the foreseeable future.[34, 35] Competition in the clothespin industry encompasses many factors besides price. These include service, quality, delivery, diversified product line, and long-term business relationships.[36] In these areas, the domestic industry often has a comparative advantage over imports.

Reduction of relief

In instituting the investigation under section 203(i)(2) as well as section 203(i)(3), the Commission indicated it would consider reduction of relief as an alternative to termination or full extension. Since apparent consumption of clothespins is relatively constant at 6.0 to 6.5 million gross a year, any reduction in import relief will most likely result in significantly increased market penetration by imports with a concomitant decrease in domestic market share.[37] As we have already indicated above (under extension of relief), a decline in market share would jeopardize the industry's impressive adjustment efforts planned for the next 3 years. We therefore advise against any reduction of relief.

We note that inflation is reducing the effective protection provided in the quota categories.[38] The extent of inflation-induced reduction cannot be quantified.[39] However, the large increases in imports in the $1.35–$1.70 per gross quota category and in imports outside the quota over the relief period indicate that this effect is occurring.

Recognizing that relief is already being phased down over time as a result of inflation, we advise against any further reduction. Possible actions that could reduce the effect of relief include: (1) increasing the size of the quota; (2) eliminating or reallocating the value categories; (3) substituting an annual for a quarterly restriction; or (4) exempting a product now covered by the quota, such as plastic clothespins.

Increasing the size of the quota obviously would increase the flow of imports and harm the domestic adjustment program.[40] These negative effects need no further explanation, but the other options warrant discussion. The second option, eliminating or reallocating the value categories, would result in increased imports of lower valued clothespins, the very ones that create the most competition for U.S. producers.[41] The third option, eliminating the quarterly provision, would put increasing downward price pressure on both domestic and imported clothespins of lower value during the peak selling season and would increase the volume of imported clothespins available at that time.[42] It would have no effect on the total annual volume of imports of clothespins valued under $1.35 per gross but possibly could lead to an increase in imports of clothespins valued at $1.35–$1.70 per gross.[43]

The fourth option, exempting plastic clothespins from relief, is the most difficult to assess.[44] Shipments of plastic clothespins comprise only a small volume of total industry shipments. However, planned adjustment efforts will increase domestic industry competitiveness in this market and import penetration is still quite high. Imports of plastic clothespins under the lower two quota categories have been limited,[45] and the third category has not had a restraining effect on imports. Information is not presently available concerning the potential of foreign producers to supply plastic clothespins at low prices. The extent to which plastic clothespins compete with wood clothespins also has not been documented. Domestic producers have stated that wood and plastic clothespins are often sold as companion products, leading to the conclusion that removing plastic clothespins from the quota would result in lost sales of both wood and plastic clothespins. Some producers have reported that plastic clothespins are an important part of their profit picture, although separate profitability data for plastic clothespins were not available. Since higher value plastic clothespins are not specifically limited by the quota and inflation causes an increasing number of plastic clothespin imports to fall outside the quotas, we have concluded that an exemption for plastic clothespins, while providing little additional benefit to U.S. consumers, could jeopardize the industry's adjustment plans.

Section 202(c) considerations

We have examined the considerations set forth in section 202(c) of the Trade Act and our detailed findings with respect to each of the nine considerations are set forth in the attached report.[46] In those findings, we conclude that the relief has been very effective in limiting imports, and that relief has had a minimal effect on consumers.[47] Also, because of the concentration of domestic production in four small towns in Maine and two in Vermont, we conclude that termination or reduction of relief could have a significant adverse impact on the communities involved.[48] We also noted that several of the largest exporters to the U.S. market are not signatories to the GATT and that there have been no requests for compensation under Article XIX of the GATT.[49]

Conclusion

Based on the information before us, the Commission advises that relief be extended at present levels for 3 years. The domestic industry needs additional time in which to complete its adjustment process. Termination or reduction in relief at this time is likely to lead to a large increase in imports. This result would seriously undermine the adjustment effort.

By Order of the Commission.

Issued: December 7, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-36530 Filed 12-22-81: 8:45 am]

BILLING CODE 7020-02-M

[32] Id., p. A–85.

[33] Id.

[34] During the last few years the domestic firm that gained significant market share in wood spring clothespins advanced its delivered prices on these clothespins faster than any of the other three producers. This company has increased its sales despite the fact that its prices were frequently higher than those of its competitors. Report, p. A–89.

[35] Commissioner Frank believes, in the absence of detailed comparative production and other relevant cost data between such imported and domestic products and despite oft-recognized labor cost advantage held by certain imported products, such a view on future price differential patterns cannot be made with sufficient assurance at this time.

[36] See generally, report, pp. A–4 through A–5, A–7 through A–11.

[37] Report, p. A–86.

[38] Id., p. A–93.

[39] Id., pp. A–93 through A–94.

[40] Id., p. A–91.

[41] Id.

[42] Id., pp. A–91 through A–92.

[43] Id., p. A–92.

[44] Id., pp. A–92 through A–93.

[45] These quotas have been predominantly filled by wood clothespins, leaving little access for plastic clothespins.

[46] Report, pp. A–94 through A–99.

[47] Id., pp. A–95 through A–97.

[48] Id., pp. A–98 through A–99.

[49] Id., pp. A–97 through A–98.

[Investigation No. 337-TA-3]

Doxycycline; Motion To Modify Exclusion Order

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has received a motion to modify the exclusion order issued at the conclusion of the above-captioned investigation. In conformity with § 211.57 of the Commission's Rules of Practice and Procedure (46 FR 17533, Mar. 18, 1981), the motion and this notice will be served on each former party to the investigation. Within 30 days of such service, any former party served may file an answer to the motion.

DATE: Answers to the motion will be considered if received within 30 days of service upon the former party. Answers should conform with § 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8), and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436.

SUPPLEMENTARY INFORMATION: On April 12, 1979, the Commission issued an order excluding the importation into the United States of doxycycline falling within claim 10 of U.S. Letters Patent 3,200,149 for the remaining term of the patent except under license. That order is now in force.

On November 5, 1981, Danbury Pharmacal, Inc., a former respondent in doxycycline investigation, filed a motion with the Commission seeking modification of the doxycycline exclusion order to permit the importation of small quantities of doxycycline to be used for testing or research purposes required to obtain Food and Drug Administration certification under 21 U.S.C. 357, and not for sale to the consuming public.

FOR FURTHER INFORMATION CONTACT: Lairold M. Street, Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 202-523-3395.

By order of the Commission.

Issued: December 10, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-36827 Filed 12-22-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-101]

Certain Hot Air Corn Poppers and Components Thereof; Settlement Agreements, Recommended Termination, and Request for Public Comments

AGENCY: U.S. International Trade Commission.

ACTION: Notice of settlement agreements and request for public comments on the recommended termination of certain parties as respondents to the investigation.

SUMMARY: Notice is hereby given that the presiding officer in this investigation has issued an order recommending that the Commission grant a joint motion by the complainant and certain respondents to terminate the investigation with respect to those respondents on the basis of settlement agreements entered into by the parties. Before taking final action on the motion, the Commission seeks written comments on the proposed termination from interested members of the public.

DEADLINE: All comments must be received on or before January 22, 1982.

SUPPLEMENTARY INFORMATION: The Commission is conducting investigation No. 337-TA-101 to determine whether there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States of certain hot air corn poppers and components thereof, or in the sale of such articles, which are alleged to infringe claims 1, 2, 3, and 5 of U.S. Letters Patent 4,178,843, the effect or tendency of which to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

On October 13, 1981, the complainant, Wear-Ever Aluminum, Inc., and respondents General Electric Co. (G.E.), K Mart Corp. (K Mart), and the Stop & Shop Companies, Inc. (Stop & Shop) filed a joint motion (Motion No. 101-19) to terminate the investigation with respect to those respondents under the provisions of § 210.51 of the Commission's Rules of Practice and Procedure (19 CFR 210.51). The grounds for the proposed termination are settlement agreements between the complainant and each of the respondents named above. The motion was supported by the Commission investigative attorney and opposed by respondent Sunbeam Corp. On November 19, 1981, the presiding officer issued an order recommending that Motion No. 101-19 be granted. The settlement agreements and the proposed termination are now before the Commission for final action.

The substantive provisions of the settlement agreement between Wear-Ever and G.E. are as follows:

1. G.E. warrants that (a) it ceased importing the accused corn poppers prior to the institution of the investigation, (b) it has not, since such time, placed any purchase orders for the importation of additional accused corn poppers, and (c) the total number of accused corn poppers imported by G.E. has not exceeded the amount reported to the complainant.

2. G.E. will not hereafter import, cause to be imported, purchase, sell, give, own, or consign additional units of the accused corn poppers, except pursuant to a duly granted license under U.S. Letters Patent 4,178,843.

3. G.E. will not hereafter import, cause to be imported, purchase, sell, give, own, or consign any device which infringes the subject patent or any component thereof which constitutes a material part of the invention claimed in the patent and is not a staple article or commodity of commerce.

4. G.E. admits that U.S. Letters Patent 4,178,843 is valid and enforceable.

5. The entire stock of accused corn poppers in the possession of or under the control of G.E. or its customers, K Mart and Stop & Shop, as of July 1, 1981, may be disposed of (by way of sale or otherwise) by G.E. or the said customers for and in consideration of each of the covenants contained in the agreement by G.E. and upon the payment of a certain sum to Wear-Ever within 10 days of the date of the agreement. The right to dispose of the accused corn poppers shall survive the termination of proceedings in the investigation, and any appeals thereof, including the issuance of an exclusion order at the conclusion of lthe investigation.

6. The parties to the agreement agree that the payment provided for in paragraph 5 above does not constitute and shall not be construed as a payment for royalty for a license under U.S. Letters Patent 4,178,843. Further, no license under that patent is granted to G.E. under the agreement.

7. With respect to the accused corn poppers which are subject to, or disposed of in conformity with, the terms and conditions of the agreement, Wear-Ever releases and discharges G.E., together with its officers, directors, agents, employees, purchasers, customers, successors, and assigns, from all causes of action and claims for damage that Wear-Ever may have against them relating to unfair methods of competition and unfair acts or any

other matter—including, without limitation, patent infringement—arising out of the importation, use, or sale of the accused corn poppers. The foregoing release and discharge may be extended to respondent Yamada Electric Industries, Ltd., to the extent that Yamada has made the accused corn poppers for G.E., at the option of Yamada and upon express acceptance by Yamada. The release and discharge also may be extended to respondent Maxim Associates Corp., to the extent that Maxim has any connection with the corn poppers made by Yamada for G.E., at the option of Maxim, upon express acceptance by Maxim. Acceptance by Yamada or by Maxim shall operate to extend the release and discharge only to those respective companies with respect to the corn poppers sold to G.E., and shall not constitute any admission by the acceptor with respect to either U.S. Letters Patent 4,178,843 or the accused corn poppers.

8. G.E. agrees to give Wear-Ever reasonable notice, not less than 4 months, of its intent to import hot air corn poppers, or components thereof, that are not staple articles or commodities of commerce. During the 4-month period, Wear-Ever and G.E. agree to exert their best efforts to resolve any issues relating to such importation, including any issue of alleged infringement of the subject patent by the proposed imported products. Further, in any further proceedings before any tribunal, the burden of establishing infringement with respect to any product made, sold, or imported by or on behalf of G.E. shall remain on Wear-Ever or the owner of U.S. Letters Patent 4,178,843.

9. G.E. and Wear-Ever agree that the agreement shall be binding upon and inure to the benefit of Wear-Ever and G.E., their respective officers, directors, agents, successors, and assigns, and all persons acting by, through, under, or in active concert or participation with them.

10. The obligation of G.E. under paragraphs 2, 3, 4, and 8 above shall cease upon any determination by the International Trade Commission or any final determination by any United States court of competent jurisdiction that U.S. Letters Patent 4,178,843 is invalid or unenforceable.

11. The agreement shall be considered as a contract made by and under the laws of the State of Ohio.

The substantive provisions of the settlement agreements between Wear-Ever and K Mart and between Wear-Ever and Stop & Shop are as follows:

1. K Mart and Stop & Shop warrant that (a) they did not import the accused corn poppers prior to the institution of the investigation, (b) they have not, since such time, placed any purchase orders for the importation of additional accused corn poppers, and (c) they have only purchased the accused corn poppers from G.E.

2. K Mart and Stop & Shop will not hereafter import, or cause to be imported, said accused corn poppers. Nothing in the agreements shall prohibit K Mart and Stop & Shop from selling or otherwise disposing of all imported accused corn poppers presently in inventory, the quantities of which have been disclosed to Wear-Ever by G.E. and may be disposed of pursuant to and in compliance with the written agreement between Wear-Ever and G.E.

3. K Mart and Stop & Shop will not hereafter import, or cause to be imported, any device adjudicated to be an infringement of U.S. Letters Patent 4,178,843, or component thereof which constitutes a material part of the invention claimed therein and is not a staple article or commodity of commerce, provided such adjudication is by the Commission or by any final determination of any United States court of competent jurisdiction. Furthermore, Wear-Ever shall have notified K Mart and Stop & Shop of any such adjudication prior to the time K Mart and Stop & Shop imported or caused to be imported that device.

4. No license under U.S. Letters Patent 4,178,843 is granted to K Mart or to Stop & Shop under the agreements.

5. With respect to the accused corn poppers which are subject to or disposed of in conformity with the agreements, Wear-Ever releases and discharges K Mart and Stop & Shop, only to the extent that they have sold accused corn poppers purchased from G.E., together with their officers, directors, agents, employees, purchasers, customers, successors, and assigns from all causes of action and claims for damage that Wear-Ever may have against them relating to unfair methods of competition and unfair acts arising out of the importation, use, or sale of the accused corn poppers. Wear-Ever also agrees to take no action against K Mart and Stop & Shop—only to the extent that K Mart and Stop & Shop have sold accused corn poppers purchased from G.E.—together with their officers, directors, agents, employees, purchasers, customers, successors, and assigns by reason of any prior use or sale of the accused corn poppers which were imported into the United States prior to the date of the investigation.

6. K Mart, Stop & Shop, and Wear-Ever agree that the agreements shall be binding upon and inure to the benefit of Wear-Ever, K Mart, and Stop & Shop, and all persons acting by, through, under, or in active concern or participation with them.

7. The agreements shall be considered as contracts made by and under the laws of the State of Ohio.

The settlement agreements (except for confidential business information contained therein) are available for public inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202–523–0471.

All comments must conform to the requirements of § 201.8 of the Commission's rules (19 CFR 201.8) and must be addressed to the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

FOR FURTHER INFORMATION CONTACT:

P. N. Smithey, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Room 224, Washington, D.C. 20436, telephone 202–523–0350.

By order of the Commission.

Issued: December 17, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–36825 Filed 12–22–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–111]

Certain Vacuum Cleaner Brush Rollers; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on October 23, 1981, amended on November 5, 1981, and December 3, 1981 under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of The Scott & Fetzer Co., 14600 Detroit Ave., Lakewood, Ohio 44107. The amended complaint (hereinafter the complaint) alleges unfair methods of competition and unfair acts in the importation of certain vaccum cleaner brush rollers into the United States, or in their sale, by reason of the alleged infringement by said brush rollers of the claims of U.S. Letters Patent 3,367,728. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry.

efficiently and economically operated, in the United States.

The complainant requests that, after a full investigation, the Commission issue both an order excluding said articles from entry into the United States and an order directing respondents to cease and desist from engaging in said unfair acts.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure.

SCOPE OF THE INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on December 10, 1981, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unauthorized importation of certain vaccuum cleaner brush rollers into the United States, or in their sale, by reason of the alleged infringement by said brush rollers of the claims of U.S. Letters Patent 3,367,728, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—The Scott & Fetzer Co., 14600 Detroit Ave., Lakewood, Ohio 44107.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Hornleon Co., Ltd., P.O. Box 67–327, 11F, 150 Chi Lin Road, Taipei 104, Taiwan

Vacuum Parts Unlimited, Inc., 1403 Cherry Ave., Long Beach, CA 90813

(c) John Milo Bryant, Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determiation containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretay, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: John Milo Bryant, Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202–523–0419.

By order of the Commission.

Issued: December 15, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–36624 Filed 12–22–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 701–TA–82 (Preliminary)]

Hard-Smoked Herring Filets From Canada

Determination

On the basis of the record developed in investigation No. 701–TA–82 (Preliminary), the Commission determines that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports from Canada of hard-smoked herring filets, provided for under item 111.80 of the Tariff Schedules of the United States, which are allegedly being subsidized by the Canadian Government.[1]

Background

On November 2, 1981, the McCurdy Fish Co., Lubec, Maine, filed a petition with the U.S. International Trade Commission and the U.S. Department of Commerce (Commerce) alleging that the Canadian Government is providing subsidies for the processing of hard-smoked herring filets and that, by reason of imports of this allegedly subsidized product, an industry in the United States is being materially injured or threatened with material injury.[2] Accordingly, on November 17, 1981, the Commission instituted a preliminary countervailing duty investigation (No. 701–TA–82) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b). Notice of the institution of the Commission's investigation was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on November 20, 1981 (46 FR 57144). A public conference was held in Washington, D.C., on November 30, 1981, at which all interested persons were afforded the opportunity to present information for consideration by the Commission.

Views of Chairman Alberger, Vice Chairman Calhoun, and Commissioners Stern and Eckes

Introduction

After considering all the available information, we conclude that there is no basis for continuing this investigation. Factors bearing on this decision include the current economic condition of the domestic hard-smoked herring filet industry, historic pattern of import penetration, and our assessment of recent marketing conditions.

Domestic industry

Section 771(4)(A) of the Tariff Act of 1930 defines the term "industry" as the "domestic producers as a whole of a like product or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product."[3] "Like product" is defined as a product which is like, or in the absence of like, most similar in characteristics and uses with, the article under investigation.[4]

The imported products which are the subject of this investigation are hard-

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[1] Commissioner Frank determines that there is a reasonable indication of threat of material injury to the domestic industry by reason of these imports.

[2] McCurdy Fish Co. had previously filed a petition with the Commission and Commerce on September 30, 1981. The Commission instituted a preliminary countervailing duty investigation on October 2, 1981. After Commerce found that the information furnished in support of the alleged subsidies was insufficient, the McCurdy Fish Co. withdrew its petition, and the Commission terminated that investigation (No. 701–TA–81).

[3] Section 771(4)(A) of the Tariff Act of 1930.

[4] Section 771(10).

smoked herring filets[5] from Canada. Hard-smoking is a method of preserving and flavoring herring before consumption. The herring are immersed in a salt brine and then smoked for 4 to 6 weeks. The process gives the herring a distinct taste and reduces the need for refrigeration. After hard-smoking, the fish's head, tail, vital organs, backbone, and skin can be removed. The remaining halves are called filets. Herring is the only type of hard-smoked fish imported or produced in the United States.

Only one company produces hard-smoked herring filets in the United States. U.S. companies also produce "smoked" fish, but "smoking" is a different process, producing a smoke-flavored rather than smoke-cured product. Smoked herring has a relatively short preparation time and is much more perishable than hard-smoked fish.[6]

Therefore, we conclude that the only product like the imported product is hard-smoked herring filets and that the domestic industry consists of the only U.S. producer—the petitioner, the McCurdy Fish Company.

No Resonable Indication of Material Injury by Reason of Imports

Section 771(7) of the act directs the Commission to consider, among other factors, (1) the volume of imports of the merchandise under investigation, (2) their impact on domestic prices, and (3) the consequent impact on the domestic industry.[7]

Imports. For many years the 40 Canadian producers of hard-smoked herring filets have been a dominant factor in the U.S. market. During the period of this investigation, the volume of imports from Canada varied from 594,644 lbs. in 1978 to 1,019,449 lbs. in 1979, 693,350 lbs. in 1980, and 622,212 lbs. in the first nine months of 1981.[8] Canadian import market penetration also has shown no particular trend since 1978, moving from 74.9 percent in that year to 84.5 percent in 1979, 77.9 percent in 1980, and 84.2 percent in January–September 1981.[9]

Effect on domestic prices. From January 1979 to January 1981, the price of hard-smoked herring filets rose steadily, primarily due to shortages of fresh herring. From January to September 1981, producers' prices declined by 12 percent.[10] This decline was triggered by the buying practices of one large buyer in the New York area.[11] Since July of 1981, prices have increased again.

No precise price comparisons can be made between the U.S. and Canadian-produced product because prices change frequently in this industry and price information provided to the Commission on U.S. prices by importers is not complete as that provided by the petitioner. From 1978 to 1980 there were no reported incidents of price cutting attributable to imports from Canada. The 1981 buying practices of the New York purchaser, mentioned above, caused other New York area buyers to demand similar low prices for hard-smoked herring filets in order to remain competitive. This caused price reductions in the entire marketing area for both the domestic and Canadian producers. This situation appears to have reversed.[12]

Condition of the industry. Economic data indicate that the domestic industry is currently in good health. The petitioner's net sales increased by almost 50 percent from 1978 to 1980, and net operating profits doubled during the same period. Although reported on a calendar year basis, McCurdy estimates that its profits will remain at its 1980 level at least through September 1981.[13]

Domestic shipments were equal to production during the investigation period, dropping about 5 percent in 1979 and then holding relatively steady. In terms of value, however, shipments increased by nearly half between 1978 and 1980, and rose again in January–September 1981. As a result of this value increase, the shipment decrease in 1979 was not reflected in the profitably figures, which showed a significant increase in the ratio of net operating profit to new sales for that year.[14]

The 1980 data are surprising in that production, shipments and profits remained at approximately 1979 levels, despite a 26 percent drop in apparent U.S. consumption. (Consumption rose again in the first nine months of 1981, 19 percent over the comparable 1980 period.)[15]

Slight declines in production and shipments in January–September 1981 were in part the result of a raw herring shortage in September. This also affected the otherwise high capacity utilization figures, which declined 1.5 percent in that period after a 5 percent drop from 1978 to 1980.[16]

Employment levels also were affected by the shortage. Prior to 1981, however, the seasonal pattern of employment in the industry did not vary from year to year, and easing of the shortage has returned employment levels to normal.[17]

No Reasonable Indication of Threat of Material Injury

Congress directs that a Commission determination that a domestic industry is threatened with material injury "shall be based upon evidence showing that the threat is real and imminent and not upon mere supposition or conjecture."[18] The record in this investigation does not support such a determination.

Canadian producers are, like McCurdy Fish Co., small operations. They too are vulnerable to forces outside their control such as weather and fish availability. They purchase their fish from many of the same sources as the petitioner and are subject to the same shifts in the price of fresh fish. Canadian producers have for many years prior to 1978 supplied the bulk of U.S. consumption of hard-smoked herring filets, and there is no indication of any move to capture the rest of the U.S. market.

In our view, it is particularly significant that the recent narrow fluctuations in import share and price pressures did not adversely affect the domestic industry. To the contrary, the petitioner indicated that domestic profits which doubled from 1978–80 have been maintained in 1981. Though inherently vulnerable, the petitioner's position does not appear to be so precarious as to be materially affected by small fluctuations in imports or short periods of price competition.

Conclusion

All of the information available to the Commission indicates that petitioner's profits have increased substantially during the period investigated, despite both a decline in production and shipments and a temporary decline in prices during 1981. Accordingly, there is not reasonable indication that the industry is materially injured. Moreover, there is not information to reasonably indicate that a threat of material injury is imminent.

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[5] "Fillets" and "filets" are different terms for the same product. The domestic industry, however, calls its product "filets" and we have adopted its terminology.

[6] Staff Report at A–3.

[7] Specific company-related data are confidential and cannot be discussed in this public document.

[8] Staff Report at A–3.

[9] *Id.* at A14.

[10] *Id.* at A–16.

[11] The petitioner, however, was able to maintain his profit margin during this decline because the price of fresh herring, which accounts for nearly a third of the cost of production of hard-smoked herring, also fell.

[12] Staff Report at A–12 and A–15 and A–16.

[13] *Id.* at A–10.

[14] *Id.* at A–11.

[15] *Id.* at A–14.

[16] *Id.* at A–8.

[17] *Id.* at A–9.

[18] House Rep. No. 96–317, 96th Cong., 1st Sess. at 47.

Views of Commissioner Frank

On the basis of the record developed in Investigation No. 701–TA–82 (Preliminary), I determine that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports from Canada of hard-smoked herring filets, provided for in item 111.80 of the Tariff Schedules of the United States, which are allegedly being subsidized by Canada.

Domestic industry

Section 771(4)(A) of the Tariff Act of 1930 defines the term "industry" as the "domestic producers as a whole of a like product or those producers whose collective output of the like product constitutes a major proporation of the total domestic production of that product."[19] "Like product" is defined as a product which is like, or in the absence of like, most similar in characteristics and uses with, the article under investigation.[20]

The imported products which are the subject of this investigation are hard-smoked herring filets [21] from Canada.

Hard-smoking is a method of preserving and flavoring herring before consumption. In the process of hard-smoking, the herring are immersed for 4 to 6 days in a salt brine, after which they are smoked in an enclosure for 4 to 6 weeks at room temperature. The process gives the herring a distinct salt-smoked taste and also reduces the need for refrigeration.

After hard-smoking, the herring can be fileted, that is, the fish's head, tail, vital organs, backbone, and skin can be removed. The remaining two halves of the fish are the filets.

One company produces hard-smoked herring in the United States. U.S. companies also produce "smoked" fish, but "smoking" is a different process from "hard-smoked" because a smoked fish is smoke flavored as opposed to a hard-smoked fish which is smoke cured. Smoking is also secondary to the processing, not primary. Unlike a hard-smoked herring which has been immersed in salt brine for 4 to 6 days and then cured by smoking for 4 to 6 weeks, a smoked herring has been prepared for 4 to 6 hours in ovens at 250 degrees and subjected to smoke while heating. A hard-smoked herring is salted, dehydrated, tough in consistency, and can be preserved with little refrigeration. A smoked herring is unseasoned, moist, brittle and perishable. Smoked herring will not keep indefinitely unless sealed in airtight containers.

Because of these differences, a smoked herring is not like a hard-smoking herring. Herring, moreover, is the only type of fish produced or imported into the United States that is hard-smoked. We, therefore, conclude that the only product like the imported product is hard-smoked herring.

The domestic industry, therefore, consists of the only producer of hard-smoked herring in the United States—the petitioner, the McCurdy Fish Company.

Conditions of the U.S. industry

The petitioner, the McCurdy Fish Company, Lubec, Maine, accounts for all the hard-smoked herring produced in the United States. Annual U.S. production of hard-smoked herring filets declined by 5.2 percent from 1978 to 1980, and declined further in January–September 1981, relative to the comparable 1980 record by 1.7 percent, although the latter decline was attributed mainly to difficulties in obtaining fresh herring for processing. Inventories were negligible or shipments were approximately the same as production during the period.[22] Likewise, industry capacity utilization showed substantial reduction during this period. These trends occurred during a period when apparent domestic consumption increased irregularly both in terms of quantity and value and from January–September 1980 to the comparable period of 1981 and apparent domestic consumption evidenced marked increases in quantity and value of 19 percent and 15 percent, respectively.[23] This is reflective of increased import penetration discussed later herein.

Employment data from 1978 to July of 1981 showed little change and continued to reflect the seaonal nature of the industry, although there was a marked drop-off in the following two months, attributed to lack of fresh herring available. Employment has since returned to normal levels since the arrival of fresh herring in late October. Total hours worked followed a similar trend and the hours worked per employee showed no change during the period.

The financial performance of the industry from the standpoint of sales, gross and net operating profit, reflected steady improvement during the 1978 through 1980 period for which quantitative financial information was available, and it is estimated that in 1981, at least through September, the industry was as profitable as in 1980.[24] However, this financial picture should be viewed in a proper perspective. Due to the relatively low capital intensiveness and concomitant fixed costs, the nature of labor and othe cost inputs such as recent lower costs for fresh herring affecting gross margins, the industry was able to adjust financially to reduced operating capacity rates and lower prices for hard-smoked herring in 1981. There is no assurance such a propitious scenario will reoccur in the future, however, should prices evidence a decline similar to 1981. Further, the industry's financial position should be viewed in the context of its relatively minor position in the U.S. market (it does not export) vis-a-vis particularly the Canadian imports and increased Canadian import penetration.

The domestic industry's condition, considering the size and scope of its operations relative to high levels of imports, and notwithstanding somewhat stable employment, trends, and slightly improved financial position, while not demonstrating reasonable indication of injury at present, causally linked to imports, shows, however, a reasonable indication of substantial susceptibility to import related injury.

Reasonable Indication of Threat of Material Injury

As the Senate Finance Committee report in the Trade Agreements Act of 1979 makes clear, an affirmative finding in the question of threat of material injury "must be based upon information showing that the threat is real and injury is imminent, not a mere supposition or conjecture." (S. Report 96–249, 96th Cong., 1st Session (1979) at 88–89.)

Since 1978, Canada has accounted for no less than 97 percent of U.S. imports of hard-smoked herring filets. U.S. imports from Canada increased irregularly over the period: over 70% from 1978 to 1979; down 32 percent in 1980; up 26 percent in the January–September 1981 period relative to the comparable 1980 period.[25] Although imports from Canada increased in 1981 from 1980, average unit values declined somewhat.[26] As a share of irregularly increasing domestic consumption, imports from Canada also registered substantial albeit irregular increases: increasing from 74.9 percent in 1978 to 84.5 percent in 1979; declining to 77.9

[19] Section 771(4)(A) of the Tariff Act of 1930.
[20] Section 771(10).
[21] "Fillets" and "filets" are different terms for the same product. The domestic industry, however, calls its product "filets" and we have adopted its terminology.
[22] Staff Report at A–9.
[23] *Id.* at A–14.
[24] *Id.* at A–10.
[25] *Id.* at A–7.
[26] *Id.*

percent in 1980; increasing in the January–September 1980–January–September 1981 period from 79.9 percent to 84.2 percent. Imports from other sources were relatively negligible compared to Canadian levels of penetration.[27]

Although in the preliminary investigation data on shipments, exports, capacity, and planned changes in capacity for the Canadian producers was not available, information on import penetration obtained to date and overall shipments to the U.S. market show without a doubt an increasing dominance in market presence over the domestic industry even assuming 100 percent domestic capacity utilization—for 1980 for example reflecting over 3 times domestic capacity.[28]

Notwithstanding the industry's continued profitability through September 1981, there appear certain elements in the market which may adversely affect its future performance. In New York where traditionally much of the industry's product has been sold, the effect of imports from Canada purchased by one large importer was to reduce prices substantially between January and May of this year. Prices declined in other markets also, although less severely.[29] As stated earlier, reduced average cost of fresh herring during this period mitigated this price decline and thus the industry's profitability was not adversely affected. However, fresh herring costs in October and November have risen substantially. In February of this year, at least one of petitioner's shipments (representing over 8% of its 1980 shipments) was rejected in favor of the Canadian product by a major purchaser for the sole reason of price.[30] Although no precise price comparisons of Canadian-produced filets can be made with the domestic industry, pricing patterns show mixed results in comparability that call for further inquiry. Although Canadian producers' net prices were approximately consistent with the domestic industry from January 1979 to January 1981, after January 1981 prices for the Canadian product fell in line with the domestic industry except in New York where the price fell more rapidly and to a lower level.[31] There appears to be indication of concentrated buying power exercised by a major import/buyer in the New York area, causing a general price decline throughout the Atlantic seaboard that is thought to explain this trend. Since July prices have again increased.[32] Yet it must be stated the Canadians' apparent acquiescence to this import-buyer dominance evidently exacerbated the general price decline in view of their high penetration already obtained in the U.S. market. Although prices have again increased since July, many importers report that Canadian producers' prices are currently about 10 percent below McCurdy's.[33]

Thus, despite conflicting signals derived from the pricing data obtained to date in this preliminary investigation, I am of the view that there appears to be a reasonable indication of potential price depression and distortion due to Canadian imports which warrants further investigation, that is further underscored by the massive and increasing presence of such imports in the U.S. market today.

Conclusion

The domestic industry, despite certain modest indications of financial health and stable employment, is in a fragile position relative to Canadian imports. The size and scope of the domestic industry's operations make the sole U.S. producer particularly vulnerable to variations in income, notwithstanding relatively low fixed costs. Canadian imports, previously having captured a significant share of the U.S. market, have continued to increase their penetration into the U.S. market. The dynamics of pricing patterns between domestic and Canadian imported products show reasonable indication of a potential further price depressive effect of imports on the domestic product. With possible onset of further concentrated buying power exercised by dominant importers/buyers in the New York area as long as a competitive product from Canada is available, future price depressive and suppressive actions may ensue to the detriment of the sole domestic producer. There is also testimony of significant general overall underselling by Canadian imports which warrants further scrutiny. The industry's profitability in 1981 was not adversely affected due to such trends primarily because while prices for the finished product declined, the cost of fresh herring—a substantial production cost factor—also declined. It is not likely such a coincidence would continue to occur in the future.

Therefore, in view of the above, I have determined that there is a reasonable indication of threat of material injury to the domestic hard-smoked herring filet industry be reason of imports of Canadian hard-smoked herring filets.

By order of the Commission.

Issued: January 17, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-36823 Filed 12-22-81; 8:45 am]
BILLING CODE 7020-02-M

[27] *Id.* at A–14.
[28] *Id.* at A–8 and A–14.
[29] *Id.* at A–12.
[30] *Id.* at A–13.
[31] *Id.* at A–15.
[32] *Id.*
[33] *Id.*

[Investigation No. 751–TA–5]

Salmon Gill Fish Netting of Manmade Fibers From Japan; Public Hearing and Extension of Deadline for Completion of Investigation

AGENCY: United States International Trade Commission.

ACTION: Scheduling of public hearing and extension of deadline for completion of investigation No. 751–TA–5, Salmon gill fish netting of manmade fibers from Japan.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission will conduct a public hearing in connection with the subject investigation. The hearing will be held on February 16, 1982 in Portland, Oregon. The Commission also gives notice that it has waived the 120 day limit for completion of this investigation. The new administrative deadline for completion is March 31, 1982.

EFFECTIVE DATE: December 11, 1981.

SUPPLEMENTARY INFORMATION: On November 18, 1981, the Commission received a request to waive the 120 day time limit for completion of the subject investigation upon the condition that a public hearing be held in Portland, Oregon or Seattle, Washington subsequent to December 1981. On November 24, 1981, the Commission voted to postpone the December 17, 1981 hearing scheduled to be held in Washington, D.C. (46 FR 58618). Since salmon fishing is centered in the rivers and offshore waters of the Pacific Northwest the majority of importers and users of salmon gill fish netting are located in that area. A public hearing in Portland will provide these groups with the opportunity to present oral testimony to the Commission.

Written submissions.—Any person may submit to the Commission on or before February 24, 1982, written statements of information pertinent to the subject matter of the investigation. A signed original and nineteen true copies of such statements must be submitted in accordance with § 201.8 of the Commission's Rules of Practice and Procedure, 19 CFR 201.8 (1980).

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately and each sheet must be clearly marked at the top "Confidential business data." Confidential submissions must conform with the requirements of § 201.6 of the Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except confidential business data, will be available for public inspection. A staff report containing preliminary findings of fact will be available to all interested parties on January 26, 1982.

Public hearing.—The Commission will hold a public hearing in connection with this investigation on February 16, 1982, beginning at 10:00 a.m., p.s.t., in room 223 of the New Federal Building, 1220 South West 3rd Street, Portland, Oregon. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m., e.s.t.) on January 29, 1982. All persons desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 2:00 p.m., e.s.t., on February 2, 1982, in Room 117 of the U.S. International Trade Commission Building and must file prehearing statements on or before February 10, 1982. For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subpart C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

The Commission has waived Commission rule § 201.12(d), "Submission of prepared statements," in connection with this investigation. This rule states that "Copies of witnesses prepared statements should be filed with the Office of the Secretary of the Commission not later than 3 business days prior to the hearing and submission of such statements shall comply with §§ 201.6 and 201.8 of this subpart". It is nevertheless the Commission's request that parties submit copies of witnesses prepared testimony as early as practicable before the hearing in order to permit Commission review.

FOR FURTHER INFORMATION CONTACT: Daniel Leahy, investigator, Office of Investigations, U.S. International Trade Commission, (202) 523–1369 or Jane Albrecht, attorney, Office of the General Counsel, U.S. International Trade Commission, (202) 523–1027.

By Order of the Commission.

Issued: December 14, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-36869 Filed 12-22-81; 8:45 am]

BILLING CODE 7020-02-M

[332-133]

Trends in International Trade in Printed Circuit Boards and Base Material Laminates

AGENCY: United States International Trade Commission.

ACTION: Following receipt on November 18, 1981, of a request from the Chairman of the Subcommittee on Trade of the Committee on Ways and Means of the U.S. House of Representatives, the Commission, on its own motion, instituted investigation No. 332–133 under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), for the purpose of gathering and presenting information on trends in international trade in printed circuit boards and base material laminates and the factors affecting the competitiveness of U.S. producers of such products. This study will present a profile of the United States market and industry, and to the extent possible, the Canadian, European, and Japanese markets and industries and their comparative technical and economic strengths.

EFFECTIVE DATE: December 10, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Nelson Hogge or Mr. Harold Graves, Machinery and Equipment Division, U.S. International Trade Commission, Washington, D.C. 20436, telephone 202–523–0377 or 202–523–0360, respectively.

PUBLIC HEARING: A public hearing in connection with the investigation will be held in the Commission Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 10:00 a.m., e.d.t., on May 12, 1982, to be continued on May 13, 1982, if required. All persons shall have the right to appear by counsel or in person, to present information, and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, not later than noon, May 5, 1982.

WRITTEN SUBMISSION: In lieu of or in addition to appearance at the public hearing, interested persons are invited to submit written statements concerning the investigation. Commercial or financial information which a submitter desired the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be ensured of consideration by the Commission, written statement should be submitted at the earliest practicable date, but no later than May 20, 1982. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

By order of the Commission.

Issued: December 14, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-36828 Filed 12-22-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket Nos. 81-7, 8, 9, 10, and 13]

Loyd B. Rapp, et al.; Approval of Limited Registrations

On March 11, 1981, the Administrator of the Drug Enforcement Administration issued Orders to Show Cause proposing to deny the application for registration submitted by Loyd B. Rapp, N.D., Ralph R. Weiss, N.D., Donald C. Walker, N.D., Edmonde G. Samuel, N.D., and Joseph A. Rombough, N.D. (Respondents). The Orders to Show Cause were issued because the Drug Enforcement Administration (DEA) was unable to determine whether the Respondents, Naturopathic Physicians licensed to practice naturopathic medicine by the Naturopathic Board of Examiners of the State of Oregon, were authorized to utilize controlled substances under the laws of the State of Oregon regulating the practice of naturopathic medicine and the use of controlled substances.

The Respondents, through counsel, requested hearings on the issues raised by the Orders to Show Cause and these matters were placed on the docket of Administrative Law Judge Francis L. Young. Since the issues involved in all five cases were identical, Judge Young consolidated them for hearing and other proceedings.

Prior to the scheduled hearing in these matters, counsel for the Government and counsel for the Respondents filed a Stipulation of Settlement which resulted in the termination of the proceedings pending before the Administrative Law

Judge. Accordingly, these matters have been submitted to the Acting Administrator for his independent review and determination in light of the Stipulation of Settlement filed by the parties.

Naturopathy is an unusual branch of medicine, the practice of which is permitted in a dwindling number of states. The naturopathic physician practices a hearing art which appears to be a mixture of modern medicine and old world herbalism. The practice generally eschews the use of modern drugs which are usually of synthetic origin. The Oregon Naturopathic Board of Examiners defines the duties of a naturopathic physican in the following manner:

> Treats the patient by maintaining or restoring the human body to a normal physiological state of health. He prescribes and dispenses botanical medicines, nature's agents, forces, processes and products. He may also do minor surgery, treat fractures and practice obstetrics. He uses all recognized and accepted physical and laboratory diagnostic procedures which include X-ray and the taking of body fluids and tissues. His practice does not include major surgery, medical drugs, or radiation for therapeutic purposes.

The Acting Administrator finds that the Respondents are Doctors of Naturopathy or naturopathic physicians, licensed by the Naturopathic Board of Examiners of the State of Oregon to practice naturopathic medicine pursuant to the provisions of Chapter 685, Oregon Revised Statutes ("ORS"). Naturopathic, physicians are generally prohibited, pursuant to ORS 685.030(2), from administering, prescribing or dispensing "drugs," as that term is defined in ORS 685.010(2). However, these practitioners are permitted to use local anesthetics in connection with minor surgery as defined in ORS 685.010(3) and to otherwise use, prescribe and dispense in the usual course of their professional practice "nonpoisonous plant substances" as referred to in ORS 685.010(2) and as defined in section 850-10-005(5) of the Oregon Administrative Regulations ("OAR").

The Attorney General of the State of Oregon, in Opinion No. 7887, dated April 11, 1980, has determined that naturopathic physicians may, consistent with the intent of ORS Chapter 685, purchase and use in the course of their professional practice prescription drugs and controlled substances, to the extent that such substances are local anesthetics used in connection with the performing of minor surgery; and that naturopathic physicians may purchase and use, prescribe and dispense prescription drugs and controlled substances to the extent that such substances come within the definition of nonpoisonous plant substances.

The Drug Enforcement Administration is required to register "practitioners," as defined in 21 U.S.C. 802(20), to the extent that such practitioners are authorized to prescribe, administer, dispense or otherwise handle controlled substances under the laws of the state in which they practice; see 21 U.S.C. 823(f). The Respondents have individually applied for such registration. In some states, the fact of "state authorization" is easily determined, since practitioners and other legitimate handlers of controlled substances are required to obtain separate state registrations which document their authority to use these substances under state law. However, practitioners otherwise licensed under the laws of the State of Oregon, and authorized to dispense or administer controlled substances by their licensing authority, need not obtain separate state registrations from the Oregon Board of Pharmacy, the agency responsible for administering the Oregon Uniform Controlled Substances Act (ORS 475.005, *et seq.*). Unfortunately, neither the Naturopathic Board of Examines, which is the "licensing authority" in this instance, nor any other executive, legislative or judicial authority of the Sate of Oregon has definitely ruled which, if any, controlled substances may be considered to be nonpoisonous plant substances or local anesthetics medically appropriate for use in connection with minor surgery. These questions ought to be answered by responsible authorities in the State of Oregon. Such central questions of state law are not properly the subject matter for administrative determination by an agency of the Federal Government. State officials and the courts of the State of Oregon will, no doubt, eventually rule upon the issues which have been herein discussed. However, these issues have been unresolved for a number of years and it would be unfair for the Drug Enforcement Administration to deny registration to these Respondents while awaiting definitive state action. Accordingly, the Acting Administrator has decided to grant the Respondents limited registrations pursuant to the Stipulation of Settlement entered in the proceeding before the Administrative Law Judge.

For the limited purpose of settling this matter, the parties have stipulated that codeine sulfate tablets, codeine phosphate tablets, paregoric, tincture of opium and Dovert's powder, when dispensed or administered in usual dosages, may be considered to be nonpoisonous plant substances, and that solutions of cocaine hydrochloride may, in certain very limited situations, be appropriate for use as a local anesthetic in connection with minor surgery. To enable the Respondents to utilize the above-listed substances in their professional practices, the Acting Administrator has decided to issue to each of the Respondents a DEA registration limited to Schedules II (Narcotic) and III (Narcotic). The Respondents have agreed to withdraw such portions of their applications as pertain to controlled substances in Schedules other than II (Narcotic) and III (Narcotic).

State authorization is the key element of the Federal controlled substance registration system where practitioners are concerned. Accordingly, should the appropriate authorities of the State of Oregon, by way of statutory amendment, judicial determination, or administrative rule or regulation, determine that there are substances other than those listed above which may be lawfully utilized in the practice of naturopathy, the list of substances will be considered expanded accordingly. If such other substances are found in schedules other than II (Narcotic) and III (Narcotic), the Respondents may individually apply for modification of their registrations and the Drug Enforcement Administration will honor such requests for modification.

It is possible that the Oregon authorities may determine one or more of the substances discussed above is inappropriate for use by naturopathic physicians. If this occurs, the list of controlled substances will be dimished accordingly and the schedules for which the Respondents have been registered will be likewise adjusted. Furthermore, the Oregon authorities may ultimately determine that no controlled substance is appropriate for use by naturopaths. Should this occur, the Respondents have agreed that they will immediately surrender their registrations, obviating the necessity of formal revocation proceedings under 21 U.S.C. 824.

The Acting Administrator is aware of the fact that there are a number of additional naturopathic physicians in Oregon who have filed applications for registration under the Controlled Substances Act. Any of these other applicants who file with the Drug Enforcement Administration a written acknowledgement of the Stipulation of Settlement filed in this case, together with an agreement to accept a limited registration pursuant to the terms and conditions of the aforementioned Stipulation of Settlement, will be issued

a limited certificate of registration such as that previously discussed in this order.

In order to ensure that authorities in the State of Oregon are aware of these proceedings and to give those authorities an opportunity to resolve the ultimate question of naturopath's authorization to handle controlled substances under Oregon law, the Acting Administrator directs that copies of this order and of the Stipulation of Settlement filed herein be provided to the Oregon Naturopathic Board of Examiners, the Oregon Department of Human Resources, the Oregon Board of Pharmacy and the Office of the Attorney General of the State of Oregon.

Pursuant, therefore, to the authority vested in the Attorney General by Section 303 of the Controlled Substances Act, as redelegated to the Acting Administrator of the Drug Enforcement Administration, the Acting Administrator hereby directs that certificates evidencing registration in Schedule II (Narcotic) and Schedule III (Narcotic) be issued to Loyd B. Rapp, N.D., Ralph R. Weiss, N.D., Donald C. Walker, N.D., Edmonde G. Samuel, N.D., and Joseph A. Rombough, N.D.

Dated: December 16, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-36508 Filed 12-22-81; 8:45 a.m.]

BILLING CODE 4410-09-M

LEGAL SERVICES CORPORATION

Grants and Contracts

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project. . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by: Legal Services of North Florida, Inc., in Tallahassee to serve Okaloosa and Walton Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Atlanta Regional Office, 615 Peachtree Street, N.E., 9th Floor, Atlanta, GA 30308.

Dan J. Bradley,

President.

[FR Doc. 81-36509 Filed 12-22-81; 8:45 am]

BILLING CODE 6820-35-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-250 and 50-251]

Florida Power & Light Co.; Issuance of Amendment to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 74 to Facility Operating License No. DPR-31, and Amendment No. 68 to Facility Operating License No. DPR-41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of Turkey Point Plant, unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendments add the option of using the ΔT versus reactor power curve during shift checks of the Nuclear Power Range instrument channels.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) The application for amendments dated January 25, 1977, as supplemented March 20 and May 1, 1980, (2) Amendments Nos. 74 and 68 to License Nos. DPR-31 and DPR-41, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 7th day of December 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-36538 Filed 12-22-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-206]

Southern California Edison Co. and San Diego Gas & Electric Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 59 to Provisional Operating License No. DPR-13, issued to Southern California Edison Company and San Diego Gas & Electric Company (the Licensees), which revised the Technical Specifications for operation of the San Onofre Nuclear Generating Station Unit No. 1 (the facility) located in San Diego County, California. This amendment is effective as of its date of issuance.

The amendment approves changes to the Appendix A Technical Specifications which incorporate certain clarifications related to Amendment No. 58 dated November 6, 1981.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) The application for amendment dated December 8, 1981, (2) Amendment No. 59 to License No. DPR-

13, and (3) the Commission's transmittal letter which includes its evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, California. A single copy of items (2) and (3) may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 17th day of December 1981.

For the Nuclear Regulatory Commission.

Thomas V. Wambach,

Acting Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-36587 Filed 12-22-81; 8:45 am]

BILLING CODE 7590-01-M

Screening Committee for Lawyer Vacancies on the Atomic Safety and Licensing Board Panel; Meeting

Notice is hereby given in accordance with section 10 of the Federal Advisory Committee Act that the NRC's Screening Committee for Lawyer Vacancies on the Atomic Safety and Licensing Board Panel will hold a meeting on January 11, 1982 and if necessary the morning of January 12, 1982. The meeting will begin at 9:00 a.m. each day at East West Towers, 4350 East West Highway, Room 415, Bethesda, Maryland 20014.

The Committee will meet in order to interview and consider the qualifications of administrative law judges who may be assigned to the Atomic Safety and Licensing Board Panel. All sessions will be closed.

I have determined in accordance with Subsection 10(d) of Public Law 92-463 that it is necessary to close these meetings in order to protect information, the release of which would represent an unwarranted invasion of personal privacy under 5 U.S.C. 552b(c)(6). Any discussion not involving personal privacy will be inextricably intertwined with discussion of Exemption 6 matters.

For further information, contact Charles J. Fitti, Assistant Executive Secretary, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Telephone: 301/492-7816).

Issued at Washington, D.C., this 18th day of December 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-36659 Filed 12-22-81; 8:45 a.m.]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

[Order No. 414; Docket No. A82-3]

West Barnet, Vt.; Order Granting Postal Service Extension of Time To File Brief

In the matter of: West Barnet, Vermont 05870, Richard Beardsworth, Petitioner, Docket No. A82-3; order granting Postal Service an extension of time to file brief (Issued December 17, 1981).

On December 16, 1981, the Postal Service filed a motion requesting that the Commission either dismiss the proceeding or, in the alternative grant an extension of time for the filing of the Postal Service's brief. The Postal Service explains that the Petitioner did not file his brief on schedule and the Postal Service did not receive a copy of it until December 15, 1981. The Postal Service also states that it has not received a copy of the Petitioner's appeal letter.

We believe that dismissal is too drastic a remedy for the procedural problems in this case. We agree, however, that the Postal Service should be given adequate time to review the Petitioner's pleadings and prepare its response. Therefore, we are granting the Postal Service's motion to extend the date for filing its answering brief until January 4, 1982. We are extending the time for the Petitioner's reply brief. We are also directing the Secretary of the Commission to provide the Postal Service with copies of the Petitioner's pleadings.

The Commission Orders.

(A) The schedule attached to this order is established for Docket No. A82-3.

(B) The Secretary of the Commission is to provide the Postal Service with copies of the Petitioner's pleadings.

By the Commission.

David F. Harris,

Secretary.

Appendix—West Barnet

October 26, 1981—Commission received Petition

November 1981—Notice and Order of Filing of Appeal

November 27, 1981—Last day for filing of petitions to intervene [see 39 CFR 3001.111(b)].

December 7, 1981—Petitioner's initial brief [see 30 CFR 3001.115(a)].

January 4, 1982—Postal Service answering brief [see 39 CFR 3001.115(a)].

January 19, 1982—(1) Petitioner's reply brief, should petitioner choose to file such brief [see 39 CFR 3001.115(c)].

(2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interests of prompt and just decision may require, in scheduling or dispensing with oral argument.

[FR Doc. 81-36543 Filed 12-22-81; 8:45 am]

BILLING CODE 7715-01-M

SMALL BUSINESS ADMINISTRATION

Interest Rates

The interest rate on section 7(a) Small Business Administration direct business loans (as amended by Pub. L. 97-35) and the SBA share of immediate participation loans is fifteen and one-fourth (15¼) percent for the fiscal quarter beginning January 1, 1982.

On a quarterly basis, the Small Business Administration also publishes an interest rate called the optional "peg" rate (13 CFR 120.3(b)(2)(iii)). This rate is a weighted average cost of money to the government for maturities similar to the average SBA loan. This rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans. For the January-March quarter of 1982, this rate will be fourteen and seven-eighths (14⅞) percent.

Dated: December 18, 1981.

Edwin T. Holloway,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 81-36536 Filed 12-22-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/458]

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting on January 12, 1982, of the Working Group on Transborder Data Flows of the Advisory Committee on International Investment, Technology, and Development. The Working Group will meet from 10:00 a.m. until 12:00 noon. The meeting will be held in the Loy Henderson Conference Room of the State Department, 2201 C Street, N.W., Washington, D.C. 20520. The meeting will be open to the public.

The purpose of the meeting will be to review positions for the meeting of the Experts Group on Transborder Data Flows scheduled for January 26-27 in Paris.

Requests for further information on the meeting should be directed to Philip T. Lincoln, Jr., Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be

reached by telephone on (area code 202) 632–2728.

Members of the public wishing to attend the meeting must contact Mr. Lincoln's office in order to arrange entrance to the State Department building.

The Chairman of the Working Group will, as time permits, entertain oral comments from members of the public attending the meeting.

Dated: December 11, 1981.

Philip T. Lincoln, Jr.,

Executive Secretary.

[FR Doc. 81–36560 Filed 12–22–81; 8:45 am]

BILLING CODE 4710–07–M

[Public Notice CM–8/469]

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting on January 12, 1982, of the Working Group on Accounting Standards of the Advisory Committee on International Investment, Technology, and Development. The Working Group will meet from 2:00 p.m. until 4:30 p.m. The meeting will be held in Room 2722A of the State Department, 2201 C Street, NW., Washington, D.C. 20520. The meeting will be open to the public.

The purpose of the meeting will be to discuss U.N. and OECD work on accounting standards; in particular, preparations for the next U.N. Ad Hoc Accounting Standrds Working Group.

Requests for further information on the meeting should be directed to Philip T. Lincoln, Jr., Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632–2728.

Members of the public wishing to attend the meeting must contact Mr. Lincoln's office in order to arrange entrance to the State Department building.

The Chairman of the Working Group will, as time permits, entertain oral comments from members of the public attending the meeting.

Dated: December 11, 1981.

Philip T. Lincoln, Jr.,

Executive Secretary.

[FR Doc. 81–36561 Filed 12–22–81; 8:45 am]

BILLING CODE 4710–07–M

[Public Notice CM–8/472]

Oceans and International Environmental and Scientific Affairs Advisory Committee; Open Meeting

The General Panel of the Oceans and International Environmental and Scientific Affairs Advisory Committee will meet at 9:00 a.m. on Thursday, January 7, 1982, in Room 150, National Academy of Sciences, 2101 Constitution Avenue, N.W., Washington, D.C.

At this meeting, officers responsible for law of the sea and oceans affairs and international environmental affairs in the Department of State and members of the Advisory Committee will discuss U.S. activities and policies relating to polymetallic sulfides and acid rain problems. This session will be open to the public, which will be admitted to the limits of seating capacity. Individuals may be given the opportunity to participate in discussions according to the instructions of the Chairperson.

Requests for further information on the meeting may be directed to Felix Dorough, OES, Department of State (202) 632–3632.

Dated: December 15, 1981.

James L. Malone,

Chairman.

[FR Doc. 81–36574 Filed 12–22–81; 8:45 am]

BILLING CODE 4710–25–M

[Public Notice CM–8/467]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The Working Group on Radiocommunication of the Subcommittee on Safety of Life at Sea will conduct an open meeting at 9:30 a.m. on January 7, 1982 in Room 9230 of the Department of Transportation Building, 400 7th St., S.W., Washington, D.C. 20590.

The purpose of the meeting is to prepare position documents for the Twenty-Fourth Session of the Subcommittee on Radio-communications of the Intergovernmental Maritime Consultative Organization (IMCO) to be held in London on March 15, 1982. In particular, the working group will discuss the following topics:

—Maritime distress system
—Performance standards for shipboard radio equipment
—Life-saving radio equipment
—Digital selective calling
—Matters related to ITU WARC for Mobile Transportation
—Matters related to CCIR Study Group 8

For further information contact Mr. R. L. Swanson, USCG, (G–TTM–S/32), Washington, D.C. 20593. Telephone (202) 426–0517.

Dated: December 11, 1981.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

[FR Doc. 81–36564 Filed 12–22–81; 8:45 am]

BILLING CODE 4710–07–M

[Public Notice CM–8/470]

Study Group 5 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 5 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on January 12, 1982 from 9:00 a.m. until 2:00 p.m. in Room OT8–8 in the Engineering Building, University of Colorado Campus, Boulder, Colorado.

Study Group 5 deals with propagation of radio waves (including radio noise) at the surface of the earth, through the non-ionized regions of the earth's atmosphere, and in space where the effect of ionization is negligible. The purpose of the meeting is to review the conclusions of the international meeting of Study Group 5 in 1981 and the documents to be considered by the CCIR XVth Plenary Assembly, and to outline the program of work for the next Plenary cycle.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, telephone (202) 632–2592.

Dated: December 3, 1981.

Gordon L. Huffcutt,

Chairman, U.S. CCIR National Committee.

[FR Doc. 81–36562 Filed 12–22–81; 8:45 am]

BILLING CODE 4710–07–M

[Public Notice CM–8/471]

Study Group 6 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 6 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet January 12, 1982 at 9:00 a.m. in Room 3012 of the Department of

Commerce Boulder Laboratories Building, 325 Broadway, Boulder, Colorado.

Study Group 6 deals with matters relating to the propagation of radio waves in and through the ionosphere. The purpose of the meeting will be to review the work of the Study Group 6 final meeting held in the fall of 1981, and to plan the activities of the Study Group for the 1982–1986 period.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, telephone (202) 632–2592.

Dated: December 3, 1981.

Gordon L. Huffcutt,

Chairman, U.S. CCIR National Committee.

[FR Doc. 81-36663 Filed 12-22-81; 8:45 am]
BILLING CODE 4710-07-M

SYNTHETIC FUELS CORPORATION

Synthetic Fuels Projects; Supplement to the Initial Solicitation

AGENCY: Synthetic Fuels Corporation.

ACTION: Issuance of Supplement to Initial Solicitation for Synthetic Fuels Projects.

SUMMARY: Notice is hereby given that the United States Synthetic Fuels Corporation in accordance with the Energy Security Act of 1980 (Pub. L. 96–294) has published a supplement dated December 11, 1981 to its Initial Solicitation for Synthetic Fuels Projects which was dated November 21, 1980. The supplement to the Initial Solicitation is only applicable to those concerns that submitted proposals to the Corporation pursuant to the Initial Solicitation on or before March 31, 1981, the closing date under said solicitation.

EFFECTIVE DATE: December 11, 1981.

FOR FURTHER INFORMATION CONTACT: The Projects Office, United States Synthetic Fuels Corporation, 2100 M Street, NW, Suite 607, Washington, DC 20586, (202) 653–4530.

FOR COPIES OF THE SUPPLEMENT CONTACT: Catherine McMillan, Director of Public Disclosure, United States Synthetic Fuels Corporation, 2000 L Street, NW., Washington, DC 20586, (202) 653–4620.

United States Synthetic Fuels Corporation.

[FR Doc. 81-36620 Filed 12-22-81; 8:45 am]
BILLING CODE 6450-01-M

Synthetic Fuels Projects; Second Solicitation

AGENCY: Synthetic Fuels Corporation.

ACTION: Issuance of Second Solicitation for Synthetic Fuels Projects.

SUMMARY: Notice is hereby given that the United States Synthetic Fuels Corporation in accordance with the Energy Security Act of 1980 (Pub. L. 96–294) has published a Second Solicitation for Synthetic Fuels Projects addressed to concerns interested in applying for financial assistance for the construction and/or operation of such projects.

EFFECTIVE DATE: December 11, 1981.

FOR FURTHER INFORMATION CONTACT: The Project Offices, United States Synthetic Fuels Corporation, 2100 M Street NW., Suite 607, Washington, DC 20586, (202) 653–4530.

FOR COPIES OF THE SOLICITATION CONTACT: Catherine McMillan, Director of Public Disclosure, United States Synthetic Fuels Corporation, 2000 L Street NW., Washington, DC 20586, (202) 653–4620.

United States Synthetic Fuels Corporation.

Edward E. Noble,

Chairman of the Board of Directors.

[FR Doc. 81-36621 Filed 12-22-81; 8:45 am]
BILLING CODE 6450-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular; Public Debt Series No. 38-81]

Interest Rate on Notes of Series Y-1983

December 17, 1981.

The Secretary announced on December 16, 1981, that the interest rate on the notes designated Series Y–1983, described in Department Circular—Public Debt Series—No. 38–81 dated December 10, 1981, will be 13 percent. Interest on the notes will be payable at the rate of 13 percent per annum.

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 81-36582 Filed 12-22-81; 8:45 am]
BILLING CODE 4810-40-M

62354–62364

Sunshine Act Meetings

Federal Register
Vol. 46, No. 248
Wednesday, December 23, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL RESERVE SYSTEM

BOARD OF GOVERNORS

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 61199, Tuesday, December 15, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Friday, December 18, 1981.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item(s) was added:

Federal Reserve Bank and Branch director appointments. (This matter was originally announced for a meeting on Monday, December 7, 1981.)

[S–1914–81 Filed 12–21–81; 11:44 am]

BILLING CODE 6210–01–M

2

NUCLEAR REGULATORY COMMISSION

DATE: Tuesday, December 22, 1981 (revised).

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: *Tuesday, December 22:*

10:00 a.m.: Briefing on an Investigation and a Proposed Enforcement Action (closed meeting)

3:00 p.m.: Affirmation/Discussion Session (public meeting) (as announced; items revised)

Items to be affirmed and/or discussed:

a. Proposed Rulemaking, "Environmental Qualification of Electric Equipment for Nuclear Power Plants"

b. Final Rule for Pending CP/ML Applications

c. Review of Order Concerning Sua Sponte Issues (in the Matter of Texas Utilities Generating Company, et al.)

ADDITIONAL INFORMATION: Discussion of Policy and Planning Guidance, scheduled for December 16, was cancelled. Affirmations of Final Rule on Intransit Physical Protection of Special Nuclear Material of Moderate Strategic Significance and Proposed Amendment to 10 CFR Part 50, Appendix E, Frequency of Emergency Preparedness Exercises, scheduled for December 17, were cancelled. Briefing on Status and Plan for Severe Accident Rulemaking, announced for December 22, has been cancelled.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Gary Gilbert, (202) 634–1410.

December 18, 1981.

Gary Gilbert,

Office of the Secretary.

[S–1915–81 Filed 12–21–81; 4:05 pm]

BILLING CODE 7590–01–M

3

POSTAL SERVICE

Board of Governors

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 10:30 a.m. on Wednesday, December 23, 1981, in the Benjamin Franklin Room, 11th Floor, 475 L'Enfant Plaza, Washington, D.C. The meeting is open to the public. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245–4632.

The only agenda item to be discussed at this meeting is the adjustment of rates for preferred rate mailers as a result of a decrease in Congressional appropriations, in accordance with section 108 of Pub. L. 97–92. The Board will consider increases in the rates for all preferred-rate categories except second-class within-county and fourth-class library rates for the full "step 16" level of the schedules contained in Appendix Two of the Governors Decision of September 29, 1981 (46 FR 51691–92). Second-class within-county rates and forth-class library rates are proposed to be adjusted to the "step 13" level.

By a recorded vote taken on December 21, 1981, the members of the Board determined that Postal Service business requires the instant meeting to be called on December 23. Section 108 of Pub. L. 97–92 requires that the Postal Service "promptly" adjust preferred rates in accordance with that section, and any unnecessary delay in making the adjustments may result in substantial financial losses to the Postal Service.

Louis A. Cox,

Secretary.

[S–1916–81 Filed 12–21–81; 4:19 pm]

BILLING CODE 7710–12–M

federal register

Wednesday
December 23, 1981

Part II

Environmental Protection Agency

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines: Certification and Test Procedures; Non-Methane Hydrocarbon Standards for Mobile Sources

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[AMS-FRL 1952-4]

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines: Certification and Test Procedures; Non-Methane Hydrocarbon Standards for Mobile Sources

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: The proposed rule would establish non-methane hydrocarbon (NMHC) exhaust emission standards for light-duty vehicles, motorcycles, light-duty trucks and heavy-duty engines while also permitting vehicle manufacturers, at their choice, to continue to use total hydrocarbon (THC) exhaust emission standards. This proposed rule addresses one of the actions which the Environmental Protection Agency stated would be taken to reduce the regulatory burden on the motor vehicle industry (46 FR 21628, April 13, 1981). The purpose of the regulatory relief actions is the reduction of costs to manufacturers and consumers while incurring little or no air quality penalty.

Please note that EPA specifically requests comments on a number of items near the end of this preamble. EPA encourages all individuals and organizations which are interested in this rulemaking to participate in the public hearing and/or to submit their comments to the docket.

DATES: EPA will hold public hearings on this notice on January 22, 1982 beginning at 9:00 am. Pursuant to Section 307 of the Clean Air Act, the record of the public hearing will be kept open for 30 days following the close of the hearing, to provide an opportunity for submission of rebuttal and other information. Comments must be received, therefore, on or before February 22, 1982. The 1983 model year vehicles will be the first affected by the proposed action.

ADDRESSES: The public hearing will take place in the Conference Room at the EPA Motor Vehicle Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, MI 48105. Interested persons may submit written comments on this rulemaking to the U.S. Environmental Protection Agency, Central Docket Section, (A-130), Attn: Docket No. A-81-24, 401 M Street SW, Washington, D.C. 20460. Two copies of comments are requested but not required.

Supporting material relevant to this proposal has been placed in the docket. Docket No. A-81-24 is open to the public and is located in the U.S. Environmental Protection Agency, Central Docket Section, West Tower Lobby, Gallery I, 401 M Street, SW, Washington, D.C. The docket may be inspected between 8 am and 4 pm on weekdays, and a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. F. Peter Hutchins, U.S. Environmental Protection Agency, Emission Control Technology Division, 2565 Plymouth Road, Ann Arbor, MI. 48105, (313) 668-4340.

SUPPLEMENTARY INFORMATION:

Continuation of Summary

The proposed non-methane hydrocarbon standards represent the same percentage reduction in non-methane hydrocarbon emissions from base year vehicles as is required by the corresponding total hydrocarbon standards for total hydrocarbon emissions from base year vehicles. The proposed non-methane hydrocarbon standards and the corresponding total hydrocarbon standards are tabulated as follows:

CURRENT TOTAL HYDROCARBON AND PROPOSED NON-METHANE HYDROCARBON EXHAUST EMISSION STANDARDS

Vehicle class	1983 model year		1984 model year and later	
	THC	NMHC	THC	NMHC
Light-duty vehicles	0.41 g/mi	0.39 g/mi	0.41 g/mi	0.39 g/mi.
Light-duty trucks	1.7 g/mi	1.62 g/mi	0.80 g/mi	0.76 g/mi.
Motorcycles	5.0 g/km	4.75 g/km	5.0 g/km	4.75 g/km.
Heavy-duty engines	(a) 1.5 g/BHP-hr and THC+NOx=10 g/BHP-hr or. (b) THC+NOx=5 g/BHP-hr.		1.30 g/BHP-hr	1.24 g/BHP-hr.

A non-methane hydrocarbon standard is not proposed for 1983 MY heavy-duty engines because of the incompatibility between sampling procedures applicable to that model year and analytical procedures used for determining the methane content.

If these regulations are promulgated as a final rule, EPA anticipates that there will be no significant difference in the ambient ozone level improvements achieved within the next ten years. By the year 2000, it is projected that the improvement in ambient ozone levels, relative to the levels which prevailed in 1979, will be approximately 1 percent less with non-methane hydrocarbon standards than with total hydrocarbon standards; i.e., a 17 percent reduction in ambient ozone levels rather than an 18 percent reduction at low altitude and a 20 percent reduction rather than a 22 percent reduction at high altitude.

I. Background

Background materials pertinent to this action are divided into three general areas. These areas cover: A. Factors leading to the existing total hydrocarbon standards; B. Procedures applicable to air quality impact determination and; C. Waiver of Federal Preemption for the State of California.

A. The material referred to as exhaust hydrocarbon emissions, while measured and reported as a single entity, is composed of dozens of separate and distinct hydrocarbon compounds or species. Each species, within the total, exhibits a different level of reactivity in the ozone (photochemical smog) formation process. The need to control hydrocarbon emissions from mobile sources was and is, therefore, based on the part played by each species in the formation of photochemical smog. Methane was recognized as being nonreactive in this process and was excluded, therefore, in the rollback model developed prior to 1970 by the National Air Pollution Control Administration for projecting future motor vehicle emission control requirements. These projections formed the basis for the 1970 Clean Air Act Amendments applicable to motor vehicles. The degree of hydrocarbon exhaust emission control required by the Clean Air Act Amendments of 1970 was expressed as a 90 percent reduction from the levels allowable for the 1970 model year.

The definition of hydrocarbon exhaust emission and, therefore, the standard applicable to any model year vehicle has historically been based upon the test procedure and the type of instrument used in routine analyses of vehicle exhaust hydrocarbon samples. In 1970, when the Clean Air Act was amended, and future control requirements specified, the type of analytical instrument used for measuring exhaust hydrocarbons was the non-dispersive infrared (NDIR) type. This type of instrument (NDIR) did not provide a uniform response (reported as carbon) to each species in the exhaust sample. The effects of this characteristic of the instrumentation were that hydrocarbon exhaust emissions allowable from 1970 model year light-duty vehicles were expressed neither as total hydrocarbons, non-methane hydrocarbons nor as reactive hydrocarbons and that the total amount of hydrocarbon in the exhaust gases was under-reported. Examples of hydrocarbons for which the NDIR gave low response were: methane, ethylene, propylene, acetylene, benzene, etc. Beginning with the 1972 model year, EPA required a change in the type of instrumentation used in the determination of vehicle exhaust hydrocarbon emissions. The type of instrument specified was the flame ionization detector (FID). This type of instrument (FID) provided an almost uniform response to each hydrocarbon species. As a result of this change in instrumentation, all hydrocarbons in the exhaust gases were and are fully reported (total hydrocarbon), both the nonreactive and the reactive species. EPA did not exclude the methane fraction at that time despite the change in instrumentation because: (1) The methane fraction of the baseline year exhaust hydrocarbons was taken to be inconsequentially low, and (2) emission control systems were expected to reduce all hydrocarbons equally. Additionally, techniques for the routine measurement of methane were not considered to be available when the change in instrumentation was required.

Introduction of catalyst technology to control vehicle exhaust emissions altered the composition of the exhaust hydrocarbons emitted into the atmosphere. This change in composition resulted from preferential oxidation of heavier species in the catalytic converter. Because methane is not readily oxidized in the catalytic converter, the methane fraction in the exhaust gases increases relative to the total hydrocarbon emissions.

In 1973, the Ford Motor Company petitioned EPA to exclude methane from the exhaust hydrocarbon standards for 1975 model year vehicles because of the anticipated use of catalysts to control emissions and because of the nonreactivity of methane. On May 10, 1974, EPA published an ANPRM pertaining to the exclusion of methane from the exhaust emission standards. On February 10, 1976, EPA distributed the summary and analysis of the comments to the ANPRM. EPA concluded that substantiation had not been provided for the benefits claimed by vehicle manufacturers for non-methane hydrocarbon standards. EPA could not justify, therefore, the allocation of Agency resources necessary for conversion to non-methane standards.

On October 20, 1978, the Ford Motor Company again petitioned EPA for exclusion of methane in hydrocarbon exhaust emission standards. This petition was directed to 1980 and 1981 model year vehicles. On February 16, 1979, EPA responded to this petition and elected to continue to include methane in the hydrocarbon standards. As a result of EPA's denial of its petition, Ford sought court review of the hydrocarbon exhaust emission regulations on the grounds that EPA had exceeded its authority by including methane in the regulations.

On July 3, 1979, the U.S. Court of Appeals for the District of Columbia Circuit found that the regulations, which included methane as a measured hydrocarbon, were within the scope of EPA's authority. *Ford Motor Company* v. *EPA*, 604 F. 2d 685 (D.C. Cir., 1979).

B. On July 8, 1977, EPA published a "Recommended Policy on Control of Volatile Organic Compounds" (42 FR 35314) which classified two hydrocarbons as having negligible photochemical reactivity. The hydrocarbons were methane and ethane. Because of their negligible reactivity, EPA concluded that these hydrocarbons should be exempt from regulations under State Implementation Plans. The effect of this recommended policy is that ambient concentrations of methane and ethane, irrespective of the source, are not included in determinations of compliance with National Ambient Air Quality Standards.

EPA policy on vehicle exhaust hydrocarbon emissions has been to obtain the maximum reduction in reactive species through the application of total hydrocarbon emission standards while using only the reactive hydrocarbon fraction in air quality impact calculations. Consistent with this policy, EPA computations of air quality benefits attributable to vehicle exhaust emission standards exclude the methane fraction of exhaust emissions.

C. Section 209(b) of the Clean Air Act requires EPA to waive Federal preemption of state emission standards for a state which had promulgated standards before March 30, 1966 unless the Administrator finds that the state's determination that its standards, in the aggregate, are at least as protective of public health and welfare as applicable Federal standards is arbitrary and capricious. EPA waived Federal preemption with respect to hydrocarbon exhaust emission standards for the State of California and permitted the adoption of California optional non-methane hydrocarbon standards for light-duty vehicles. Adoption of the optional standards became effective with the 1980 model year in California. The standards which California adopted for light-duty vehicles were 0.41 g/mile total hydrocarbons or 0.39 g/mile non-methane hydrocarbons. One result of the waiver of Federal preemption was the purchase of appropriate analytical equipment by vehicle manufacturers for measuring non-methane hydrocarbon emissions. Procurement leadtimes and cost of analytical equipment are, therefore, not significant factors in this action.

II. Option Selection

Selection of either the NMHC standard or the THC standard will be at the discretion of the vehicle manufacturer and will be made for each engine family. Option selection on the basis of engine families will maximize the flexibility provided by this action; i.e., manufacturers will not be required to select the same option for all of their products. The option selected will be applicable for all testing (Certification, Selective Enforcement Audit, Recall, etc.) performed in the determination of compliance with the emissions standards.

EPA does not anticipate any impact on state inspections (short tests) as a result of this action. The reasons for this conclusion are that: (1) Equipment employed in inspection stations usually utilizes NDIR analyzers with the associated low methane response, and (2) short test cut points are designed to identify those vehicles with very high emission levels and will, therefore, not be impacted by the small differences which may exist between the two options.

III. Alternatives Considered

The four alternatives to the existing standards which were considered were: (1) Non-methane hydrocarbon standards with optional total hydrocarbon standards, (2) hydrocarbon reactivity standards with optional total hydrocarbon standards, (3) adoption of non-methane hydrocarbon standards only and (4) adoption of hydrocarbon reactivity standards only. The factors considerd in comparing the alternatives were: (a) the effect on air quality, (b) availability, purchase costs and operational costs of instruments for rapid, routine analyses, (c) the data base for individual hydrocarbon species of base year vehicles, (d) reactivity scale for the hydrocarbon species, (e) development of reactivity indices where these did not exist, and (f) methodology for determining a composite reactivity index of base year vehicles.

Implementation of either the non-methane alternative or non-methane standards only would require a relatively simple and low cost instrument for measuring methane as an addition to existing equipment. These instruments are being marketed and most laboratories are using them. A usable methane fraction data base exists for most vehicles which will be affected (light-duty vehicles). Extrapolation of the mass fraction of one hydrocarbon species (non-reactive methane) from the light-duty vehicle data base to light-duty trucks and motorcycles involves only that component which is non-reactive. Any resulting error, if there is one, will tend to be small.

In the case of the hydrocarbon reactivity standard alternative, instrumentation for *low cost, rapid, routine* analysis of exhaust gases is not available (gas chromatographic analyzers are costly and the analyses are time consuming and, therefore, also costly). Even if appropriate instrumentation were available, there is no single, agreed-upon scale of reactivity for all of the species present in the exhaust gases. Additionally, the data base for light-duty vehicles is inadequate for establishing a reactivity index based on the reactivity of individual species for base year vehicles; i.e., a relatively small error in the assigned fraction of a highly reactive hydrocarbon will result in a relatively large change in the computed composite reactivity index.

Alternative 1, the non-methane hydrocarbon mass standards with optional total hydrocarbon mass standards, was selected because: (1) Essentially equal effects on air quality can be expected for each of the alternatives, (2) it offers essentially the same benefits to vehicle manufacturers as the other alternatives, (3) it allows each manufacturer to select the most cost-effective option for its individual situation, and (4) it can be rapidly implemented at low cost. It is anticipated that motorcycle and heavy-duty engine manufacturers will not choose the non-methane option and are, therefore, not expected to be affected by this action.

IV. Discussion of Issues

A. Interpretation of the Statute With Respect to the Inclusion/Exclusion of Methane as a Regulated Exhaust Hydrocarbon

As explained in Section I, Congress established the statutory standard for hydrocarbon exhaust emissions in 1970 for light-duty vehicles, requiring manufacturers to reduce those emissions by 90 percent from the level allowable for the 1970 model year. In 1977, Congress extended this standard to cover heavy-duty vehicles and motorcycles.

The legislative history of this provision shows that the need for controlling hydrocarbon exhaust emissions from vehicles was based upon the formation of photochemical smog (ozone) from oxides of nitrogen and hydrocarbons under the influence of sunlight.[1] It was recognized even in 1970 that methane did not react this way and was not a factor in the formation of smog: the rollback model used to project the required level of control for motor vehicles excluded methane, and methane was not treated as a controlled hydrocarbon in the preparation of air quality criteria documents for hydrocarbons. However, as explained in Section I, the instrument used in 1970 to measure vehicle exhaust hydrocarbon emissions did not uniformly measure each species present, both reactive and non-reactive species, and undercounted the total.

To provide more accurate measurements, in 1972 EPA required a change in the instrumentation used to determine vehicle exhaust hydrocarbon emissions. The new instrument fully and uniformly measures each species present in the exhaust gases (including methane). Nevertheless, there is no indication that Congress considered the implications of this new instrumentation. While Congress did subsequently alter the statutory deadlines for compliance with hydrocarbon emissions limitations, it did not change the standards themselves from the numbers originally promulgated in 1970.

In the case of *Ford Motor Company* v. *EPA supra*, the Court of Appeals found that the Clean Air Act permits EPA to regulate vehicle exhaust hydrocarbon emissions on the basis of total hydrocarbons, i.e., including methane. The court did not decide, however, whether EPA was *required* to regulate hydrocarbons in this way.

Certainly there is nothing in the legislative history of the 1970 statute or later amendments to suggest that Congress wished to limit EPA's flexibility to refine emission standards and make them more precise, as technical capabilities in this field improved. Hence, EPA has indicated in the past that it believes the Act gives it discretion to promulgate an alternative non-methane standard, 44 FR 20048 (April 4, 1979). The Agency believes that present circumstances make it proper to exercise this discretion.

Recognition by EPA of the need to control the cost of regulations has lead to the reevaluation of existing regulations. As a result of the reevaluation, EPA has concluded that provision of optional standards to permit exclusion of methane as a measured exhaust hydrocarbon: (1) Conforms with the need for control of reactive exhaust hydrocarbons, (2) is within the authority of the Agency, (3) provides the opportunity for a degree of cost reduction and (4) will have little or no significant impact on air quality.

B. Optional Non-Methane Hydrocarbon Standards vs. Either Optional Reactive Hydrocarbon Standards or Optional-Non Methane/Ethane Hydrocarbon Standards

As part of the reevaluation of the existing standards, EPA considered ethane for exclusion along with methane as well as the potential for adoption of reactive hydrocarbons standards.

The ethane content of exhaust gases from 1970 model year vehicles was on the order of ½ percent. With catalyst vehicles, the ethane content is on the order of 1 to 1½ percent. Because of these very low concentrations of ethane, it appears unlikely that there will be any benefits attainable through the exclusion of ethane which are not achieved by the exclusion of methane. Determination of the ethane content in vehicle exhaust gases would necessitate the introduction of gas chromatographic equipment capable of measuring each of the hydrocarbon species. This type of equipment is costly and sample analysis

[1] *A Legislative History of the Clean Air Act Amendments of 1970*, Volume 1, p. 425–28 and 701–771.

time is measured in hours rather than minutes. The implementation costs of non-methane/ethane hydrocarbon standards for analytical equipment, performance of analyses, equipment maintenance, etc., would be expected to be 5 to 10 times higher than the costs of non-methane standards. Additionally, the leadtime necessary for implementation would change from almost zero (analytical equipment for non-methane standards can be considered to be in place) to a few years. EPA has concluded, therefore, that the costs of non-methane/ethane standards exceed any possible benefits to vehicle manufacturers, but would welcome comments on this issue.

Because of the differences in the reactivities of the hydrocarbon compounds which collectively constitute hydrocarbon exhaust emissions, an exhaust hydrocarbon reactivity standard would be the ideal method for the control of these materials. Major problems associated with this approach to the control of hydrocarbon exhaust emissions are: (1) The lack of an adequate data base upon which to establish the composition of base year hydrocarbon exhaust emissions, (2) the lack of a universally accepted and proven reactivity scale for hydrocarbon compounds, and (3) the costs of the analytical equipment for determining the composition of each exhaust sample coupled with the time and, therefore costs of each analysis. For these reasons, EPA does not view an exhaust reactivity standard as being practical at this time.

It is the conclusion of EPA that the non-methane hydrocarbon standards option is the most cost-effective approach. Again comments are welcome on this point.

C. Determination of the Optional Non-Methane Standards

The procedure used in establishing the non-methane hydrocarbon standards is the same as that which was used for establishing the existing total hydrocarbon standards; i.e., the optional non-methane hydrocarbon standards represent the same percentage reduction in non-methane hydrocarbons from base year vehicles as are required by the total hydrocarbon standards for total hydrocarbons.

The data base for determining the methane content of base year, light-duty vehicles is not large. It consists of data compiled pursuant to the 1974 ANPRM [2], testing of two non-catalyst vehicles by Gulf Research and Development as part of a contract with EPA [3], and data collected by EPA contractors in tests of in-use vehicles [4]. The data base is adequate, however, for making the determination of the methane content in exhaust gases of base year light-duty vehicles. The average methane content was five percent.

While the emission standards for heavy-duty diesel engines are determined on the basis of emissions from base year gasoline engines, the data base for diesel engines was surveyed to identify any potential problems. In the case of heavy-duty diesel engines, the data base on methane is very small. Two sources are available. Reference [5] indicates that the average methane fraction in the exhaust of four heavy-duty diesel engines tested was approximately ⅓ that of the methane content of one industrial gasoline engine tested, on the test procedure used. The methane fraction reported for the industrial gasoline engine was, however, five to six times higher than the methane fraction determined for light-duty vehicles on the Federal Test Procedure. The second source [6], in-house testing of diesel engines, indicates methane contents approaching four to five percent.

EPA testing of heavy-duty gasoline engines [7], shows an average methane content in the exhaust gases of approximately seven percent.

Five percent was chosen as being representative of the methane fraction in the exhaust gases of heavy-duty engines (diesel and gasoline).

A data base does not exist for determining the base year methane fraction of hydrocarbons in the exhaust of light-duty trucks and motorcycles. The methane fraction was selected as five percent because of the similarities in: (1) Engine technologies between base year light-duty vehicles, light-duty trucks and motorcycles, (2) test cycles, and (3) because the same fuel (gasoline) is used in nearly all of these base year vehicles. It is recognized that, relative to light-duty vehicles and light-duty trucks, the higher average rotational speed of motorcycle engines may have some small effect on the size of the methane fraction.

D. Analytical Equipment for Routine Testing and Lead-time for Implementation

The adoption by the State of California of a non-methane hydrocarbon standard for light-duty vehicles has resulted in either the purchase and installation of appropriate test equipment or the securing of access to the use of the equipment by these vehicle manufacturers. Because light-duty vehicle manufacturers are often also manufacturers of light-duty trucks (e.g., General Motors, Ford, Chrysler, American Motors, VW, Nissan, Toyota) most, if not all, manufacturers of light-duty trucks have the required equipment in-use.

On the basis of the responses to the ANPRM (1974), it appears that most heavy-duty engine manufacturers would have chosen to use the total hydrocarbon option, thus removing the need to purchase the equipment necessary for determining methane. EPA is presently modifying the 1984 heavy-duty engine standard to levels not expected to require the use of catalysts. It is expected, therefore, that heavy-duty engine manufacturers will choose not to use the non-methane option. If a heavy-duty engine manufacturer wishes to use the non-methane option, equipment modifications will be similar to that made for light-duty vehicles and light-duty trucks; i.e., the addition of the methane analyzer. The samples would then be analyzed for total hydrocarbons and for methane.

In the case of motorcycles, it is anticipated that very few manufacturers would have the necessary analytical equipment on hand for determining methane. Honda and BMW would be expected to have the appropriate equipment because both companies also produce light-duty vehicles. However, when catalyst technology is not used in achieving the required emission levels (catalysts are not used on motorcycles), the methane fraction of exhaust gases from new vehicles is expected to be essentially the same as the methane fraction in base year vehicles. Using the existing total hydrocarbon standards would, therefore, permit these manufacturers to forego the purchase of equipment for determining methane.

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[2] "Discussion of Major Comments on Individual Issues in Response to the Advanced Notice of Proposed Rulemaking of May 10, 1974 on Hydrocarbon Exhaust Emission Standards and Test Procedures to Prevent Exclusion of Methane," Office of Mobile Source Air Pollution Control; U.S. EPA, 1976.

[3] "Effect of Ambient Temperature on Vehicle Emissions and Performance Factors," Gulf Research and Development Co., 1978, EPA Contract No. EPA [redacted]; National Technical Information Service Nos. PB80-163-753, PB80-173-778, PB80-173-784.

[4] Computer printout of EPA data base compiled from tests on in-use vehicles.

[5] "Some Diesel Exhaust Reactivity Information Derived by Gas Chromatography," Lauden, E. W. and Perey, J. M., Caterpillar Tractor Co., SAE Paper No. 740550.

[6] Computer printout of EPA data base compiled from tests on base year heavy-duty diesel engines and 1972 MY heavy-duty gasoline engines.

[7] Computer printout of EPA data base compiled from tests on base year heavy-duty diesel engines and 1972 MY heavy-duty gasoline engines.

If motorcycle manufacturers were to choose the non-methane option, leadtime for purchasing and installing the necessary test equipment could become a factor. Instrument manufacturers are, however, producing the necessary equipment. Representative delivery times are two to four months for analytical equipment used in exhaust gas measurements.

In total, leadtime is not anticipated to be a problem for those manufacturers which might choose the non-methane option.

V. Environmental Impact

Under either the total hydrocarbon standards or the optional non-methane hydrocarbon standards the emission rates of reactive hydrocarbons from mobile sources are very low. In the case of light-duty vehicles, the emission rates of reactive hydrocarbons would be between 0.35 gm/mile and 0.29 gm/mile for a total hydrocarbon standard of 0.41 gm/mile vs. a rate of 0.39 gm/mile for the non-methane standard.

In 1982, mobile sources will contribute just over ⅓ of the total anthropogenic emissions of reactive hydrocarbons at low altitudes. At high altitudes, mobile source contributions will be just over one-half. The projections for mobile source contribution to the total reactive hydrocarbon emissions inventory in 1990 are for just under ⅙ at low altitude and just under ⅓ at high altitude. In the year 2000, the relative contributions from mobile sources are projected to be slightly lower than in 1990. For the U.S., the total anthropogenic and the mobile source contributions for the years 1982, 1990 and 2000, together with mobile source contributions expressed as a percentage of the total, are presented in tabular form below.

TOTAL NON-METHANE HYDROCARBONS EMISSIONS

(1000 tons/year)

	1982			1990			2000		
	Total	Mobile sources	Percent of total	Total	Mobile sources	Percent of total	Total	Mobile sources	Percent of total
Low Altitude									
THC Stds	4,119	1,400	34	3,514	516	15	3,905	524	13
NMHC Stds	4,119	1,400	34	3,560	588	16	4,040	629	16
High Altitude									
THC Stds	169	83	54	111	33	30	120	32	27
NMHC Stds	165	83	54	113	35	31	126	38	30

Comparison of the predicted effects on ambient ozone concentrations of total hydrocarbon and non-methane hydrocarbon standards (assuming 30 percent methane in the exhaust and Inspection and Maintenance) shows that there is negligible, if any, effect through the 1988 to 1990 timeframe. In the year 2000, the predicted effect is for a reduction (improvement) in ambient ozone concentrations relative to 1979 levels of 18 percent with total hydrocarbon standards and of 17 percent with non-methane hydrocarbon standards at low altitude. Comparable figures for high altitudes are 22 percent and 20 percent, respectively.

The projected effect of this proposed action on the ambient air, expressed in terms of air quality regions above standards and exceedances are as follows. In 1982 it is projected that there will be 17 low-altitude regions and two high-altitude regions which exceed standards. The projections for the year 2000 are for 15 low-altitude regions to exceed standards if the total hydrocarbon standards were maintained for mobile sources and the 16 low-altitude regions to exceed standards with non-methane hydrocarbon standards for mobile sources. With either the total hydrocarbon standards or the non-methane hydrocarbon standards, one high-altitude region is projected to exceed standards in the year 2000. The projected number of exceedances in 1982 are 95 at low altitude and eight at high altitude. The projections for the year 2000 are for four exceedances at high altitude with either the total hydrocarbon or the non-methane hydrocarbon standards for mobile sources. At low altitudes, the projections are for 85 exceedances with the total hydrocarbon standards and 90 exceedances with the non-methane hydrocarbon standards for the year 2000.

In the aggregate, reactive hydrocarbon emissions from mobile sources are projected to be a small fraction of the total and differences between THC standards or NMHC standards are not considered to be substantial.

VI. Economic Impact

This proposed rule will affect costs only for those manufacturers which choose the non-methane hydrocarbon option. Because the non-methane hydrocarbon standard is optional, only those manufacturers who can realize either a total savings from vehicle modifications or anticipate a marketing advantage, e.g., improved fuel economy or driveability, would be expected to adopt the option. It is anticipated that light-duty vehicle and light-duty truck manufacturers will choose the non-methane option because their products incorporate catalysts (gasoline-fueled vehicles) and that motorcycle and heavy-duty engine manufacturers will choose the existing total hydrocarbon standards. Light-duty vehicle and light-duty truck manufacturers are either already using methane analyzers or have access to that equipment because of the non-methane option adopted by California. Anticipated costs in this area are, therefore, judged to be negligible.

Some costs are expected for recalibration of the catalyst and other engine/emissions control components in the first model year following introduction of the optional NMHC standards. In subsequent years, these costs will not occur. It is expected, however, that these first year costs will be counterbalanced by savings attributable to the reduced use of catalytic materials or the substitution of lower cost components; e.g., use of a reed valve aspirator in place of an air pump. The cost of recalibrations and savings from reduced catalyst loading, etc., are expected to vary by engine family. EPA has not, therefore, attempted to quantify these values.

Vehicle manufacturers have indicated that some small improvements in vehicle driveability and fuel economy may result, for some vehicle specifications, from the adoption of a non-methane hydrocarbon option.

In the aggregate, it is expected that there will be no cost burden to the vehicle manufacturers who choose the option and that a small fuel savings

could result from the adoption of the non-methane hydrocarbon option.

Public Participation and Request for Comments

Interested persons may participate in this rulemaking by submitting written comments to the Administrator, by attending the public hearing, or both. To the extent possible the Agency requests that written comments be submitted prior to the public hearing. It is EPA's intention to assure all interested parties an opportunity to study all information which may become the basis for EPA's final action in this proceeding. Accordingly, the Agency will not consider in this rulemaking any material which cannot be made available to the public. Parties who wish to submit information in response to this Notice of Proposal Rulemaking are cautioned that EPA will not consider, but will return to the commenter, any comments which are claimed, in whole or in part, to be confidential.

All interested parties are encouraged to comment on this action. Comments are specifically requested on the subjects listed below. Identification of these specific subjects does not preclude the presentation of comments on other relevant subjects.

Please comments on or provide answers to each of the following:

1. Comment on the concept of optional non-methane and total hydrocarbon standards.

2. Comment on the relative benefits and costs associated with non-methane standards, non-methane/ethane standards and hydrocarbon reactivity standards. Please quantify either benefits or costs where possible.

3. Comment on the numerical values of the non-methane standards proposed.

4. Will there be a reduction in catalyst loading and by what amount as a result of choosing the non-methane option?

5. What are the projected cost savings to the manufacturer and to the consumer?

6. Will the benefits in fuel economy and driveability, previously indicated as potential benefits by manufacturers, be realized?

7. Will these benefits be realized with all vehicles or with only some of the vehicles meeting the non-methane option? What is the anticipated magnitude of the fuel economy benefit?

8. Will there be other benefits to the vehicle manufacturer or to the consumer?

9. Are there additional data which support/refute the methane fraction in base year vehicle exhaust gases for the four classes of vehicles?

10. Is the extrapolation from light-duty vehicle baseline data to light-duty trucks and motorcycles reasonable?

11. Do any manufacturers, other than light-duty vehicle and light-duty truck manufacturers, expect to use the non-methane option?

12. If there are others, will leadtime for instrumentation pose any significant problems?

13. Please comment on the legal authority to permit optional standards.

Administrative Designation

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a "Regulatory Impact Analysis." This regulation is not major because it invovles no negative cost impacts and has not significant effect on competition, productivity, investment, employment or innovation.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Impact on Small Entities

Section 605 of the Regulatory Flexibility Act requires that the Administrator certify regulations that do not have a significant impact on a substantial number of small entities. I certify that this regulation does not have such an effect because it affects motor vehicle and engine manufacturers, and among this group there are not a substantial number of small entities. Also, the primary effect of this regulation is the potential for a positive economic benefit to the industry, so no private parties should see any substantial adverse impact.

Impact of Recording Requirements

The information collection requirements in this proposed rule will be submitted to the Office of Management and Budget (OMB) for clearance under the Paperwork Reduction Act of 1980 (Pub. L. 95-511). The information requirements or recordkeeping in this proposed rule will not take place until it has been cleared by OMB. If OMB approves, the information collection requirements will take effect as set forth in this proposed rule. If not, EPA will revise the information requirements (and this rule, if appropriate) to comply with OMB's determination.

Authority

The statutory authority under which these actions are proposed are sections 202, 206, and 301 of the Clean Air Act.

Dated: December 11, 1981.

Anne M. Gorsuch,

Administrator.

PART 86—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

Part 86 of Chapter I, Title 40 of the Code of Federal Regulations is proposed to be amended as follows:

1. A new § 86.083–2 is proposed to read as follows:

§ 86.083–2 Definitions.

The following definitions apply beginning with the 1983 model year. Section 86.082–2 remains effective.

"Hydrocarbon(s)" (HC) and "total hydrocarbon(s)" (THC) means those substances as determined by a flame ionization detector (FID) as specified in: (1) Section 86.111–82 for Light-Duty Vehicles and Light-Duty Trucks; (2) § 86.1309–84, § 86.1310–84, § 86.1311–84 for Heavy-Duty Engines and (3) § 86.511–78 for Motorcycles.

"Non-methane hydrocarbon(s)" (NMHC) means those substances defined as hydrocarbon(s) or total hydrocarbon(s) less that part which is methane.

2. Section 86.084–2 is proposed to be amended by revising the introductory text to read as follows:

§ 86.084–2 Definitions.

The following definitions apply beginning with the 1984 model year. Sections 86.080–2 and 86.083–2 remain effective except those definitions which are hereby superseded.

* * * * *

3. A new § 86.083–3 is proposed to read as follows:

§ 86.083–3 Abbreviations.

The following abbreviations apply beginning with the 1983 model year. Section 86.078–3 remains effective.

THC—Total Hydrocarbon(s)
NMHC—Non-Methane Hydrocarbon(s)
CH_4—Methane
GC—Gas Chromatograph

4. A new § 86.084–3 is proposed to read as follows:

§ 86.084–3 Abbreviations.

(a) The abbreviations in this section are compiled from §§ 86.073–3 and 86.083–3 and apply to this subpart and also to Subparts B, D, H, I, J, N, O, and P of this part and have the following meanings:

accel.—acceleration.
AECD—auxiliary emission control device.
API—American Petroleum Institute.

ASTM—American Society for Testing and Materials.
BHP—brake horsepower.
BSCO—brake specific carbon monoxide.
BSHC—brake specific hydrocarbons.
BSNOx—brake specific oxides of nitrogen.
C—Celsius.
cfh—cubic feet per hour.
CFV—critical flow venturi.
CFV-CVS—critical flow venturi-constant volume sampler.
CH_4—methane.
CL—chemiluminescene.
CO_2—carbon dioxide.
CO—carbon monoxide.
conc.—concentration.
cfm—cubic feet per minute.
CT—closed throttle.
cu. in.—cubic inch(es).
CVS—constant volume sampler.
decel.—deceleration.
EP—end point.
evap.—evaporative.
F—Fahrenheit.
FID—flame ionization detector.
FL—full load.
ft.—feet.
g—gram(s).
gal.—U.S. gallon(s).
GC—gas chromatograph.
GVW—gross vehicle weight.
GVWR—gross vehicle weight rating.
h—hour(s).
H_2O—water.
HFID—heated flame ionization detector.
Hg—mercury.
hi—high.
hp—horsepower.
IBP—initial boiling point.
ID—internal diameter.
in.—inch(es).
K—kelvin.
kg—kilograms.
km—kilometer(s).
kPa—kilopascal(s).
lb.—pound(s).
lb.-ft.—pound-feet.
m—meter(s).
max.—maximum.
mg—milligram(s).
mi.—mile(s).
min.—minute(s).
ml—milliliter(s).
mm—millimeter(s).
mph—miles per hour.
mv—millivolt(s).
N_2—nitrogen.
NMHC—non-methane hydrocarbon(s).
NDIR—nondispersive infrared.
NO—nitric oxide.
NO_2—nityrogen dioxide.
NOx—oxides of nitrogen.
No.—number.
O_2—oxygen.
Pb—lead.
pct.—percent.
PDP-CVS—positive displacement pump-constant volume sampler.
ppm—parts per million by volume.
ppmC—part per million, carbon.
psi—pounds per square inch.
psig—pounds per square inch gauge.
PTA—part throttle deceleration.
R—rankin.
rpm—revolutions per minute.
RVP—Reid vapor pressure.
s—second(s).
SAE—Society of Automotive Engineers.
SI—International system of units.
sp.—speed.
TEL—tetraethyl lead.
THC—total hydrocarbon(s).
TML—tetramethyl lead.
UDDS—urban dynamometer driving schedule.
V—volt(s).
vs—versus.
W—watt(s).
WF—weighting factor.
WOT—wide open throttle.
wt.—weight.

5. A new § 86.083–8 is proposed to read as follows:

§ 86.083–8 Emission standards for 1983 and later light-duty vehicles.

(a)(1) Manufacturers may elect either a total hydrocarbons exhaust emission standard or a non-methane hydrocarbons exhaust emission standard. The standards set forth in paragraphs (a) through (c) of this section shall apply for vehicles sold for principal use at other than designated high-altitude locations. Exhaust emissions from 1983 and later model year light-duty vehicles shall not exceed:

(i) *Total hydrocarbons.* 0.41 grams per vehicle mile (0.255 grams per vehicle kilometer). *Non-Methane hydrocarbons.* 0.39 grams per vehicle mile (0.243 grams per vehicle kilometer).

(ii) *Carbon monoxide.* 3.4 grams per vehicle mile (2.11 grams per vehicle kilometer).

(iii) *Oxides of nitrogen.* 1.0 gram per vehicle mile (0.62 gram per vehicle kilometer).

(iv) *Particulate emissions (diesels only).* 0.60 gram per vehicle mile (0.373 gram per vehicle kilometer).

(2) The standards set forth in paragraph (a)(1) of this section refer to the exhaust emitted over a driving schedule as set forth in Subpart B of this part and measured and calcaluated in accordance with those procedures.

(b)(1) Fuel evaporative emissions from 1983 and later model year gasoline-fueled light-duty vehicles shall not exceed:

(i) *Hydrocarbons.* 2.0 grams per test.

(2) The standards set forth in paragraph (b)(1) of this section refer to a composite sample of the fuel evaporative emissions collected under the conditions set forth in Subpart B of this part measured in accordance with those procedures.

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any 1983 and later model year gasoline-fueled light-duty vehicle.

(d)(1) Model year 1983 and later light-duty vehicles sold for principal use at a designated high-altitude location shall be capable of meeting the following exhaust emission standards when tested under high-altitude conditions.

(i) *Total hydrocarbons.* 0.57 grams per vehicle mile (0.35 grams per vehicle kilometer). *Non-methane hydrocarbons.* 0.54 grams per vehicle mile (0.34 grams per vehicle kilometer).

(ii) *Carbon monoxide.* 7.8 grams per vehicle mile (4.8 grams per vehicle kilometer).

(iii) *Oxides of nitrogen.* The allowable levels of oxides of nitrogen from light-duty vehicles which are sold for principal use at designated high-altitude locations are the same as set forth in paragraph (a)(1)(iii) of this section.

(2) The standards set forth in paragraph (d)(1) of this section refer to the exhaust emitted over a driving schedule as set forth in Subpart B of this part and measured and calculated in accordance with those procedures.

(e)(1) Fuel evaporative emissions from 1983 and later model year gasoline-fueled light-duty vehicles sold for principal use at designated high-altitude locations shall not exceed 2.6 grams per test when tested under high-altitude conditions.

(2) The standard set forth in paragraph (e)(1) of this section refers to a composite sample of the fuel evaporative emissions collected under the conditions set forth in Subpart B of this part and measured in accordance with those procedures.

(f) No crankcase emissions shall be discharged into the ambient atmosphere from any 1983 and later model year gasoline-fueled light-duty vehicles sold for principal use at designated high-altitude locations.

(g)(1) All light-duty vehicles shall be capable (by initial design, adjustment, or modification) of meeting the applicable emission standards set forth in this section for any altitude of operation. Such adjustments and modifications shall:

(i) Be capable of being effectively performed by commercial repair facilities.

(ii) All adjustments and modifications recommended by the manufacturer to be performed on vehicles to satisfy this requirement must be included in the manufacturer's application for certification, and be approved in advance by EPA in accordance with § 86.079–22.

(2) Exemptions for vehicles from the high-altitude emissions standards as set forth in paragraph (d) of this section may be granted by the Administrator for vehicles that are expected to have unsatisfactory performance under high-

altitude conditions. Such exemptions will be granted upon petition by the manufacturers that the vehicle falls within the definition of vehicles eligible for exemption. A vehicle shall be considered eligible for exemption if its design parameters (displacement-to-weight ratio (D/W) and engine speed-to-vehicle speed (N/V)) simultaneously fall within the exempted range for that manufacturer for that year. The exempted range is determined according to the following procedure:

(i) The manufacturer shall graphically display the D/W and N/V data of all vehicle configurations it will offer for the model year in question. The axis of the abscissa shall be D/W (where (D) is the engine displacement expressed in cubic centimeters and (W) is the equivalent vehicle test weight expressed in pounds), and the axis of the ordinate shall be N/V (where (N) is the crankshaft speed expressed in revolutions per minute and (V) is the vehicle speed expressed in miles per hour). At the manufacturer's option, either the 1:1 transmission gear ratio or the lowest numerical gear ratio available in the transmission will be used to determine N/V. The gear selection must be the same for all N/V data points on the manufacturer's graph. For each transmission/axle ratio combination, only the lowest N/V value shall be used in the graphical display.

(ii) The product line is then defined by the equation, $N/V = C(D/W)^{-0.9}$, where the constant (C), is determined by the requirement that all the vehicle data points either fall on the line or lie to the upper right of the line as displayed on the graphs.

(iii) The exemption line is then defined by the equation, $N/V = C(0.84\ D/W)^{-0.9}$, where the constant, (C) is the same as that found in paragraph (g)(2)(ii) of this section.

(iv) The exempted range includes all values of N/V and D/W which simultaneously fall to the lower left of the exemption line as drawn on the graph.

(3) The sale of a vehicle for principal use at a designated high-altitude location that has been exempted as set forth in paragraph (g)(2) of this section will be considered a violation of Section 203(a)(1) of the Clean Air Act.

6. In § 86.085–8, the introductory text of paragraph (a)(1) and paragraph (a)(1)(i) are proposed to be revised as follows:

§ 86.085–8 Emission standards for 1985 light-duty vehicles.

(a)(1) Manufacturers may elect either a total hydrocarbons exhaust emission standard or a non-methane hydrocarbons exhaust emission standard. Exhaust emissions from 1985 and later model year light-duty vehicles shall be exceed:

(i) *Total hydrocarbons.* 0.41 grams per vehicle mile (0.255 grams per vehicle kilometer). *Non-methane hydrocarbons.* 0.39 grams per vehicle mile (0.243 grams per vehicle kilometer).

* * * * *

7. In § 86.083–9, the introductory text of paragraphs (a)(1) and (d)(1) and paragraphs (a)(1)(i), and (d)(1)(i) are proposed to be revised as follows:

§ 86.083–9 Emission standards for 1983 light-duty trucks.

(a)(1) The standards set forth in paragraphs (a) through (c) of this section shall apply for trucks sold for principal use at other-than-designated high-altitude locations. Manufacturers of light-duty trucks may elect either a total hydrocarbons exhaust emission standard or a non-methane hydrocarbons exhaust emission standard. Exhaust emissions from 1983 model year light-duty trucks shall not exceed:

(i) *Total hydrocarbons.* 1.70 grams per vehicle mile (1.058 grams per vehicle kilometer). *Non-methane hydrocarbons.* 1.62 grams per vehicle mile (1.008 grams per vehicle kilometer).

* * * * *

(d)(1) 1983 model year light-duty trucks sold for principal use at designated high-altitude locations shall be capable of meeting the following exhaust emission standards when tested under high-altitude conditions. Manufacturers may elect either a total hydrocarbons standard or a non-methane hydrocarbons emission standard. Exhaust emissions from 1983 high-altitude, light-duty trucks shall not exceed:

(i) *Total hydrocarbons.* 2.0 grams per vehicle mile (1.24 grams per vehicle kilometer). *Non-methane hydrocarbon.* 1.90 grams per vehicle mile (1.18 grams per vehicle kilometer).

* * * * *

8. In § 86.084–9, it is proposed to revise the introductory text of paragraph (a)(1), and paragraph (a)(1)(i) and to remove paragraphs (d) and (e) as follows:

§ 86.084–9 Emission standards for 1984 and later model year light-duty trucks.

(a)(1) Manufacturers of light-duty trucks may elect either a total hydrocarbons exhaust emission standard or a non-methane hydrocarbons exhaust emission standard. Exhaust emissions from 1984 model year light-duty trucks shall not exceed:

(i) *Total hydrocarbons.* 0.80 grams per vehicle mile (0.498 grams per vehicle kilometer). *Non-methane hydrocarbons.* 0.76 grams per vehicle mile (0.473 grams per vehicle kilometer).

* * * * *

9. In § 86.084–10, the introductory text of paragraph (a)(1) and paragraph (a)(1)(i) are proposed to be revised as follows:

§ 86.084–10 Emission standards for 1984 and later model year gasoline-fueled heavy-duty engines.

(a)(1) Manufacturers of gasoline-fueled heavy-duty engines may elect either a total hydrocarbons exhaust emission standard or a non-methane hydrocarbons exhaust emission standard. Exhaust emissions from new 1984 and later model year gasoline-fueled heavy-duty engines shall not exceed:

(i) *Total hydrocarbons.* 1.3 grams per brake horsepower hour, as measured under transient operating conditions. *Non-methane hydrocarbons.* 1.24 grams per brake horsepower hour as measured under transient operating conditions.

* * * * *

10. In § 86.084–11, the introductory text of paragraph (a)(1) and paragraph (a)(1)(i)(A) are proposed to be revised as follows:

§ 86.084–11 Emission standards for 1984 diesel heavy-duty engines.

(a)(1) Manufacturers of diesel heavy-duty engines may elect either a total hydrocarbons exhaust emission standard or a non-methane hydrocarbons exhaust emission standard. Exhaust emissions from new 1984 model year diesel heavy-duty engine shall not exceed:

(i)(A) *Total hydrocarbons.* 1.3 grams per brake horsepower hour, as measured under transient operating conditions (Subpart N). *Non-methane hydrocarbons.* 1.24 grams per brake horsepower hour, as measured under transient operating conditions (Subpart N) or,

* * * * *

11. In § 86.085–11, the introductory text of paragraph (a)(1) and paragraph (a)(1)(i)(A) are proposed to be amended as follows:

§ 86.085–11 Emission standards for 1985 diesel heavy-duty engines.

(a)(1) Manufacturers of diesel heavy-duty engines may elect either a total hydrocarbons exhaust emission standard or a non-methane hydrocarbons exhaust emission standard. Exhaust emission from new

1985 model year and later diesel heavy-duty engine shall not exceed:

(i)(A) *Total hydrocarbons.* 1.3 grams per brake horsepower hour, as measured under transient operating conditions (Subpart N). *Non-methane hydrocarbons.* 1.24 grams per brake horsepower hour, as measured under transient operating conditions (Subpart N) or,

* * * * *

12. Section § 86.084–21, paragraph (a) is proposed to be revised as follows:

§ 86.084–21 Application for certification.

(a) A separate application for a certificate of conformity shall be made for each set of standards and each class of new motor vehicles or new motor vehicle engines. Such application shall be made to the Administrator by the manufacturer and shall be updated and corrected by amendment.

* * * * *

13. Paragraph (a)(3)(ii) of § 86.084–29 is proposed to be revised as follows:

§ 86.084–29 Testing by the Administrator.

(a) * * *

(3) * * *

(ii) Whenever the Administrator does not conduct a test on a test vehicle at a test point, the manufacturer's test data will be accepted as the official data for that point: *Provided,* That if the Administrator makes a determination based on testing under paragraph (a)(2) of this section, that there is a lack of correlation between the manufacturer's test equipment and the test equipment used by the Administrator, no manufacturer's test data will be accepted for purposes of certification until the reasons for the lack of correlation are determined and the validity of the data is established by the manufacturer: *And further provided,* That if the Administrator has reasonable basis to believe that any test data submitted by the manufacturer is not accurate or has been obtained in violation of any provisions of this part, the Administrator may refuse to accept that data as the official data pending retesting or submission or further information. If the manufacturer conducts more than one test on a vehicle, as authorized under § 86.084–26(a)(3)(i) or (b)(4)(i) the data from the last test in that series of tests on that vehicle, will constitute the official data.

* * * * *

14. In § 86.084–35, it is proposed to revise paragraphs (a)(1)(iii)(D) and (a)(2)(iii)(D) and to remove paragraphs (a)(1)(iii)(F) and (a)(2)(iii)(G) as follows:

§ 86.084–35 Labeling.

(a) * * *

(1) * * *

(iii) * * *

(D) Engine tune-up specifications and adjustments, as recommended by the manufacturer in accordance with the applicable emission standards, including but not limited to idle speed(s), ignition timing, the idle air-fuel mixture setting procedure and value (e.g., idle CO, idle air-fuel ratio, idle speed drop), high idle speed, initial injection timing, and valve lash (as applicable), as well as other parameters deemed necessary by the manufacturer. These specifications should indicate the proper transmission position during tune-up and what accessories (e.g., air conditioner), if any, should be in operation.

* * * * *

(2) * * *

(iii) * * *

(D) Engine tune-up specifications and adjustments, as recommended by the manufacturer in accordance with the applicable emission standards, including but not limited to idle speed(s), ignition timing, the idle air-fuel mixture setting procedure and value (e.g., idle CO, idle air-fuel ratio, idle speed drop), high idle speed, intial injection timing, and valve lash (as applicable), as well as other parameters deemed necessary by the manufacturer. These specifications should indicate the proper transmission position during tune-up and what accessories (e.g., air conditioner), if any should be in operation.

* * * * *

15. A new § 86.111–83 is proposed to read as follows:

§ 86.111–83 Exhaust gas analytical system.

(a) *Schematic drawings.* Figure B 83–1 is a schematic drawing of the exhaust gas analytical system. Figure B 83–2 is a schematic drawing of the instrument to measure methane. The schematic of the hydrocarbon analysis train for diesel fueled vehicles is shown as part of Figure B 82–3 (or Figure B 82–4). Because various configurations can produce accurate results, exact conformance with either drawing is not required. Additional components such as instruments, valves, solenoids, pumps and switches may be used to provide additional information and coordinate the functions of the component systems.

(b) *Major component description.* The analytical system, Figure B 83–1, consists of a flame ionization detector (FID) for the determination of total hydrocarbons, gas chromatograph (GC) with a flame ionization detector for methane determination (for the non-methane option), non-dispersive infrared analyzers (NDIR) for the determination of carbon monoxide and carbon dioxide, and a chemiluminescence analyzer (CL) for the determination of oxides of nitrogen. A heated flame ionization detector (HFID) is used for the continuous determination of total hydrocarbons from diesel-fueled vehicles, Figure B 82–3 (or B 82–4). The exhaust gas analytical system shall conform to the following requirements:

BILLING CODE 6560-26-M



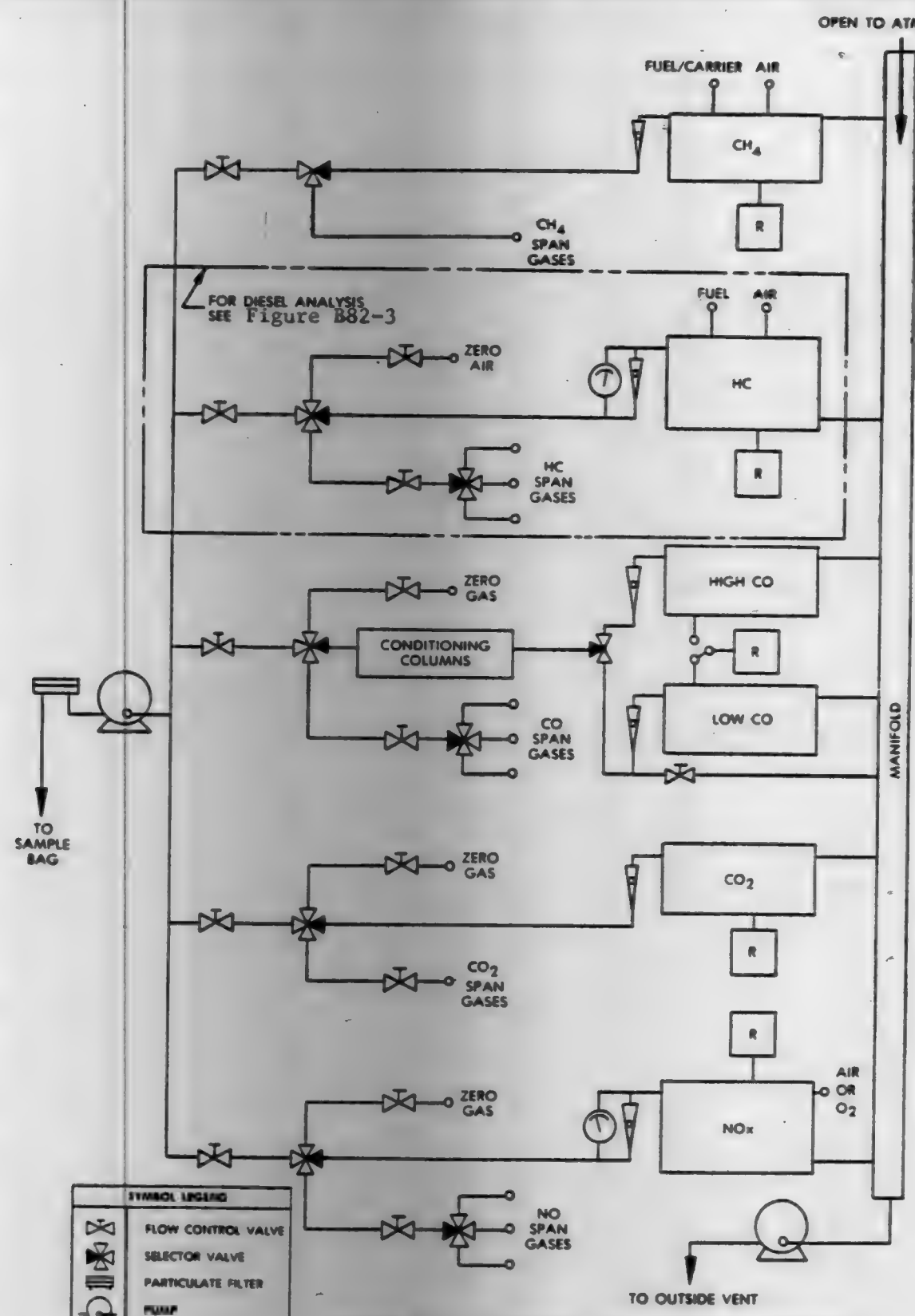


FIGURE B83-1 EXHAUST GAS ANALYTICAL SYSTEM

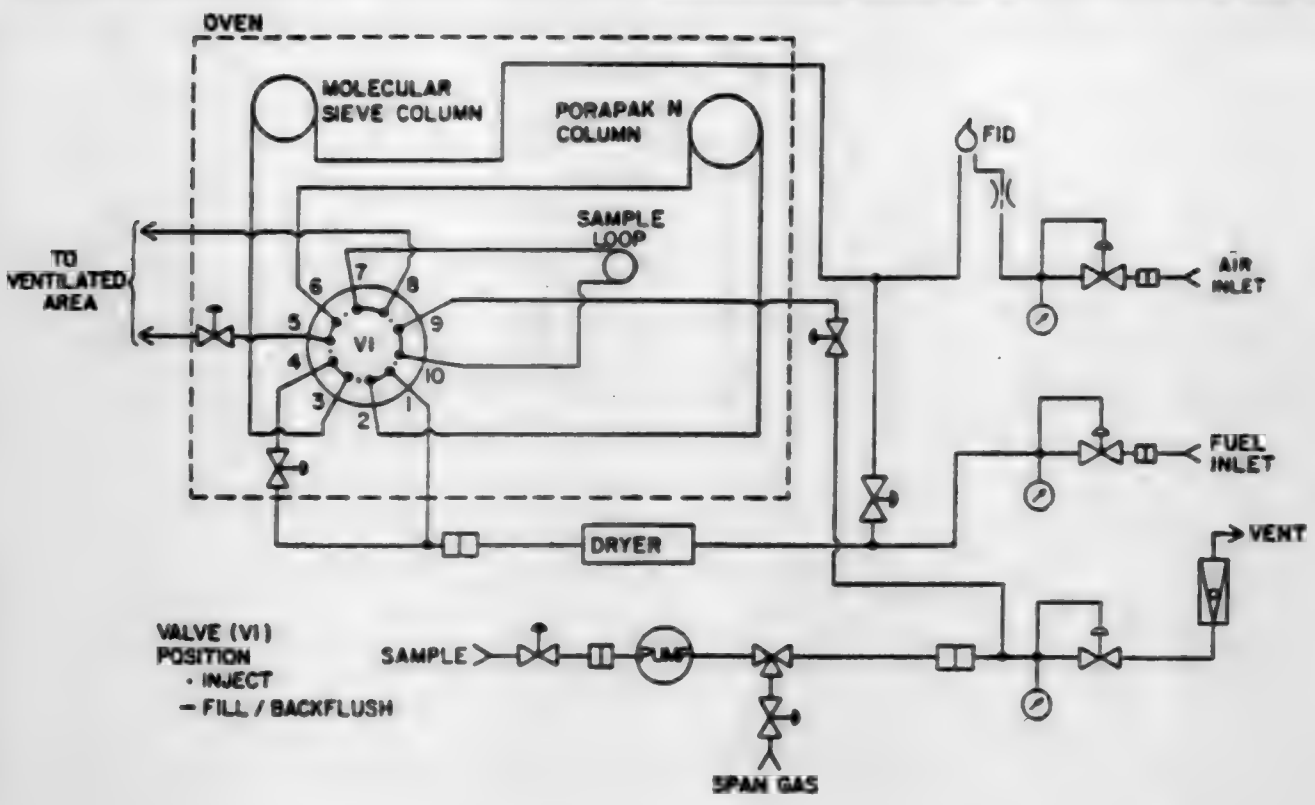


FIGURE B83-2 METHANE ANALYTICAL SYSTEM

BILLING CODE 6560-26-C

(1) The CL requires that the nitrogen dioxide present in the sample be converted to nitric oxide before analysis. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator.

(2) The carbon monoxide (NDIR) analyzer may require a sample conditioning column containing $CaSO_4$ or indicating silica gel to remove water vapor and containing ascarite to remove carbon dioxide from the CO analysis stream.

(i) If CO instruments which are essentially free of CO_2 and water vapor interference are used, the use of the conditioning column may be deleted, see § 86.122 and § 86.144.

(ii) A CO instrument will be considered to be essentially free of CO_2 and water vapor interference if its response to a mixture of 3 percent CO_2 in N_2 which has been bubbled through water at room temperature produces an equivalent CO response, as measured on the most sensitive CO range, which is less than one percent of full scale CO concentration on ranges above 300 ppm full scale or less than 3 ppm on ranges below 300 ppm full scale, see § 86.122.

(3) For diesel vehicles a continuous total hydrocarbon sample shall be measured using a heated analyzer train as shown in Figure B82–3 (or Figure B82–4). The train shall include a heated probe, a heated continuous sampling line, a heated particulate filter, and a heated total hydrocarbon instrument (HFID) compete with heated pump, filter, and flow control system.

(i) The response time of this instrument shall be less than 1.5 seconds for 90 percent of full scale response.

(ii) Sample transport time from sampling point to inlet of instrument shall be less than four seconds.

(iii) The sample line and filter shall be heated to maintain a sample gas temperature of 375°±10° F (191±6° C) before the filter and before the HFID.

(4) The optional methane analyzer requires a conditioning column (dryer) containing silica gel or molecular sieve material (or an equivalent) to remove water and organic contaminants from the carrier gas stream. The conditioning column shall be reconditioned bimonthly or as necessary by observing a visible indicating medium. The methane impurity of the carrier gas shall not exceed 0.5 ppm methane.

(c) *Other analyzers and equipment.* Other types of analyzers and equipment may be used if shown to yield equivalent results and if approved in advance by the Administrator.

16. A new § 86.114–83 is proposed to read as follows:

§ 86.114–83 Analytical gases.

(a) Analyzer gases.

(1) Gases for the CO and CO_2 analyzers shall be single blends of CO and CO_2, respectively, using nitrogen as the diluent.

(2) Gases for the total hydrocarbon analyzer shall be single blends of propane using air as the diluent. Gases for calibration of the optional methan analyzer shall be single blends of methane using air as the diluent.

(3) Gases for NOx analyzer shall be single blends of NO named as NOx, with a maximum NO_2 concentration of 5 percent of the nominal value, using nitrogen as the diluent.

(4) Fuel for the evaporative emission enclosure FID shall be a blend of 40±2% hydrogen with the balance being helium. The mixture shall contain less than 1 ppm equivalent carbon response. Ninety-eight to 100 percent hydrogen fuel may be used with advance approval by the Administrator.

(5) The allowable zero gas (air or nitrogen) impurity concentrations shall not exceed 1 ppm equivalent carbon response, 1 ppm carbon monoxide, 0.04 percent (400 ppm) carbon dioxide and 0.1 ppm nitric oxide.

(6) "Zero grade air" includes artificial "air" consisting of a blend of nitrogen and oxygen with oxygen concentrations between 18 and 21 mole percent.

(7) The use of proportioning and precision blending devices to obtain the required analyzer gas concentration is allowable provided their use been approved in advance by the Administrator.

(b) Calibration gases shall be traceable to within one percent of NBS gas standards, or other gas standards which have been approved by the Administrator.

(c) Span gases shall be accurate to within two percent of true concentration, where true concentration refers to NBS gas standards, or other gas standards which have been approved by the Administrator.

17. A new § 86.116–83 is proposed to read as follows:

§ 86.116–83 Calibrations, frequency and overview.

(a) Calibrations shall be performed as specified in § 86.117 through § 86.126.

(b) At least yearly or after any maintenance which could alter background emission levels, evaporative enclosure background emmission measurements shall be performed.

(c) At least monthly or after any maintenance which could alter calibration, the following calibrations and checks shall be performed:

(1) Calibrate the total hydrocarbon analyzers (both evaporative and exhaust emission instruments), optional methane analyzer, carbon dioxide analyzer, carbon monoxide analyzer, and oxides of nitrogen analyzer.

(2) Calibrate the dynamometer. If the dynamometer receives a weekly performance check (and remains within calibration) the monthly calibration need not be performed.

(3) Perform a hydrocarbon retention check and calibration on the evaporative emission enclosure.

(4) Calibrate the gas meters or flow instrumentation used for providing total flow measurement for particulate sampling.

(d) At least weekly or after any maintenance which could alter calibration, the following calibrations and checks shall be performed:

(1) Check the oxides of nitrogen converter efficiency, and

(2) Perform a CVS system verification.

(3) Run a performance check on the dynamometer. This check may be omitted if the dynamometer has been calibrated within the preceding month.

(e) The CVS positive displacement pump or Critical Flow Vernturi shall be calibrated following initial installation, major maintenance or as necessary when indicated by the CVS system verification (described in § 86.119).

(f) Sample conditioning columns, if used in the CO analyzer train, should be checked at a frequency consistent with observed column life or when the indicator of the column packing begins to show deterioration.

18. A new § 86.125–83 is proposed to read as follows:

§ 86.125–83 Methane analyzer calibration.

The methane analyzer shall receive the following initial and periodic calibration:

(a) *Initial and periodic optimization of detector response.* Prior to its introduction into service and at least annually thereafter the FID detector shall be adjusted for optimum methane response. Alternate methods yielding equivalent results may be used if approved in advance by the Administrator.

(1) Follow the manufacturer's instructions for instrument start-up and basic operating adjustment, using the appropriate fuel, carrier, and zero grade air.

(2) Optimize on the most commonly used range. Introduce into the analyzer a methane in air mixture with a methane concentration equal to approximately 90 percent of the most common range.

(3) Select an operating FID fuel flow rate that will give near maximum response and least variation in response with minor variations in fuel flow rate.

(4) To determine the optimum FID air flow rate, use the FID fuel flow setting determined above and vary air flow rate for maximum response.

(5) After the optimum flow conditions have been determined, actual flow rates are measured and recorded for future reference.

(b) *Initial and periodic calibration.* Prior to its introduction into service and at least monthly thereafter the methane analyzer shall be calibrated on all normally used ranges. Use the same flow rates when analyzing samples.

(1) Adjust analyzer to optimum flow conditions as determined above.

(2) Obtain a stable baseline reading using carrier gas.

(3) Calibrate on each normally used operating range with methane in air calibration gases having nominal concentrations of 15, 30, 60 and 90 percent of that range. Additional calibration points may be generated. For each range calibrated, if the deviation from a least-squares best-fit straight line is 2 percent or less, or within 0.1 ppm methane of the value of each data point (excluding zero), a linear equation may be used to determine the methane concentration. If the deviation exceeds 2 percent or 0.1 ppm methane at any data point (whichever is highest), the best fit non-linear equation which represents the data to within 2 percent (or 0.1 ppm methane) of each point shall be used to determine the concentration. Use methane in air calibration gases having nominal concentrations of 15, 30, 45, 60, 75, and 90 percent of each range for the calibration of non-linear instruments.

(4) A stable baseline must be obtained before and after the methane peak elution. A stable baseline is defined as the time equal to or greater than 25 percent of the methane peak width at half peak height. The methane peak must be resolved from other gases, such as oxygen, nitrogen, and carbon monoxide. Methane concentration shall be determined by peak height measurement or area integration.

19. A new § 86.140–83 is proposed to read as follows:

§ 86.140–83 Exhaust sample analysis.

The following sequence of operations shall be performed in conjunction with each series of measurements:

(a) Gasoline fueled vehicles. Total hydrocarbons, CH (non-methane option), CO, CO_2 and NO_x.

(1) Zero the analyzers and obtain a stable zero reading. Recheck after tests.

(2) Introduce span gases and set instrument gains. In order to avoid errors, span and calibrate at the same flow rates used to analyze the test sample. Span gases should have concentrations equal to 75 to 100 percent of full scale. If gain has shifted significantly on the analyzers, check the calibrations. Show actual concentrations on chart.

(3) Check zeros; repeat the procedure in paragraphs (a) (1) and (2) of this section if required.

(4) Check flow rates and pressures.

(5) Measure: THC CH_4 (non-methane option), CO, CO_2 and NOx concentrations of samples.

(6) Check zero and span points. If difference is greater than 2 percent of full scale, repeat the procedure in paragraphs (a)(1) through (5) of this section.

(b) For diesel fueled vehicles, follow procedures for gasoline fueled vehicles except THC.

(1) Zero HFID analyzer and obtain a stable zero reading.

(2) Introduce span gas and set instrument gains. Span gas should have concentration equal to 75 to 100 percent of full scale.

(3) Check zero as in paragraph (b)(1) of this section.

(4) Introduction of zero and span gas into the analyzer can be accomplished by either of the following methods:

(i) Close heated valve in THC sample (see Figures B82–3 or B82–4), and allow gases to enter HFID. Extreme care should be taken not to introduce gases under high pressure.

(ii) Connect zero and span line directly to THC sample probe and introduce gases at a flow rate between 190 percent and 210 percent of the HFID flow rate (see Figures B82–3A or B82–4A). Excess flow must be allowed to exit probe inlet.

Note.—In order to minimize errors, HFID flow rate and pressure during zero and span (and background bag reading) must be exactly the same as that used during testing.

(5) Continuously record (integrate electronically if desired) dilute total hydrocarbon emissions levels during test. Background samples are collected in sample bags and analyzed as in paragraph (b)(4)(i) or (4)(ii) of this section.

(6) Check zero and span as in paragraph (b)(1) through (b)(4)(i) or (4)(ii) of this section. If difference is greater than two percent of full scale, void test and check for HC "hangup" or electronic drift in analyzer.

20. A new § 86.144–83 is proposed to read as follows:

§ 86.144–83 Calculations, exhaust emissions.

The final reported test results shall be computed by use of the following formula:

(a) For light-duty vehicles and light-duty trucks:

$$Y_{wm} = 0.43[(Y_{ct}+Y_s)/(D_{ct}+D_s)] + 0.57[(Y_{ht}+Y_s)/(D_{ht}+D_s)]$$

Where:

Y_{wm} = Weighted mass emissions of each pollutant, e.g., total HC or NMHC, CO, CO_2, or NO_x, in grams per vehicle mile.

Y_{ct} = Mass emissions as calculated from the "transient" phase of the cold start test, in grams per test phase.

Y_{ht} = Mass emissions as calculated from the "transient" phase of the hot start test, in grams per test phase.

Y_s = Mass emissions as calculated from the "stabilized" phase of the cold start test, in grams per test phase.

D_{ct} = The measured driving distance from the "transient" phase of cold start test, in miles.

D_{ht} = The measured driving distance from the "transient" phase of the hot start test, in miles.

D_s = The measured driving distance from the "stabilized" phase of the cold start test, in miles.

(b) The mass of each pollutant for each phase of both the cold start test and the hot start test is determined from the following:

(1)(i) Total Hydrocarbon mass:

$$THC_{mass} = V_{mix} \times Density_{THC} \times (THC_{conc}/1{,}000{,}000)$$

(ii) Non-methane Hydrocarbon mass:

$$NMHC_{mass} = (THC_{mass}) - (CH_{4\ mass}) - (THC_{mass}) - (V_{mix} \times Density_{CH_4} \times (CH_{4\ conc}/1{,}000{,}000))$$

(2) Oxides of nitrogen mass:

$$Nox_{mass} = V_{mix} \times Density_{NOx} \times K_H \times (NO_{x\ conc}/1{,}000{,}000))$$

(3) Carbon monoxide mass:

$$CO_{mass} = V_{mix} \times Density_{CO} \times (CO_{conc}/1{,}000{,}000)$$

(4) Carbon dioxide mass:

$$CO_{2mass} = V_{mix} \times Density_{CO2} \times (CO_{2conc}/100)$$

(c) Meaning of symbols:

(1)(i) THC_{mass} = total hydrocarbon emissions, in grams per test phase.

$Density_{THC}$ = Density of total hydrocarbons is 16.33 g/ft³ (0.5767 kg/m³), assuming an average carbon to hydrogen ratio of 1:1.185, at 68°F (20°C) and 760 mm Hg (101.3 kPa) pressure.

THC_{conc} = Total Hydrocarbon concentration of the dilute exhaust sample corrected for total hydrocarbon background, in ppm carbon equivalent, i.e., equivalent propane X 3.

$THC_{conc} = THC_e - THC_d(1-1/DF)$

(ii) $NMHC_{mass}$ = Total hydrocarbon emissions less methane emissions, in grams per test phase.

Density C_2H_6=Density of methane is 18.89 g/ft³ (0.6671 kg/m) at 68°F (20°C) and 760 mm Hg (101.3 kPa) pressure.

CH_{4conc}=Methane concentration in the dilute exhaust sample corrected for methane background in ppm carbon.

$CH_{4conc}=CH_{4e}-CH_{4d}$ (1-1/DF)

Where

THC_e = Total hydrocarbon concentration of the dilute exhaust sample or, for Diesel vehicles, average total hydrocarbon concentration of the dilute exhaust sample as calculated from the integrated total HC traces, in ppm carbon equivalent.

THC_d=Total Hydrocabon concentration of the dilution air as measured, in ppm carbon equivalent.

CH_{4e}=Methane concentration of the dilute exhaust sample in ppm carbon equivalent.

CH_{4d}=Methane concentration of the dilution air as measured in ppm carbon equivalent.

(2) NOx_{mass}=Oxides of nitrogen emissions, in grams per test phase.

Density $_{NOx}$=Density of oxides of nitrogen in 54.16 g/ft³ (1.913 kg/m³), assuming they are in the form of nitrogen dioxide, at 68°F (20°C) and 760 mm HG (101.3 kPa) pressure.

NO_{xconc}=Oxides of nitrogen concentration of the dilute exhaust sample corrected for background in ppm.

$NO_{xconc}=NO_{xe}-NO_{xd}$ (1-1/DF)

Where:

NO_{xe}=Oxides of nitrogen concentration of the dilute exhaust sample as measured, in ppm. NO_{xd}=Oxides of nitrogen concentration of the dilution air as measured in ppm.

(3) CO_{mass}=Carbon monoxide emissions, in grams per test phase.

Density$_{CO}$=Density of carbon monoxide is 32.97 g/ft³ (1.164 kg/m³) at 68°F (20°C) and 760 mm Hg (101.3 kPA) pressure.

CO_{conc}=Carbon monoxide concentration of the dilure exhaust sample corrected for background, water vapor, and CO_2 extraction, in ppm.

$CO_{conc}=CO_e-CO_d$ (1-1/DF)

Where:

CO_e=Carbon monoxide concentration of the dilute exhaust sample volume corrected for water vapor and carbon dioxide extraction, in ppm. The calculation assumes the carbon to hydrogen ratio of the fuel is 1:1.85.

$CO_e=(1-0.01925\ CO_{2e}-0.000323\ R)\ CO_{em}$

Where:

CO_{em}=Carbon monoxide concentration of the dilute exhaust sample as measured, in ppm.

CO_{2e}=Carbon dioxide concentration of the dilute exhaust sample, in percent.

R=Relative humidity of the dilution air, in percent (see § 86.142(n)).

CO_d=Carbon monoxide concentration of the dilution air corrected for water vapor extraction, in ppm.

$CO_d=(1-0.000323R)\ C)_{dm}$

Where:

CO_{dm}=Carbon monoxide concentration of the dilution air sample as measured, in ppm.

Note.—If a CO instrument which meets the criteria specified in § 86.111 is used and the conditioning column has been deleted, CO_{em} can be substituted directly for CO_e, and CO_{dm} can be substituted directly for CO_d.

(4) CO_{2mass}=Carbon dioxide emissions, in grams per test phase.

Density CO_2=Density of carbon dioxide is 51.85 g/ft³ (1.843 kg/m³) at 68°F (20°C) and 760 mm Hg (101.3 kPa) pressure.

CO_{2conc}=Carbon dioxide concentration of the dilute exhaust sample corrected for background, in percent.

$CO_{2conc}=CO_{2e}-CO_{2d}$ (1-1/DF)

Where:

CO_{2d}=Carbon dioxide concentration of the dilution air as measured, in percent.

(5) $DF=13.4/[CO_{2e}+(HC_e+CO_e)\ 10^{-4}]$

K_H=Humidity correction factor.

$K_H=1/[1-0.0047\ (H-75)]$

for SI units $K_H=1/[1-0.0329\ (H-10.71)]$

Where:

H=Absolute humidity in grains (grams) of water per pound (kilogram) of dry air.

$H=[(43.478)\ R_a\times P_d]/[P_B-(P_d\times R_a/100)]$

for SI Units, $H=[(6.211)R_a\times P_d]/[P_B-(P_d\times R_a/100)]$

R_a=Relative humidity of the ambient air, in percent.

P_d=Saturated vapor pressure, in mm Hg (kPa) at the ambient dry bulb temperature.

P_B=Barometric pressure, in mm Hg (kPa).

V_{mix}=Total dilute exhaust volume in cubic feet per test phase corrected to standard conditions (528°R) (293°K) and 760 mm Hg (101.3 kPa)).

For PDP–CVS, V_{mix} is:

$$V_{mix}=\frac{V_o\times N(P_B\times P_a)\ (528°R)}{(760\ mm\ Hg)\ (T_p)}$$

for SI units,

$$V_{mix}=\frac{V_o\times N(P_B-P_a)\ (293.15°K)}{(101.325\ kPa)\ (T_p)}$$

Where:

V_o=Volume of gas pumped by the positive displacement pump, in cubic feet (m³) per revolution. This volume is dependent on the pressure differential across the positive displacement pump.

N=Number of revolutions of the positive displacement pump diring the test phase while samples are being collected.

P_B=Barometric pressure, in mm Hg (kPa).

P_a=Pressure depression below atmospheric measured at the inlet to the positive displacement pump, in mm Hg (kPa) (during an idle mode).

T_p=Average temperature of dilute exhaust entering positive displacement pump during test, °R(°K).

(d) Example calculation of mass values of exhaust emissions using positive displacement pump:

(1) For the "transient" phase of the cold start test assume the following: V_o=0.29344 ft³/revolution; N=10,485; R=48.0 percent; R_a=48.2 percent; P_B=762 mm Hg; P_d=22.225 mm Hg; P_a=70 mm Hg; T_p=570°R; THC_e=105.8 ppm, carbon equivalent; CH_{4e}=21.2 ppm; NOx_e=11.2 ppm; CO_{em}=306.6 ppm; CO_{2e}=1.43 percent; THC_d=12.1 ppm; CH_{4d}=1.8 ppm; NOx_d=0.8 ppm; CO_{dm}=15.3 ppm; CO_{2d}=0.032 percent; D_{ct}=3.598 miles.

Then:

$V_{mix}=(0.29344)\ (10,485)\ (762-70)\ (528)/(760)\ (570)=2595.0$ ft³ per test phase.

$H=(43.478)\ (48.2)\ (22.225)/[762-(22.225\times 48.2/100]=62$ grains of water per pound of dry air.

$K_H=1/[1-0.0047\ (62-75)]=0.9424$

$CO_e=[1-0.01925\ (1.43)-0.000323\ (48)]\ 306.0=293.4$ ppm

$CO_d=[1-0.000323\ (48)]\ 15.3=15.1$ ppm

$DF=13.4/[1.43+(105.8+293.4)\times 10^{-4}]=9.116$

$THC_{conc}=105.8-12.1\ (1-1/9.116)=95.03$ ppm

$THC_{mass}=(2595.0)\ (16.33)\ (95.03/1,000,000)=4.027$ grams per test phase

$CH_{4conc}=21.2-1.8(1-1/9.116)=19.60$ ppm

$CH_{4mass}=(2595.0)\ (18.89)\ (19.60/1,000,000)=0.961$ grams per test phase

$NMHC_{mass}=4.027-0.961=3.066$ grams per test phase

$NOx_{conc}=11.2-0.8\ (1-1/9.116)=10.49$ ppm

$NOx_{mass}=(2595.0)\ (54.16)\ (10.49/1,000,000)\ (0.9424)=1.389$ grams per test phase

$CO_{conc}=293.4-15.1\ (1-1/9.116)=280.0$ ppm

$CO_{mass}=(2595.0)\ (32.97)\ (280.0/1,000,000)=23.96$ grams per test phase

$CO_{2conc}=1.43-0.032\ (1-1/9.116)=1.402$ percent

$CO_{2mass}=(2595.0)\ (51.85)\ (1.402/100)=1886$ grams per test phase

(2) For the stabilized portion of the cold start test assume that similar calculations resulted in the following:

$THC_{mass}=0.62$ grams per test phase
$NMHC_{mass}=0.50$ grams per test phase
$NOx_{mass}=1.27$ grams per test phase
$CO_{mass}=5.98$ grams per test phase
$CO_{2mass}=2346$ grams per test phase
$D_s=3.902$ miles

(3) For the "transient" portion of the hot start test assume that similar calculations resulted in the following:

$THC_{mass}=0.51$ grams per test phase
$NMHC_{mass}=0.41$ grams per test phase
$NOx_{mass}=1.38$ grams per test phase
$CO_{mass}=5.01$ grams per test phase
$CO_{2mass}=1758$ grams per test phase
$D_{ht}=3.598$ miles

(4) Weighted mass emission results:

$THC_{wm}=0.43\ [(4.027+0.62)/(3.598+3.902)]+0.57\ [(0.51+0.62)/(3.598+3.902)]=0.352$ grams total hydrocarbon per vehicle mile

$NMHC_{wm}=0.43\ [(3.066+0.50)/(3.598+3.902)]+0.57\ [(0.41+0.50)/(3.598+3.902)]=0.274$ grams per vehicle mile

$NOx_{wm}=0.43\ [(1.38+1.27)/(3.598+3.902)]+0.57\ [(1.38+1.27)/(3.598+3.902)]=0.354$ grams per vehicle mile

$CO_{wm}=0.43\ [(23.96+5.98)/(3.598+3.902)+0.57[5.01+5.98)/(3.598+3.902)]=2.55$ grams per vehicle mile

CO_{hwm}=0.43 [(1660+2346)/(3.598+3.902)]+0.57 [(1758+2346)/(3.598+3.902)]=555 grams per vehicle mile.

21. A new § 86.402–83 is proposed to read as follows:

§ 86.402–83 Definitions.

The following definitions apply beginning with the 1983 model year. Section 86.402–78 remains effective.

"Hydrocarbon(s)" (HC) and "total hydrocarbon(s)" (THC) means those substances as determined by a flame ionization detector (FID) as specified in: (1) § 86.111–82 for Light-Duty Vehicles and Light-Duty Trucks; (2) § 86.1309–84, § 86.1310–84, § 86.1311–84 for Heavy-Duty Engines; and (3) § 86.511–78 for Motorcycles.

"Non-methane hydrocarbon(s)" (NMHC) means those substances defined as hydrocarbon(s) or total hydrocarbon(s) less that part which is methane.

22. A new § 86.403–83 is proposed to read as follows:

§ 86.403–83 Abbreviations.

The abbreviations used in this subpart have the following meanings in both capital and lowercase:

ASTM—American Society for Testing and Materials.
C—Celsius.
cc—Cubic centimetre(s).
cfh—Cubic feet per hour.
cfm—Cubic feet per minute.
CH_4—Methane.
cm—Centimetre(s).
CO—Carbon monoxide.
CO_2—Carbon dioxide.
Conc—Concentration.
cu.—Cubic.
CVS—Constant volume sampler.
EGR—Exhaust gas recirculation.
EP—End point.
EPA—Environmental Protection Agency.
F—Fahrenheit.
GC—Gas chromatograph.
h—hour.
HC—Hydrocarbon(s).
Hg—Mercury.
H_2O—Water.
in.—Inch(es).
K—Kelvin.
kg—Kilogram(s).
km—Kilometre(s).
kpa—Kilopascal(s).
lb—Pound(s).
m—Metre(s).
mph—Miles per hour.
mm—Millimetre(s).
N_2—Nitrogen.
NMHC—Non-methane hydrocarbon(s).
NOx—Oxides of nitrogen.
No.—Number.
O_2—Oxygen.
Pa—Pascal(s).
Pb—lead.
ppm—Parts per million by volume.
psi—Pounds per square inch.
psig—Pounds per square inch gauge.
R—Rankine.
rpm—Revolutions per minute.
THC—Total hydrocarbon(s).
wt—Weight.
°—Degree(s).
%—Percent.

23. A new § 86.410–83 is proposed to read as follows:

§ 86.410–83 Emission standards for 1983 motorcycles.

(a)(1) Manufacturers of motorcycles may elect either a total hydrocarbons exhaust emission standard or a non-methane hydrocarbons exhaust emission standard. Exhaust emissions from 1983 and later model year motorcycles shall not exceed:

(i) *Total hydrocarbons.* 5.0 grams per vehicle kilometer. *Non-methane hydrocarbons.* 4.75 grams per vehicle kilometer.

(ii) *Carbon monoxide.* 12 grams per vehicle kilometer.

(2) The standards set forth in paragraph (a)(1) of this section refer to the exhaust emitted over driving schedules as set forth in Subpart F and measured and calculated in accordance with those procedures.

(b) No crankcase emissions shall be discharged into the ambient atmosphere from any new motorcycle subject to this subpart.

24. A new § 86.502–83 is proposed to read as follows:

§ 86.502–83 Definitions.

The definitions in § 86.402–78 and § 86.402–83 apply to this subpart.

25. A new § 86.503–83 is proposed to read as follows:

§ 86.503–83 Abbreviations.

The abbreviations in § 86.403–78 and § 86.403–83 apply to this subpart.

26. A new § 86.511–83 is proposed to read as follows:

§ 86.511–83 Exhaust gas analytical system.

(a) *Schematic drawings.* Figure F 83–1 is a schematic drawing of the exhaust gas analytical system. Figure F 83–2 is a schematic drawing of the instrument to measure methane. Beeause various configurations can produce accurate results, exact conformance with either drawing is not required. Additional components such as instruments, valves, solenoids, pumps and switches may be used to provide additional information and coordinate the functions of the component systems.

(b) *Major component description.* The analytical system, Figure F 83–1, consists of a flame ionization detector (FID) for the determination of total hydrocarbons, gas chromatograph (GC) with a flame ionization detector for methane determination (for the non-methane option), non-dispersive infrared analyzers (NDIR) for the determination of carbon monoxide and carbon dioxide, and a chemiluminescence analyzer (CL) for the determination of oxides of nitrogen. The exhaust gas analytical system shall conform to the following requirements:

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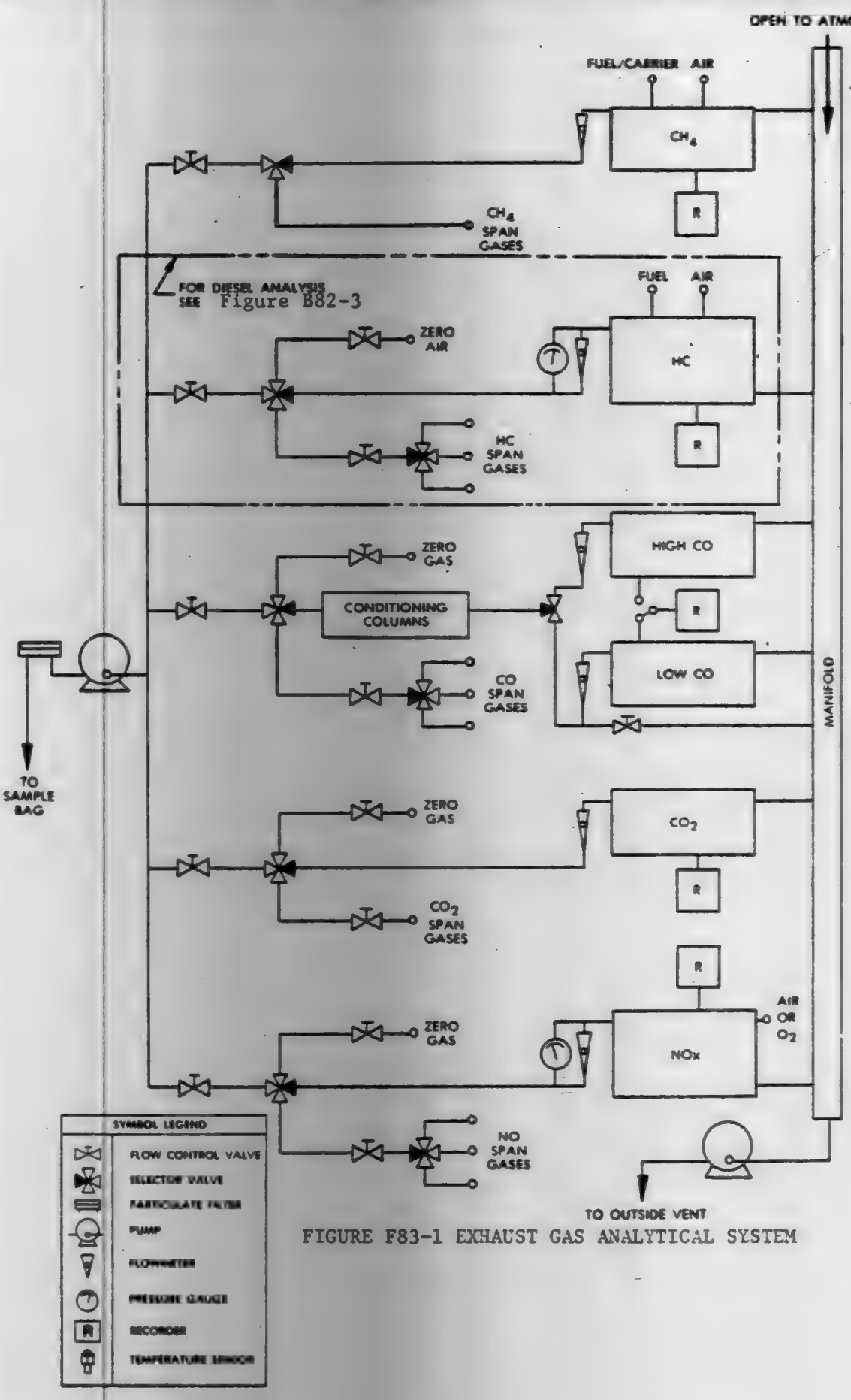


FIGURE F83-1 EXHAUST GAS ANALYTICAL SYSTEM

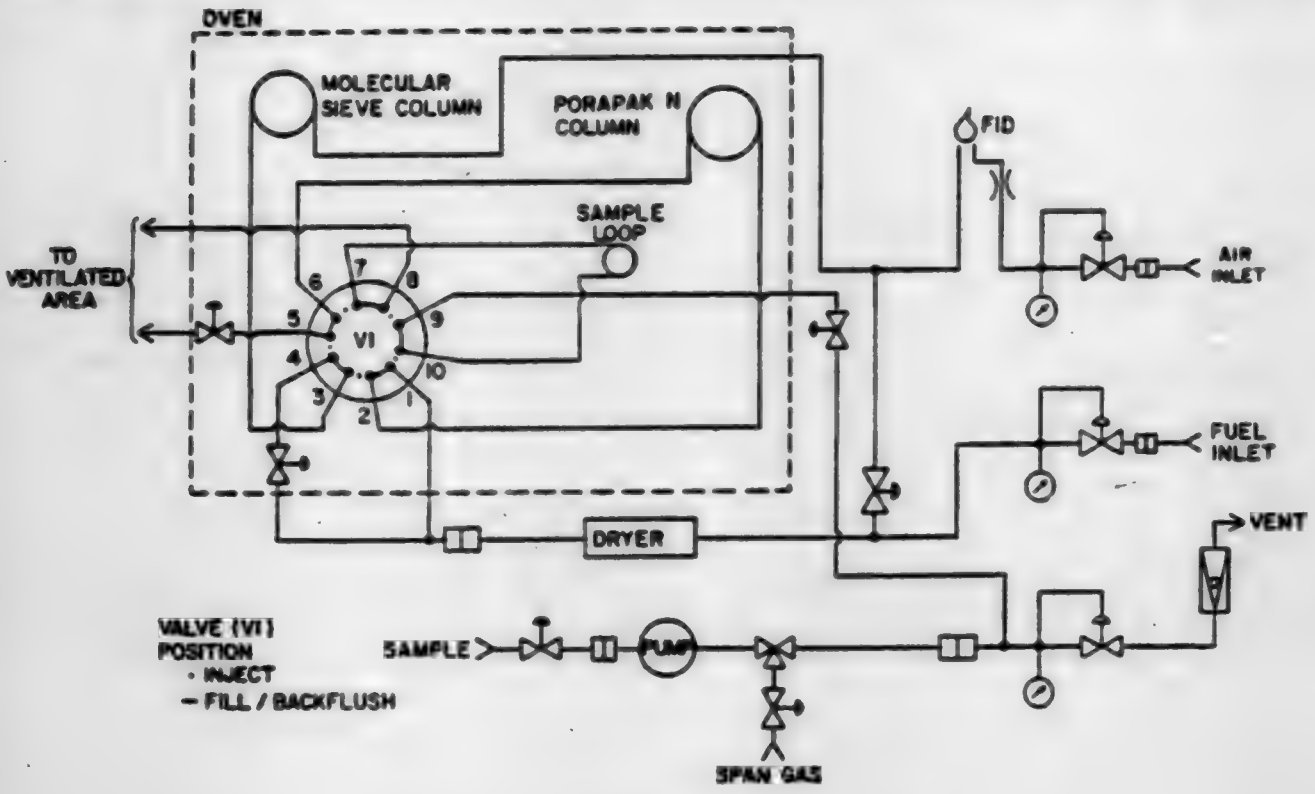


FIGURE F83-2 METHANE ANALYTICAL SYSTEM

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(1) The CL requires that the nitrogen dioxide present in the sample be converted to nitric oxide before analysis. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator.

(2) The carbon monoxide (NDIR) analyzer may require a sample conditioning column containing $CaSO_4$, or indicating silica gel to remove water vapor and containing ascarite to remove carbon dioxide from the CO analysis stream.

(i) If CO instruments which are essentially free of CO_2 and water vapor interference are used, the use of the conditioning column may be deleted, see §§ 86.522 and 86.544.

(ii) A CO instrument will be considered to be essentially free of CO_2 and water vapor interference if its response to a mixture of 3 percent CO_2 in N_2 which has been bubbled through water at room temperature produces an equivalent CO response, as measured on the most sensitive CO range, which is less than one percent of full scale CO concentration on ranges above 300 ppm full scale or less than 3 ppm on ranges below 300 ppm full scale, see § 86.522.

(3) The optional methane analyzer requires a conditioning column (dryer) containing silica gel or molecular sieve material (or an equivalent) to remove water and organic contaminants from the carrier gas stream. The conditioning column shall be reconditioned bimonthly or as necessary by observing a visible indicating medium. The methane impurity of the carrier gas shall not exceed 0.5 ppm methane.

(c) *Other analyzers and equipment.* Other types of analyzers and equipment may be used if shown to yield equivalent results and if approved in advance by the Administrator.

27. A new § 86.514–83 is proposed to read as follows:

§ 86.514–83 Analytical gases.

(a) Analyzer gases.

(1) Gases for the CO and CO_2 analyzers shall be single blends of CO and CO_2 respectively using nitrogen as the diluent.

(2) Gases for the total hydrocarbon analyzer shall be single blends of propane using air as the diluent. Gases for calibration of the optional methane analyzer shall be single blends of methane using air as the diluent.

(3) Gases for the NOx analyzer shall be single blends of NO named as NOx, with a maximum NO_2 concentration of five percent of the nominal value, using nitrogen as the diluent.

(4) Fuel for the evaporative emission enclosure FID shall be a blend of 40±2% hydrogen with the balance being helium. The mixture shall contain less than 1 ppm equivalent carbon response. Ninety-eight to 100 percent hydrogen fuel may be used with advance approval by the Administrator.

(5) The allowable zero gas (air or nitrogen) impurity concentrations shall not exceed 1 ppm equivalent carbon response, 1 ppm carbon monoide, 0.04 percent (400 ppm) carbon dioixide and 0.1 ppm nitric oxide.

(6) "Zero grade air" includes artifical "air" consisting of a blend of nitrogen and oxygen with oxygen concentrations between 18 and 21 mole percent.

(7) The use of proportioning and precision blending devices to obtain the required analyzer gas concentration is allowable provided their use has been approved in advance by the Administrator.

(b) Calibration gases shall be traceable to within one percent of NBS gas standards, or other gas standards which have been approved by the Administrator.

(c) Span gases shall be accurate to within two percent of true concentration, where true concentration refers to NBS gas standards, or other gas standards which have been approved by the Administrator.

28. A new § 86.516–83 is proposed to read as follows:

§ 86.516–83 Calibrations, frequency and overview.

(a) Calibrations shall be performed as specified in §§ 86.517 through 86.526.

(b) [Reserved]

(c) At least monthly or after any maintenance which could alter calibration, the following calibrations and checks shall be performed:

(1) Calibrate the total hydrocarbon analyzer, optional methane analyzer, carbon dioxide analyzer, carbon monoxide analyzer, and oxides of nitrogen analyzer.

(2) Calibrate the dynamometer. If the dynamometer receives a weekly performance check (and remains within calibration) the monthly calibration need not be performed.

(d) At least weekly or after any maintenance which could alter calibration, the following calibrations and checks shall be performed:

(1) Check the oxides of nitrogen converter efficiency, and

(2) Perform a CVS system verification.

(3) Run a performance check on the dynamometer. This check may be omitted if the dynamometer has been calibrated within the preceding month.

(e) The CVS positive displacement pump or Critical Flow Venturi shall be calibrated following initial installation, major maintenance or as necessary when indicated by the CVS system verification (described in § 86.119).

(f) Sample conditioning columns, if used in the CO analyzer train, should be checked at a frequency consistent with observed column life or when the indicator of the column packing begins to show deterioration.

29. A new section 86.525–83 is proposed to read as follows:

§ 86.525–83 Methane analyzer calibration.

The methane analyzer shall receive the following initial and periodic calibration:

(a) *Initial and periodic optimization of detector response.* Prior to its introduction into service and at least annually thereafter the FID detector shall be adjusted for optimum methane response. Alternate methods yielding equivalent results may be used if approved in advance by the Administrator.

(1) Follow the manufacturer's instructions for instrument start-up and basic operating adjustment, using the appropriate fuel, carrier, and zero grade air.

(2) Optimize on the most commonly used range. Introduce into the analyzer a methane in air mixture with a methane concentration equal to approximately 90 percent of the most common range.

(3) Select an operating FID fuel flow rate that will give near maximum response and least variation in response with minor variations in fuel flow rate.

(4) To determine the optimum FID air flow rate, use the FID fuel flow setting determined above and vary air flow rate for maximum response.

(5) After the optimum flow conditions have been determined, actual flow rates are measured and recorded for future reference.

(b) *Initial and periodic calibration.* Prior to its introduction into service and at least monthly thereafter the methane analyzer shall be calibrated on all normally used ranges. Use the same flow rates when analyzing samples.

(1) Adjust analyzer to optimum flow conditions as determined above.

(2) Obtain a stable baseline reading using carrier gas.

(3) Calibrate on each normally used operating range with methane in air calibration gases having nominal concentrations of 15, 30, 60 and 90 percent of that range. Additional calibration points may be generated. For each range calibrated, if the deviation from a least-squares best-fit straight line

is two percent or less, or within 0.1 ppm methane of the value of each data point (excluding zero), a linear equation may be used to determine the methane concentration. If the deviation exceeds two percent or 0.1 ppm methane at any data point (whichever is highest), the best fit non-linear equation which represents the data to within two percent (or 0.1 ppm methane) of each point shall be used to determine the concentration. Use methane in air calibration gases having nominal concentrations of 15, 30, 45, 60, 75, and 90 percent of each range for the calibration of non-linear instruments.

(4) A stable baseline must be obtained before and after the methane peak elution. A stable baseline is defined as the time equal to or greater than 25 percent of the methane peak width at half peak height. The methane peak must be resolved from other gases, such as oxygen, nitrogen, and carbon monoxide. Methane concentration shall be determined by peak height measurement or area integration.

30. A new § 86.540–83 is proposed to read as follows:

§ 86.540–83 Exhaust sample analysis.

The following sequence of operations shall be performed in conjunction with each seies of measurements:

(a) Check flowrates and pressures. Adjust if required.

(b) Zero the analyzers and obtain a stable zero reading. Recheck after tests.

(c) Introduce span gases and set instrument gains. In order to avoid errors, span and calibrate at the same flow rates used to analyze the test sample. Span gases should have concentrations equal to 75 to 100 percent of full scale. If gain has shifted significantly on the analyzers, check the calibrations. show actual concentrations on chart.

(d) Check zeros; repeat the procedure in paragraphs (a) through (c) of this section if required.

(e) Check flow rates and pressures.

(f) Measure; THIC, CH_4 (non-methane option), CO, CO_2 and, optionally, NO_x concentrations of samples.

(g) [Reserved]

(h) Check zero and span points. If difference is greater than 2 percent of full scale, repeat the procedure in paragraphs (a) through (g) of this section.

31. A new § 86.544–83 is proposed to read as follows:

§ 86.544–83 Calculations, exhaust emissions.

The final reported test results, with oxides of nitrogen being optional, shall be computed by use of the following formulae:

(a) $Y_{wm} = 0.43\ [(Y_{ct}+Y_s)/(D_{ct}+D_s)] + 0.57\ [(Y_{ht}+Y_s)/(D_{ht}+D_s)]$

Where:

Y_{wm} = Weighted mass emission of each pollutant, e.g., total HC or NMHC, CO, CO_2, or NO_x, in grams per vehicle kilometer.

Y_{ct} = Mass emission as calculated from the "transient" phase of the cold start test, in grams per test phase.

Y_{ht} = Mass emissions as calculated from the "transient" phase of the hot start test, in grams per test phase.

Y_s = Mass emissions as calculated from the "stabilized" phase of the cold start test, in grams per test phase.

D_{ct} = The measured driving distance from the "transient" phase of the cold start test, in kilometers.

D_{ht} = The measured driving distance from the "transient" phase of the hot start test, in kilometers.

D_s = The measured driving distance from the "stabilized" phase of the cold start test, in kilometers.

(b) The mass of each pollutant for each phase of both the cold start test and the hot start test is determined from the following:

(1)(i) Total Hydrocarbon mass:

$THC_{mass} = V_{mix} \times Density_{THC} \times (THC_{conc}/1{,}000{,}000)$

(ii) Non-methane Hydrocarbon mass:

$NMHC_{mass} = (THC_{mass}) - (CH_{4\,mass}) = (THC_{mass}) - (V_{mix} \times Density_{CH_4} \times (CH_{4\,conc}/1{,}000{,}000))$

(2) Oxides of nitrogen mass:

$NO_{x\,mass} = V_{mix} \times Density_{NO_2} \times K_H \times (NO_{x\,conc}/1{,}000{,}000))$

(3) Carbon monoxide mass:

$CO_{mass} = V_{mix} \times Density_{CO} \times (C_{conc}/1{,}000{,}000)$

(4) Carbon dioxide mass:

$CO_{2\,mass} = V_{mix} \times Density_{CO_2} \times (CO_{2\,conc}/100)$

(c) Meaning of symbols:

(1)(i) THC_{mass} = total Hydrocarbon emissions, in grams per test phase.

$Density_{THC}$ = Density of total hydrocarbons is 16.33 g/ft³ (0.5767 kg/m³), assuming an average carbon to hydrogen ratio of 1:1.85, at 68°F (20°C) and 760 mm Hg (101.3 kPa) pressure.

THC_{conc} = Total Hydrocarbon concentration of the dilute exhaust sample corrected for total hydrocarbon background, in ppm carbon equivalent, i.e., equivalent propane X 3.

$THC_{conc} = THC_e - THC_d\ (1-1/DF)$

(ii) $NMHC_{mass}$ = Total hydrocarbon emissions less methane emissions, in grams per test phase.

$Density_{CH_4}$ = Density of methane is 18.89 g/ft³ (0.6671 kg/m³) at 68° F (20° C) and 760 mm Hg (101.3 kPa) pressure.

CH_{4conc} = Methane concentration in the dilute exhaust sample corrected for methane background in ppm carbon.

$CH_{4conc} = CH_{4e} - CH_{4d}\ (1-1/DF)$

Where:

THC_e = Total Hydrocarbon concentration of the dilute exhaust sample or, for diesel vehicles, average total hydrocarbon concentration of the dilute exhaust sample as calculated from the integrated total HC traces, in ppm carbon equivalent.

THC_d = Total hydrocarbon concentration of the dilution air as measured, in ppm carbon equivalent.

CH_{4e} = methane concentration of the dilute exhaust sample in ppm carbon equivalent.

CH_{4d} = methane concentration of the dilution air as measured in ppm carbon equivalent.

(2) NO_{xmass} = Oxides of nitrogen emissions, in grams per test phase.

$Density_{NO_2}$ = Density of oxides of nitrogen is 54.16 g/ft³ (1.913 kg/m³), assuming they are in the form of nitrogen dioxide, at 68° F (20° C) and 760 mm HG (101.3 kPa) pressure.

NO_{xconc} = Oxides of nitrogen concentration of the dilute exhaust sample corrected for background in ppm.

$NO_{xconc} = NO_{xe} - NO_{xd}\ (1-1/DF)$

Where:

NO_{xe} = Oxides of nitrogen concentration of the dilute exhaust sample as measured, in ppm.

NO_{xd} = Oxides of nitrogen concentration of the dilution air as measured in ppm.

(3) CO_{mass} = Carbon monoxide emissions, in grams per test phase.

$Density_{CO}$ = Density of carbon monoxide is 32.97 g/ft³ (1.164 kg/m³) at 68° F (20° C) and 760 mm Hg (101.3 kPA) pressure.

CO_{conc} = Carbon monoxide concentration of the dilute exhaust sample corrected for background, water vapor, and CO_2 extraction, in ppm.

$CO_{conc} = CO_e - CO_d\ (1-1/DF)$

Where:

CO_e = Carbon monoxide concentration of the dilute exhaust sample volume corrected for water vapor and carbon dioxide extraction, in ppm. The calculation assumes the carbon to hydrogen ratio of the fuel is 1:1.85.

$CO_e = (1-0.01925\ CO_{2e} - 0.000323\ R)\ CO_{em}$

Where:

CO_{em} = Carbon monoxide concentration of the dilute exhaust sample as measured, in ppm.

CO_{2e} = Carbon dioxide concentration of the dilute exhaust sample, in percent.

R = Relative humidity of the dilution air, in percent (see § 86.542–78(n)).

CO_d = Carbon monoxide concentration of the dilution air corrected for water vapor extraction, in ppm.

$CO_d = (1-0.000323R)\ CO_{dm}$

Where:

CO_{dm} = Carbon monoxide concentration of the dilution air sample as measured, in ppm.

Note.—If a CO instrument which meets the criteria specified in § 86.511 is used and the

conditioning column has been deleted, CO_{cm} can be substituted directly for CO_e, and CO_{dm} can be substituted directly for CO_d.

(4) CO_{2mass} = Carbon dioxide emissions, in grams per test phase.

Density CO_2 = Density of carbon dioxide is 51.85 g/ft³ (1.843 kg/m³) at 68° F (20° C) and 760 mm Hg (101.3 kPa) pressure.

CO_{2conc} = Carbon dioxide concentration of the dilute exhaust sample corrected for background, in percent.

$CO_{2conc} = CO_{2e} - CO_{2d}$ (1–1/DF)

Where:

CO_{2d} = Carbon dioxide concentration of the dilution air as measured, in percent.

(5) $DF = 13.4/[CO_{2e} + (HC_e + CO_e)10^{-4}]$

K_H = Humidity correction factor.

$K_H = 1/[1–0.0047\ (H–75)]$

for SI units $K_H = 1/[1–0.0329(H–10.71)]$

Where:

H = Absolute humidity in grains (grams) of water per pound (kilogram) of dry air.

$H = [(43.478)R_a \times P_d]/[P_B - (P_d \times R_a/100)]$

for SI Units, $H = [(6.211)R_a \times P_d]/[P_B - (P_d \times R_a/100)]$

R_a = Relative humidity of the ambient air, in percent.

P_d = Saturated vapor pressure, in mm Hg (kPa) at the ambient dry bulb temperature.

P_B = Barometric pressure, in mm Hg (kPa).

V_{mix} = Total dilute exhaust volume in cubic feet per test phase corrected to standard conditions (528° R) (293° K) and 760 mm Hg (101.3 kPa)).

For PDP–CVS, V_{mix} is:

$$V_{mix} = \frac{V_o \times N(P_B - P_A)\ (528°\ R)}{(760\ mm\ Hg)\ (T_p)}$$

for SI units,

$$V_{mix} = \frac{V_o \times N(P_B - P_A)\ (293.15°\ K)}{(101.325\ kPa)\ (T_p)}$$

Where:

V_o = Volume of gas pumped by the positive displacement pump, in cubic feet (m³) per revolution. This volume is dependent on the pressure differential across the positive displacement pump.

N = Number of revolutions of the positive displacement pump during the test phase while samples are being collected.

P_B = Barometric pressure, in mm Hg (kPa).

P_A = Pressure depression below atmospheric measured at the inlet to the positive displacement pump, in mm Hg (kPa) (during an idle mode).

T_p = Average temperature of dilute exhaust entering positive displacement pump during test, °R(K).

(d) Example calculation of mass values of exhaust emissions using positive displacement pump:

(1) For the "Transient" phase of the cold start test assume the following: V_o 0.0077934 m³/revolution; N = 12,115; R = 20.5 percent; R_a = 20.5 percent; P_B = 99.05 kPa; P_d = 3.382 kPa; P_A = 9.851 kPa; T_p = 309.8 °K; THCe = 249.75 ppm, carbon equivalent; CH_{4e} = 13.0 ppm; NOx_e = 38.3 ppm; CO_{em} = 311.23 ppm; CO_{2e} = 0.415 percent; THC_d = 4.90 ppm; CH_{4d} = 1.8 ppm; NOx_d = 0.3 ppm; CO_{dm} 8.13 ppm; CO_{2d} = 370 ppm; D_{ct} = 5.650 km.

Then:

$V_{mix} = (0.007934)(12,115)((99.05 - 9.851)(293.15)/(101.325)(309.81) = 78.651$ m³ per test phase.

$H = (6:211)(20.5)(3.382)/[(99.05) - (3.382 \times 20.5/100)] = 4.378$ grams of water per kg of dry air.

$K_H = 1/]1–0.0329(4.378 - 10.71)] = 0.8276$

$CO_e = [1–0.01925(0.415) - 0.000323\ (20.5)]\ 311.23 = 306.68$ ppm

$CO_d = [1–0.000323(20.5)]8.13 = 8.08$ ppm

$DF = 13.4/[0.415 + (249.75 + 306.68) \times 1\ 0^{-4}] = 28.472$

$THC_{conc} = 249.75 - 4.9\ (1 - 1/28.472) = 245.02$ ppm

$THC_{mass} = (78.651)(576.7)(245.02/1,000,000) = 11.114$ grams per test phase

$CH_{4\ conc} = 13.0 - 1.8(1 - 1/28.472) = 11.26$ ppm

$CH_{4\ mass} = (78.651)(667.1)(11.26/1,000,000) = 0.591$ grams per test phase

$NMHC_{mass} = 11.114 - 0.591 = 10.523$ grams per test phase

$NO_{x\ conc} = 38.3 - 0.3\ (1 - 1/28.472) = 38.01$ ppm

$NO_{x\ mass} = (78.651)(1913)(38.01/1,000,000)\ (0.8276) = 4.733$ grams per test phase

$CO_{conc} = 306.68 - 8.08\ (1 - 1/28.472) = 298.88$ ppm

$CO_{mass} = (78.651)(1164)(298.88/1,000,000) = 27.362$ grams per test phase

$CO_{2\ conc} = 0.415 - 370\ (1 - 1/28.472)10^{-4} = 0.3703$ percent

$CO_{2\ mass} = (78.651)(1843)(0.3793/100) = 549.81$ grams per test phase

(2) For the stabilized portion of the cold start test assume that similar calculations resulted in the following:

$THC_{mass} = 7.184$ grams per test phase

$NMHC_{mass} = 6.9$ grams per test phase

$NO_{x\ mass} = 2.154$ grams per test phase

$CO_{mass} = 64.541$ grams per test phase

$CO_{2\ mass} = 529.52$ grams per test phase

$D_s = 6.070$ kilometers

(3) For the "transient" portion of the hot start test assume that similar calculations resulted in the following:

$THC_{mass} = 6.122$ grams per test phase

$NMHC_{mass} = 5.8$ grams per test phase

$NO_{x\ mass} = 7.056$ grams per test phase

$CO_{mass} = 34.964$ grams per test phase

$CO_{2\ mass} = 480.93$ grams per test phase

$D_{ht} = 5.660$ kilometers

(4) Weighted mass emission results:

$THC_{wm} 0.43\ [(11.114 + 7.184)/(5.650 + 6.070)] + 0.57\ [(6.122 + 7.184)/(5.650 + 6.070)] = 1.318$ grams total hydrocarbon per vehicle kilometer

$NMHC_{wm} = 0.43[10.523 + 6.90)/(5.650 + 6.070)] + 0.57[(5.80 + 6.90)/(5.650 + 6.070)] = 1.257$ grams per vehicle kilometer

$NO_{x\ wm} = 0.43[(4.733 + 2.154)/(5.650 + 6.070)] + 0.57[(7.056 + 2.154)/(5.650 + 6.070)] = 0.700$ grams per vehicle kilometer

$CO_{wm} = 0.43\ [(27.362 + 64.541)/(5.650 + 6.070); + 0.57[34.964 + 64.541)/(5.650 + 6.070)] = 8.207$ grams per vehicle kilometer

$CO_{2wm} = 0.43\ [(549.81 + 529.52)/(5.650 + 6.070)] + 0.57\ [(480.93 + 529.52)/(5.650 + 6.070); = 88.701$ grams per vehicle kilometer.

32. In § 86.1310–84, the introductory text of paragraphs (a) and (a)(2) are proposed to be revised as follows:

§ 86.1310–84 Exhaust gas sampling and analytical system; diesel engines.

(a) *General.* The exhaust gas sampling system described in this paragraph is designed to measure the true mass of gaseous emissions in the exhaust of heavy-duty diesel engines. This system utilizes the CVS concept (described in § 86.1309–84) of measuring mass emissions of CH_4 (optional), NO_x, CO, and CO_2. A continuously integrated system is required for THC measurement, and is allowed for NO_x, CO, and CO_2. The mass of gaseous emissions is determined from the sample concentration and total flow over the test period. General requirements are as follows:

* * * * *

(2) The THC analytical system for diesel engines requires a heated flame ionization detector (HFID) and heated sample system. The methane analytical system (optional) requires a gas chromatograph with a flame ionization detector (FID) for methane detection:

* * * * *

33. In § 86.1311–84, paragraph (a) and the introductory text of paragraph (b), are proposed to be revised as follows:

§ 86.1311–84 Exhaust gas analytical system. CVS bag sample.

(a) *Schematic drawings.* Figure N84–5 (N84–5(a)) is a schematic drawing of the exhaust gas analytical system used for analyzing CVS bag samples from either gaosline-fueled or diesel engines. Since various configurations can produce accurate results, exact conformance with the drawing is not required. Additional components such as instruments, valves, solenoids, pumps and switches may be used to provide additional information and coordinate the functions of the component systems.

(b) *Major component description.* The analytical system, Figure N84–5 (N84–5(a)) consists of a flame ionization detector (FID) for the determination of total hydrocarbons, gas chromatograph and flame ionization detector for determination of methane, nondispersive infrared analyzers (NDIR) for the determination of carbon monoxide and carbon dioxide and a chemiluminescence analyzer (CL) for the determination of oxides of nitrogen. The exhaust gas analytical system shall conform to the following requirements:

* * * * *

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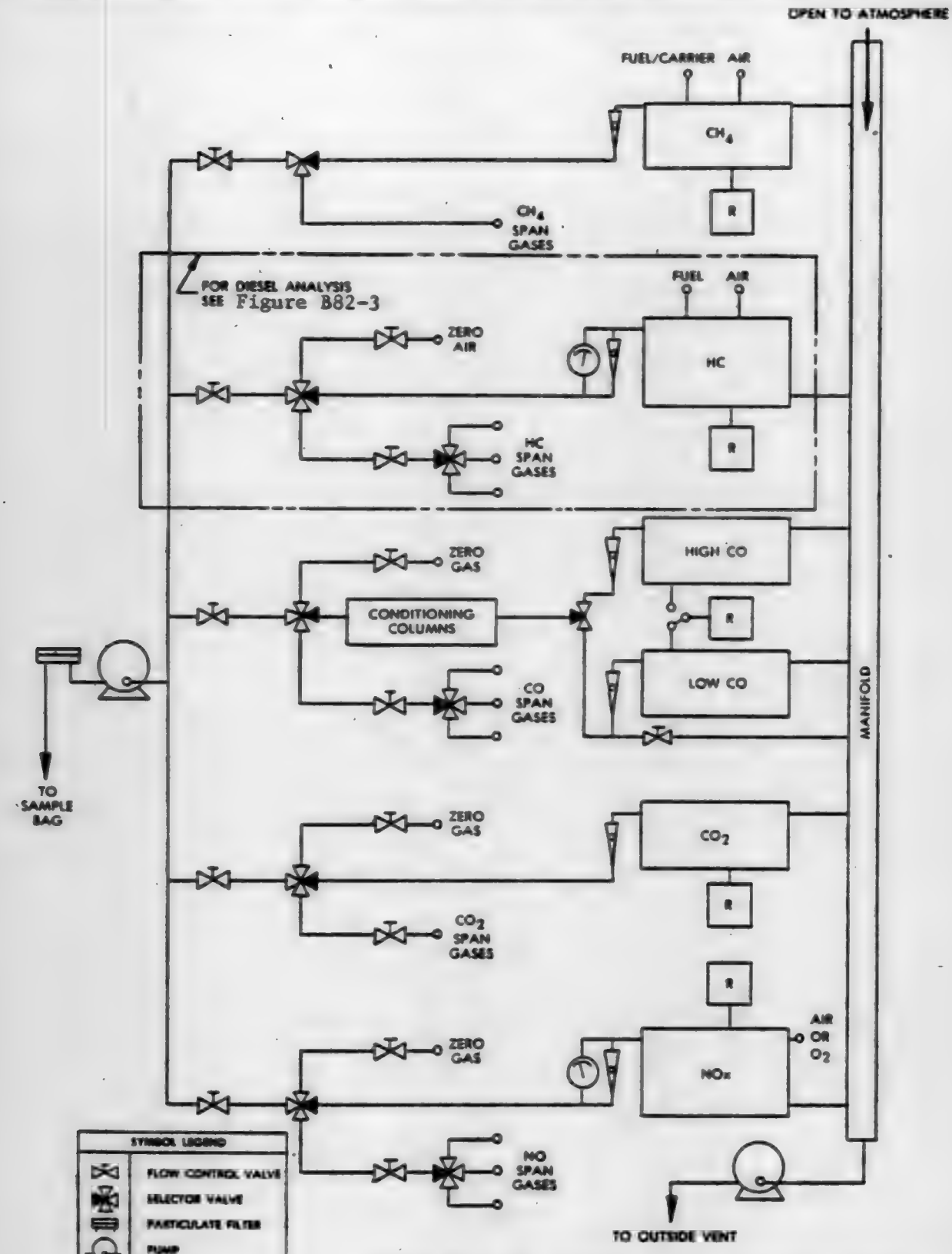


FIGURE N84-5(a) EXHAUST GAS ANALYTICAL SYSTEM

BILLING CODE 6560-26-C

34. In § 86.1314–84, paragraph (a)(2) is proposed to be revised as follows:

§ 86.1314–84 Analytical gases.

(a) * * *

(2) Gases for the total hydrocarbon analyzer shall be single blends of propane using air as the diluent. Gases for the methane analyzer shall be single blends of methane using air as the diluent.

* * * * *

35. In § 86.1316–84, paragraph (b)(1) is proposed to be revised as follows:

§ 86.1316–84 Calibrations; frequency and overview.

* * * * *

(b) * * *

(1) Calibrate the total hydrocarbon analyzer, methane analyzer, carbon dioxide analyzer, carbon monoxide analyzer and oxides of nitrogen analyzer.

* * * * *

36. Section 86.1321–84 is proposed to be revised to read as follows:

§ 86.1321–84 Hydrocarbon analyzer calibration.

(a) *Total hydrocarbon analyzer.* The FID total hydrocarbon analyzer shall receive the following initial and periodic calibration. The HFID shall be operated to a set point ±10° F (±5.5° C) between 365 and 385° F (185 and 197° C).

(1) Initial and periodic optimization of detector response. Prior to its introduction into service and at least annually thereafter the FID hydrocarbon analyzer shall be adjusted for optimum hydrocarbon response. Alternate methods yielding equivalent results may be used, if approved in advance by the Administrator.

(i) Follow the manufacturer's instructions for initial instrument start-up and basic operating adjustment using the appropriate fuel (see § 86.1314–84) and zero-grade air.

(ii) Optimize on the most common operating range. Introduce into the analyzer, a propane in air mixture with a propane concentration equal to approximately 90% of the most common operating range.

(iii) One of the following procedures is required for FID or HFID optimization.

(A) The procedures outlined in Society of Automotive Engineers (SAE) paper No. 770141, "Optimization of Flame Ionization Detector for Determination of Hydrocarbons in Diluted Automobile Exhaust"; author, Glenn D. Reschke.

(B) The HFID optimization procedures outlined in 40 CFR Part 86, Subpart D.

(C) Alternate procedures are allowed, if approved in advance by the Administrator.

(D) After the optimum flow rates have been determined, they are recorded for future reference.

(2) Initial and periodic calibration. Prior to its introduction into service and monthly thereafter the FID or HFID hydrocarbon analyzer shall be calibrated on all normally used instrument ranges. Use the same flow rate as when analyzing samples.

(i) Adjust analyzer to optimize performance.

(ii) Zero the hydrocarbon analyzer with zero-grade air.

(iii) Calibrate on each used operating range with propane in air calibration gases having nominal concentrations of 15, 30, 45, 60, 75 and 90 percent of that range. For each range calibrated, if the deviation from a least-squares best-fit straight line is 2% or less of the value at each data point, concentration values may be calculated by use of a single calibration factor for that range. If the deviation exceeds 2% at any point, the best-fit non-linear equation which represent the data to within 2% of each test point shall be used to determine concentration.

(b) *Methane analyzer.* The methane analyzer shall receive the following initial and periodic calibration:

(1) *Initial and period optimization of detector response.* Prior to its introduction into service and at least annually thereafter the FID detector shall be adjusted for optimum methane response. Alternate methods yielding equivalent results may be used if approved in advance by the Administrator.

(i) Follow the manufacturer's instructions for instrument start-up and basic operating adjustment, using the appropriate fuel, carrier, and zero grade air.

(ii) Optimize on the most commonly used range. Introduce into the analyzer a methane in air mixture with a methane concentration equal to approximately 90 percent of the most common range.

(iii) Select an operating FID fuel flow rate that will give near maximum response and least variation in response with minor variations in fuel flow rate.

(iv) To determine the optimum FID air flow rate, use the FID fuel flow setting determined above and vary air flow rate for maximum response.

(v) After the optimum flow conditions have been determined, actual flow rates are measured and recorded for future reference.

(2) *Initial and periodic calibration.* Prior to its introduction into service and at least monthly thereafter the methane analyzer shall be calibrated on all normally used ranges. Use the same flow rates when analyzing samples.

(i) Adjust analyzer to optimum flow conditions as determined above.

(ii) Obtain a stable baseline reading using carrier gas.

(iii) Calibrate on each normally used operating range with methane in air calibration gases having nominal concentrations of 15, 30, 60 and 90 percent of that range. Additional calibration points may be generated. For each range calibrated, if the deviation from a least-squares best-fit straight line is two percent or less, or within 0.1 ppm methane of the value of each data point (excluding zero), a linear equation may be used to determine the methane concentration. If the deviation exceeds two percent or 0.1 ppm methane at any data point (whichever is highest), the best fit non-linear equation which represents the data to within two percent (or 0.1 ppm methane) of each point shall be used to determine the concentration. Use methane in air calibration gases having nominal concentrations of 15, 30, 45, 60, 75, and 90 percent of each range for the calibration of non-linear instruments.

(iv) A stable baseline must be obtained before and after the methane peak elution. A stable baseline is defined as the time equal to or greater than 25 percent of the methane peak width at half peak height. The methane peak must be resolved from other gases, such as oxygen, nitrogen, and carbon monoxide. Methane concentration shall be determined by peak height measurement or area integration.

37. In § 86.1340–84, paragraph (d)(9) is proposed to be revised as follows:

§ 86.1340–84 Exhaust sample analysis.

* * * * *

(d) * * *

(9) Measure THC (except diesels), CH_4, CO, CO_2, and NOx concentrations in the sample bag(s) with approximately the same flow rates and pressures used in paragraphs (d)(5) of this section. Constituents measured continuously do not require bag analysis.

* * * * *

38. In § 86.1342–84, paragraph (a) is proposed to be amended by revising the definition of the term "A_{ss}" immediately following the word "where:" and paragraphs (b)(1), (c)(1), (d)(1), (e), (f), (g), (h) and (i) are proposed to be revised as follows:

§ 86.1342–84 Calculations; exhaust emissions.

(a) * * *

Where:

A_{wm} = Weighted mass emissions level (THC, NMHC, CO, CO_2, or NO_x) in grams per brake horsepower hour.

* * * * *

(b) The mass of each pollutant for the cold start test and the hot start test for bag measurements and diesel heat exchanger sample system measurements is determined from the following equations:

(1) Total hydrocarbon mass:

$THC_{mass} = V_{mix} \times Density_{THC} \times (THC_{conc} / 1{,}000{,}000)$

Non-methane hydrocarbon mass:

$NMHC_{mass} = (THC_{mass}) - (CH_{4\ mass} = THC_{mass} - (V_{mix} \times Density_{CH_4} \times (CH_{4\ conc} / 1{,}000{,}000))$

* * * * *

(c) The mass of each pollutant for the cold start test and the hot start test for flow compensated sample systems is determined from the following equations:

(1)

$$THC_{mass} = \sum_{i=1}^{n} \frac{p\,[(THC_e)_i \times (V_{mix})_i \times (Density_{THC}) \times gt]}{10^6}$$

$$\frac{THC_d}{10_6} \times \frac{(1-1)}{DF} \times V_{mix} \times Density_{THC}$$

$NMHC_{mass} = (THC_{mass}) - (CH_{4\ mass}$ (bag measurement)

* * * * *

(d) Meaning of the Symbols:

(1) THC_{mass} = Total Hydrocarbon emissions, in grams per test phase.

Density = Density of total hydrocarbons is 16.33 gm/ft_3 (0.5767 kg/m^3 assuming a carbon to hydrogen ratio of 1:1.85 at 68°F (20°C) and 760 mm Hg (101.3 kPa) pressure.

THC_{conc} = Total hydrocarbon concentration of the dilute exhaust sample corrected for background, in ppm carbon equivalent, i.e. equivalent propane ×3.

$THC_{conc} = THC_e - THC_d(1-1/DF)$.

$CH_{4\ mass}$ = Methane emissions, in grams per test phase.

Density = Density of Methane is 16.89 g/ft^3 (0.6671 kg/m^3 at 68°F (20°C) and 760 mm Hg (101.3 kPa) pressure.

$CH_{4\ conc}$ = Methane concentration of the dilute exhaust sample corrected for methane background, in ppm carbon.

$CH_{4\ conc} = CH_{4e} - CH_{4d}\ (1-1/DF)$.

Where:

THC_e = Total hydrocarbon concentration of the dilute exhaust bag sample, or for diesel heat exchanger systems, average hydrocarbon concentration of the dilute exhaust sample as calculated from the integrated THC traces in ppm carbon equivalent. For flow compensated sample systems THC_e is the instantaneous concentration.

THC_d = Total hydrocarbon concentration in the dilution air as measured, in ppm carbon equivalent.

CH_{4e} = Methane concentration of the dilute exhaust sample in ppm carbon equivalent.

CH_{4d} = Methane concentration of the dilution air as measured in ppm carbon equivalent.

* * * * *

(e) Sample calculation of mass values of exhaust emissions:

(1) Assume the following test results for gasoline engine:

	Test results	
	Cold start cycle	Hot start cycle
Vmix	6,924 ft³.	6,873 ft³.
R	30.2 pct	30.2 pct.
R_a	30.2 pct	30.2 pct.
P_b	735 mm Hg	735 mm Hg.
P_d	22.676 mm Hg	22.676 mm Hg.
THC_e	132.07 ppm C equivalent.	86.13 ppm C equivalent.
CH_{4e}	8.00 ppm C equivalent.	5.00 ppm C equivalent.
NO_{xe}	7.86 ppm	10.96 ppm.
CO_{em}	171.22 ppm	114.26 ppm.
CO_{2e}	0.178 pct	0.361 pct.
THC_d	3.60 ppm C equivalent.	8.70 ppm C equivalent.
CH_{4d}	1.80 ppm C	1.80 ppm C.
NO_{xd}	0.0 ppm	0.0 ppm.
CO_{dm}	0.89 ppm	0.89 pct.
CO_{2d}	0.0 pct	0.158 pct.
BHP-HR	0.259	0.347.

Then:

Cold start test:

H = [(43.478)(30.2)(22.676)]/[735 —(22.676)(30.2)/100]
= 41 grains of water per pound of dry air.

$K_H = 1/[1-0.0047(41-75)] = 0.862$

$CO_e = [1-0.01925(0.178)—0.000323(30.2)]171.22 = 169.0$ ppm

$CO_d = [1-0.000323(30.2)]0.89 = 0.881$ ppm

$DF = 13.4/[0.178 + (132.1 + 168.9)(10^{-5})] = 64.302$

$THC_{conc} = 132.1 - 3.6[1-(1/64.392)] = 128.6$ ppm

$THC_{mass} = 6924\ (16.33)(128.6/1{,}000{,}000) = 14.53$ grams

$CH_{4\ conc} = 8.00 - 1.80\ [1-(1/64.392)] = 6.23$ ppm

$CH_{4\ mass} = 6924\ (16.89)(6.23/1{,}000{,}000) = 0.81$ grams

$NMHC_{mass} = 14.53 - 0.81 = 13.72$ grams

$NO_{conc} = 7.86 - 0.0\ [1-(1/64.392)] = 7.86$ ppm

$NO_{mass} = 6924\ (54.16)(0.862)(7.86)/1{,}000{,}000 = 2.54$ grams

$CO_{conc} = 169.0 - 0.881\ [1-(1/164.392)] = 168.13$ ppm

$CO_{mass} = 6924\ (32.97)(168.13/1{,}000{,}000) = 38.38$ grams

$CO_{2\ conc} = 0.178 - 0.0\ (1-1/64.392) = 0.178\%$

$CO_{2\ mass} = 6924\ (51.85-85)(0.178/100) = 639$ grams

Hot start test:

Assume similar calculations result in the following:

$THC_{mass} = 8.72$ grams

$NMHC_{mass} = 8.28$ grams

$NO_{x\ mass} = 3.49$ grams

$CO_{mass} = 25.70$ grams

$CO_{2\ mass} = 1226$ grams

(2) Weighted mass emission results:

$$THC_{wm} = \frac{1/7\ (14.53) + 6/7\ (8.72)}{1/7\ (0.279) + 6/7\ (0.347)} =$$

28.6 grams/BHP-HR

$$NMHC_{wm} = \frac{1/7\ (13.72) + 6/7\ (8.28)}{1/7\ (0.259) + 6/7\ (0.347)} =$$

27.1 grams/BHP-HR

$$NO_{x\ wm} = \frac{1/7\ (2.54) + 6/7\ (3.49)}{1/7\ (0.259) + 6/7\ (0.347)} =$$

10.0 grams/BHP-HR

$$CO_{wm} = \frac{1/7\ (38.35) + 6/7\ (25.70)}{1/7\ (0.259) + 6/7\ (0.347)} =$$

82.2 grams/BHP-HR

$$CO_{wm} = \frac{1/7\ (639) + 6/7\ (1226)}{1/7\ (0.259) + 6/7\ (0.347)} =$$

3415 grams/BHP-HR

(f) The final report brake-specific fuel consumption (BSFC) shall be computed by use of the following formula:

$$BSFC = \frac{1/7\ (M_c) + 6/7\ (M_h)}{1/7\ (BHP\text{-}HR_c) + 6/7\ (BHP\text{-}HR_H)}$$

Where:

BSFC = Brake specific fuel consumption in pounds of fuel per brake horsepower-hour (lbs/BHP-HR).

M_c = Mass of fuel, in pounds, used by the engine during the cold start test.

M_H = Mass of fuel, in pounds, used by the engine during the hot start test.

$BHP\text{-}HR_c$ = Total brake horsepower-hours (brake horsepower integrated with respect to time) for the cold start test.

$BHP\text{-}HR_H$ = total brake horsepower-hours (brake horsepower integrated with respect to time) for the hot start test.

(g) The mass of fuel for the cold start and hot start test is determined from the following equation:

$M = (G_s/R_a)\ (1/453.6)$

(h) Meaning of symbols:

M = Mass of fuel, in pounds, used by the engine during the cold or hot start test.

G_s = Grams of carbon measured during the cold or hot start test.

$G_s = [12.011/(12.011 + a(1.008))]THC_{mass} + 0.429\ CO_{mass} + 0.273\ CO_{2\ mass}$

Where:

THC_{mass} = Total hydrocarbon emissions, in grams for cold or hot start test.

CO_{mass} = Carbon monoxide emissions, in grams for cold or hot start test.

$CO_{2\ mass}$ = Carbon dioxide emissions, in grams for cold or hot start test.

a = The measured hydrogen to carbon ratio of the fuel.

R_a = The grams of carbon in the fuel per gram of fuel.

$R_a = 12.011/[12.001 + a\ (1.008)]$.

(i) Sample calculation of brake-specific fuel consumption:

(1) Assume the following test results:

	Test results	
	Cold start cycle	Hot start cycle
BHP-HR	6.945	7.078.
a	1.85	1.85.
THC_{mass}	37.06 grams	19.62 grams.
CO_{mass}	357.69 grams	350.33 grams.

	Test results	
	Cold start cycle	Hot start cycle
CO_2	5419.62 grams	5361.32 grams.

Then:

G_c for cold start test = [12.011/(12.011 + (1.85)(1.008))](37.08) + 0.429(357.69) + 0.273(5419.62) = 1665.10 grams

G_c for hot start test = [12.011/(12.011 + (1.85)(1.008))](28.32) + 0.429(350.33) + 0.273(5261.32) = 1638.88 grams

$R_c = 12.011/[12.011 + 1.85(1.008)] = 0.866$

$M_c = (1665.10/0.866(1/453.6) = 4.24$ lbs.

$M_H = (1638.88/0.866(1/453.6) = 4.17$ lbs.

(2) Brake-specific fuel consumption results:

BSFC =

1/7 (4.24) + 6/7 (4.17)

1/7 (6.945) + 6/7 (7.078)

= 0.592 lbs. of fuel/BHP–HR

[FR Doc. 81-36255 Filed 12-23-81; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of December 27, 1981 through January 2, 1982

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

54919 11–5–81 / Increase in fees for Federal livestock grading and certification services; comments by 12–31–81

50509 10–14–81 / Increase in fees for Federal meat grading and certification services; comments by 12–31–81

Food and Nutrition Service—

35629 7–10–81 / National School Lunch Program and State Administrative Expense Fund; Assessment, Improvement and Monitoring System (AIMS); comments by 12–31–81

60592 12–11–81 / Summer Food Service Program; limitation of sponsor and geographic area eligibility; comments by 12–31–81

Soil Conservation Service—

52119 10–20–81 / Support activities; compliance with NEPA; comments by 12–28–81

CIVIL AERONAUTICS BOARD

52585 10–27–81 / Aircraft accident liability insurance; Canadian Charter Air Taxi Operators; classification and exemption of air taxi operators; comments by 12–28–81

53195 10–28–81 / Removal of "comments air carrier" classification form cargo and mail carriers; comments by 12–28–81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

55732 11–12–81 / Foreign Fishing; reports and record keeping; comments by 12–28–81

EDUCATION DEPARTMENT

53716 10–30–81 / Post employment conflicts of interest; comments by 12–29–81

ENERGY DEPARTMENT

Economic Regulatory Administration—

58052 11–27–81 / Powerplant and industrial fuel use; comments by 12–28–81

ENVIRONMENTAL PROTECTION AGENCY

56464 11–17–81 / Connecticut application for interim authorization, Phase 1, Hazardous Waste Management Program; comments by 12–30–81

53704 10–30–81 / Fluoroalkenes; response to Interagency Testing Committee; comments by 12–29–81

FEDERAL COMMUNICATIONS COMMISSION

60022 12–8–81 / Amendment to allow the selection from among mutually exclusive competing applications using random selection or lotteries instead of comparative hearings; reply comments by 12–30–81

[*See also* 46 FR 58110, 11–30–81]

56473 11–17–81 / Calculation of necessary bandwidth for frequency modulation microwave radio relay systems; comments by 12–29–81

60222 12–9–81 / Experimental, auxiliary, and special broadcast and other program distributional services; current policy and procedures; comments by 1–2–82

50990 10–16–81 / FM broadcast station in Pittsburg, Kansas; changes in table of assignments; reply comments by 12–28–81

50989 10–16–81 / FM broadcast station in Williams, Ariz.; changes in table of assignments; reply comments by 12–28–81

55279 11–9–81 / Formulation of policies relating to broadcast renewal applicant; comments by 12–28–81

60031 12–18–81 / Specialized mobile radio system; revision of contour measurement; comments by 12–30–81

50988 10–16–81 / TV broadcast station in Cape Coral, Fla., changes in table of assignments; reply comments by 12–28–81

56031 11–19–81 / TV broadcast station; changes in table of assignments; Greenwood, S.C.; comments by 12–31–81

FEDERAL RESERVE SYSTEM

54565 11–3–81 / Bank holding companies (Regulation Y); Nonbanking activities; application by Bank America Corp. to provide management consulting services to nonbank depository institutions; comments by 12–30–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

58297 12–1–81 / Food additives permitted for direct addition to food for human consumption; zinc methionine sulfate tablets; objections by 12–31–81

Health Care Financing Administration—

48524 10-1-81 / Medicaid program; freedom of choice: waivers of and exceptions to State plan requirements; comments by 12-30-81

48532 10-1-81 / Medicaid program; home and community-based services; comments by 12-30-81

48556 10-1-81 / Medicaid program; miscellaneous medicaid provisions—increased State flexibility; comments by 12-30-81

48550 10-1-81 / Medicare and Medicaid program; less than effective drugs and inpatient hospital tests; comments by 12-30-81

Public Health Service—

52566 10-27-81 / Qualifications of Health Maintenance Organizations; comments by 12-28-81

Social Security Administration—

53720 10-30-81 / Proration of shelter, utilities, and similar need items for AFDC children living with ineligible relatives; comments by 12-29-81

53449 10-29-81 / Supplemental security income benefits; eligibility, amount of benefits, reports required, income, resources, and State supplementation provisions, agreements, and payments; comments by 12-28-81

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Federal Housing Commissioner—Office of Assistant Secretary for Housing—

57838 11-25-81 / Schedule A—Fair market rents for new construction and substantial rehabilitation; all market areas; comments by 12-28-81

INTERIOR DEPARTMENT

Land Management Bureau—

58264 11-30-81 / Outer Continental Shelf minerals and rights-of-way management, general; amendment to streamline and clarify existing provisions; comments by 12-28-81

Reclamation Bureau—

37528 7-21-81 / Acreage limitation; reclamation rules and regulations; comments by 12-31-81

37529 7-21-81 / Acreage limitation; resumption of comment period on draft environmental impact statement; comments by 12-31-81

Surface Mining Reclamation and Enforcement Office—

57697 11-25-81 / Modified portions of the permanent regulatory program; Maryland; comments by 12-28-81

JUSTICE DEPARTMENT

Drug Enforcement Administration—

53405 10-29-81 / Exempt chemical preparations; comments by 12-28-81

PANAMA CANAL COMMISSION

60216 12-9-81 / Access to information concerning individuals; proposed exemption from access of system of records under the Privacy Act; comments by 12-29-81

POSTAL SERVICE

58097 11-30-81 / National Environmental Policy Act (NEPA); amendment of categorical exclusions; comments by 12-30-81

SECURITIES AND EXCHANGE COMMISSION

53679 10-30-81 / Regulatory flexibility agenda; comments by 12-31-81

TRANSPORTATION DEPARTMENT

Coast Guard—

45631 9-14-81 / Maneuvering performance standards for U.S. flag vessels; comments by 1-12-82

Federal Aviation Administration—

8316 1-26-81 / Development and submission of airport operator's noise compatibility planning programs and the FAA's administrative process for evaluating and determining the effects of those programs; comments by 12-31-81

TREASURY DEPARTMENT

Internal Revenue Service—

52391 10-27-81 / Income tax withholding; increase; comments by 12-28-81

VETERANS ADMINISTRATION

58095 11-30-81 / Privacy Act of 1974; access to records; comments by 12-28-81

Deadlines for Comments on Proposed Rules for the Week of January 3 through January 9, 1982

AGRICULTURE DEPARTMENT

Farmers Home Administration—

54949 11-5-81 / Appeal procedure; comments by 1-4-82

54751 11-4-81 / Insured farmer program borrower responsibilities; comments by 1-4-82

COMMERCE DEPARTMENT

Patent and Trademark Office—

49602 10-7-81 / Trademark application; filing dates; comments by 1-5-82

CONSUMER PRODUCT SAFETY COMMISSION

58702 12-3-81 / Withdrawal of proposed rule and reproposal of rule to regulate under the CPSA risk of injury that may be presented by certain stuffed toys; comments by 1-4-81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

60214 12-9-81 / Form No. 423: Monthly report of cost and quality of fuels for electric plants; comments by 1-4-82

ENVIRONMENTAL PROTECTION AGENCY

60217 12-9-81 / Approval and promulgation of implementation plan: Indiana; comments by 1-8-82

55123 11-6-81 / Approval and promulgation of implementation plans; Iowa; comments by 1-5-82

55220 11-6-81 / Grants for construction of treatment works; comments by 1-6-82

55551 11-10-81 / Interstate pollution abatement; announcement of receipt of petition from Maine; comments by 1-4-82

45383 9-11-81 / Interstate pollution abatement; announcement of supplemented petition for New York and Pennsylvania; comments by 1-4-82

60217 12-9-81 / Phenmedipham; tolerance; comments by 1-8-82

FEDERAL COMMUNICATIONS COMMISSION

55836 11-9-81 / Elimination of requirement for type approval of aural modulation monitors; extension of time; reply comments by 1-5-82

[*See also* 46 FR 52398; 10-27-81]

52151 10-26-81 / FM broadcast station; Atlantic City, N.J.; changes in table of assignments; reply comments by 1-4-82

52145 10-26-81 / FM broadcast station; Celina, Clinton, Knoxville, LaFollette, and Sweetwater, Tennessee; Louisville, Oneida, Radcliff, Somerset, and Stanford, Kentucky; Madison and New Albany, Indiana; changes in table of assignments; comments by 1-4-82

56833 11-19-81 / FM broadcast station; changes in table of assignments; Freeport, Tex.; comments by 1-4-82

60221 12-9-81 / Frequency allocations and radio treaty matters general rules and regulation; reply comments by 1-6-82

57070 11–20–81 / Subscription television service; reply comments by 1–5–82

FEDERAL MARITIME COMMISSION

54390 11–2–81 / Tariffs filed by common carriers in foreign commerce of U.S.; time/ volume rate contracts; filing regulations; comments by 1–4–82

FEDERAL RESERVE SYSTEM

55533 11–10–81 / Credit by brokers and dealers; proposal to permit use of letters of credit as the required deposit when securities are borrowed; comments by 1–5–82

FEDERAL TRADE COMMISSION

54756 11–4–81 / Gifford-Hill-American, Inc.; proposed consent agreement with analyses to aid public comment; comments by 1–4–82

54758 11–4–81 / Renuzit Home Products Co.; proposed consent agreement with analysis to aid public comment; comments by 1–4–82

HEALTH AND HUMAN SERVICES DEPARTMENT

Child Support Enforcement Office—

54554 11–2–81/Requests to use Federal Parent Locator Service in parental kidnapping and child custody cases; comments by 1–4–82

INTERSTATE COMMERCE COMMISSION

56629 11–18–81/Rules governing publication of exceptions ratings higher than classification ratings; comments by 1–4–82

MANAGEMENT AND BUDGET OFFICE

55223 11–16–81/Application of labor laws to government acquisitions, dismantling, demolition or removal of improvements, and contract termination clauses; comments by 1–6–82

NUCLEAR REGULATORY COMMISSION

55271 11–9–81/Transfer of respiratory protection provisions from regulatory guide (now incorporated by reference) into Code of Federal Regulations; comments by 1–4–82

PERSONNEL MANAGEMENT OFFICE

55119 11–6–81/Pay administration (general); recovery of overpayments; comments by 1–5–82

SMALL BUSINESS ADMINISTRATION

58701 12–3–81/Business loans; export revolving line of credit loans; comments by 1–4–82

TRANSPORTATION DEPARTMENT

Coast Guard—

49914 10–8–81/Life floats and buoyant apparatus; requirements for painters with float-free links and other changes; comments by 1–6–82

Federal Aviation Administration—

54958 11–5–81/Advisory circular for airplane system design analysis; comments by 1–5–82

54957 11–5–81/Summary of petitions received and dispositions of petitions denied or withdrawn; comments by 1–5–82

TREASURY DEPARTMENT

Alcohol, Tobacco, and Firearms Bureau—

49597 10–7–81/Finger Lakes Viticultural Area; comments by 1–5–82

[Corrected at 46 FR 50568, 10–14–81]

Customs Service—

55273 11–9–81/Establishment of procedures for importation of certain antique articles; comments by 1–8–82

Fiscal Service—

54763 11–4–81/Extension of the Treasury's reclamation authority; comments by 1–6–82

Next Week's Meetings

DEFENSE DEPARTMENT

Office of the Secretary—

59144 11–30–81/Defense Science Board Task Force on Defense Nuclear Agency Technology Base Program, Kirtland Air Force Base, N. Mex. (closed), 12–29 and 12–30–81

51790 10–22–81/Wage Committee, Washington, D.C. (closed), 12–29–81

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing December 22, 1981

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

Applications Deadlines

61695 12–18–81/ED—Minority Institutions Science Improvement Program: Institutional, Design, and Cooperative project, 1–29–82 and special project, 3–5–82

61822 12–18–81/USDA/SEA—Plant Biology and Human Nutrition; Competitive Research Grants Program for Basic Research for Fiscal Year 1982; apply by 1–29, 2–1, 2–5 and 2–16–82 for various proposals

MEETINGS

51695 12–18–81/ED—Financing Elementary and Secondary Education Advisory Panel, Boston, Mass. (open), 1–19–82

61762 12–8–81/President's Commission on White House Fellowships—Washington, D.C. (open), 1–15–82

OTHER ITEMS OF INTEREST

61334 12–16–81/HHS/CSEO—Child Support Enforcement Research—demonstration grants; availability of FY '81 funds; cancellation of anticipated FY '82 projects

61735 12–18–81/HHS/PHS—Block grant to States; delegation of authority

61509 12–17–81/HHS/PHS—Preventive Health and Health Services Block Grant program; delegation of authority

61735 12–18–81/HHS/PHS—Primary Care Block Grants; delegation of authority

61455 12–17–81/HUD/FHC—Financial assistance to nonimmigrant student-aliens; correction to interim rule

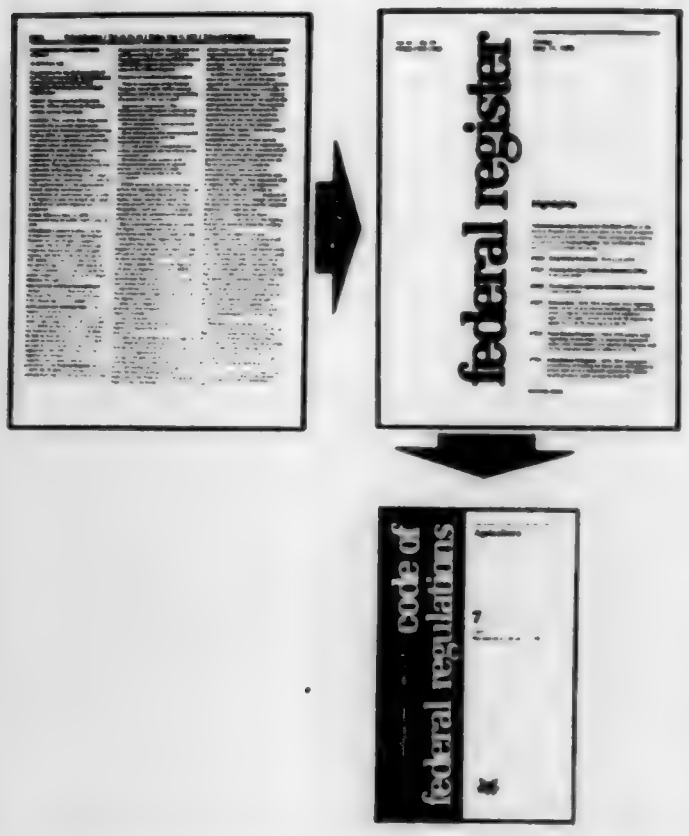
[*See also* 46 FR 56421, 11–17–81]

61354 12–16–81/Justice/National Institute of Correction—Grant and contract review process

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December 24, 1981

Highlights

62397 **Banking** FRS amends regulations on payment of interest on deposits.

62628 **Oil and Gas Reserves** Interior/BLM reschedules first oil and gas competitive lease sale in Alaska National Petroleum Reserve. (Part III of this issue)

62608 **Motor Vehicle Pollution** EPA proposes to permit manufacturers of light-duty diesel vehicles and trucks to average particulate emissions. (Part II of this issue)

62596 **Imports** Trade Representative requests comments on exclusion from U.S. of certain steel rod treating apparatus.

62479 **Water Pollution Control** EPA and DOT/CG invite comments on marine sanitation device program.

62638 **Aviation Safety** DOT/FAA proposes to amend cross-country aeronautical experience requirements for private and commercial pilot certification. (Part IV of this issue)

62599 **Buses** DOT/UMTA seeks transit operators to participate in New Bus Equipment Introduction Program.

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Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

62554 **Motor Carriers** ICC permits motor carriers of property to recover reasonable foreseeable future costs in general increase filings.

62396 **Radioactive materials** NRC clarifies requirement for use of uranium shielding in shipping containers.

62452 **Hazardous Materials Transportation** DOT/RSPA establishes requirements for seamless aluminum cylinders made of alloys.

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revisions of Delegations of Authority

AGENCY: Department of Agriculture.
ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture and General Officers of the Department of Agriculture to reflect the responsibility of the Office of Personnel to support the Department's Committee Management Officer.

EFFECTIVE DATE: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Riley, Chief, Security and Employee Relations Staff, Office of Personnel, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–3327.

SUPPLEMENTARY INFORMATION: In January 1981 the Office of Personnel was assigned responsibility to support the Department's Committee Management Officer. However, the delegations of authority were never changed to reflect this responsibility. This notice hereby corrects that oversight. This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Lastly, since this rule relates to internal agency management, this action will not have a significant economic impact on a substantial number of small entities.

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Accordingly, Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended as follows:

Subpart J—Delegations of Authority by the Assistant Secretary for Administration

1. Section 2.78 is amended by revising the introductory text of paragraph (a) and by adding new paragraphs (a)(19) thru (21) as follows:

§ 2.78 Director, Office of Personnel.

(a) *Delegations.* Pursuant to § 2.25 (d), (e), (g), and (h), subject to reservations in § 2.26(e), the following delegations of authority are made by the Assistant Secretary for Administration to the Director of Personnel.

* * * * *

(19) Provide staff assistance and support to the Department's Committee Management Officer.

(20) Formulate policies and procedures on the establishment and management of committees in the Department.

(21) Consult with GSA and Departmental agencies on the establishment and reestablishment of advisory committees.

* * * * *

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953)

For Subpart J:

Dated: December 21, 1981.

John E. Schrote,
Deputy Assistant Secretary for Administration.

[FR Doc. 81–36783 Filed 12–23–81; 8:45 am]
BILLING CODE 3410–01–M

7 CFR Part 2

Revision of Delegations of Authority; Correction

AGENCY: Department of Agriculture.
ACTION: Final rule.

SUMMARY: In FR Document 81–28167 appearing at page 47747 in the Federal Register of September 30, 1981, the amendatory language to § 2.68 appearing on page 47752 incorrectly used the term "Assistant Secretary for Marketing and Transportation Services" on lines four through six of that amendment. The term should read "Assistant Secretary for Food and Consumer Services". The purpose of this document is to correct that error.

EFFECTIVE DATE: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Robert Siegler, Deputy Assistant General Counsel, Office of the General Counsel, Department of Agriculture, Washington, D.C., (202) 447–6035.

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953)

Issued at Washington, D.C. this 18th day of December 1981.

Seeley G. Lodwick,
Under Secretary for International Affairs and Commodity Programs.

[FR Doc. 81–36782 Filed 12–23–81; 8:45 am]
BILLING CODE 3410–01–M

Agricultural Marketing Service

7 CFR Part 29

Tobacco Inspection; User Fees

AGENCY: Agricultural Marketing Service, USDA.
ACTION: Final rule.

SUMMARY: The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35) enacted August 13, 1981, requires the Secretary, as of October 1, 1981, to fix and collect fees and charges for inspection and certification, and other services, including administrative and supervisory costs, at tobacco auction markets in all tobacco producing areas. Therefore, the regulations governing tobacco inspection are hereby amended to provide for such fees. Tobacco is grown in 22 states. Inspections of producer tobacco at designated auction tobacco markets will take precedence over permissive inspection, now performed by request and paid for by a prescribed hourly fee schedule. The regulations on fees for permissive inspection are unchanged from the regulations published February 3, 1981 (46 FR 10451).

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: J. T. Bunn, Acting Director, Tobacco

Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-7235.

SUPPLEMENTARY INFORMATION: Notice was given (46 FR 44761, September 8, 1981) that the Department was proposing to amend the regulations effective October 1, 1981, to allow the Secretary to fix and collect fees and charges for inspection and certification of producer tobacco at designated tobacco auction markets throughout tobacco producing areas. Interested parties were given an opportunity to comment upon the proposed regulations. After reviewing these comments as noted below, the Department hereby adopts the regulations as proposed which provide for charges, which as nearly as practicable, shall cover the costs of the services, including administrative and supervisory costs. The authority for these regulations is contained in the Tobacco Inspection Act (49 Stat. 731; U.S.C., 511 *et seq.*) as amended by the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35).

The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) enacted August 13, 1981, authorizes the Secretary, as of October 1, 1981, to fix and collect fees and charges for inspection and certification, and other services, including administrative and supervisory costs, at tobacco auction markets in all tobacco producing areas. Therefore, the regulations governing tobacco inspection are hereby amended to provide for such fees.

Since 1935, upon enactment of the Tobacco Inspection Act, the Department has provided free and mandatory inspection of tobacco at designated auction markets. Inspection services currently provided are adequate for all designated auction markets, as well as for meeting requests for permissive inspection with minimum delays. Fees at designated auction markets are set at $.0045 per pound. This fixed fee has been calculated after thorough review of historical data regarding production and marketing, and it is anticipated that it will provide the funds necessary to continue the level of services in effect as of September 30, 1981. The regulations on fees for permissive inspection are unchanged and the prescribed hourly rate for such services performed by federal tobacco graders remains in effect.

A total of 11 comments were received on the proposal, 7 in favor and 4 opposed. The main concern of the proponents was that the effective date may cause serious problems to the industry. One proponent recommended a 30-day delay in the effective date to insure a fair and orderly transition. The Omnibus Budget Reconciliation Act of 1981 stipulates the October 1 effective date, and even though the Department is sensitive to the concerns of all segments of the industry having to effectuate this change well into a particular marketing season, as opposed to the opening of a season, it must be implemented as mandated by Pub. L. 97-35.

The Virginia Farm Bureau, though supportive of the user fee system, suggested that after the burley markets close in February 1982 that the fee charged per pound be reviewed to determine whether the fee needs to be adjusted upward or downward. Prior to the establishment of the $.0045 per pound fee, the Department considered graduated rates for individual types of tobacco, but it was concluded that, initially, it would be more equitable to assess a uniform fee. The Department plans to collect data on an annual basis beginning October 1, 1981, and continuing through May 1983. Using this data, along with the recommendations of the National Advisory Committee, may enable the Department to propose lower rates for some types of tobacco effective possibly by July 1983. Our objective is to recover the full costs of providing the service.

One commentor, representing Virginia dark-fired tobacco interests, expressed hope for an advisory subcommittee for each type of tobacco to be able to meet with the National Advisory Committee and also to meet with the Director of the Tobacco Division, Agricultural Marketing Service, annually to iron out specific local problems. While the National Advisory Committee is not yet formally established, it has been determined that membership will be increased from 10 to 14 in order to pro-rate membership on the Committee to areas based on production in each area. The Department is always receptive to recommendations to improve the tobacco inspection program and would welcome input from all segments of the tobacco industry.

One commentor stated he was not opposed to farmers paying for tobacco inspection but suggested the user fee be based on inspection per pile of tobacco rather than per pound as it takes no longer to grade a 200-pound sheet than a 50-pound sheet. This was considered prior to establishing the $.0045 per pound fee but was rejected because it was determined that charging per pound is more equitable based on estimated production and historical data. Poundage per pile or bale of tobacco offered at auction varies considerably among tobacco producing areas. Thus, in the interest of preserving customary or traditional marketing practices, the Department has determined that user fees be charged on a per pound basis instead of on a per pile basis, and this suggestion must be denied.

Additionally, this commentor recommended dismantling of the grower designation program because of implementation of user fees. He felt this program was too restrictive and was opposed to the length of time allowed for redesignation. This comment is inappropriate in that the proposed user fees are to be implemented for all types of tobacco regardless of the different marketing concepts implemented for auction sales. Any change in the grower designation program must be separately considered. At the present time, there is no such proposal before the Department.

One opponent from Murray, Kentucky, spoke of sales of tobacco on the farm and that most of the good tobacco was sold prior to the time when federal graders were assigned to those markets. She raised the question about the need for federal graders. The Tobacco Inspection Act authorizes the utilization of federal graders for auction sales of tobacco. Any tobacco sold without the benefit of price support and federal grading outside the auction system is a business matter between producers and buying concerns and does not fall within the parameters of the Tobacco Inspection Act or Department's proposal for user fees.

One opponent protested user fees on the grounds that the producer is already paying 2.778 percent in commissions to warehouses, plus miscellaneous taxes, to market his crop. While the Department is aware that the user fees will increase all producers' costs of marketing tobacco, the Congress in amending the Tobacco Inspection Act by the passage of the Omnibus Budget Reconciliation Act of 1981, has mandated that the Department assess user fees to recover the costs of providing inspection services.

One opposing commenter expressed the opinion that fees should be paid by the warehousemen and one stated they should be paid for by buyers. The user fee system required by the Omnibus Budget Reconciliation Act of 1981 is designed to recover costs of providing the services to sellers of tobacco and provides that the sellers should pay the user fees. However, the Act makes the warehouseman the responsible party to pay the fees to the Government and failure of the warehouseman to do so

will result in automatic suspension of grading services at the warehouse. It is anticipated that the warehouse will collect the fees from the sellers of tobacco and the warehouse records can and will show that the fees were in fact collected. However, there are a multitude of techniques available to any warehouseman to relieve the seller of these charges. The auditing procedures needed to verify beyond any reasonable doubt that the warehouseman in fact collected the fee from the seller or collected and did not return such fee by some technique to the seller, would be exhaustive, uneconomic, and constitute an onerous administrative burden on the warehouseman. Therefore, when warehousemen remit payment to the Department in an amount of $.0045 per pound during the applicable sales period, the Department will presume that the fees were assessed against the seller.

The final rule has been reviewed under U.S.D.A. procedures established to implement Executive Order 12291 and has been determined to be a nonmajor rule because it does not meet any of the criteria established for major rules under the executive order. Initial review of the regulations contained in 7 CFR Part 29, for need, currency, clarity, and effectiveness will be made within the next 5 years.

Additionally, in conformance with the provisions of the Regulatory Flexibility Act, full consideration has been given to the potential economic impact upon small business. All tobacco warehousemen and producers fall with the confines of "small business," as defined in the Regulatory Flexibility Act. The Department has informally advised all segments of the tobacco industry of the anticipated implementation of user fees and that there would be no change in the level of the services provided. It has been determined that the economic impact upon small entities would not be adverse and would in no way affect normal competition in the market place.

The Department hereby amends regulations contained in 7 CFR Part 29 as follows:

1. Section 29.2 is amended to make it clear that even though the user pays for a service, this does not alter the fact that discretion by the Secretary is still necessary in limiting inspection services to effectively carry out the provisions of the Tobacco Inspection Act and to provide efficient, cost-effective services to sellers of tobacco.

2. Section 29.2(b) is amended to remove any reference to "free" inspection services previously authorized by the Tobacco Inspection Act.

3. Section 29.3(h) is amended to reflect the renaming of Commodity Stabilization Service to the Agricultural Stabilization and Conservation Service.

4. Section 29.73 is amended to correct a previous error when language was inadvertently placed in the section when it was amended in 1973. This change has no effect on the substance of the regulations.

5. Section 29.123 is amended to incorporate necessary changes for implementation of user fees.

6. Section 29.125 is amended to increase the charge for appeals from $1 to $5. This increase in the charge for appeals is necessary to recover increased costs since the time these regulations were previously amended.

7. Section 29.127 is amended by expanding upon the title to include various courses of instruction. The section is further amended to provide for collection of costs incurred by the Department for providing materials and personnel to instruct industry and other interested persons in tobacco inspection standards.

8. Section 29.129 relating to payment of charges is deleted and a new section is added to establish a National Advisory Committee for Inspection Services, as mandated by the Omnibus Budget Reconciliation Act of 1981 and is governed by the Federal Advisory Committee Act (5 U.S.C. Appendix I).

PART 29—TOBACCO INSPECTION

The Department amends the regulations under the Tobacco Inspection Act contained in 7 CFR Part 29, as follows:

§ 29.2 [Amended]

1. The second sentence of § 29.2 introductory text is amended by adding immediately following the words "without limitation" the words "even though the cost of such service is paid by the seller."

2. The first sentence of § 29.2(b) Order of priority is amended by removing immediately following the words "markets designated for" the words "free and", and removing following the words "inspection service on" the words "a fee basis on".

§ 29.3 [Amended]

3. Amend § 29.3(h) by removing the words "Administrator, Commodity Stabilization Service" and inserting in lieu thereof the words "Administrator, Agricultural Stabilization and Conservation Service."

4. Section 29.123 is revised to read as follows:

§ 29.123 Fees and charges.

Beginning October 1, 1981, fees and charges for tobacco inspection and certification service shall be collected by the Director to cover insofar as practicable, all costs of the services including establishment of standards, administrative, and supervisory costs as follows:

(a) *Mandatory inspection.* The inspection and certification fee is $.0045 per pound. The fee shall be paid by sellers of tobacco at auction and assessed against the warehouse irrespective of ownership or interest in the tobacco. When the warehouse pays the Department, it is presumed the fee was collected from the seller. Inspection and related services shall be suspended or denied if the warehouse operator fails to pay the fees and charges imposed under this section. The fee shall be based on total poundage of tobacco inspected and sold at auction during each calendar month. The fee shall be due and payable on the first day of the immediately following month and on the day immediately following the last sale in the warehouse each marketing year. Inspection and certification services on designated auction markets shall take precedence over permissive inspections, other than reinspections.

(b) *Permissive inspection.* Fees and charges for inspection at redrying plants and receiving points shall comprise the cost of salaries, travel, per diem, and related expenses to cover the cost of performing the service. Fees shall be for actual time required to render the service calculated to the nearest 30-minute period. The base hourly salary rate shall be $17.80. The overtime rate for service performed outside the inspector's regularly scheduled tour of duty shall be $21.30. The rate of $26.70 shall be charged for work performed on Sundays and holidays. These same fees or charges shall be applicable for hogshead, bale, case, or sample inspections.

(c) Fees and charges fixed in accordance with this subpart shall be paid by the applicant or person obtaining the service in accordance with a statement rendered by the Division. A deposit to cover all, or a part of, fees and charges for services to be rendered may be required by the Division. Fees for services rendered shall be remitted by check or draft made payable to "Agricultural Marketing Service", United States Department of Agriculture.

§ 29.125 [Amended]

5. Section 29.125 is amended by removing the figure "$1" in line one and inserting "$5."

6. Section 29.127 is revised to read as follows:

§ 29.127 Demonstrations and courses of instruction.

Charges, not in excess of the cost thereof, as may be approved by the Director, may be made for demonstrations, samples, or courses of instruction when such are furnished upon request.

7. Section 29.129 is revised to read as follows:

§ 29.129 National Advisory Committee for Inspection Services.

(a) To assist the Secretary in determining the level of inspection and related services and the fees and charges therefore, a National Advisory Committee of tobacco producers shall be appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. Appendix I).

(b) The committee shall consist of 14 members and 14 alternates. There will be a flue-cured subcommittee, a burley subcommittee, and a fire and dark air-cured subcommittee.

(c) Recommendations to the Secretary for membership on the committee will be received from the following organizations: One from the Georgia Farm Bureau, one from the South Carolina Farm Bureau, one from the Virginia Farm Bureau, three from the North Carolina Farm Bureau, two from the North Carolina Grange, one from the Tennessee Farm Bureau, three from the Kentucky Farm Bureau, one from the Florida, Indiana, Missouri, West Virginia, or Maryland Farm Bureau, and one from the Wisconsin or Ohio Farm Bureau.

(d) The committee and/or subcommittees shall meet at the call of the Secretary.

Dated: December 15, 1981.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 81-36208 Filed 12-17-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 907

[Navel Orange Reg. 533; Navel Orange Reg. 532, Amdt. 1]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period December 25–December 31, 1981, and increases the quantity of such oranges that may be so shipped during the period December 18–December 24, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective December 25, 1981, and the amendment is effective for the period December 18–24, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, (202) 447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1, and Executive Order 12291 and has been designated a "non-major" rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on October 6, 1981. The committee met again publicly on December 22, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is easier.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and effective time.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the reporting or recordkeeping provisions that are included in this final rule have been or will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until OMB approval has been obtained.

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

1. § 907.833 is added as follows:

§ 907.833 Navel Orange Regulation 533.

The quantities of navel oranges grown in Arizona and California which may be handled during the period December 25, 1981, through December 31, 1981, are established as follows:

(1) District 1: 624,000 cartons;
(2) District 2: 47,002 cartons;
(3) District 3: 26,000 cartons;
(4) District 4: Unlimited cartons.

2. § 907.832 Navel Orange Regulation 532 (46 F.R. 61442), is hereby amended to read:

§ 907.832 Navel Orange Regulation 532.

* * * * *

(1) District 1: 801,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: 99,000 cartons;
(4) District 4: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 23, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-37008 Filed 12-23-81; 12:00 pm]

BILLING CODE 3410-02-M

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7 CFR Part 910

[Lemon Reg. 339]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona

lemons that may be shipped to market during the period December 27–January 2, 1982. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: December 27, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on July 7, 1981. The committee met again publicly on December 22, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the reporting or recordkeeping provisions that are included in this final rule have been submitted for approval to the Office of Management and Budget (OMB). They are not effective until OMB approval has been obtained.

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Section 910.639 is added as follows:

§ 910.639 Lemon Regulation 339.

The quantity of lemons grown in California and Arizona which may be handled during the period December 27, 1981, through January 2, 1982, is established at 240,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 23, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-37007 Filed 12-23-81; 12:10 pm]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 81-095]

Specifically Approved States To Receive Mares Imported From CEM-Affected Countries

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document adds the States of Kentucky and Virginia to the list of specifically approved States authorized to receive certain mares imported into the United States from countries affected with contagious equine metritis (CEM).

This action is being taken because the Deputy Administrator of Veterinary Services, Animal and Plant Health Inspection Service, has determined that Kentucky and Virginia have laws or regulations in effect to require the additional quarantine, treatment and testing of such mares to further ensure their freedom from CEM as required by the regulations.

DATES: Effective date December 18, 1981. Comments must be received on or before February 22, 1982.

ADDRESS: Written comments to Deputy Administrator, USDA, APHIS, VS, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. Mark Dulin, USDA, APHIS, VS, Room 818, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8170.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 And Emergency Action

This action has been reviewed in conformance with Executive Order 12291 and Secretary's Memorandum 1512–1, and has been determined to be not a "major rule." The Department has determined that this action will not have a significant annual effect on the economy, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not have any adverse effects on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The emergency nature of this interim action makes it impracticable to follow the procedures of Executive Order 12291 with respect to this interim rule.

Dr. M. J. Tillery, Director, National Program Planning Staffs, VS, APHIS, USDA, has determined that an emergency situation exists which warrants publication without prior opportunity for a public comment period on this interim action. This amendment relieves restrictions presently imposed on mares over 731 days of age being imported into the United States, and should be made effective immediately in order to permit affected persons to move these mares into the United States without unnecessary restrictions.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency interim action is impracticable, unnecessary and contrary to the public interest, and good cause is found for making this emergency interim action effective less than 30 days after publication of this document in the **Federal Register.** Comments have been solicited for 60 days after publication of this document, and this emergency interim action will be scheduled for review so that a final document discussion comments received and any amendments required can be published in the **Federal Register** as soon as possible.

Certification Under the Regulatory Flexibility Act

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant

economic impact on a substantial number of small entities. This action will lift restrictions that were imposed in the fall of 1977 on the importation of certain horses from France, Ireland, and the United Kingdom, as well as restrictions added later on Australia, Belgium, Italy, the Federal Republic of Germany, Japan, Austria, and Denmark. It is anticipated that betwen 30 and 100 importers will consign approximately 300 mares over 731 days of age from CEM affected countries annually to the States of Kentucky and Virginia. This compares with 14,680 horses of all classes imported into the United States during Fiscal Year 1980.

To the best of our knowledge, through the years the number of small entities involved in the importation of mares from the countries involved has been extremely limited because of factors such as the number of animals sold; stallion fees ranging from $5,000 to $50,000; stallions syndicated up to $32,000,000 and the international operations involved. The average cost to import a horse from overseas is from $5,000 to $7,000, including preembarkation testing and treatment, the cost of transportation and post entry quarantine.

Background

On Friday, October 16, 1981, there was published in the **Federal Register** (46 FR 50930–50937) amendments to 9 CFR Part 92 which, among other things, authorized the importation of mares over 731 days of age into the United States from countries affected with CEM when specific requirements to prevent their introducing CEM into the United States are met. Further, these amendments require that such imported mares be consigned to States which have been approved by the Deputy Administrator, Veterinary Services, as having met the minimum standards believed necessary to ensure that such mares being imported into the United States are free of the contagion of CEM. These minimum standards are set forth in § 92.4(a)(9) of the regulations. The Deputy Administrator, Veterinary Services, has determined that the States of Kentucky and Virginia have met the minimum standards believed necessary to ensure that mares over 731 days of age being imported into the United States from countries affected with CEM are free of the contagion of CEM. Therefore, § 92.4(a)(8)(ii) is amended to list the States of Kentucky and Virginia as approved to receive mares over 731 days of age from CEM affected countries.

Alternatives

The alternatives considered in making this decision were (1) not to list Kentucky and Virginia as States approved to receive mares over 731 days of age from CEM affected countries, and (2) to make the change set forth in this document.

Alternative No. 1 would prohibit the consignment of mares over 731 days of age from CEM affected countries to the States of Kentucky and Virginia. This alternative was not adopted because the Deputy Administrator, Veterinary Services, has determined that Kentucky and Virginia have met the minimum standards necessary to ensure that such mares are free of the contagion of CEM. The continued prohibition on consignment to the States of Kentucky and Virginia would, therefore, constitute an unnecessary restriction on the importation of such mares.

Alternative No. 2 would allow for the consignment of mares over 731 days of age from CEM affected countries to the States of Kentucky and Virginia. This alternative was adopted because the Deputy Administrator, Veterinary Services, has determined that the States of Kentucky and Virginia have met the minimum standards necessary to ensure that such mares are free of the contagion of CEM.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, Part 92, Title 9, Code of Federal Regulations, is amended by revising § 92.4(a)(8)(ii) as follows:

§ 92.4 Import permits for ruminants, swine, horses from countries affected with CEM, poultry, poultry semen, animal semen, birds, and for animal specimens for diagnostic purposes.[1]

(a) * * *

(8) * * *

(ii) The following States have been approved to receive mares over 731 days of age pursuant to § 92.2(i)(2)(v):

The State of Kentucky
The State of Virginia

* * * * *

(Sec. 2, 32 Stat. 792, as amended, sec. 306, 46 Stat. 689, as amended, secs. 2, 4, 71, 76 Stat. 129, 130, 132; 19 U.S.C. 1306, 21 U.S.C. 111, 134a, 134c, 134f; 37 FR 28464, 28477; 38 FR 19141)

All written submissions made pursuant to this interim rule will be made available for public inspection at the Federal Building, Room 870, Hyattsville, MD, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the **Federal Register**.

Done at Washington, D.C., this 10th day of December, 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-36871 Filed 12-23-81; 8:45 am]

BILLING CODE 3410-34-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 40

Clarification of Exemption for Uranium Shielding in Shipping Containers

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations concerning the domestic licensing of source material to clarify the conditions for exemption of uranium used as shielding in shipping containers. The amendment replaces a reference to a group of container specifications in a former section in Department of Transportation regulations by a statement of the single specification for encasement of the uranium. This single specification was obtained from the deleted section of DOT regulations. This clarification pertains to the authorization for possession and use of the uranium shielding under an existing NRC exemption from regulatory requirements and has no effect on transportation regulations.

EFFECTIVE DATE: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Donald O. Nellis, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: 301/443–5825.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission is amending its rules to clarify the exemption from regulatory requirements of uranium used as shielding in shipping containers. The amendment pertains only to the exemption provided in § 40.13(c)(6) of NRC regulations for the receipt, possession, use or transfer of uranium shielding in shipping containers. The amendment has no effect on NRC requirements in 10 CFR

Part 71 for packaging and transportation of radioactive material.

Background

In 1961 the U.S. Atomic Energy Commission amended its regulations to provide an exemption from its licensing requirements for uranium used as shielding in shipping containers. In establishing the exemption, the Commission considered it desirable to require cladding of the uranium so as to reduce surface radiation levels and contain any uranium oxidation products. Accordingly, a requirement for cladding the uranium was included by reference to a set of shipping container requirements then in the U.S. Interstate Commerce Commission (a predecessor of the Department of Transportation) transportation regulations.

Although considered convenient at the time, this particular reference in the U.S. AEC (now NRC) regulations of a section from another federal agency's regulations has been a source of administrative inconvenience. Over the years, changes in the referenced section of the ICC regulations (e.g., changing the name of the agency and the section number) and, more recently, deletion of the entire section from DOT regulations, have caused questions about the applicability of 49 CFR 178.250 of DOT regulations to the exemption in § 40.13(c)(6).

The Regulation

The amendment of § 40.13(c)(6) will replace the reference to the set of shipping container requirements that were contained in 49 CFR 178.250 of DOT regulations by a single requirement which has been selected from that set. This single requirement for minimum cladding of the uranium shielding constitutes no substantive change from the expected cladding when the entire § 178.250 was incorporated by reference.

This change to § 40.13(c)(6) is a nonsubstantive amendment. It is intended to clarify an essential requirement for exempt use of uranium shielding in shipping containers.

This final rule contains no new or amended requirements for recordkeeping, reporting, plans or procedures, applications, or any other type of information collection.

Since the following amendment clarifies an ambiguity existing in the NRC's regulations without imposing any additional substantive requirement, the Commission has determined that good cause exists for omitting notice of proposed rulemaking and public procedure thereon as unnecessary. For these same reasons, the Commission has found that good cause exists for making the amendment effective immediately upon publication in the **Federal Register.**

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 40, is published as a document subject to codification.

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

1. The authority citation for 10 CFR Part 40 is revised to read as follows:

Authority: Secs. 62, 63, 64, 65, 81, 161, 182, 183, 186, 68 Stat. 932, 933, 935, 948, 953, 954, 955, as amended, secs. 83, 84, 92 Stat. 3033, as amended, 3039, sec. 234, 83 Stat. 444, as amended, (42 U.S.C. 2092, 2093, 2094, 2095, 2111, 2113, 2114, 2201, 2232, 2233, 2236, 2282); secs. 202, 206, 88 Stat. 1244, 1246, (42 U.S.C. 5842, 5846) unless otherwise noted.
Section 40.31(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 40.46 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234).
For the purposes of sec. 223, 68 Stat. 958, as amended, (42 U.S.C. 2273), §§ 40.3, 40.25(d)(1)–(3), 40.35(a)–(d), 40.41(b) and (c), 40.46, 40.51(a) and (c) and 40.63 are issued under sec. 161b, 68 Stat. 948, as amended, (42 U.S.C. 2201(b)); and §§ 40.25(c) and (d)(3) and (4), 40.26(c)(2), 40.35(e), 40.41(f), 40.61, 40.62, 40.64, and 40.65 are issued under sec. 161o, 68 Stat. 950, as amended, (42 U.S.C. 2201(o)).

2. Section 40.13(c)(6) is revised to read as follows:

§ 40.13 Unimportant quantities of source material.

* * * * *

(c) * * *

(6) Natural or depleted uranium metal used as shielding constituting part of any shipping container: *Provded,* That:

(i) The shipping container is conspicuously and legibly impressed with the legend "CAUTION—RADIOACTIVE SHIELDING—URANIUM,"; and

(ii) The uranium metal is encased in mild steel or equally fire resistant metal of minimum wall thickness of one-eighth inch (3.2 mm).

* * * * *

Dated at Bethesda, Md. this 7th day of December 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-36796 Filed 12-23-81; 8:45 am]
BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Docket No. R-0379]

Interest on Deposits; Regulation Q; Technical Amendments

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Technical amendments.

SUMMARY: Pursuant to its authority under section 19 of the Federal Reserve Act, as amended, the Board has amended Regulation Q (Interest on Deposits) to incorporate the rules of the Depository Institutions Deregulation Committee ("DIDC"), adopted pursuant to the Depository Institutions Deregulation Act of 1980 (Title II of Pub. L. 96–221). The amendments to Regulation Q are technical and conform the Board's rules to those of the DIDC.

EFFECTIVE DATE: December 16, 1981.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Associate General Counsel (202/452–3625), Paul S. Pilecki, Senior Attorney (202/452–3281), or Beverly A. Belcamino, Attorney (202/452–3623), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Depository Institutions Deregulation Act of 1980 (Title II of Pub. L. 96–221) transfers to the DIDC the authority conferred by section 19(j) of the Federal Reserve Act (12 U.S.C. 371b) upon the Board (and the similar authority of the Federal Deposit Insurance Corporation and the Federal Home Loan Bank Board which are contained in other statutes) to prescribe rules relating to the payment of interest on deposits. The DIDC has issued final regulations and amendments to existing rules as follows: (1) Time deposits of less than $100,000 with maturities of 2½ years to less than 4 years (12 CFR 1204.106; 46 FR 20155 and 37020); (2) ceiling rates for 26-week money market time deposits (12 CFR 1204.104; 46 FR 20155, 51897 and 55507); (3) qualified tax-exempt savings certificates (12 CFR 1204.116; 46 FR 45121); and (4) new IRA/Keogh time deposits (12 CFR 1204.118; 46 FR 53395 and 58285). In view of these actions by the DIDC, the Board is amending Regulation Q to incorporate these changes.

The following table presents the provisions of Regulation Q that have been amended by the DIDC's actions.

TABLE OF REGULATION Q CHANGES

	DIDC Rule	Regulation Q provision affected
1204.104	Ceiling rates for 26-week money market certificates.	217.7(f).
1204.106	Time deposits of less than $100,000 with maturities of 2½ years to less than 4 years.	217.7(g).
1204.116	Qualified tax-exempt savings certificates.	217.7(b), 217.3(a), 217.7(g) (new paragraph).
1204.118	IRA/Keogh time deposits.	217.7(e).

Because these amendments are necessary to conform the Board's rules to those of the DIDC, the Board for good cause finds that the notice, public procedure, and deferral of effective date provisions of 5 U.S.C. 553 (b) and (d) with regard to this action are unnecessary and contrary to the public interest.

PART 217—INTEREST ON DEPOSITS

Pursuant to the Board's authority under section 19 of the Federal Reserve Act (12 U.S.C. 461, 371b) to prescribe rules to effectuate the purposes of that section and to prevent evasions thereof, Regulation Q, 12 CFR Part 217, is amended as follows:

1. Section 217.3 (12 CFR 217.3) is amended by revising paragraph (a) to read as follows:

§ 217.3 Interest on time and savings deposit.

(a) *Maximum rate.* Except as provided in this section, no member bank shall, directly or indirectly, by any device whatsoever, pay interest on any time or savings deposit at a rate in excess of such applicable maximum rate as the Board of Governors of the Federal Reserve System shall prescribe from time to time in § 217.7. Except as provided in § 217.7(i), in ascertaining the rate of interest paid, the effects of compounding of interest may be disregarded. The maximum rate of interest that may be paid by a member bank on an additional deposit to any existing time deposit shall not exceed the maximum rate that may be paid in accordance with § 217.7 on the date the additional deposit is made.

* * * * *

2. Section 217.7 (12 CFR 217.7) is amended by revising paragraph (b) to read as follows:

§ 217.7 Maximum rates of interest payable by member banks on time and savings deposits.

* * * * *

(b) *Fixed-ceiling time deposits of less than $100,000.* Except as provided in paragraphs (a), (d), (e), (f), (g), and (i), no member bank shall pay interest on any time deposit at a rate in excess of the applicable rate under the following schedule:

Maturity	Maximum per cent
14 days or more but less than 90 days	5¼
90 days or more but less than 1 year	5½
1 year or more but less than 2-½ years	8¼
2-½ years or more but less than 4 years	8½
4 years or more but less than 6 years	7½
6 years or more but less than 8 years	7¾
8 years or more	7¾

* * * * *

3. Section 217.7 (12 CFR 217.7) is amended by revising paragraph (e) to read as follows:

* * * * *

(e) *Individual Retirement Account and Keogh (H.R. 10) Plan deposits of less than $100,000.* (1) Except as provided in paragraphs (a), (e) (2), and (g) of this section, a member bank may pay interest on any time deposit with a maturity of three years or more that consists of funds deposited to the credit of, or in which the entire beneficial interest is held by, an individual pursuant to an Individual Retirement Account agreement or Keogh (H.R. 10) Plan established pursuant to 26 U.S.C. (I.R.C. 1954) 219, 401, 404, 408 and related provisions at a rate not in excess of 8 percent.[2]

(2) A member bank may pay interest at any rate as agreed to by the depositor on any time deposit with a maturity of one and one-half years or more, that consists of funds deposited to the credit of, or in which the entire beneficial interest is held by, an individual pursuant to an Individual Retirement Account agreement or Keogh (H.R. 10) Plan established pursuant to 26 U.S.C. (I.R.C. 1954) 219, 401, 404, 408 and related provisions. An institution may permit additional deposits to be made to such a time deposit at any time prior to its maturity without extending the maturity of all or a portion of the entire balance in the account.

* * * * *

4. Section 217.7 (12 CFR 217.7) is amended by revising paragraph (f) to read as follows:

* * * * *

(f) *26-week money market time deposits of less than $100,000.* Except as provided in paragraphs (a), (b) and (d) of this section, a member bank may pay interest on any nonnegotiable time deposit of $10,000 or more, with a maturity of 26 weeks, at a rate not to exceed the ceiling rates set forth below. The ceiling rate shall be based on the higher of either (1) The rate established and announced (auction average on a discount basis) for U.S. Treasury bills with maturities of 26 weeks at the auction held immediately prior to the date of deposit ("Bill Rate"), or (2) the average of the four rates established and announced (auction average on a discount basis) for U.S. Treasury bills with maturities of 26 weeks at the four auctions held immediately prior to the date of deposit ("Four-Week Average Bill Rate"). Rounding any rate to the next higher rate is not permitted and interest may not be compounded during the term of this deposit.

Bill rate or 4-week average bill rate	Interest rate ceiling
7.50 percent or below	7.75 percent.
Above 7.50 percent	One-quarter of one percentage point plus the higher of the bill rate or 4-week average bill rate.

A member bank may offer this category of time deposit to all depositors. However, a member bank may pay interest on any nonnegotiable time deposit of $10,000 or more with a maturity of 26 weeks which consists of funds deposited to the credit of, or in which the entire beneficial interest is held by:

(1) The United States, any state of the United States, or any county, municipality or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, or political subdivision thereof; or

(2) An individual pursuant to an Individual Retirement Account agreement or Keogh (H.R. 10) Plan established pursuant to 26 U.S.C. (I.R.C. 1954) 219, 401, 404, 408 and related provisions at a rate not to exceed the ceiling rate payable on the same category of deposit by any Federally insured savings and loan association or mutual savings bank.[3]

* * * * * *

5. Section 217.7 (12 CFR 217.7) is amended by revising paragraph (g) to read as follows:

* * * * *

(g) *Time deposits of less than $100,000 with maturities of 2½ years to less than 4 years.* Except as provided in paragraphs (a), (b), (d), and (e) of this section, a member bank may pay

[2] * * *

[3] * * *

interest on any nonnegotiable time deposit with an original maturity of 2½ years to less than four years at a rate not to exceed the higher of one-quarter of one percent below the average 2½ year yield for U.S. Treasury securities as determined and announced by the U.S. Department of the Treasury immediately prior to the date of deposit, or 9.25 percent. Such announcement is made by the U.S. Department of the Treasury every two weeks. The average 2½ year yield will be rounded by the U.S. Department of the Treasury to the nearest 5 basis points. The rate paid on any such deposit cannot exceed the ceiling rate in effect on the date of deposit. A member bank may offer this category of time deposit to all depositors. However, a member bank may pay interest on any nonnegotiable time deposit with a maturity of 2½ years to less than 4 years which consists of funds deposited to the credit of, or in which the entire beneficial interest is held by:

(1) The United States, any state of the United States, or any county, municipality or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, or political subdivision thereof; or

(2) An individual pursuant to an Individual Retirement Account agreement or Keogh (H.R. 10) Plan established pursuant to 26 U.S.C. (I.R.C. 1954) 219, 401, 404, 408 and related provisions at a rate not to exceed the ceiling rate payable on the same category of deposit by any Federally insured savings and loan association or mutual savings bank.[4]

* * * * *

6. Section 217.7 (12 CFR 217.7) is amended by adding a new paragraph (i) as follows:

* * * * *

(i) *Tax-exempt savings certificate.* (1) A member bank may pay interest on a nonnegotiable tax-exempt savings certificate ("ASC") provided that the time deposit has an original maturity of exactly one year, is available in denominations of $500 and any other denomination, at the discretion of the member bank, and has an annual investment yield to maturity equal to 70 percent of the average investment yield for the most recent auction of 52-week U.S. Treasury bills prior to the calendar week in which the ASC is issued.[5]

(2) A member bank must provide each depositor the following notice, in a form that the depositor may retain at the time of opening a deposit under this paragraph:

The Economic Recovery Tax Act of 1981 authorizes a lifetime exclusion from gross income for federal income tax purposes of up to $1,000 ($2,000 in the case of a joint return) for interest on tax-exempt savings certificates. Regardless of how much interest is earned on this or any other tax-exempt savings certificate, including interest earned on such certificates from other institutions, and regardless of during which taxable years that interest is earned, no more than a total of $1,000 ($2,000 in the case of a joint return) can be excluded from federal gross income for all taxable years. Furthermore, interest earned on a specific certificate cannot be excluded from federal gross income if (A) that certificate is used as collateral for any loan, or (B) any part of the principal of that certificate is redeemed or disposed of prior to maturity.

(3)(i) A member bank may not issue ASCs after March 31, 1982, under this paragraph unless an executive officer of the member bank certifies, in a form determined by the member bank, that the member bank has complied with the "qualified residential financing" requirement set out in 26 U.S.C. 128. The certification must be maintained by the member bank in its files and must be available to the member bank's primary supervisory agency upon request. The certification shall include appropriate supporting documentation, as determined by the member bank.

(ii) A member bank issuing ASCs during any calendar quarter must use at least 75 percent of the lesser of:

(A) The proceeds from ASCs issued during a calendar quarter, or

(B) "Qualified net savings," to provide "qualified residential financing" by the end of the subsequent calendar quarter and may not issue additional ASCs unitl the 75 percent requirement is satisfied.

(iii) For purposes of determining compliance with the "qualified residential financing" requirement, the following applies:

(A) The term "qualified net savings" includes interest or dividends credited to deposit accounts;

(B) The amount of "qualified residential financing" is to be determined net of repayment of principal and paydowns, but sales of such assets may not be netted;

(C) The term "any loan for agricultural purposes" is defined to have the same meaning as items described in the instructions to the Report of Condition of all Insured Commercial Banks, schedule A, item 4 "Loans to Finance Agricultural Production and Other Loans to Farmers," and schedule A, item 1(b) "Real Estate Loans Secured by Farmland," and

(D) "Qualified residential financing" includes a firm commitment to purchase any assets eligible for such investment.

(iv) If a member bank provides for automatic renewal of an ASC, depositors must be notified in writing at least 15 days in advance of the maturity of an ASC in the event the member bank cannot renew the ASC because of its failure to satisfy the residential financing requirement. Failure to give such notice shall not result in automatic renewal of the ASC.

(v) This paragraph (i) expires January 1, 1983.

By order of the Board of Governors of the Federal Reserve System, December 17, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-36795 Filed 12-23-81; 8:45 am]

BILLING CODE 6210-01-M

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[4] * * *

[5] When institutions credit interest more frequently than annually, the computation of interest must be adjusted to reflect the effects of compounding so that the annual investment yield to the depositor remains at the rate stipulated by law. Specifically, the formula used to derive the nominal interest rate at which interest can be credited is as follows:

$I=[(1=c/100^{d/365}]-1$

$r=100\times(365/d)\times I$

where: c = the annual investment yield required to be paid on the ASCs (in percent per annum)

D = the average number of days in a compounding period (365-day year)

I = the amount of interest earned during a (365-day year) compounding period per dollar in the account at the beginning of the period.

r = the correspondeing nominal rate of interest (365-day basis, in percent per annum)

For institutions using continuous compounding, the nominal interest rate would be defined as: $r=100\ [1n\ (1+(c/100))]$, where "ln" signifies the natural logarithm of the expression that follows it.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Airworthiness Docket No. 81-ASW-65; Amdt. 39-4284]

Airworthiness Directives; Swearingen Model SA226-T, SA226-AT and SA226-TC Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) for Swearingen Model SA226-T, SA226-AT, and SA226-TC airplanes. This AD requires installation of cable guards and retainers in each control column. This AD is needed to correct an unsafe condition that could result in loss of

lateral control, and subsequent loss of the airplane.

DATE: Effective December 31, 1981.

Compliance required as prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from the Director of Product Support, Fairchild Swearingen Corporation, P.O. Box 32486, San Antonio, Texas 78284.

These documents may be examined at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas, or at the Rules Docket in Room 916, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

William A. Simmons, Airframe Branch, Aircraft Certification Division, ASW-120, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624-4911, extension 516.

SUPPLEMENTARY INFORMATION: There has been a failure of the control column cable pulley system and subsequent loss of lateral control on a Swearingen airplane. The FAA has determined that this is an unsafe condition which is likely to exist or develop on other airplanes of the same control column cable pulley type design. The AD requires installation of cable guards and retainers in each control column so that the control cables cannot disengage from the control pulleys. Fairchild Swearingen Service Bulletin SB27-022 issued January 5, 1979, refers to the installation of cable guards and retainers in each control column.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Swearingen: Applies to Swearingen Model SA226-T, S/N T201 through T290; SA226-AT, S/N AT001 through AT066; SA226-TC, S/N TC201 through TC255 airplanes certified in all categories. Compliance required within the next 50 hours' time in service after the effective date of this AD but not later than January 15, 1982. Accomplishment of Fairchild Swearingen Service Bulletin SB27-022 issued January 5, 1979, satisfies the requirements of this AD (Airworthiness Docket No. 81-ASW-65).

To prevent disengagement of the control cables from the control pulleys install cable guards and retainers in each control column in accordance with Fairchild Swearingen Service Bulletin SB27-022 issued January 5, 1979, or an equivalent means approved by the Chief, Aircraft Certification Division, FAA, Southwest Region.

A special flight permit may be issued in accordance with FAR 21.197 to allow flight of the aircraft to a location where this AD can be accomplished.

This amendment becomes effective December 31, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act or 1958, as amended. As such, it is subject to review only by the various courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Texas, on December 11, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-36879 Filed 12-23-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 22094; Amdt. 39-4287]

Airworthiness Directive; Airbus Industrie Model A300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that requires repetitive inspections for cracks of rear cargo door frames, and replacement of the frames as necessary, on Airbus Industrie Model A300 series airplanes. This AD is needed to detect cracks which could result in failure of the frames causing depressurization, structural damage and possible loss of the airplane.

DATE: Effective January 25, 1982. Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The applicable service bulletins may be obtained from: Airbus Industrie, Airbus Support Division, BP 33, 31700 Blagnac, France.

A copy of each service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591 and is filed with the original document.

FOR FURTHER INFORMATION CONTACT:

C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, telephone: 513.38.30 or C. Chapman, Acting Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue, SW., Washington, DC 20591, telephone: 202-426-8192.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive to require repetitive inspections for cracks of rear cargo door frames, and replacement of the frames as necessary, on Airbus Industrie Model A300 series airplanes, was published in the **Federal Register** at 46 FR 42280. Since all Airbus Model A300 series airplanes on the U.S. registry are currently being inspected in accordance with Airbus Service Bulletin No. A300-53-108, or have been modified in accordance with Airbus Service Bulletin No. A300-53-109, no immediate safety hazard existed, and time permitted promulgation of this AD by public notice to make it applicable to those airplanes currently on the registry as well as all future airplanes that may be entered on the U.S. aircraft registry.

The proposal was prompted by reports of cracks in the flanges of the rear cargo compartment door frames 67 and 69 found during routine inspections on Airbus Industrie Model A300 series airplanes. Closer examination revealed corrosion attributed to the stresses induced in the frames during installation of titanium rivets. These cracks could cause failure of the frames resulting in depressurization, structural damage, and possible loss of the airplane. Since this condition is likely to exist or develop on other airplanes of the same type design, the AD requires repetitive inspections of rear cargo door frames 67 and 69 for cracks in the external and internal flanges, and replacement of the frames

as necessary, on Airbus Industrie Model A300 series airplanes.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No objections were received. Accordingly, the proposal is adopted without change.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Airbus Industrie: Applies to Model A300 series airplanes, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent failure of the aft cargo door frames 67 and 69, accomplish the following:

(a) Within the next 550 hours time in service after the effective date of this AD, unless already accomplished within the last 1450 hours time in service, inspect the rear cargo compartment door frame external flanges in accordance with paragraph 2.B.(1) of Airbus Industrie A300 Service Bulletin A300–53–108, Revision 1, dated October 15, 1979 (hereinafter referred to as the Service Bulletin), or an FAA-approved equivalent.

(b) If no cracks are found during the inspection required by paragraph (a) of this AD:

(1) The airplane may be returned to service; and

(2) Repeat the inspection in paragraph (a) of this AD at intervals not to exceed 2000 hours time in service from the last inspection.

(c) If, during the inspection required by paragraph (a) of this AD, the total number of cracks found does not exceed 5, or the total length of all cracks found does not exceed 2 inches:

(1) The airplane may be returned to service; and

(2) Repeat the inspection in paragraph (a) of this AD at intervals not to exceed 550 hours time in service from the last inspection.

(d) If, during the inspection required by paragraph (a) of this AD, the total number of cracks found exceeds 5, or the total length of all cracks found exceeds 2 inches, inspect the adjacent internal flange on the forward side of frame 67 and the aft side of frame 69 in accordance with paragraph 2.B(2)(b) of the Service Bulletin, or an FAA-approved equivalent.

(e) If no cracks are found on the internal flanges during the inspection required by paragraph (d) of this AD:

(1) The airplane may be returned to service; and

(2) Repeat the inspections in paragraphs (a) and (d) of this AD at intervals not to exceed 550 hours time in service from the last inspection.

(f) If, during inspection of the internal flanges required by paragraph (d) of this AD, the total number of cracks found does not exceed 5, or the total length of all cracks does not exceed 2 inches:

(1) The airplane may be returned to service; and

(2) Repeat the inspections in paragraphs (a) and (d) of this AD at intervals not to exceed 200 hours time in service from the last inspection.

(g) If, during the inspection of the internal flanges required by paragraph (d) of this AD, the total number of cracks found exceeds 5, or the total length of all cracks exceeds 2 inches, before further flight, except as provided in paragraph (i) of this AD, replace the frame in accordance with paragraph 2, "Accomplishment Instructions," of Airbus Industrie A300 Service Bulletin A300–53–109, Revision 4, dated April 25, 1980, or an FAA-approved equivalent.

(h) The inspections and repetitive inspections required by this AD may be discontinued when rear cargo door frames 67 and 69 have been replaced in accordance with Airbus Industrie A300 Service Bulletin A300–53–109, Revision No. 4, dated April 25, 1980, or an FAA-approved equivalent.

(i) In accordance with FAR §§ 21.197 and 21.199 the airplane may be flown to a base where the maintenance required by this AD may be accomplished.

(j) If an equivalent means of compliance is used in complying with this AD, that equivalent means must be approved by the Chief, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium.

(k) Upon submission of substantiating data, through an FAA Aviation Safety Inspector, the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium, may adjust the inspection intervals.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Airbus Industrie, Airbus Support Division, BP 33, 31700 Blagnac, France. These documents may be examined at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

This amendment becomes effective January 25, 1982.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not considered to be major under the provisions of Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and certifies that the rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves inspections and repairs on only a few aircraft owned by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Washington, D.C., on December 15, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-36531 Filed 12-23-81; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-53]

Alteration of Transition Area; Camden, AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area at Camden, AR. The intended effect of the amendment is to provide adequate controlled airspace for aircraft executing instrument approach procedures to the Harrell Field Airport, Camden, AR. This amendment is necessary since a review of the controlled airspace revealed that additional airspace is required for the protection of aircraft executing instrument approach procedures to the airport.

EFFECTIVE DATE: March 18, 1982.

FOR FURTHER INFORMATION CONTACT:
James L. Owens, Airspace and Procedures Branch (ASW–536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 624–4911, extension 302.

SUPPLEMENTARY INFORMATION: On October 26, 1981, a notice of proposed rulemaking was published in the **Federal Register** (46 FR 52122) stating that the Federal Aviation Administration proposed to alter the Camden, AR, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes, this amendment is that proposed in the notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended in

§ 71.181 as follows, effective 0901 GMT, March 18, 1982, as follows:

Camden, AR

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Camden, AR, Harrell Field Airport (latitude 33°37'15" N., longitude 92°45'45" W.) and within 3.5-miles each side of the El Dorado, AR, VORTAC 357° radial, extending from the 6.5-mile radius area to 13 miles north of the VORTAC, and within 3 miles each side of the 012° magnetic bearing from the Camden Nondirectional Radio Beacon (NDB) (latitude 33°37'15" N., longitude 92°45'45" W.) extending from the 6.5-mile radius area to 8.5 miles north of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, TX, on December 15, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-36533 Filed 12-23-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-55]

Alteration of Control Zones; Abilene, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the control zones at Abilene, TX. The intended effect of the amendment is to provide adequate controlled airspace for aircraft executing instrument approach procedures to the Dyess AFB and Abilene Municipal Airports. This amendment is necessary because a review of the controlled airspace disclosed that in some instances excessive airspace was being provided and in other instances controlled airspace was inadequate to protect aircraft executing instrument approaches to the Dyess AFB and Abilene Municipal Airports.

EFFECTIVE DATE: March 18, 1982.

FOR FURTHER INFORMATION CONTACT: James L. Owens, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On October 29, 1981, a notice of proposed rulemaking was published in the **Federal Register** (46 FR 53432) stating that the Federal Aviation Administration proposed to alter the Abilene, TX, control zones. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes, this amendment is that proposed in the notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended in § 71-171 as follows, effective 0901 GMT, March 18, 1982, as follows:

Abilene, TX

Abilene, TX (Municipal Airport)

Within a 5-mile radius of Abilene Municipal Airport (latitude 32°24'42"N., longitude 99°40'53"W.); within 2.5 miles each side of the Abilene ILS localizer south course extending from the 5-mile radius area to 7.5 miles south of the airport; within 2 miles each side of the Abilene ILS localizer north course extending from the 5-mile radius area to 7.5 miles north of the airport; within 2.5 miles each side of the Tuscola VOR 030° radial extending from the 5-mile radius area to 6.5 miles northeast of the airport, within 2 miles each side of the Abilene VORTAC 115° radial extending from the 5-mile radius area to the Abilene VORTAC, excluding that airspace within the Dyess AFB control zone.

Abilene, TX (Dyess AFB)

Within a 5-mile radius of Dyess AFB (latitude 32°25'10"N., longitude 99°51'53"W.); within 2.5 miles each side of the Abilene VORTAC 171° radial extending from the 5-mile radius area to 10.5 miles south of the VORTAC; within 3.5-miles each side of the Abilene VORTAC 355° radial extending from the 5-mile radius area to 11.5 miles north of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, TX, on December 15, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-36533 Filed 12-23-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-54]

Designation of Transition Area; Caddo Mills, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will designate a transition area at Caddo Mills, TX. The intended effect of the amendment is to provide adequate controlled airspace for aircraft executing a new instrument approach procedure to the Caddo Mills Municipal Airport. This amendment is necessary to provide protection for aircraft executing an instrument approach using a proposed nondirectional radio beacon (NDB). Coincident with this action, the airport is changed from visual flight rules (VFR) to instrument flight rules (IFR).

EFFECTIVE DATE: March 18, 1982.

FOR FURTHER INFORMATION CONTACT: James L. Owens, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On October 29, 1981, a notice of proposed rulemaking was published in the **Federal Register** (46 FR 53433) stating that the Federal Aviation Administration proposed to designate the Caddo Mills, TX, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes, this amendment is that proposed in the notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended in § 71.181 as follows, effective 0901 GMT, March 18, 1982, as follows:

Caddo Mills, TX

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Caddo Mills, TX, Municipal Airport (latitude 33°02'10" N., longitude 96°14'35" W.) and within 3 miles each side of the 172° bearing from the NDB (latitude 33°02'25" N., longitude 96°14'54" W.) extending from the 6.5-mile radius area to 8 miles south of the airport.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, TX, on December 15,1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-36534 Filed 12-23-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-SO-55]

Alteration of Transition Area, Carrollton, Georgia

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Carrollton, Georgia, Transition Area by lowering the base of controlled airspace from 1,200 feet to 700 feet AGL southeast of the West Georgia Regional Airport. New standard instrument approach procedures have been developed for the airport. Additional controlled airspace is required to protect aircraft executing the approach procedures. The airspace must be designated before the approach procedures can become effective.

EFFECTIVE DATE: 0901 G.m.t., January 22, 1982.

FOR FURTHER INFORMATION CONTACT: Harlen D. Phillips, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On Thursday, October 22, 1981, (46 FR 51777), the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Carrollton, Georgia, Transition Area. This action adopts the proposal and thereby provides controlled airspace protection for aircraft executing new standard instrument approach procedures, LOC Runway 34 and NDB Runway 34, at the West Georgia Regional Airport. The existing Carrollton, nonfederal, nondirectional radio beacon (RBN) located on the airport is being replaced by the Carroll County RBN which will be located 4 miles southeast of Runway 34. A nonfederal localizer is proposed to serve Runway 34. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received from this notice.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations lowers the base of controlled airspace from 1,200 to 700 feet AGL southeast of the West Georgia Regional Airport.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181, Subpart G, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (and amended) (46 FR 540) is further amended, effective 0901 G.m.t., January 22, 1982, as follows:

Carrollton, Georgia

By amending § 71.181 in the description of the Carrollton, Georgia, Transition Area by deleting the words, "* * * the 169° bearing from Carrollton RBN (latitude 33°38'02" N., longitude 85°09'13" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN * * *." and substituting for them the words "* * * the 166° bearing from the Carroll County RBN (latitude 33°33'56" N., longitude 85°07'56" W.), extending from the 6.5-mile radius area to nine miles south of the RBN * * *"

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This action involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on December 11, 1981.

Jonathan Howe,

Director, Southern Region.

[FR Doc. 81-36676 Filed 12-23-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 95

[Docket No. 22525; Amdt. No. 95-302]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: January 21, 1982.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need of this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provide for the safe and efficient use of the navigable

airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, or contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 GMT January 21, 1982.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); Sec. 6(c), Department of Transporation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "signficant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. The FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on December 16, 1981.

John M. Howard,

Acting Chief, Aircraft Programs Division.

BILLING CODE 4910-13-M

§95.1001 DIRECT ROUTES—U.S.
is amended by adding:

FROM	TO	MEA
Bismarck, ND VOR	Pembina, MN VOR	18000
Dickinson, ND VOR	#U.S. Canadian Border	16000
#Via DIK R-031		
Dupre, SD VOR	Bismarck, ND VOR	18000
		MAA—35000
Rapid City, SD VOR	Fargo, ND VOR	24000
Rapid City, SD VOR	Minot, ND VOR	#18000

*MEA is established with a gap in navigational coverage.

§95.1001 DIRECT ROUTES—U.S.
is amended to read:

FROM	TO	MEA
Reno, NV VOR	Trose INT, CA	*22000
		MAA—39000
*13000—MOCA		
Trose INT, CA	Modesto, CA VOR	
	SW-bound	*6000
	NE-bound	*22000
*5000—MOCA		MAA—39000

§95.1001 DIRECT ROUTES—U.S.
is amended to delete:

FROM	TO	MEA
Minneapolis, Minn. VORTAC	Cedar Rapids, Iowa VORTAC	*14500
*3900—MOCA		MAA—35000

§95.1001 DIRECT ROUTES—U.S.
is added to read:

FROM	TO	MEA
Gopher, MN VORTAC	Cedar Rapids, IA VORTAC	14500
		MAA—35000
Gopher, MN VORTAC	Moline, IL VORTAC	13000
		MAA—35000
Sioux Falls, SD VOR	Fargo, ND VOR	15000

§95.5000 HIGH ALTITUDE RNAV ROUTES

FROM TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
J800R is amended to delete:						
Robbinsville, N.J VORTAC	165.6	43	Robbinsville	276/96 to COP	28000	45000
Rides, Pa. W/P		40-09-08N	075-25-41W	271/91 to Rides		
Rides, Pa. W/P	99	49.5	Rides	279/99 to COP	18000	45000
Horns, Pa. W/P		39-59-41N	079-09-07W	276/96 to Horns		
Horns, Pa. W/P	175.5	87.7	Horns	276/96 to COP	18000	45000
Thack, Ohio W/P		40-01-05N	082-07-46W	269/89 to Thack		
Thack, Ohio W/P	137.8	55	Thack	269/89 to COP	18000	45000
Melot, Ind. W/P		39-57-39N	85-13-23W	265/85 to Melot		
Melot, Ind. W/P	165.7	70	Melot	265/85 to COP	18000	45000
Chaps, Ill. W/P		39-48-29N	88-31-33W	259/79 to Chaps		
Chaps, Ill. W/P	206	103	Chaps	259/079 to COP	18000	45000
Walco, Kans. W/P				256/076 to Walco		
Walco, Kans. W/P	94	47	Walco	255/075 to COP	18000	45000
Enter, Kans. W/P				251/071 to Enter		
Enter, Kans. W/P	152	76	Enter	251/071 to COP	18000	45000
Cedar, Kans. W/P				245/065 to Cedar		
Cedar, Kans. W/P	120	60	Cedar	245/065 to COP	18000	45000
Grand, Colo. W/P				243/063 to Grand		
Grand, Colo. W/P	78.2	39.1	Grand	244/64 to COP	18000	45000
Delhi, Colo. W/P		37-50-06N	103-25-13W	242/62 to Delhi		
Delhi, Colo. W/P	78.6	39.3	Delhi	242/62 to COP	18000	45000
Sandy, Colo. W/P		37-29-50N	105-00-44W	241/61 to Sandy		
Sandy, Colo. W/P	117.6	57.7	Sandy	241/61 to COP	18000	45000
Flora, N.M. W/P				239/59 to Flora		

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE	CHANGEOVER POINT FROM	TRACK ANGLE	MEA	MAA
Flora, N.M. W/P Camel, Ariz. W/P	155.4	57.9	Flora	239/59 to COP 236/56 to Camel	18000	45000
Camel, Ariz. W/P Fenny, Calif. W/P	199.3	103.5 35-23-00N	Camel 113-11-40W	236/56 to COP 234/54 to Fenny	18000	45000
Fenny, Calif. W/P Morro, Calif. W/P	120.0	60.0 34-25-46N	Fenny 116-08-24W	234/054 to COP 232/052 to Morro	18000	45000
J801R is amended to delete:						
Mesic, Calif. W/P Boulder City, Nev. VORTAC	36			050/230 to Boulder City	18000	45000
Boulder City, Nev. VORTAC Paria, Ariz. W/P	151.9	76.0	Boulder City	053/233 to COP 055/235 to Paria	18000	45000
Paria, Ariz. W/P Monte, Colo. W/P	171.0	65	Paria	054/234 to COP 058/238 to Monte	18000	45000
Monte, Colo. W/P Cabin, Colo. W/P	98.7	23	Monte	058/238 to COP 058/238 to Cabin	18000	45000
Cabin, Colo. W/P Gofel, Colo. W/P	73	33	Cabin	059/239 to COP 061/241 to Gofel	18000	45000
Gofel, Colo. W/P Dress, Kans. W/P	226	103	Gofel	062/242 to COP 066/246 to Dress	18000	45000
Dress, Kans. W/P Ruski, Nebr. W/P	117.2	58.6	Dress	063/243 to COP 066/246 to Ruski	18000	45000
Ruski, Nebr. W/P Garde, Iowa W/P	207.9	95	Ruski	066/246 to COP 072/252 to Garde	18000	45000
Garde, Iowa W/P Joliet, Ill. VORTAC	238.1	119.0	Garde	072/252 to COP 080/260 to Joliet	18000	45000
Joliet, Ill. VORTAC Wolvi, Mich. W/P	199.1	110	Joliet	075/255 to COP 083/263 to Wolvi	18000	45000
Wolvi, Mich. W/P Spots, Ohio W/P	136.0			098/278 to Spots	18000	45000
Spots, Ohio W/P Ormby, Pa. W/P	103.6	15	Spots	106/286 to COP 106/286 to Ormby	18000	45000
Ormby, Pa. W/P Sparta, N.J. VORTAC	190.3	45	Ormby	110/290 to COP 116/296 to Sparta	18000	45000
J802R is amende to delete:						
Robbinsville, N.J. VORTAC Furna, Pa. W/P	164.5	27.0 40-16-36N	Robbinsville 75-04-30W	290/110 to COP 284/104 to Furna	18000	45000
Furna, Pa. W/P Shilo, Ohio W/P	204.3	102.3 40-48-29N	Furna 80-16-16W	284/104 to COP 276/096 to Shilo	18000	45000

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
Shilo, Ohio W/P	206.5	93.0	Shilo	276/96 to COP	18000	45000
Perry, Ind. W/P		41-03-52N	84-32-50W	271/91 to Perry		
Perry, Ind. W/P	115.1	78.0	Perry	271/91 to COP	18000	45000
Bradford, Ill. W/P		41-09-35N	88-46-07W	263/83 to Bradford		
Bradford, Ill. W/P	325.1	165.0	Bradford	264/84 to COP	18000	45000
Lincoln, Nebr. W/P		41-05-44N	93-13-30W	257/77 to Emerald		
Lincoln, Nebr. W/P	192.5	76.0	Lincoln	258/78 to COP	18000	45000
Melto, Nebr. W/P		40-50-17N	98-24-28W	253/73 to Melto		
Melto, Nebr. W/P	179.2	89.6	Melto	253/73 to COP	18000	45000
Gilly, Colo. W/P		40-29-09N	102-53-48W	249/69 to Gilly		
Gilly, Colo. W/P	142.3	71.1	Gilly	249/69 to COP	18000	45000
Bland, Colo. W/P		40-05-27N	106-21-34W	244/64 to Bland		
Bland, Colo. W/P	98.6	49.3	Bland	244/64 to COP	18000	45000
Hills, Utah W/P		39-43-44N	108-55-15W	242/62 to Hills		
Hills, Utah W/P	79.7	39.8	Hills	242/62 to COP	18000	45000
Nebos, Utah W/P		39-25-28N	110-48-19W	241/61 to Nebos		
Nebos, Utah W/P	140.0	70.0	Nebos	241/61 to COP	18000	45000
Graft, Nev. W/P		39-00-27N	113-05-58W	239/59 to Graft		
Graft, Nev. W/P	157.9	95.0	Graft	239/59 to COP	18000	45000
Coaldale, Nev. VORTAC		38-17-55N	116-29-40W	236/56 to Coaldale		
J803R is amended to delete:						
Mina, Nev. W/P	157.4	30.0	Mina	54/234 to COP	18000	45000
Brisk, Nev. W/P		38-43-41N	117-25-42W	57/237 to Brisk		
Brisk, Nev. W/P	102.8	51.7	Brisk	57/237 to COP	18000	45000
Clara, Utah W/P		39-37-58N	113-46-13W	58/238 to Clara		
Clara, Utah W/P	119.4	59.7	Clara	58/238 to COP	18000	45000
Ouray, Utah W/P		40-07-58N	111-27-44W	60/240 to Ouray		
Ouray, Utah W/P	97.6	48.7	Ouray	60/240 to COP	18000	45000
Maybe, Colo. W/P		40-34-37N	109-10-20W	62/242 to Maybe		
Maybe, Colo. W/P	154.8	35.0	Maybe	62/242 to COP	18000	45000
Tanks, Wyo. W/P		40-53-21N	107-22-47W	66/246 to Tanks		
Tanks, Wyo. W/P	165.6	82.7	Tanks	66/246 to COP	18000	45000
Sands, Nebr. W/P		41-31-36N	102-59-17W	71/251 to Sands		
Sands, Nebr. W/P	192.8	95.9	Sands	71/251 to COP	18000	45000
Plums, Nebr. W/P		41-56-50N	99-02-47W	76/256 to Plums		
Plums, Nebr. W/P	289.6	108.0	Plums	76/256 to COP	18000	45000
Scale, Ill. W/P		42-15-34N	94-28-37W	83/263 to Scale		

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE	CHANGEOVER POINT FROM	TRACK ANGLE	MEA	MAA
Scale, Ill. W/P Haven, Mich. W/P	183.0	58.0 42-22-46N	Scale 89-05-45W	84/264 to COP 92/272 to Haven	18000	45000
Haven, Mich. W/P Wolvi, Mich. W/P	103.4	51.7 42-16-52N	Haven 85-07-42W	92/272 to COP 97/277 to Wolvi	18000	45000
Wolvi, Mich. W/P Spots, Ohio W/P	136.0			98/278 to Spots	18000	45000
Spots, Ohio W/P Ormby, Pa. W/P	103.6	15.0 41-58-44N	Spots 80-36-16W	106/286 to COP 106/286 to Ormby	18000	45000
Ormby, Pa. W/P Sparta, N.J. VORTAC	190.3	45.0 41-38-31N	Ormby 77-39-45W	110/290 to COP 116-296 to Sparta	18000	45000
J805R is amended to delete:						
Hemlo, Ore. W/P Newport, Ore. VORTAC	137			036/216 to Newport	18000	45000
Newport, Ore. VORTAC Dayah, Ore. W/P	198	120	Newport	067/247 to COP 072/252 to Dayah	18000	45000
Dayah, Ore. W/P McCall, Ida. VORTAC	139	55	Dayah	065/245 to COP 068/248 to McCall	18000	45000
McCall, Ida. VORTAC Limes, Mont. W/P	170	110	McCall	068/248 to COP 071/251 to Limes	19000	45000
Limes, Mont. W/P Biggs, Mont. W/P	150	75	Limes	071/251 to COP 075/255 to Biggs	20000	45000
Biggs, Mont. W/P Clear, Wyo. W/P	102	60	Biggs	077/257 to COP 080/260 to Clear	18000	45000
Clear, Wyo. W/P Ashey, S.D. W/P	193	101	Clear	080/260 to COP 086/266 to Ashey	18000	45000
Ashey, S.D. W/P Sioux Falls, S.D. W/P	224	112	Ashey	086/266 to COP 093/273 to Sioux Falls	18000	45000
Sioux Falls, S.D. W/P Wildt, Iowa W/P	224	112	Sioux Falls	090/270 to COP 099/279 to Wildt	18000	45000
Wildt, Iowa W/P Stock, Ill. W/P	153	77	Wildt	099/279 to COP 103/283 to Stock	18000	45000
J806R is amended to delete:						
Robbinsville, N.J. VORTAC Furna, Pa. W/P	165	27	Robbinsville	290/110 to COP 284/104 to Furna	18000	45000
Furna, Pa. W/P Shilo, Ohio W/P	204	102	Furna	284/104 to COP 276/096 to Shilo	18000	45000
Shilo, Ohio W/P Plant, Ind. W/P	219	103	Shilo	284/104 to COP 278/098 to Plant	18000	45000
Plant, Ind. W/P Morri, Ill. W/P	115	57	Plant	279/099 to COP 275/095 to Morri	18000	45000

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM	GEOGRAPHIC LOCATION	TRACK ANGLE	MEA	MAA
Morri, Ill. W/P Elber, Iowa W/P	111			270/090 to COP 269/089 to Elber	18000	45000
Elber, Iowa W/P Kamra, Iowa W/P	70	35	Elber	288/108 to COP 283/103 to Kamra	18000	45000
Kamra, Iowa W/P Sioux Falls, S.D. VORTAC	153			292/112 to COP 289/109 to Sioux Falls	18000	45000
Sioux Falls, S.D. VORTAC Ashey, S.D. W/P	224			273/093 to COP 266/086 to Ashey	18000	45000
Ashey, S.D. W/P Clear, Wyo. W/P	193	92	Ashey	266/086 to COP 260/080 to Clear	18000	45000
Clear, Wyo. W/P Biggs, Mont. W/P	102	42	Clear	260/080 to COP 257/077 to Biggs	18000	45000
Biggs, Mont. W/P Limes, Mont. W/P	150	75	Biggs	255/075 to COP 251/071 to Limes	20000	45000
Limes, Mont. W/P McCall, Ida. VORTAC	170	60	Limes	251/071 to COP 248/068 to McCall	19000	45000
McCall, Ida. VORTAC Dayah, Ore. W/P	139	84	McCall	248/068 to COP 245/065 to Dayah	18000	45000
Dayah, Ore. W/P Newport, Ore. W/P	198	78	Dayah	252/072 to COP 247/067 to Newport	18000	45000
Newport, Ore. W/P Hemlo, Ore. W/P	137			216/036 to Hemlo	18000	45000
J810R is amended to delete:						
Kinds, Mich. W/P March, Ohio W/P	112.1	56.1 41-43-30N	Kinds 83-45-40W	94/274 to COP 99/279 to March	18000	45000
March, Ohio W/P Avast, Pa. W/P	233.9	78.9 41-29-44N	March 80-46-40W	99/279 to COP 106/286 to Avast	18000	45000
Avast, Pa. W/P Sweet, N.J. W/P	113.1	22	Avast	106/286 to COP 112/292 to Sweet	18000	45000
J811R is amended to delete:						
Judyville, Ind. W/P Elman, Tenn. W/P	245.4	145.0 37-55-49N	Judyville 86-26-53W	162/342 to COP 161/341 to Elman	18000	45000
Elman, Tenn. W/P Rome, Ga. W/P	134.4	84.4	Elman	162/342 to COP 161/341 to Rome	18000	45000
Rome, Ga. W/P Mauks, Ga. W/P	106.4	53.2	Rome	156/336 to COP 159/339 to Mauks	18000	45000

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
Mauks, Ga. W/P Penny, Fla. W/P	148.0	100.0 30-53-39N	Mauks 83-49-32W	162/342 to COP 162/342 to Penny	18000	45000
Penny, Fla. W/P Reply, Fla. W/P	269.0	157.0 27-49-25N	Penny 82-06-24W	150/330 to COP 152/332 to Reply	18000	45000
J812R is amended to delete:						
Hight, Fla. W/P Aport, Fla. W/P	149.0			334/154 to COP 334/154 to Aport	18000	45000
Aport, Fla. W/P Archi, Fla. W/P	76.0			335/155 to COP 335/155 to Archi	18000	45000
Archi, Fla. W/P Alma, Ga. W/P	117.0	70.0	Archi	001/181 to COP 002/182 to Alma	18000	45000
Alma, Ga. W/P Corni, Ga. W/P	108.0			331/151 to COP 330/150 to Corni	18000	45000
Corni, Ga. W/P Cante, Ga. W/P	85.0			333/153 to COP 330/150 to Cante	18000	45000
Cante, Ga. W/P Shute, Ky. W/P	181.0			344/164 to COP 347/167 to Shuto	18000	45000
Shuto, Ky. W/P Borde, Ind. W/P	88.0	16.0	Shuto	341/161 to COP 335/155 to Borde	18000	45000
Borde, Ind. W/P Fores, Ind. W/P	144.0	52.0	Borde	335/155 to COP 339/159 to Fores	18000	45000
Fores, Ind. W/P Chicago Heights, Ill. W/P	43.0			338/158 to Chicago Heights	18000	45000
J815R is amended to delete:						
Casanova, Va. W/P Coppa, Va. W/P	167.0	105	Casanova	237/057 to COP 233/053 to Coppa	18000	45000
Coppa, Va. W/P Shine, S.C. W/P	152.0			236/056 to COP 234/054 to Shine	18000	45000
Shine, S.C. W/P Macey, Ga. W/P	67.0			212/032 to Macey	18000	45000
J819R is amendedto delete:						
Merry, Mass. W/P Spads, N.Y. W/P	147	100	Merry	294/114 to COP 288/108 to Spads	18000	45000
Spads, N.Y. W/P Pekin, N.Y. W/P	174	95	Spads	281/101 to COP 276/096 to Pekin	18000	45000
Pekin, N.Y. W/P Vermi, Mich. W/P	267	120	Pekin	275/095 to COP 267/087 to Vermi	18000	45000
Vermi, Mich. W/P Poppy, Ill. W/P	132	50	Vermi	265/085 to COP 261/081 to Poppy	18000	45000

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
J820R is amended to delete:						
O'Hare, Ill. W/P	176	88	O'Hare	082/262 to COP	18000	45000
Wolvi, Mich. W/P				090/270 to Wolvi		
Wolvi, Mich. W/P	162.0	75.0	Wolvi	090/270 to COP	18000	45000
Schoo, Pa. W/P		42-17-26N	82-17-22W	092/272 to Schoo		
Schoo, Pa. W/P	55.1	27.5	Schoo	094/274 to COP	18000	45000
Hamet, N.Y. W/P		42-20-28N	79-43-09W	099/279 to Hamet		
Hamet, N.Y. W/P	257.9	128.9	Hamet	092/272 to COP	18000	45000
Cheri, N.Y. W/P		42-32-58N	76-12-38W	100/280 to Cheri		
Cheri, N.Y. W/P	55.7	27.8	Cheri	111/291 to COP	18000	45000
Gardner, Mass. W/P		42-36-56N	72-40-53W	113/293 to Gardner		
J836R is amended to delete:						
Judys, Ind. W/P	119.6				18000	45000
Ogden, Ind. W/P				122/302 to Ogden		
J842R is amended to delete:						
Dallas-Fort Worth, Tex. VORTAC	154			067/247 to COP	18000	45000
Texarkana, Ark. W/P				067/247 to Texarkana		
Texarkana, Ark. W/P	220	110	Texarkana	059/239 to COP	18000	45000
Surry, Miss. W/P				064/244 to Surry		
Surry, Miss. W/P	218	53	Surry	062/242 to COP	18000	45000
Elman, Tenn. W/P				066/246 to Elman		
Elman, Tenn. W/P	92	46	Elman	967/247 to COP	18000	45000
Woodi, Ky. W/P				072/252 to Woodi		
Woodi, Ky. W/P	127.8	63.9	Woodi	075/255 to COP	18000	45000
Kimbo, W. Va. W/P		37-07-54N	82-45-26W	079/259 to Kimbo		
Kimbo, W. Va. W/P	161.9	80.9	Kimbo	079/259 to COP	18000	45000
Gordonsville, Va. W/P		37-43-06N	79-49-04W	084/264 to Gordonsville		
Gordonsville, Va. W/P	188.8	110.0	Gordonsville	068/248 to COP	18000	45000
Atlantic City, N.J. W/P		38-51-58N	76-05-12W	070/250 to Atlantic City		
J843R is amended to delete:						
Robbinsville, N.J. VORTAC	122.3	97.3	Robbinsville	261/081 to COP	18000	45000
Westminster, Md. W/P		39-38-37N	76-28-31W	254/074 to Westminster		
Westminster, Md. W/P	216.7	146.2	Westminster	259/079 to COP	18000	45000
Renfo, W. Va. W/P				254/074 to Renfo		
Renfo, W. Va. W/P	201.1	100.6	Renfo	254/074 to COP	18000	45000
Shuto, Ky. W/P				251/071 to Shuto		
Shuto, Ky. W/P	90.7	25.0	Shuto	251/071 to COP	18000	45000
Sader, Ky. W/P		37-05-43N	85-50-57W	244/064 to Sader		

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE	CHANGEOVER POINT FROM GEOGRAPHIC LOCATION	TRACK ANGLE	MEA	MAA
Sader, Ky. W/P Birle, Ark. W/P	184	79	Sader	244/064 to COP 241/061 to Birle	18000	45000
Birle, Ark. W/P Hareb, Ark. W/P	206	103	Birle	241/061 to COP 237/057 to Hareb	18000	45000
Hareb, Ark. W/P Dallas-Fort Worth, Tex. VORTAC	150			237/057 to COP 235/055 to Dallas-Fort Worth	18000	45000
J851R is amended to delete:						
Logan, Calif. W/P Virga, Calif. W/P	218	143.8 35-10-15N	Logan 119-47-10W	123/303 to COP 125/305 to Virga	18000	45000
J853R is amended to delete:						
Seal Beach, Calif. W/P Koffa, Ariz. W/P	209.2	104.5 33-40-02N	Seal Beach 115-58-05W	079/259 to COP 081/261 to Koffa	18000	45000
Koffa, Ariz. W/P Phoenix, Ariz. VORTAC	100.5	50.2 33-28-43N	Koffa 112-53-19W	078/258 to COP 079/259 to Phoenix	18000	45000
J855R is amended to delete:						
Wichita Falls, Tex. VORTAC	59				18000	45000
Crows, Tex. W/P				269/089 to Crows		
Crows, Tex. W/P Texico, N.M. VORTAC	154	48	Crows	269/089 to COP 266/086 to Texico	18000	45000
Texico, N.M. VORTAC Palma, N.M. W/P	125	30	Texico	272/092 to COP 268/088 to Palma	18000	45000
Palma, N.M. W/P Volca, N.M. W/P	68	34	Palma	268/088 to COP 267/087 to Volca	18000	45000
Volca, N.M. W/P Defer, N.M. W/P	125	62	Volca	267/087 to COP 265/085 to Defer	18000	45000
Defer, N.M. W/P Fourr, Ariz. W/P	108	54	Defer	265/085 to COP 262/082 to Fourr	18000	45000
Fourr, Ariz. W/P Boulder City, Nev. VORTAC	173	86	Fourr	262/082 to COP 260/080 to Boulder City	18000	45000
Boulder City, Nev. VORTAC	47	24	Boulder City	258/078 to COP	18000	45000
Lucky, Nev. W/P				256/076 to Lucky		
Lucky, Nev, W/P Modesto, Calif. W/P	264	111	Lucky	276/090 to COP 273/093 to Modesto	18000	45000
J861R is amended to delete:						
Wycox, Ariz. W/P				267/087 to Wycox		
El Paso, Tex. VORTAC	184.2	80	El Paso	269/089 to COP	18000	45000

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
Wycox, Ariz. W/P Elope, Ariz. W/P	93.2	46.6	Wycox	272/092 to COP 269/089 to Elope	18000	45000
Elope, Ariz. W/P Koffa, Ariz. W/P	122.8	50.0 33-15-36N	Elope 113-05-31W	278/098 to COP 276/096 to Koffa	18000	45000
Koffa, Ariz. W/P Beaut, Calif. W/P	146.6	73.3 33-48-52N	Koffa 115-18-27W	270/090 to COP 268/088 to Beaut	18000	45000
J862R is amended to delete:						
Simon, Fla. W/P Columbia, S.C. W/P	190.1	150.1 33-11-27N	Simon 81-06-11W	003/183 to COP 005/185 to Columbia	18000	45000
Columbia, S.C. W/P Elkins, W.Va. W/P	306.5	175.0 36-44-46N	Columbia 80-31-27W	010/190 to COP 011/191 to Elkins	18000	45000
Elkins, W.Va. W/P Nesto, Pa. W/P	70.6	30.0 39-24-07N	Elkins 79-57-16W	015/195 to COP 017/197 to Nesto	18000	45000
J863R is amended to delete:						
Coyle, N.J. VORTAC Gordonsville, Va. W/P	205.0			249/069 to COP 244/064 to Gordonsville	18000	45000
Gordonsville, Va. W/P Galax, Va. W/P	148.0			239/059 to COP 234/054 to Galax	18000	45000
Galax, Va. W/P Macey, Ga. W/P	200	50.0	Galax	234/054 to COP 232/052 to Macey	18000	45000
J864R is amended to delete:						
Peotone, Ill. W/P Tippy, Ind. W/P	82.4			096/276 to Tippy	18000	45000
Tippy, Ind. W/P Rosewood, Ohio VORTAC	101.3	50.7 40-41-58N	Tippy 85-00-29W	117/297 to COP 121/301 to Rosewood	18000	45000
Rosewood, Ohio VORTAC Cameo, Ohio W/P	147.9	50.0 40-05-43N	Rosewood 82-59-07W	104/284 to COP 109/289 to Cameo	18000	45000
Cameo, Ohio W/P Front Royal, Va. W/P	132.0	82.0 39-19-31N	Cameo 79-13-46W	109/289 to COP 113/293 to Front Royal	18000	45000
Front Royal, Va. W/P Armel, Va. W/P	36			111/291 to Armel	18000	45000
J865R is amended to delete:						
Martinsburg, W. Va. W/P Balsa, Ohio W/P	162.6	120.6 40-12-44N	Martinsburg 80-13-35W	302/122 to COP 294/114 to Balsa	18000	45000

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
Balsa, Ohio W/P Shilo, Ohio W/P	71.4			295/115 Shilo	18000	45000
Shilo, Ohio W/P Plant, Ill. W/P	219.0	103.0 41-17-53N	Shilo 84-43-55W	284/104 to COP 278/098 to Plant	18000	45000
J875R is amended to delete:						
Breme, Ga. W/P Vulcan, Ala. W/P	84.3			267/087 to Vulcan	18000	45000
Vulcan, Ala. W/P Banks, Miss. W/P	145.1	45	Vulcan	295/115 to COP 291/111 to Banks	18000	45000
J880R is amended to delete:						
Kicks, Ga. W/P Augusta, Ga. W/P	168.5	108.5 32-32-58N	Kicks 81-59-14W	355/175 to COP 356/176 to Augusta	18000	45000
Augusta, Ga. W/P Beech, N.C. W/P	153	107	Augusta	004/184 to COP 003/183 to Beech	18000	45000
Beech, N.C. W/P Henderson, W. Va. W/P	160	45	Beech	003/183 to COP 004/184 to Henderson	18000	45000
Henderson, W. Va. W/P Ritzs, Ohio W/P	135.2	67.6 39-52-34N	Henderson 81-53-01W	009/189 to COP 010/190 to Ritzs	18000	45000
J883R is amended to delete:						
Minneapolis, Minn. VORTAC Denny, Wis. W/P	238.6	130.0 44-46-02N	Minneapolis 90-22-10W	093/273 to COP 100/280 to Denny	18000	45000
Denny, Wis. W/P Nirva, Mich. W/P	94.8	47.4 44-12-41N	Denny 86-49-03W	100/280 to COP 104/284 to Nirva	18000	45000
Nirva, Mich. W/P Sanil, Mich. W/P	138.8	69.4 43-47-36N	Nirva 84-11-05W	101/281 to COP 107/287 to Sanil	18000	45000
Sanil, Mich. W/P Blake, N.Y. W/P	178.2	89.1 43-11-14N	Sanil 80-39-03W	107/287 to COP 114/294 to Blake	18000	45000
Blake, N.Y. W/P Kingston, N.Y. W/P	227.6	113.8	Blake	114/294 to COP 120/300 to Kingston	18000	45000
J884R is amended to delete:						
Huguenot, N.Y. W/P Gower, N.Y. W/P	201.1	120.0 42-06-50N	Huguenot 77-05-37W	302/122 to COP 297/117 to Gower	18000	45000
Gower, N.Y. W/P Carte, Mich. W/P	176.7	88.3 43-00-36N	Gower 80-43-04W	297/117 to COP 290/110 to Carte	18000	45000
Carte, Mich. W/P Nirva, Mich. W/P	139.6	69.8 43-44-13N	Carte 84-11-29W	290/110 to COP 284/104 to Nirva	18000	45000
Nirva, Mich. W/P Denny, Wis. W/P	94.8	47.4 44-12-41N	Nirva 86-49-03W	284/104 to COP 280/100 to Denny	18000	45000

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
Denny, Wis. W/P Minneapolis, Minn. VORTAC	238.6	108.6 44-46-02N	Denny 90-22-10W	280/100 to COP 273/093 to Minneapolis	18000	45000
J886R is amended to delete:						
Morri, Ill. W/P Elber, Iowa W/P	111	56	Morri	270/090 to COP 269/089 to Elber	18000	45000
Elber, Iowa W/P Danny, Iowa W/P	152	60	Elber	273/093 to COP 266/086 to Danny	18000	45000
Danny, Iowa W/P Dries, Nebr. W/P	124	62	Danny	266/086 to COP 262/082 to Dries	18000	45000
Dries, Nebr. W/P Otsie, Nebr. W/P	225	105	Dries	264/084 to COP 258/078 to Otsie	18000	45000
Otsie, Nebr. W/P Split, Wyo. W/P	211	121	Otsie	258/078 to COP 251/071 to Split	18000	45000
Split, Wyo. W/P Malad City, Ida. W/P	188	70	Split	251/071 to COP 248/068 to Malad City	22000	45000
Malad City, Ida. W/P Della, Nev. W/P	88	65	Malad City	247/067 to COP 245/065 to Della	18000	45000
Della, Nev. W/P Coles, Nev. W/P	147	87	Della	245/065 to COP 242/062 to Coles	18000	45000
Coles, Nev. W/P Liked, Calif. W/P	116	55	Coles	242/062 to COP 240/060 to Liked	21000	45000
Liked, Calif. W/P Fortuna, Calif. VORTAC	187	111	Liked	240/060 to COP 237/057 to Fortuna	18000	45000
Fortuna, Calif. VORTAC Redoo, Calif. W/P	124			251/071 to Redoo	18000	45000
J887R is amended to delete:						
Redoo, Calif. W/P Fortuna, Calif. VORTAC	124			071/251 to Fortuna	18000	45000
Fortuna, Calif. VORTAC Liked, Calif. W/P	187	76	Fortuna	057/237 to COP 060/240 to Liked	18000	45000
Liked, Calif. W/P Coles, Nev. W/P	116	61	Liked	060/240 to COP 062/242 to Coles	21000	45000
Coles, Nev. W/P Della, Nev. W/P	147	60	Coles	062/242 to COP 065/245 to Della	18000	45000
Della, Nev. W/P Malad City, Ida. VORTAC	88	23	Della	065/245 to COP 067/247 to Malad City	18000	45000
Malad City, Ida. VORTAC Split, Wyo. W/P	188	118	Malad City	068/248 to COP 071/251 to Split	22000	45000

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
Split, Wya. W/P Otsie, Nebr. W/P	211	90	Split	071/251 to COP 078/258 to Otsie	18000	45000
Otsie, Nebr. W/P Dries, Nebr. W/P	225	120	Otsie	078/258 to COP 084/264 to Dries	18000	45000
Dries, Nebr .W/P Kamra, Iowa W/P	209	104	Dries	077/257 to COP 083/263 to Kamra	18000	45000
Kamra, Iowa W/P Scale, Ill. W/P	148	74	Kamra	083/263 to COP 086/266 to Scale	18000	45000
Scale, Ill. W/P Stock, Ill. W/P	89	45	Scale	085/265 to COP 090/270 to Stock	18000	45000
J896R is amended to delete:						
Peotone, Ill. W/P Tippy, Ind. W/P	82.4			096/276 to Tippy	18000	45000
Tippy, Ind. W/P Rosewood, Ohio VORTAC	101.3	50.7 40-41-58N	Tippy 85-00-29W	117/297 to COP 121/301 to Rosewood	18000	45000
Rosewood, Ohio VORTAC Conic, Ohio W/P	148.2	74.1 40-18-55N	Rosewood 82-25-46W	089/269 to COP 094/274 to Conic	18000	45000
Conic, Ohio W/P Harrisburg, Pa. W/P	174.3	87.1 40-17-47N	Conic 78-55-05W	094/274 to COP 100/280 to Harrisburg	18000	45000
Harrisburg, Pa. W/P Bucks, Pa. W/P	60.5			107/287 to Bucks	18000	45000

§95.6500 HIGH ALTITUDE RNAV ROUTES

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
Napa, Calif. W/P Hilly, Calif. W/P	115.1	57.5	Napa	343/163 to COP 342/162 to Hilly	18000	45000
Hilly, Calif. W/P Hyatt, Ore. W/P	141.3	80.6	Hilly	342/162 to COP 341/161 to Hyatt	18000	45000
Hyatt, Ore. W/P Yacht, Wash. W/P	197.5	87.4	Hyatt	341/161 to COP 339/159 to Yacht	18000	45000
Yacht, Wash. W/P Summa, Wash. W/P	86.3			339/159 to Summa	18000	45000
J903R is amended to delete:						
Seal Beach, Calif. W/P Koffa, Ariz. W/P	209.2	104.5 33-40-02N	Seal Beach 115-58-05W	079/259 to COP 081/261 to Koffa	18000	45000
Koffa, Ariz. W/P Tucson, Ariz. W/P	176.1	73.0 32-56-54N	Koffa 112-36-16W	103/283 to COP 105/285 to Tucson	18000	45000
J906R is amended to delete:						
Los Angeles, Calif. VORTAC Hector, Calif. W/P	111			047/227 to Hector	18000	45000
Hector, Calif. W/P Mesic, Calif. W/P	73			023/203 to COP 025/205 to Mesic	18000	45000
Mesic, Calif. W/P Adopt, Nev. W/P	151	101	Mesic	025/205 to COP 024/204 to Adopt	18000	45000
Adopt, Nev. W/P Fools, Utah W/P	131	50	Adopt	009/189 to COP 010/190 to Fools	18000	45000
Fools, Utah W/P Ogden, Utah W/P	96			350/170 to COP 349/169 to Ogden	18000	45000
J907R is amended to delete:						
Humble, Tex. W/P Austin, Tex. W/P	124	62	Humble	274/094 to COP 268/088 to Austin	18000	45000
Austin, Tex. W/P Junction, Tex. W/P	111.1	55.6 30-27-10N	Austin 98-45-26W	269/089 to COP 268/088 to Junction	18000	45000
Junction, Tex. W/P Ft. Stockton, Tex. W/P	164.6	104.6 30-49-54N	Junction 101-49-17W	268/088 to COP 266/086 to Ft. Stockton	18000	45000
Ft. Stockton, Tex. W/P Toyah, Tex. W/P	65.0			291/111 to Toyah	18000	45000
Toyah, Tex. W/P Organ, N.M. W/P	150.5	75.3 31-52-04N	Toyah 105-21-24W	277/097 to COP 273/093 to Organ	18000	45000
Organ, N.M. W/P Wycox, Ariz. W/P	150.9	75.4	Organ	261/081 to COP 261/081 to Wycox	18000	45000

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
Wycox, Ariz. W/P Elope, Ariz. W/P	93.2	46.6	Wycox	272/092 to COP 269/089 to Elope	18000	45000
Elope, Ariz. W/P Brent, Ariz. W/P	123.3	80.0 33-23-52N	Elope 113-01-02W	284/104 to COP 283/103 to Brent	18000	45000
Brent, Ariz. W/P Beaut, Calif. W/P	149.1	74.5 33-55-22N	Brent 115-15-22W	264/084 to COP 263/083 to Beaut	18000	45000
J912R is amended to delete:						
Dallas-Fort Worth, Tex. W/P Stick, Okla. W/P	164	114	Dallas-Fort Worth	027/207 to COP 027/207 to Stick	18000	45000
Stick, Okla. W/P Springfield, Mo. W/P	160.3	110.3 36-39-29N	Stick 93-54-12W	024/204 to COP 026/206 to Springfield	18000	45000
Springfield, Mo. W/P Peony, Ill. W/P	261.6	110.0 38-45-49N	Springfield 91-50-36W	032/212 to COP 038/218 to Peony	18000	45000
Peony, Ill. W/P Joliet, Ill. VORTAC	81.6	40.7 41-06-37N	Peony 89-00-33W	045/225 to COP 047/227 to Joliet	18000	45000
Joliet, Ill. VORTAC Wrens, Ill. W/P	16.0			006/186 to Wrens	18000	45000
J914R is amended to delete:						
Dallas-Fort Worth, Tex. VORTAC Tenna, Tex. W/P	154			104/284 to COP 107/287 to Tenna	18000	45000
Tenna, Tex. W/P Alexandria, La. VORTAC	96.7	48.4 31-34-19N	Tenna 93-22-06W	106/286 to COP 105/285 to Alexandria	18000	45000
Alexandria, La. VORTAC New Orleans, La. VORTAC	141.1	70.5 30-35-57N	Alexandria 91-14-18W	114/294 to COP 115/295 to New Orleans	18000	45000
J917R is amended to delete:						
Logan, Calif. W/P Easta, Calif. W/P	92.6 145.8	80.0	Easta	085/262 to COP	18000 18000	45000 45000
Easta, Calif. W/P Wildy, Calif. W/P		36-31-47N	118-11-49W	082/262 to Easta 085/265 to Wildy		
Wildy, Calif. W/P Boulder City, Nev. W/P		36-09-56N	115-51-36W	086/266 to Boulder City		
Boulder City, Nev. W/P Sycmo, Ariz. W/P	125.8	62.9	Boulder City	115/295 to COP 115/295 to Sycmo	18000	45000
Sycmo, Ariz. W/P Phoenix, Ariz. VORTAC	88.1	35.0 34-09-04N	Sycmo 112-30-33W	128/308 to COP 130/310 to Phoenix	18000	45000

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
J918R is amended to delete:						
Humble, Tex. W/P Guest, La. W/P	149	75	Humble	082/262 to COP 082/262 to Guest	18000	45000
Guest, La. W/P New Orleans, La. VORTAC	120.3	60.1 30-01-53N	Guest 91-19-38W	082/262 to COP 084/264 to New Orleans	18000	45000
J919R is amended to delete:						
El Paso, Tex. VORTAC Fort Stockton, Tex. W/P	177.5	80.0	El Paso	094/274 to COP 097/277 to Fort Stockton	18000	45000
Fort Stockton, Tex. W/P Tella, Tex. W/P	161.7	65.0	Fort Stockton	096/276 to COP 099/279 to Tella	18000	45000
Tella, Tex. W/P San Antonio, Tex. W/P	85.4	42.7	Tella	099/279 to COP 101/281 to San Antonio	18000	45000
J920R is amended to delete:						
Krums, Mont. W/P Mille, Mont. W/P	142			196/016 to Mille W/P	21000	45000
Mille, Mont. W/P Jeffe, Mont. W/P	110.6	35.0	Mille	168/348 to COP 166/346 to Jeffe	18000	45000
Jeffe, Mont. W/P Chess, Ida. W/P	68.3	25.0	Jeffe	166/346 to COP 167/347 to Chess	18000	45000
Chess, Ida. W/P Ogden, Utah W/P	170.9	50.0	Chess	167/347 to COP 167/347 to Ogden	18000	45000
J924R is amended to delete:						
Avenal, Calif. W/P Washy, Calif. W/P	228.5	185.0 38-42-14N	Avenal 120-31-07W	336/156 to COP 334/154 to Washy	20000	45000
Washy, Calif. W/P Quart, Ore. W/P	181.2	50.0 40-14-54N	Washy 120-48-31W	334/154 to COP 333/153 to Quart	20000	45000
Quart, Ore. W/P Summa, Wash. W/P	290.0	125.0 44-28-17N	Quart 121-40-47W	333/153 to COP 329/149 to Summa	18000	45000
J929R is amended to delete:						
Breme, Ga. W/P Meridian, Miss. W/P	197	145	Breme	244/064 to COP 240/060 to Meridian	18000	45000
Meridian, Miss. W/P Burke, La. W/P	255.7	150.0 31-25-32N	Meridian 91-31-15W	243/063 to COP 239/059 to Burke	18000	45000
Burke, La. W/P Humble, Tex. W/P	111	56	Burke	239/059 to COP 240/060 to Humble	18000	45000
J932R is amended to delete:						
New Orleans, La. VORTAC Jackson, Miss. W/P	148.3	74.2 31-16-09N	New Orleans 90-10-20W	355/175 to COP 356/176 to Jackson	18000	45000
Jackson, Miss. W/P Surry, Miss. W/P	146	99	Jackson	000/180 to COP 000/180 to Surry	18000	45000

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
J933R is amended to delete:						
Wichita Falls, Tex. VORTAC	59				18000	45000
Crows, Tex. W/P				269/089 to Crows		
Crows, Tex. W/P	154	48	Crows	269/089 to COP	18000	45000
Texico, N.M. VORTAC				266/086 to Texico		
Texico, N.M. VORTAC	117.3	58.6	Texico	263/083 to COP	18000	45000
Vault, N.M. W/P		34-33-46N	104-01-06W	260/080 to Vault		
Vault, N.M. W/P	195.5	80.5	Vault	260/080 to COP	18000	45000
Terra, Ariz. W/P		34-40-45N	106-49-30W	257/077 to Terra		
Terra, Ariz. W/P	82.6				18000	45000
Mania, Ariz. W/P				260/080 to Mania		
Mania, Ariz. W/P	85.4	20.0	Mania	263/083 to COP	18000	45000
Drake, Ariz. W/P		34-50-45N	111-13-06W	261/081 to Drake		
Drake, Ariz. W/P	114	57	Drake	244/064 to COP	18000	45000
Chubs, Calif. W/P				242/062 to Chubs		
Chubs, Calif. W/P	125	90	Chubs	242/062 to COP	18000	45000
Morro, Calif. W/P				241/061 to Morro		
J934R is amended to delete:						
Dallas-Fort Worth, Tex. VORTAC	154			067/247 to COP	18000	45000
Texarkana, Ark. W/P				067/247 to Texarkana		
Texarkana, Ark. W/P	196.9	98.4	Texarkana	082/262 to COP	18000	45000
Money, Miss. W/P		33-31-57N	92-06-40W	086/266 to Money		
Money, Miss. W/P	82.1				18000	45000
Bigbee, Miss. W/P				086/266 to Bigbee		
Bigbee, Miss.	81.7	25	Bigbee	078/258 to COP	18000	45000
Vulcan, Ala.				080/260 to Vuz		
Vulcan, Ala. W/P	93.7	46.8	Vulcan	069/249 to COP	18000	45000
Rome, Ga. W/P				068/248 to Rome		
J937R is amended to delete:						
Alcoa, Calif. W/P	139				28000	45000
Sawed, Calif. W/P				053/233 to Sawed		
Sawed, Calif. W/P	169	119	Sawed	052/232 to COP	18000	45000
Reno, Nev. VORTAC				055/235 to Reno		
Reno, Nev. VORTAC	138	69	Reno	057/237 to COP	18000	45000
Tenbo, Nev. W/P				058/238 to Tenbo		
Tenbo, Nev. W/P	143	72	Tenbo	056/236 to COP	18000	45000
Bonneville, Utah VORTAC				059/239 to Bonneville		

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
Bonneville, Utah VORTAC Woods, Utah W/P	77	38	Bonneville	062/242 to COP 061/241 to Woods	18000	45000
Woods, Utah W/P Queen, Wyo. W/P	144	72	Woods	061/241 to COP 064/244 to Queen	18000	45000
Queen, Wyo. W/P Slate, Wyo. W/P	186	93	Queen	064/244 to COP 070/250 to Slate	19000	45000
Slate, Wyo. W/P Berea, Nebr. W/P	80	40	Slate	070/250 to COP 071/251 to Berea	18000	45000
Berea, Nebr. W/P Dries, Nebr. W/P	210	59	Berea	071/251 to COP 077/257 to Dries	18000	45000
Dries, Nebr. W/P Kamra, Iowa W/P	209	104	Dries	077/257 to COP 083/263 to Kamra	18000	45000
Kamra, Iowa W/P Scale, Ill. W/P	148	74	Kamra	083/263 to COP 086/266 to Scale	18000	45000
Scale, Ill. W/P Stock, Ill. W/P	89	45	Scale	085/265 to COP 090/270 to Stock	18000	45000
J938R is amended to delete:						
Morri, Ill. W/P Elber, Iowa W/P	111	56	Morri	270/090 to COP 269/089 to Elber	18000	45000
Elber, Iowa W/P Utero, Iowa W/P	156	54	Elber	269/089 to COP 261/081 to Utero	18000	45000
Utero, Iowa W/P Cumin, Nebr. W/P	118	59	Utero	262/082 to COP 258/078 to Cumin	18000	45000
Cumin, Nebr. W/P Anglo, Nebr. W/P	210	105	Cumin	258/078 to COP 252/072 to Anglo	18000	45000
Anglo, Nebr. W/P Borax, Wyo. W/P	80	40	Anglo	252/072 to COP 251/071 to Borax	18000	45000
Borax, Wyo. W/P Veron, Wyo. W/P	187	94	Borax	251/071 to COP 246/066 to Veron	20000	45000
Veron, Wyo. W/P Magna, Utah W/P	144	110	Veron	246/066 to COP 244/064 to Magna	18000	45000
Magna, Utah W/P Aries, Utah W/P	76	38	Magna	244/064 to COP 241/061 to Aries	18000	45000
Aries, Utah W/P Tenbo, Nev. W/P	143	72	Aries	241/061 to COP 238/058 to Tenbo	18000	45000
Tenbo, Nev. W/P Reno, Nev. W/P	138	69	Tenbo	238/058 to COP 237/057 to Reno	18000	45000

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
Reno, Nev. W/P Napa, Calif. W/P	151	50	Reno	220/040 to COP 218/038 to Napa	20000	45000
Napa, Calif. W/P Palis, Calif. W/P	64			219/039 to Palis	18000	45000
Palis, Calif. W/P Bebop, Calif. W/P	80			226/046 to COP 228/048 to Arose	18000	45000
J939R is amended to delete:						
Morri, Ill. W/P Elber, Ill. W/P	111	56	Morri	270/090 to COP 269/089 to Elber	18000	45000
Elber, Iowa W/P Corey, Iowa W/P	93	50	Elber	306/126 to COP 300/120 to Corey	18000	45000
Corey, Iowa W/P Heidy, Minn. W/P	114	57	Corey	300/120 to COP 297/117 to Heidy	18000	45000
Heidy, Minn. W/P Turts, S.D. W/P	121	60	Heidy	280/100 to COP 278/098 to Turts	18000	45000
Turts, S.D. W/P Revas, S.D. W/P	201	100	Turts	278/098 to COP 271/091 to Revas	18000	45000
Revas, S.D. W/P Klein, Mont. W/P	224	106	Revas	271/091 to COP 263/083 to Klein	18000	45000
Klein, Mont. W/P Holte, Mont. W/P	145	85	Klein	263/083 to COP 259/079 to Holte	18000	45000
Holte, Mont. W/P Avery, Ida. W/P	157	70	Holte	259/079 to COP 256/076 to Avery	18000	45000
Avery, Ida. W/P Amber, Wash. W/P	81	40	Avery	256/076 to COP 253/073 to Amber	18000	45000
Amber, Wash. W/P Seattle, Wash. VORTAC	190	95	Amber	253/073 to COP 249/069 to Seattle	18000	45000
J940R is amended to delete:						
Seattle, Wash. VORTAC Amber, Wash. W/P	190	95	Seattle	069/249 to COP 073/253 to Amber	18000	45000
Amber, Wash. W/P Avery, Ida. W/P	81	41	Amber	073/253 to COP 076/256 to Avery	18000	45000
Avery, Ida. W/P Holte, Mont. W/P	157	87	Avery	076/256 to COP 079/259 to Holte	18000	45000
Holte, Mont. W/P Klein, Mont. W/P	145	60	Holte	079/259 to COP 083/263 to Klein	18000	45000
Klein, Mont. W/P Revas, S.D. W/P	224	118	Klein	083/263 to COP 091/271 to Revas	18000	45000

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
Revas, S.D. W/P Turts, S.D. W/P	201	101	Revas	091/271 to COP 098/278 to Turts	18000	45000
Turts, S.D. W/P Heidy, Minn. W/P	121	61	Turts	098/278 to COP 100/280 to Heidy	18000	45000
Heidy, Minn. W/P Orato, Iowa W/P	130	65	Heidy	097/277 to COP 103/283 to Orato	18000	45000
Orato, Iowa W/P Stock, Ill. W/P	220	114	Orato	100/280 to COP 107/287 to Stock	18000	45000
J941R is amended to delete:						
Dallas-Fort Worth, Tex. VORTAC Bridgeport, Tex. W/P	44			293/113 to COP 292/112 to Bridgeport	18000	45000
Bridgeport, Tex. W/P Crows, Tex. W/P	114	33	Bridgeport	290/110 to COP 289/109 to Crows	18000	45000
Crows, Tex. W/P Texico, N.M. VORTAC	154	48	Crows	269/089 to COP 266/086 to Texico	18000	45000
Texico, N.M. VORTAC Palma, N.M. W/P	125	30	Texico	272/092 to COP 268/088 to Palma	18000	45000
Palma, N.M. W/P Volca, N.M. W/P	68	34	Palma	268/088 to COP 267/087 to Volca	18000	45000
Volca, N.M. W/P Defer, N.M. W/P	125	62	Volca	267/087 to COP 265/085 to Defer	18000	45000
Defer, N.M. W/P Fourr, Ariz. W/P	108	54	Defer	265/085 to COP 262/082 to Fourr	18000	45000
Fourr, Ariz. W/P Boulder City, Nev. VORTAC	173	86	Fourr	262/082 to COP 260/080 to Boulder City	18000	45000
J945R is amended to delete:						
Camel, Ariz. W/P Dodie, Nev. W/P	172.1	86.1 35-37-43N	Camel 112-55-41W	242/062 to COP 240/060 to Dodie	18000	45000
Dodie, Nev. W/P Palmdale, Calif. VORTAC	174.1	78.8 35-02-41N	Dodie 116-11-48W	242/062 to COP 239/059 to Palmdale	18000	45000
Palmdale, Calif. VORTAC Santa Barbara, Calif. VORTAC	85.0	42.5 34-34-26N	Palmdale 118-55-05W	251/071 to COP 249/069 to Santa Barbara	18000	45000
Santa Barbara, Calif VORTAC Dinty, Calif. W/P	153.2			231/051 to Dinty	18000	45000

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
J948R is amended to delete:						
Kenna, La. W/P	42.0	21.0	Kenna	313/133 to COP	18000	45000
Monza, La. W/P		30-14-54N	90-31-03W	313/133 to Monza		
Monza, La. W/P	205.6	85.0	Monza	305/125 to COP	18000	45000
Dixie, La. W/P		31-26-18N	92-02-04W	303/123 to Dixie		
Dixie, La. W/P	234.6	112.0	Dixie	303/123 to COP	18000	45000
Dibbs, Okla. W/P		33-54-30N	95-34-49W	298/118 to Dibbs		
J949R is amended to delete:						
Kayes, Okla. W/P	150			156/336 to COP	18000	45000
Dallas-Fort Worth, Tex. VORTAC				158/338 to Dallas-Fort Worth		
Dallas-Fort Worth, Tex. VORTAC	162			154/334 to COP	18000	45000
Navasota, Tex. W/P				154/334 to Navasota		
J952R is amended to delete:						
Coyle, N.J. VORTAC	205.0			249/069 to COP	18000	45000
Gordonsville, Va. W/P				244/064 to Gordonsville		
Gordonsville, Va. W/P	135.0	67.5	Gordonsville	247/067 to COP	18000	45000
Coppa, Va. W/P		37-26-58N	79-22-51W	242/062 to Coppa		
Coppa, Va. W/P	86	43	Coppa	241/061 to COP	18000	45000
Beech, N.C. W/P				238/059 to Beech		
Beech, N.C. W/P	183	105	Beech	241/061 to COP	18000	45000
Trion, Ga. W/P				236/056 to Trion		
Trion, Ga. W/P	120.2	60.1	Trion	236/056 to COP	18000	45000
Irony, Ala. W/P				233/053 to Irony		
Irony, Ala. W/P	98.0	49.0	Irony	233/053 to COP	18000	45000
Meridian, Miss. W/P		32-51-14N	88-01-02W	229/049 to Meridian		
Meridian, Miss. W/P	255.7	150.0	Meridian	243/063 to COP	18000	45000
Burke, La. W/P		31-25-32N	91-31-15W	239/059 to Burke		
Burke, La. W/P	111	56	Burke	239/059 to COP	18000	45000
Humble, Tex. W/P				240/060 to Humble		
J953R is amended to delete:						
New Orleans, La. VORTAC	169.0	120.0	New Orleans	053/233 to COP	18000	45000
Monroeville, Ala. W/P		31-03-03N	88-10-43W	058/238 to Monroeville		
Monroeville, Ala. W/P	69.8				18000	45000
Montgomery, Ala. VORTAC				046/226 to Montgomery		
Montgomery, Ala. W/P	144	72	Montgomery	050/230 to COP	18000	45000
Stone, Ga. W/P				054/234 to Stone		

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
Stone, Ga. W/P Grams, S.C. W/P	123	62	Stone	049/229 to COP 054/234 to Grams	18000	45000
Grams, S.C. W/P Semol, N.C. W/P	160	80	Grams	056/236 to COP 058/238 to Semol	18000	45000
Semol, N.C. W/P Atlantic City, N. J. W/P	288	105	Semol	055/235 to COP 061/241 to Atlantic City	18000	45000
J957R is amended to delete:						
Simon, Fla. W/P Baggy, S.C. W/P	123	66	Simon	020/200 to COP 023/203 to Baggy	18000	45000
Baggy, S.C. W/P Florence, S.C. W/P	105	53	Baggy	024/204 to COP 026/206 to Florence	18000	45000
Florence, S.C. W/P Richmond, Va. W/P	227	113	Florence	033/213 to COP 037/217 to Richmond	18000	45000
Richmond, Va. W/P Marby, Md. W/P	61			015/195 to Marby	18000	45000
J958R is amended to delete:						
Brooke, Va. W/P Flat Rock, Va. W/P	53			211/031 to Flat Rock	18000	45000
Flat Rock, Va. W/P Soche, S.C. W/P	198	99	Flat Rock	215/035 to COP 211/031 Soche	18000	45000
Soche, S.C. W/P Rites, S.C. W/P	118.6	59.3 33-42-18N	Soche 80-11-31W	205/025 to COP 204/024 to Rites	18000	45000
Rites, S.C. W/P Chest, Ga. W/P	122	61	Rites	203/023 to COP 201/021 to Chest	18000	45000
J959R is amended to delete:						
Andre, Fla. W/P Ponte, Fla. W/P	249	175	Andre	347/167 to COP 346/166 to Ponte	18000	45000
Ponte, Fla. W/P Augusta, Ga. W/P	204	150	Ponte	349/169 to COP 351/171 to Augusta	18000	45000
Augusta, Ga. W/P Rader, Tenn. W/P	160	80	Augusta	348/168 to COP 345/165 to Rader	18000	45000
Rader, Tenn. W/P Miner, Ky. W/P	162	81	Rader	345/165 to COP 342/162 to Miner	18000	45000
Miner, Ky. W/P Dayton, Ohio W/P	82	41	Miner	342/162 to COP 343/163 to Dayton	18000	45000

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
Dayton, Ohio W/P Milan, Mich. W/P	125			013/193 to Milan	18000	45000
J961R is amended to delete:						
Dinty, Calif. W/P Santa Barbara, Calif. VORTAC	153.2			051/231 to Santa Barbara	18000	45000
Santa Barbara, Calif. VORTAC Palmdale, Calif. VORTAC	85.0	42.5 34-34-26N	Santa Barbara 118-55-05W	069/249 to COP 071/251 to Palmdale	18000	45000
Palmdale, Calif. VORTAC Rabbi, Calif. W/P	46.4	23.2 34-41-04N	Palmdale 117-35-54W	067/247 to COP 068/248 to Rabbi	18000	45000
Rabbi, Calif. W/P Sanup, Ariz. W/P	181.2	82.0 35-22-51N	Rabbi 115-39-54W	047/227 to COP 049/229 to Sanup	18000	45000
Sanup, Ariz. W/P Paria, Ariz. W/P	103.8	51.9 36-31-16N	Sanup 112-53-52W	049 to COP 049/229 to Paria	18000	45000
J964R is amended to delete:						
Coaldale, Nev. VORTAC Bucko, Calif. W/P	107.8	55.0 37-50-17N	Coaldale 118-54-33W	243/063 to COP 242/062 to Bucko	18000	45000
Bucko, Calif. W/P Merle, Calif. W/P	137			246/066 to COP 244/064 to Merle	18000	45000
Merle, Calif. W/P Bebop, Calif. W/P	106			243/063 to Arose	18000	45000
J966R is amended to delete:						
Alcoa, Calif. W/P Palis, Calif. W/P	112			080/260 to Palis	28000	45000
Palis, Calif. W/P Mayan, Calif. W/P	101.7	50.8 37-48-18N	Palis 122-27-53W	058/238 to COP 060/240 to Mayan	18000	45000
Mayan, Calif. W/P Mina, Nev. W/P	163.6	98.6 38-21-16N	Mayan 119-22-36W	060/240 to COP 062/242 to Mina	18000	45000
J967R is amended to delete:						
Clukk, Calif. W/P Merle, Calif. W/P	122			036/216 to Merle	29000	45000
Merle, Calif. W/P Stani, Calif. W/P	98			058/238 to COP 058/238 to Stani	18000	45000
Stani, Calif. W/P Mina, Nev. W/P	142.1	85.0 38-15-22N	Stani 119-10-38W	053/233 to COP 055/235 to Mina	18000	45000

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM	GEOGRAPHIC LOCATION	TRACK ANGLE	MEA	MAA
J974R is amended to delete:						
Front Royal, Va. W/P Henderson, W. Va. W/P	180	80	Front Royal	271/091 to COP 266/086 to Henderson	18000	45000
Henderson, W. Va. W/P Miner, Ky. W/P	88	44	Henderson	272/092 to COP 266/086 to Miner	18000	45000
Miner, Ky. W/P Marin, Ill. W/P	280	172	Miner	270/090 to COP 265/085 to Marin	18000	45000
Marin, Ill. W/P Hawks, Mo. W/P	50	25	Marin	264/084 to COP 264/084 to Hawk	18000	45000
Hawks, Mo. W/P Tight, Mo. W/P	126	63	Hawks	257/077 to COP 253/073 to Tight	18000	45000
Tight, Mo. W/P Wichita, Kans. W/P	188	94	Tight	253/073 to COP 248/068 to Wichita	18000	45000
Wichita, Kans. W/P Larch, Kans. W/P	149	70	Wichita	249/069 to COP 245/065 to Larch	18000	45000
Larch, Kans. W/P Sofia, N.M. W/P	176	98	Larch	245/065 to COP 243/063 to Sofia	18000	45000
Sofia, N.M. W/P Sprin, N.M. W/P	38	19	Sofia	243/063 to COP 241/061 to Sprin	18000	45000
Sprin, N.M. W/P Defer, N.M. W/P	219	109	Sprin	245/065 to COP 242/062 to Defer	22000	45000
Defer, N.M. W/P Drake, Ariz. W/P	168	84	Defer	247/067 to COP 246/066 to Drake	18000	45000
Drake, Ariz. W/P Chubs, Calif. W/P	114	57	Drake	244/064 to COP 242/062 to Chubs	18000	45000
Chubs, Calif. W/P Morro, Calif. W/P	125	90	Chubs	242/062 to COP 241/061 to Morro	18000	45000
J976R is amended to delete:						
Boths, Wash. W/P Coule, Wash. W/P	108.9	54.4 47-42-19N	Boths 120-44-32W	069/249 to COP 072/252 to Coule	18000	45000
Coule, Wash. W/P Mullan Pass, Ida. VORTAC	152	72	Coule	072/252 to COP 076/256 to Mullan Pass	18000	45000
Mullan Pass, Ida. VORTAC Edens, Mont. W/P	172.2	86.1 47-25-48N	Mullan Pass 113-31-53W	070/250 to COP 075/255 to Edens	18000	45000
Edens, Mont. W/P Moult, Mont. W/P	75.4	37.7 47-19-21N	Edens 110-29-56W	075/255 to COP 077/257 to Moult	18000	45000

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
Moult, Mont. W/P Brock, Mont. W/P		47-09-02N	107-42-17W	082/262 to Brock		
Brock, Mont. W/P Larks, N.D. W/P	188.2	94.1 46-46-13N	Brock 103-34-41W	082/262 to COP 087/267 to Larks	18000	45000
Larks, N.D. W/P Oakes, N.D. W/P	134.9	67.4 46-16-33N	Larks 99-44-44W	087/267 to COP 093/273 to Oakes	18000	45000
Oakes, N.D. W/P Minneapolis, Minn. VORTAC	208.9	104.4 45-36-56N	Oakes 95-45-04W	093/273 to COP 101/281 to Minneapolis	18000	45000
J981R is amended to delete:						
Parker, Calif. W/P Prescott, Ariz. W/P	115	95	Parker	056/236 to COP 059/239 to Prescott	18000	45000
Prescott, Ariz. W/P Wells, N.M. W/P	184	50	Prescott	065/245 to COP 067/247 to Wells	18000	45000
Wells, N.M. W/P Moras, N.M. W/P	175	87	Wells	062/242 to COP 065/245 to Moras	22000	45000
Moras, N.M. W/P Canas, Tex. W/P	173	86	Moras	067/247 to COP 071/251 to Canas	18000	45000
Canas, Tex. W/P Tangy, Okla. W/P	91	66	Canas	072/252 to COP 074/254 to Tangy	18000	45000
Tangy, Okla. W/P Irwin, Mo. W/P	277	177	Tangy	068/248 to COP 073/253 to Irwin	18000	45000
Irwin, Mo. W/P Sprot, Mo. W/P	194	97	Irwin	074/254 to COP 079/259 to Sprot	18000	45000
Sprot, Mo. W/P Canto, Ky. W/P	222	111	Sprot	079/259 to COP 085/265 to Canto	18000	45000
Canto, Ky. W/P Renfo, W. Va. W/P	198	99	Canto	085/265 to COP 092/272 to Renfo	18000	45000
Renfo, W. Va. W/P Diane, W. Va. W/P	57			087/267 to Diane	18000	45000
J983R is amended to delete:						
Hight, Fla. W/P Sarasota, Fla. W/P	122.7	72.7 26-54-30N	Hight 81-47-49W	307/127 to COP 305/125 to Sarasota	18000	45000
Sarasota, Fla. VORTAC Nepta, Fla. W/P	279.8	180.8 28-12-15N	Sarasota 85-49-47W	286/106 to COP 281/101 to Nepta	25000	45000
Nepta, Fla. W/P New Orleans, La. VORTAC	157.5	30.9 28-53-06N	Nepta 88-07-11W	301/121 to COP 296/116 to New Orleans	19000	45000

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
J848R is amended to delete:						
Humble, Tex. W/P Leeville, La. VORTAC	278	139	Humble	092/272 to COP 095/275 to Leeville	18000	45000
Leeville, La. VORTAC Nepta, Fla. W/P	133.9	108.9 28-43-10N	Leeville 88-06-04W	098/278 to COP 103/283 to Nepta	19000	45000
Nepta, Fla. W/P Sarasota, Fla. VORTAC	279.8	99.0 28-12-15N	Nepta 85-49-47W	101/281 to COP 106/286 to Sarasota	25000	45000
Sarasota, Fla. VORTAC Reply, Fla. W/P	106.4	53.2 26-47-17N	Sarasota 81-49-52W	132/312 to COP 134/314 to Reply	18000	45000
J985R is amended to delete:						
San Antonio, Tex. W/P Tella, Tex. W/P	85.4	42.7 29-52-49N	San Antonio 99-13-59W	281/101 to COP 279/099 to Tella	18000	45000
Tella, Tex. W/P Ft. Stockton, Tex. W/P	161.7	96.7 30-37-24N	Tella 101-46-36W	279/099 to COP 276/096 to Ft. Stockton	18000	45000
Ft. Stockton, Tex. W/P Toyah, Tex. W/P	65.0			291/111 to Toyah	18000	45000
Toyah, Tex. W/P Organ, N.M. W/P	150.5	75.3 31-52-04N	Toyah 105-21-24W	277/097 to COP 273/093 to Organ	18000	45000
Organ, N.M. W/P Shell, Ariz. W/P	117.1	58.5 32-31-38N	Organ 107-58-30W	275/095 to COP 273/093 to Shell	18000	45000
Shell, Ariz. W/P Phoenix, Ariz. VORTAC	146.2	73.1 33-07-23N	Shell 110-28-56W	273/093 to COP 270/090 to Phoenix	18000	45000
J990R is amended to delete:						
Bridgeport, Tex. W/P Rocks, Tex. W/P	104.0	52.0 33-16-39N	Bridgeport 98-47-58W	264/084 to COP 262/082 to Rocks	18000	45000
Rocks, Tex. W/P Plain, Tex. W/P	151.2	99.8 33-20-33N	Rocks 101-49-05W	262/082 to COP 259/079 to Plain	18000	45000
Plain, Tex. W/P Roswell, N.M. VORTAC	89.5	44.7 33-20-46N	Plain 103-43-50W	259/079 to COP 257/077 to Roswell	18000	45000
J993R is amended to delete:						
Roswell, N.M. VORTAC Truth or Consequences, N.M. W/P	133.8	75.0 33-18-47N	Roswell 106-06-44W	257/077 to COP 255/075 to Truth or Consequences	18000	45000
Truth or Consequences, N.M. W/P Muley, Ariz. W/P	96.5	25.0 33-18-25N	Truth or Consequences 107-46-35W	261/081 to COP 258/078 to Muley	18000	45000
Muley, Ariz. W/P Phoenix, Ariz. VORTAC	135.3	55.0 33-23-56N	Muley 110-17-27W	258/078 to COP 257/077 to Phoenix	18000	45000

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
Bound, Md. W/P Resco, Va. W/P	92			216/036 to COP 216/036 to Resco	18000	45000
Resco, Va. W/P Surfy, N.C. W/P	179	55	Resco	212/032 to COP 209/029 to Surfy	18000	45000
Surfy, N.C. W/P Azana, S.C. W/P	103	20	Surfy	191/011 to COP 188/008 to Azana	24000	45000
Azana, S.C. W/P Gauge, Fla. W/P	119	104	Azana	189/009 to COP 186/006 to Gauge	24000	45000
Gauge, Fla. W/P Sails, Fla. W/P	26			187/007 to Sails	20000	45000
Sails, Fla. W/P Tarpo, Fla. W/P	128	64	Sails	200/020 to COP 200/020 to Tarpo	18000	45000
Tarpo, Fla. W/P Pinks, Fla. W/P	104	52	Tarpo	192/012 to COP 192/012 to Pinks	18000	45000
J994R is amended to delete:						
Bound, Md. W/P Resco, Va. W/P	92			216/036 to COP 216/036 to Resco	18000	45000
Resco, Va. W/P Clark, N.C. W/P	188	94	Resco	228/048 to COP 225/045 to Clark	18000	45000
Clark, N.C. W/P Rites, S.C. W/P	130			225/045 to COP 222/042 to Rites	18000	45000
Rites, S.C. W/P Chest, Ga. W/P	122	61	Rites	203/023 to COP 201/021 to Chest	18000	45000
Chest, Ga. W/P Jacksonville, Fla. VORTAC	26			190/010 to Jacksonville	18000	45000
Jacksonville, Fla. VORTAC Orlando, Fla. VORTAC	115			174/354 to COP 174/354 to Orlando	18000	45000
J995R is amended to delete:						
Bondi, Fla. W/P Halbi, Fla. W/P	51			042/222 to COP 043/223 to Halbi	18000	45000
Halbi, Fla. W/P Sails, Fla. W/P	200	125	Halbi	007/187 to COP 007/187 to Sails	18000	45000
Sails, Fla. W/P Gauge, Fla. W/P	26			007/187 to Gauge	20000	45000
Gauge, Fla. W/P Azana, S.C. W/P	119	15	Gauge	006/186 to COP 009/189 to Azana	24000	45000

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
Azana, S.C. W/P Surfy, N.C. W/P	103	83	Azana	008/188 to COP 011/191 to Surfy	24000	45000
Surfy, N.C. W/P Flat Rock, Va. W/P	206	161	Surfy	006/186 to COP 008/188 to Flat Rock	18000	45000
Flat Rock, Va. W/P Casanova, Va. W/P	67			004/184 to COP 004/184 to Casanova	18000	45000

§95.6002 VOR FEDERAL AIRWAY 2
is amended to read in part:

FROM	TO	MEA
Billings, MT VOR	Miles City, MT VOR	6000
Billings, MT VOR	Miles City, MT VOR	
Via N alter.	Via N alter.	6000
Dickinson, ND VOR	Bismarck, ND VOR	4300
Turli INT, ND	*Osert INT, ND	3900
*5300–MRA		
Jamestown, ND VOR	Chafe INT, ND	3300
Chafe INT, ND	Fargo, ND VOR	
	E-bound	2700
	W-bound	3300
Jamestown, ND VOR	Fargo, ND VOR	
Via N alter.	Via N alter.	3300

§95.6002 VOR FEDERAL AIRWAY 2
is amended to read in part:

FROM	TO	MEA
Fargo, ND VOR	Alexandria, MN VOR	*3500
*2000–MOCA		
Gopher, MN VOR	Dodje INT, WI	
Via N alter.	Via N alter.	3500

§95.6002 VOR FEDERAL AIRWAY 2
is amended to delete:

FROM	TO	MEA
*Seattle, Wash. VOR	**Tagar INT, Wash.	
Via N alter.	Via N alter.	
	E-bound	8500
	W-bound	5000
*6300 – MCA Seattle VOR, E-bound		
**8600–MCA Tagar INT, E-bound		
Tagar INT, Wash.	Cashs INT, Wash.	
Via N alter.	Via N alter.	12000
Cashs INT, Wash.	*Wenatchee, Wash. VOR	
Via N alter.	Via N alter.	
	E-bound	**7500
	W-bound	12000
*8200 – MCA Wenatchee VOR, W-bound		
**6600 – MOCA		
Wenatchee, Wash. VOR	Ephrata, Wash. VOR	
Via N alter.	Via N alter.	5500
Ephrata, Wash. VOR	Wipes INT, Wash.	
Via N alter.	Via N alter.	4000
Wipes INT, Wash.	*Spokane, Wash. VOR	
Via N alter.	Via N alter.	5000
*5200–MCA Spokane VOR, NE-bound		

§95.6002 VOR FEDERAL AIRWAY 2
is amended to delete:

FROM	TO	MEA
*Ellensburg, Wash. VOR	Rubel INT, Wash.	
Via S alter.	Via S alter.	6000
*6700–MCA Ellensburg, W-bound		
Rubel INT, Wash.	Moses Lake, Wash. VOR	
Via S alter.	Via S alter.	8000
*Spokane, Wash. VOR	Mullan Pass, Ida. VOR	
Via S alter.	Via S alter.	**10700
*6000–MCA Spokane VOR, E-bound		
**8600–MOCA		

§95.6002 VOR FEDERAL AIRWAY 2
is amended to delete:

FROM	TO	MEA
*Spokane, Wash. VOR	Kerps DME Fix, Ida.	
Via N alter.	Via N alter	
	NE-bound	**9000
	SW-bound	**8000
*5200–MCA Spokane VOR, NE-bound		
**7200–MOCA		
Kerps DME Fix, Ida.	Mullan Pass, Ida. VOR	
Via N alter.	Via N alter.	9000

§95.6013 VOR FEDERAL AIRWAY 13
is amended to read in part:

FROM	TO	MEA
Prags INT, MN	Gopher, MN VOR	
Via W alter.	Via W alter.	3000

§95.6015 VOR FEDERAL AIRWAY 15
is amended to read in part:

FROM	TO	MEA
Aberdeen, SD	Bruce INT, ND	*4700
*3500–MOCA		
Bruce INT, ND	Bismarck, ND VOR	*3900
*3400–MOCA		

§95.6016 VOR FEDERAL AIRWAY 16
is amended to read in part:

FROM	TO	MEA
Norwich, CT VOR	Woons INT, RI	2500

§95.6023 VOR FEDERAL AIRWAY 23
is amended to read in part:

FROM	TO	MEA
Fort Jones, CA VOR	*Boyts INT, OR	
Via W alter.	Via W alter.	**10000
*10000–MRA		
**9100–MOCA		
Boyts INT, OR	*Paple INT, OR	
Via W alter.	Via W alter.	**10000
*10000–MRA		
**9100–MOCA		

§95.6023 VOR FEDERAL AIRWAY 23
is amended to delete:

FROM	TO	MEA
Fort Jones, Calif. VOR	Klamo INT, Ore.	
Via E alter.	Via E alter.	*10000
*9500–MOCA		
Klamo INT, Ore.	*Medford, Ore. VOR	
Via E alter.	Via E alter.	
	NW-bound	8000
	SE-bound	10000
*8000–MCA Medford VOR, SE-bound		

§95.6024 VOR FEDERAL AIRWAY 24
is amended to read in part:

FROM	TO	MEA
Aberdeen SD VOR	Watertown, SD VOR	3600

§95.6025 VOR FEDERAL AIRWAY 25
is amended to delete:

FROM	TO	MEA
The Dalles, Ore. VOR	Yakima, Wash. VOR	
Via E alter.	Via E alter.	7000

§95.6026 VOR FEDERAL AIRWAY 26
is amended to read in part:

FROM	TO	MEA
Ruler INT, SD	*Rapid City, SD VOR	
	W-bound	13000
	E-bound	8000
*6500–MCA Rapid City VOR, W-bound		
Obitt INT, SD	Redwood Falls, MN VOR	*4600
*3200–MOCA		
Flying Cloud, MN VOR	Eau Claire, WI VOR	3000

§95.6039 VOR FEDERAL AIRWAY 39
is amended to read in part:

FROM	TO	MEA
Presque Isle, ME VOR	Grins INT, ME	*5000
*3000–MOCA		

§95.6056 VOR FEDERAL AIRWAY 56
is amended to read in part:

FROM	TO	MEA
Kewanee, MS VOR	Montgomery, AL VOR	*5500
*2300–MOCA		

§95.6070 VOR FEDERAL AIRWAY 70
is amended by adding:

U.S. Mexican Border	Brownsville, TX VOR	*5000
*2100–MOCA		

§95.6071 VOR FEDERAL AIRWAY 71
is amended to read in part:

FROM	TO	MEA
Pierre, SD VOR	Swimm INT, ND	*5500
*3600–MOCA		
Swimm INT, ND	Bismarck, ND VOR	
	E-bound	5500
	N-bound	3600
Bismarck, ND VOR	Pippy INT, ND	
	W-bound	5600
	E-bound	3500
Pippy INT, ND	Williston, ND VOR	*5600
*3900–MOCA		

§95.6086 VOR FEDERAL AIRWAY 86
is amended to read in part:

FROM	TO	MEA
Weton INT, WY	Karas INT, WY	*13000
*8500–MOCA		
Karas INT, WY	*Pacto INT, SD	9700
*9700–MRA		
Pacto INT, SD	*Rapid City, SD VOR	
	E-bound	8000
	W-bound	9700
*5500–MCA Rapid City VOR, W-bound		
Newcastle, WY VOR	*Zambi INT, SD	
Via S alter.	Via S alter.	8300
*9300–MRA		
Zambi INT, SD	*Rapid City, SD VOR	
Via S alter.	Via S alter.	
	E-bound	8000
	W-bound	9300
*6500–MCA Rapid City VOR, W-bound		

§95.6097 VOR FEDERAL AIRWAY 97
is amended to read in part:

FROM	TO	MEA
Pratz INT, GA	Grant INT, GA	*4000
*2000–MOCA		
Janesville, WI VOR	Thebo INT, WI	7900

§95.6120 VOR FEDERAL AIRWAY 120
FROM	TO	MEA
*Seattle, WA VOR	**Togor INT, WA	
	E-bound	8500
	W-bound	5000
*6300–MCA Seattle VOR, E-bound		
**8600–MCA Togor INT, E-bound		
Togor INT, WA	Coshs INT, WA	12000
Coshs INT, WA	*Wenatchee, WA VOR	
	E-bound	**7500
	W-bound	**12000
*8200–MCA Wenatchee VOR, W-bound		
**6700–MOCA		
Wenatchee, WA VOR	Ephrata, WA VOR	5500
Ephrata, WA VOR	Wipes INT, WA	4000
Wipes INT, WA	*Spokane, WA VOR	5000
*5200–MCA Spokane VOR, E-bound		
Spokane, WA VOR	Kerps INT, ID	
	E-bound	*9000
	W-bound	*8000
*7200–MOCA		
Kerps INT, ID	Mullan Pass, ID VOR	9000

§95.6120 VOR FEDERAL AIRWAY 320
is amended to read in part:

FROM	TO	MEA
Dupree, SD VOR	Pierre, SD VOR	4300

§95.6121 VOR FEDERAL AIRWAY 121
is amended by adding:

FROM	TO	MEA
Fort Jones, CA VOR	*Bayts INT, OR	**10000
*10000–MRA		
**9100–MOCA		
Bayts INT, OR	Medford, OR VOR	
	N-bound	8000
	S-bound	10000

§95.6157 VOR FEDERAL AIRWAY 157
is amended to read in part:

FROM	TO	MEA
La Belle, FL VOR	Lakeland, FL VOR	
Via E alter.	Via E alter.	2000

§95.6161 VOR FEDERAL AIRWAY 161
is amended to read in part:

FROM	TO	MEA
Press INT, WI	Gopher, MN VOR	3500

§95.6169 VOR FEDERAL AIRWAY 169
is amended to read in part:

FROM	TO	MEA
Chadron, NE VOR	Rapid City, SD VOR	6000
Rapid City, SD VOR	Dupree, SD VOR	5000
Dupree, SD VOR	Solen INT, ND	*4700
*3600–MOCA		

§95.6170 VOR FEDERAL AIRWAY 170
is amended to read in part:

FROM	TO	MEA
Jamestown, ND VOR	Aberdeen, SD VOR	3300
Pecor INT, MN	Fairmont, MN VOR	
Via N alter.	Via N alter.	3400

§95.6171 VOR FEDERAL AIRWAY 171
is amended to read in part:

FROM	TO	MEA
Starr INT, MN	Shels INT, MN	*6000
*3000–MOCA		

§95.6181 VOR FEDERAL AIRWAY 181
is amended to read in part:

FROM	TO	MEA
Baney INT, ND	Fargo, ND VOR	
	N-bound	2800
	S-bound	3900

§95.6233 VOR FEDERAL AIRWAY 233
is amended to read in part:

FROM	TO	MEA
Litchfield, MI VOR	Lansing, MI VOR	3000

§95.6250 VOR FEDERAL AIRWAY 250
is amended to read in part:

FROM	TO	MEA
O'Neill, NE VOR	Yankton, SD VOR	3700

§95.6275 VOR FEDERAL AIRWAY 275
is amended to read in part:

FROM	TO	MEA
Dayton, OH VOR	Kline INT, OH	*5500
*2000–MOCA		

§95.6279 VOR FEDERAL AIRWAY 279
is amended to read in part:

FROM	TO	MEA
Gunne INT, OH	Findlay, OH VOR	3000

§95.6279 VOR FEDERAL AIRWAY 279
is amended to delete:

FROM	TO	MEA
Columbus, Ohio LF/RBN	Gunne INT, Ohio	3000

§95.6324 VOR FEDERAL AIRWAY 324
is amended by adding:

FROM	TO	MEA
Worland, WY VOR	*Crazy Woman, WY VOR	12000
*9500–MCA Crazy Woman, W-bound		

§95.6357 VOR FEDERAL AIRWAY 357
is amended to delete:

FROM	TO	MEA
Moses Lake, Wash. VOR	Ephrata, Wash. VOR	
Via N alter.	Via N alter.	4000
Ephrata, Wash. VOR	Wenatchee, Wash. VOR	
Via N alter.	Via N alter.	5500

§95.6401 VOR FEDERAL AIRWAY 401
is added to read:

FROM	TO	MEA
Casper, WY VOR	Worland, WY VOR	11000

§95.6403 VOR FEDERAL AIRWAY 403
is added to read:

FROM	TO	MEA
Baley INT, MD	Bucks INT, PA	7000
Bucks, INT PA	Pottstown, PA VOR	3000
Pottstown, PA VOR	Solberg, NJ VOR	3000

§95.6405 VOR FEDERAL AIRWAY 405
is added to read:

FROM	TO	MEA
Baley INT, MD	Bucks INT, PA	7000
Bucks INT, PA	Pottstown, PA VOR	3000
Pottstown, PA VOR	Broadway, NJ VOR	3000

§95.6408 VOR FEDERAL AIRWAY 408
is added to read:

FROM	TO	MEA
Lucke INT, VA	Modena, PA VOR	5000

§95.6419 VOR FEDERAL AIRWAY 419
is added to read:

FROM	TO	MEA
Westminster, MD VOR	Modena, PA VOR	3000
Modena, PA VOR	Frase INT, PA	2300
Frase INT, PA	Mazie INT, PA	2400
Mazie INT, PA	*Harrs INT, PA	2200
*3000–MRA		
Harrs INT, PA	Stillwater, NJ VOR	3000
Stillwater, NJ VOR	Sparta, NJ VOR	3000
Sparta, NJ VOR	Harve INT, NY	3000
Harve INT, NY	Nyack INT, NY	2300
Nyack INT, NY	Carmel, NY VOR	2000

95.6430 VOR FEDERAL AIRWAY 430
is amended to read in part:

FROM	TO	MEA
Glasgow, MT VOR	Williston, ND VOR	*6000
*4900–MOCA		
Minot, ND VOR	Devils Lake, ND VOR	*3600
*3000–MOCA		

§95.6439 VOR FEDERAL AIRWAY 439
is amended to read in part:

FROM	TO	MEA
Dickinson, ND VOR	Williston, ND VOR	4500

§95.6448 VOR FEDERAL AIRWAY 448
is amended to delete:

FROM	TO	MEA
Yakima, Wash. VOR	Outts INT, Wash.	
Via S alter.	Via S alter.	5000
Outts INT, Wash.	Rubel INT, Wash.	
Via S alter.	Via S alter.	6000
Rubel INT, Wash.	Moses Lake, Wash. VOR	
Via S alter.	Via S alter.	4000

§95.6462 VOR FEDERAL AIRWAY 462
is amended by adding:

FROM	TO	MEA
Fort Dodge, IA VOR	Sioux Falls, SD VOR	4400

§95.6497 VOR FEDERAL AIRWAY 497
is amended by adding:

FROM	TO	MEA
The Dalles, OR VOR	Sunod INT, WA	7000
Sunod INT, WA	Moses Lake, WA VOR	4000
Moses Lake, WA VOR	Ephrata, WA VOR	3000

FROM	TO	CHANGEOVER POINT DISTANCE	FROM

§95.7015 JET ROUTE NO. 15 is amended to read in part:

FROM	TO	MEA	MAA
Roswell, NM VORTAC	Corona, NM VORTAC	18000	45000
Corona, NM VORTAC	Albuquerque, NM VORTAC	18000	45000

§95.7074 JET ROUTE NO.74 is amended to read in part:

FROM	TO	MEA	MAA
St. Johns, AZ VORTAC	Corona, NM VORTAC	18000	45000
Corona, NM VORTAC	Texico, NM VORTAC	18000	45000

2. By amending Sub-part D as follows:

§95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

V-2 is amended to delete:

Wenatchee, Wash. VOR Via N alter.	Ephrata, Wash. VOR Via N alter.	22	Ephrata

§95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

FROM	TO	CHANGEOVER POINT DISTANCE	FROM

V-120 is amended by adding:

Seattle, WA VOR	Wenatchee, WA VOR	51	Seattle
Wenatchee, WA VOR	Ephrata, WA VOR	10	Wenatchee

§95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

V-324 is added to read:

FROM	TO	CHANGEOVER POINT DISTANCE	FROM
Worland, WY VOR	Crazy Woman, WY VOR	51	Worland

§95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

FROM	TO	CHANGEOVER POINT DISTANCE	FROM

V-357 is amended to delete:

Ephrata, Wash. VOR Via N alter.	Wenatchee, Wash. VOR Via N alter.	22	Ephrata

§95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

V-401 is added to read:

FROM	TO	CHANGEOVER POINT DISTANCE	FROM
Casper, WY VOR	Worland, WY VOR	55	Casper

§95.8005 JET ROUTES CHANGEOVER POINTS

FROM	TO	CHANGEOVER POINT DISTANCE	FROM

J-6 is amended to read in part:

Shawnee, VA VORTAC	Westminster, MD VORTAC	24	Shawnee

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BILLING CODE 4910-13-C

14 CFR Part 97

[Docket No. 22522; Amdt. No. 1206]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA–430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendant of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.00.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO–730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4 and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.M.T. on the dates specified, as follows:

1. By amending § 97.23 VOR–VOR/DME SIAPs identified as follows:

**** Effective February 4, 1982*

Stuttgart, AR—Stuttgart Muni, VOR/DME–A, Original
Santa Barbara, CA—Santa Barbara Muni, VOR Rwy 25, Amdt. 3
Alton, IL—Civic Memorial, VOR–A, Amdt. 4
DeKalb—DeKalb Muni, VOR/DME Rwy 27, Amdt. 1
Clinton, IA—Clinton Muni, VOR Rwy 3, Amdt. 8
Clinton, IA—Clinton Muni, VOR/DME Rwy 21, Amdt. 3
Beaumont/Port Arthur, TX—Jefferson County, VOR–Rwy 12, Amdt. 7
Beaumont/Port Arthur, TX—Jefferson County, VOR–A, Amdt. 5
Beaumont/Port Arthur, TX—Jefferson County, VOR–B, Amdt. 5
Beaumont/Port Arthur, TX—Jefferson County, VOR–C, Amdt. 4
Beaumont/Port Arthur, TX—Jefferson County, VOR/DME or TACAN Rwy 34, Amdt. 5
Beaumont/Port Arthur, TX—Jefferson County, VOR/DME–D, Amdt. 1
Fredericksburg, VA—Shannon, VOR Rwy 23, Amdt. 4
Waukesha, WI—Waukesha County, VOR–A, Amdt. 11

**** Effective December 15, 1981*

Erie, PA—Erie Intl, VOR/DME Rwy 24, Amdt. 7

**** Effective December 9, 1981*

Brainerd, MN—Brainerd-Crow Wing Co/Walter F. Wieland Fld, VOR Rwy 30, Amdt. 8
Brainerd, MN—Brainerd-Crow Wing Co/Walter F. Wieland Fld, VOR/DME Rwy 12, Amdt. 4

Note.—The FAA published an Amendment in Docket No. 22455, Amdt No. 1204 to part 97 of the Federal Aviation Regulations (Vol 46 FR No. 232 page 5865; dated December 3, 1981) under Section 97.23 effective January 7, 1982, which is hereby amended as follows: Pago Pago, American Samoa, Pago Pago Intl,

VOR/DME or TACAN–A amdt 1, change effective date to January 21, 1982.

Pago Pago, American Samoa, Pago Pago Intl, VOR/DME or TACAN–B amdt 1, change effective date to January 21, 1982.

Pago Pago, American Samoa, Pago Pago Intl, VOR–D amdt 3, change effective date to January 21, 1982.

2. By amending § 97.25 SDF–LOC–LDA SIAPs identified as follows:

**** Effective February 4, 1982*

Alton, IL—Civic Memorial, LOC BC Rwy 11, Amdt. 2

**** Effective January 21, 1982*

Spokane, WA—Spokane Intl, LOC Rwy 3, Amdt. 4, cancelled

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

**** Effective February 18, 1982*

Kimball, NE—Kimball Muni, NDB Rwy 29, Original
Youngstown, OH—Lansdowne, NDB–B, Amdt. 7

**** Effective February 4, 1982*

Alton, IL—Civic Memorial, NDB Rwy 17, Amdt. 6
Alton, IL—Civic Memorial, NDB Rwy 29, Amdt. 4
DeKalb, IL—DeKalb Muni, NDB Rwy 27, Amdt. 5
Clinton, IA—Clinton Muni, NDB Rwy 14, Amdt. 2
Houston, TX—Baytown, NDB Rwy 31, Amdt. 2
Waukesha, WI—Waukesha County, NDB Rwy 10, Amdt. 8

**** Effective November 25, 1981*

Cherokee, IA—Cherokee Muni, NDB Rwy 36, Amdt. 1

Note.—The FAA published an amendment in Docket No. 22455, amdt No. 1204 to part 97 of the Federal Aviation Regulations (Vol 46 FR No. 232 page 58651; dated December 3, 1981) under Section 97.27 effective January 7, 1982, which is hereby amended as follows: Pago Pago, American Samoa, Pago Pago Intl, NDB–C amdt 3, change effective date to January 21, 1982.

4. By amending § 97.29 ILS–MLS SIAPs identified as follows:

**** Effective February 4, 1982*

Tallahassee, FL—Tallahassee Muni, ILS Rwy 36, Amdt. 19
Alton, IL—Civic Memorial, ILS Rwy 29, Amdt. 4
Boston, MA—General Edward Lawrence Logan Intl, ILS/DME Rwy 15R, Amdt. 6

**** Effective January 21, 1982*

Spokane, WA—Spokane Int'l, ILS Rwy 3, Original

**** Effective December 15, 1981*

Rochester, MN—Rochester Muni, ILS Rwy 31, Amdt. 16

Note.—The FAA published an amendment in Docket No. 22455, amdt No. 1204 to part 97 of the Federal Aviation Regulations (Vol 46 FR No. 232 page 58651; dated December 3, 1981) under Section 97.29 effective January 7, 1982, which is hereby amended as follows: Pago Pago, American Samoa, Pago Pago Intl, ILS/DME Rwy 5, amdt 9, change effective date to January 21, 1982.

5. By amending § 97.33 RNAV SIAPs identified as follows:

**** Effective February 4, 1982*

Alton, IL—Civic Memorial, RNAV Rwy 29, Amdt. 3
Clinton, IA—Clinton Muni, RNAV Rwy 21, Amdt. 5

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. The FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on December 18, 1981.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1981.

John M. Howard,

Acting Chief, Aircraft Programs Division.

[FR Doc. 81-30081 Filed 12-23-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 379

Amendment to Export Administration Regulations to Conform To Revised Commodity Control List; Correction of Paragraph References: Technical Data

AGENCY: International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: This rule amends language in Part 379, Technical Data, of the Export Administration Regulations to correct paragraph references. A paragraph (*q*) was added to § 379.4(f)(1)(i) in the **Federal Register** of June 25, 1980 (45 FR 43139–43146), but paragraph references to various technical data listed in § 379.4 were not amended to reflect that addition.

EFFECTIVE DATE: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377–4811).

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under section 13(a) of the Export Administration Act of 1979 (Pub. L. 96–72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act. This rule does not impose new controls on exports, and is therefore exempt from section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

4. This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

PART 379—TECHNICAL DATA

Accordingly, Part 379 of the Export Administration Regulations (15 CFR Parts 368–399) is amended as follows:

§ 379.4 [Amended]

1. Section 379.4(f)(1) is amended by revising the phrase "(f)(1)(i)(A) through (o) of this section" to read "(f)(1)(i)(*a*) through (*o*) and (*q*) (*not* (*p*)) of this section", each place that it appears, and by revising the phrase "(f)(1)(i)(p)" to read "(f)(1)(i)(*p*)", each place that it appears.

(Secs. 13 and 15, Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.*; Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10–3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41–1 (45 FR 11862, February 22, 1980) and 41–4 (45 FR 65003, October 1, 1980)

Dated: December 14, 1981.

Vincent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc. 81-36862 Filed 12-23-81; 8:45 am]

BILLING CODE 3510-25-M

15 CFR Part 399

Clarification for Processing Computer License Applications

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Export Administration Regulations are amended by adding two footnotes to Commodity Control List entry 1565, electronic computers and related equipment, appearing in Supplement No. 1 to § 399.1. One amendment formalizes the requirement for license applicants exporting computers to T and V country destinations to include the "CPU bus rate" and "processing data rate" in the commodity description column on forms ITA–622P and ITA–699P.

This rule does not change the requirements for applications to export computers to P, Q, W and Y destinations. Information concerning the CPU bus rate and processing data rate for all other destinations has always been required to be submitted in connection with applications, but it has not been specifically stated on the application form. This specific information will give licensing officers in the Office of Export Administration more efficient access to the data they need to distinguish "advanced computers" from other computer systems. The licensing officers otherwise must read extraneous technical material or obtain the information from the exporter, thus delaying the case.

The second amendment adds a footnote to paragraph (h) of Commodity Control List entry 1565 to clarify what is *not* controlled by the paragraph. Certain peripherals and displays are not controlled.

DATE: Effective December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377–4811).

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

Section 13(a) of the Export Administration Act of 1979 (Pub. L. 96–72, 50 U.S.C. app. 2401 *et seq.*) ("the Act") exempts regulations promulgated under the Act from the public participation in rulemaking procedures of the Administrative Procedure Act. Section 13(b) of the Act, which expresses the intent of Congress that to the extent practicable "regulations imposing controls on exports" be published in proposed form, is not applicable because these regulations do not impose new controls on exports. Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

In connection with various rulemaking requirements, the Office of Export Administration has determined that this rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* This regulation is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981).

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

Accordingly, ECCN 1565 appearing in Supplement No. 1 to § 399.1 of the Export Administration Regulations (15 CFR Part 399) is amended as follows:

§ 399.1 [Amended]

1. A new footnote "2" is added to the "Validated License Required" column of ECCN 1565 and existing footnotes 2 and 3 are redesignated as 3 and 4, and revised to read as follows:

Export control commodity number and commodity description	Unit	Validated license required	GLV dollar value limits T&V	Processing code	Reason for control
1565A Electronic computers and related equipment, as follows:	(1)	PQSTVWYZ [2]	1,000	CD	1, 3 [3], 4 [4]

* * *

[2] Refer to § 376.10 of the Regulations for specific information required to be filed with applications for P, Q, W and Y destinations. For all destinations other than P, Q, W and Y, follow general application instructions and, in addition, indicate in the commodity description column on forms ITA–622P and ITA–699P the "CPU bus rate" and "processing data rate." Section 376.10 of the Regulations provides the formulas for calculating those rates.

[3] Foreign policy export controls apply only to computer equipment destined for government consignees in the Republic of South Africa and Namibia.

[4] Nuclear related controls are described in Supplement No. 1 to § 399.2, Commodity Interpretation No. 1.

2. A footnote "1" is added to paragraph (h) of ECCN 1565, as follows:

* * * * *

(h) Other related equipment for the above (including that also described in entry Nos. 1572 and 1588), *i.e.*, specialized parts, components, peripherals, displays, sub-assemblies, accessories, and spare parts.[1]

* * * * *

[1] 1565(h) is not intended to control peripherals and displays, identified in 1565(h)(1) and (2), containing microprocessors that are permanently embedded as circuit elements dedicated solely to the primary function of the peripheral or display device and that have no user-accessible programmability of the microprocessors.

(Secs. 13, 15, and 21, Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. app. § 2401 *et seq.*; Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10–3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41–1 (45 FR 11862, February 22, 1980) and 41–4 (45 FR 65003, October 1, 1980))

Dated: December 4, 1981.

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 81-36781 Filed 12-23-81; 8:45 am]

BILLING CODE 3510-25-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C–3066]

Godfrey Co.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens this proceeding and modifies the Commission's order issued on May 14, 1981 (46 FR 29458, June 2, 1981), by modifying paragraph I(G) of the Order to relieve respondent from the obligation of divesting a specified retail grocery store.

DATES: Order issued May 14, 1981. Modifying order issued December 3, 1981.

FOR FURTHER INFORMATION CONTACT: FTC/CC, Selig S. Merber, Washington, D.C. 20580. (202) 276–2891.

SUPPLEMENTARY INFORMATION: In the Matter of Godfrey Company, a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13 and appearing at 46 FR 29458, remain unchanged.

The Order Modifying Cease and Desist Order issued May 14, 1981 is as follows:

The Federal Trade Commission having considered respondent Godfrey Company's petition filed on August 5, 1981 to reopen this matter and to modify the consent order to cease and desist issued by the Commission on May 14, 1981, and having determined that reopening and modification of the order is warranted:

It is ordered That this matter be, and it hereby is reopened and that paragraph I(G) of the Commission's order be and it is hereby modified to read as follows:

(G) The "disposition stores" means the following Godfrey ("G") stores and Jewel ("J") stores:

1. G–427 (3045 S. 13th St., Milwaukee, WI.)
2. G–607 (6077 S. Packard Ave., Cudahy, WI.)
3. G–810 (3039 S. 76th St., Milwaukee, WI.)
4. J–1201 (1201 N. 35th St., Milwaukee, WI.)
5. J–729 (7195 S. Layton Blvd., Milwaukee, WI.)
6. J–15182 (N81 W. 15182 Appleton Ave., Menomonee Falls, WI.)

By the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 81-36978 Filed 12-23-81; 8:45 am]
BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Colorado-16); Order No. 197]

High-Cost Gas Produced From Tight Formations; Colorado

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Colorado Oil and Gas conservation Commission that the Sussex Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective December 16, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307 or Walter Lawson, (202) 357–8556.

SUPPLEMENTARY INFORMATION:

Issued: December 16, 1981.

The Commission hereby amends § 271.703(d) of its regulations to include the Sussex Formation in Colorado as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, OPPR, issued September 4, 1981 (46 FR 45155, September 10, 1981) [1] based on a recommendation by the Colorado Oil and Gas Conservation Commission (Colorado) in accordance with § 271.703(c) that the Sussex Formation be designated as a tight formation.

Evidence submitted by Colorado supports the assertion that the Sussex Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Colorado recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and, therefore, incentive prices should be made available as soon as possible. The need to make incentive prices immediately available establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3342; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective December 16, 1981.

By the Commission.

Lois D. Cashell,
Acting Secretary.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (61) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* * * *

(61) *Sussex Formation in Colorado.* RM79–76 (Colorado–16).

(i) *Delineation of formation.* The Sussex Formation is found in Weld County, Colorado, in Township 4 North, Range 68 West, 6th P.M., Sections 2, 3, and 10, Section 11–N½, Section 15–W ½; Township 5 North, Range 68 West, 6th P.M., Sections 33, 34, and 35.

(ii) *Depth.* The average depth to the top of the Sussex Formation is 4,400 and 4,500 feet.

[FR Doc. 81-36784 Filed 12-23-81; 8:45 am]
BILLING CODE 6717-01-M

18 CFR Part 271

[Docket No. RM79-76 (New Mexico-7; Order No. 198]

High-Cost Gas Produced From Tight Formations; New Mexico

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final Rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the New Mexico Oil and Gas Conservation Division that the Pictured Cliffs Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective December 16, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307 or Victor Zabel, (202) 357–8616.

SUPPLEMENTARY INFORMATION:

Issued: December 16, 1981.

The Commission hereby amends § 271.703(d) of its regulations to include the Pictured Cliffs Formation in New Mexico as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of proposed Rulemaking by

[1] Comments were limited and one comment supporting the recommendation was received. No party requested a hearing and no hearing was held.

the Director, OPPR, issued October 2, 1981 (46 FR 50085, October 9, 1981)[1] based on a recommendation by the new Mexico Oil Conservation Division (New Mexico) in accordance with § 271.703(c) that the Pictured Cliffs Formation be designated as a tight formation.

Evidence submitted by New Mexico supports the assertion that the Pictured Cliffs Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the New Mexico recommendation.

The amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and, therefore, incentive prices should be made available as soon as possible. The need to make incentive prices immediately available establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.;* Natural Gas Policy Act of 1978, 15 U.S.C. 3101–3342; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Title 18, *Code of Federal Regulations,* is amended as set forth below, effective December 16, 1981.

By the Commission.

Lois D. Cashell,

Acting Secretary.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding a new subparagraph (62) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* * * *

(62) *Pictured Cliffs Formation in New Mexico.* RM79–76 (New Mexico–7).

(i) *Delineation of formation.* The Pictured Cliffs Formation is found in the San Juan Basin and underlies portions of Townships 30 and 31 North, Ranges 7 and 8 West, and Township 31 North, Range 6 West, NMPM, in San Juan and Rio Arriba Counties, New Mexico.

(ii) *Depth.* The average depth to the top of the Pictured Cliffs Formation is approximately 3,200 feet. The thickness of the Pictured Cliffs Formation ranges from 150 to 250 feet.

[FR Doc. 81–36762 Filed 12–23–81; 8:45 am]

BILLING CODE 6717–01–M

[1] Comments were invited and one comment supporting the recommendation was received. No party requested a hearing and no hearing was held.

18 CFR Part 271

[Docket No. RM79–76 (Texas–11); Order No. 199]

High-Cost Gas Produced From Tight Formations; Texas

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Railroad Commission of Texas that the Wilcox Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective December 16, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307 or Walter Lawson, (202) 357–8556.

SUPPLEMENTARY INFORMATION:

Issued: December 16, 1981.

The Commission hereby amends § 271.703(d) of its regulations include the Wilcox Formation in Texas as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, OPPR, issued July 24, 1981 (46 FR 38935, July 30, 1981)[1] based on a recommendation by the Railroad Commission of Texas (Texas) in accordance with § 271.703(c) that the Wilcox Formation be designated as a tight formation.

Evidence submitted by Texas supports the assertion that the Wilcox Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Texas recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and, therefore, incentive price should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.;* Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3342; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Title 18, *Code of Federal Regulations,* is amended as set forth below, effective December 16, 1981.

By the Commission.

Lois D. Cashell,

Acting Secretary.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (63) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* * * *

(63) *The Wilcox Formation in Texas.* RM79–76 (Texas–11).

(i) *Delineation of formation.* The Wilcox Formation is found in the area of the Aviators, N. (12,000) Field, Webb County, Texas, and is within a 2.5 mile radius around the Pennzoil Producing Company No. 53–1 B.M.T.—Alice B. Hall well, and covers approximately 19.6 square miles.

(ii) *Depth.* The top of the Wilcox Formation is at approximately −11,085 feet subsea and is 114 feet thick.

[FR Doc. 81–36763 Filed 12–23–81; 8:45 am]

BILLING CODE 6717–01–M

[1] Comments were invited and one favorable comment was received. No party requested a public hearing and no hearing was held.

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2621

Limitation on Guaranteed Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This amendment to the Limitation on Guaranteed Benefits regulation contains the maximum guaranteeable pension benefit that may be paid by the Pension Benefit Guaranty Corporation ("PBGC") under Title IV of the Employee Retirement Income Security Act of 1974 as amended ("ERISA"), to a plan participant in a covered pension plan which terminates in 1982. Section 4022(b)(3)(B) of ERISA

provides that the maximum benefit guaranteeable by PBGC is based on the Social Security Administration contribution and benefit base. This amendment updates the maximum guaranteeable benefit for 1982 based on the Social Security Administration contribution and benefit base that is to be used for this purpose.

EFFECTIVE DATE: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Nina R. Hawes, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, 202–254–3010.

SUPPLEMENTARY INFORMATION: On February 11, 1976, the Pension Benefit Guaranty Corporation ("PBGC") published a final rule on the Limitation on Guaranteed Benefits (29 CFR Part 2609, now recodified as 29 CFR Part 2671). That rule set forth the method of calculating the maximum guaranteeable benefit, as set forth in section 4022(b)(3)(B) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001 *et seq.* (1976), *as amended by* the Multiemployer Pension Plan Amendments Act of 1980, Pub. L. No. 96–364, 94 Stat. 1208 ("ERISA"). Under 29 CFR 2621.3(a)(2), the maximum benefit is "$750 multiplied by the fraction

$$\frac{x}{\$13,200}$$

where 'x' is the Social Security contribution and benefit base determined under § 230 of the Social Security Act in effect on the date of termination of the plan."

In the 1977 Amendments to the Social Security Act ("SSA"), special increases were added to the contribution and benefit base. However, the amended SSA specifically states that, for the purpose of section 4022(b)(3)(B) of ERISA, the contribution and benefit base for each year after 1976 would be the base that would have been determined for such year if the special increases had not been made. 42 U.S.C. 430(d) (1976 Ed., Supp. III).

On January 23, 1981, the PBGC issued a final regulation (46 FR 7323) which added an appendix to the Limitation on Guaranteed Benefits regulation. The appendix lists the maximum guaranteeable benefit payable by the PBGC to participants in plans that have terminated each year since ERISA went into effect. This amendment updates the appendix for plans that terminate in 1982.

The PBGC has been notified by the Social Security Administration that the contribution and benefit base for 1982 which is to be used to calculate the PBGC maximum guaranteeable benefits is $24,300. Accordingly, applying the formula under section 4022(b)(3)(B) of ERISA, the PBGC has determined that the maximum benefit guaranteeable by PBGC in 1982 will be $1380.68 per month in the form of a life annuity commencing at age 65 or the actuarial equivalent of $1380.68 payable in a different form or commencing at a different age.

Because the maximum guaranteeable benefit is determined according to the formula in section 4022(b)(3)(B) of ERISA, and this amendment makes no change in its method of calculation, but simply lists the 1982 maximum guaranteeable benefit amount for the public's knowledge, the PBGC finds that notice of and public comment on this amendment are impracticable and unnecessary. Moreover, because the 1982 maximum guaranteeable benefit is effective, under the statute, at the time that the Social Security contribution and benefit base is effective, *i.e.*, January 1, 1982, and is not dependent on the issuance of this regulation, the PGBC finds that good cause exists for making this amendment effective immediately.

The PBGC has determined that this amendment to the Limitation on Guaranteed Benefits regulation in not a "major rule" under the criteria set forth by Executive Order 12291, February 17, 1981 (46 FR 13193) because it will not result in an annual effect on the economy of $100 million or more, a major increase in costs for consumers or individual industries, or significant adverse effects on competition, employment, investment, productivity, innovation or competition.

In consideration of the foregoing, Part 2621 of Chapter XXVI, Code of Federal Regulations, is hereby amended to read as follows:

PART 2621—LIMITATION ON GUARANTEED BENEFITS

1. The authority citation for Part 2621 is revised to read as follows:

Authority: Secs. 4002(b)(3), 4022(b), Pub. L. 93–406, 88 Stat. 1004, 1016–18, (1974), as amended by secs. 403(1), 403(c), and 102, Pub. L. 96–364, 94 Stat. 1302, 1300, 1215 (1980) (29 U.S.C. 1302, 1322).

2. Appendix A to Part 2621 is amended by adding the following entry to the table to read as follows:

Appendix A to Part 2621—Maximum Guaranteeable Monthly Benefit

The following table lists by year the maximum guaranteeable monthly benefit payable in the form of a life annuity commencing at age 65 as described by § 2621.3(a)(2) to a participant in a plan that terminated in that year:

Year	Maximum guaranteeable monthly benefit
1982	$1,380.68

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81–36875 Filed 12–23–81; 8:45 am]

BILLING CODE 7708–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 70

Discharge Review Boards; Rules Pertaining to Procedures for Obtaining Copies of Military Records

AGENCY: Department of Defense.

ACTION: Final rule.

SUMMARY: This rule amends Department of Defense rules currently in effect for Discharge Review Boards (DRBs) by clarifying the procedures for obtaining copies of military records incident to discharge review. The amendment is intended to insure that applicants or prospective applicants to the Discharge Review Boards of the military services are fully aware of the need to request copies of military records they desire for their discharge review prior to submitting an application for discharge review and of the consequences for an applicant of requesting military records after a request for discharge review is submitted.

EFFECTIVE DATE: January 25, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Francis X. Plant, Director, Department of the Army, Military Review Boards Agency, HQDA, Washington, D.C. 20310 (Phone (202) 697–9641).

SUPPLEMENTARY INFORMATION: On August 27, 1981, the Department of Defense, acting through the Director of the Department of the Army Military Review Boards Agency, published in the Federal Register (46 FR 43185) as a proposed rule this amendment to Discharge Review Board rules pertaining to procedures for obtaining copies of military records incident to discharge review. The basis and purpose of the amendment are contained in the supplementary information then published with the proposed rule and will not be repeated here. The proposed rule invited interested persons to submit comments for consideration in

connection with its adoption. Comments from the National Association of Concerned Veterans (NACV) were received and considered in the rulemaking.

The NACV's comments basically address three points applicable to the proposed rule: (1) failure of the proposed rule to address the promptness with which records are to be disclosed; (2) lack of precision regarding "the degree of delay in DBR decisionmaking that will result from requesting records while an application is pending;" and (3) alleged inconsistency of certain language in the proposed rule with the stipulation of voluntary dismissal in *O'Shea v. Secretary of Defense*, Civ. No. 81–1084 (D.D.C. July 16, 1981).

Regarding the first point, the NACV asserts in its comments:

> By statements like "[a]pplicants are strongly encouraged to submit any request for military records prior to applying * * * *in order to avoid substantial delays in processing* * * *" (emphasis added), the proposed regulations imply that a substantial amount of time will elapse before requested records are released.
>
> * * * [W]e urge DoD to adopt final regulations which specify that records will be disclosed in compliance with the timetable set forth in the FOIA. Without an amendment of this type, there will be a significant probability that records will not be disclosed in compliance with the FOIA * * *

The Department of Defense disagrees. The substantial delays referred to in the proposed rule are delays related to processing applications for discharge review and scheduling reviews, not delays related to responding to requests for records under the Freedom of Information Act (FOIA). Further, Department of Defense and military department regulations pertaining to FOIA already prescribe prompt action on FOIA requests. *See, e.g.*, 32 CFR Part 286 (1980) (Department of Defense); 32 CFR Part 518 (1980) (Army). Finally, none of the DRBs have received any complaints regarding the promptness with which they provide requested records.

In urging their second point, that the proposed rule should be more precise regarding the degree of delay in DBR decisionmaking that will result from requesting records while an application is still pending, NACV stated in part:

> Regulations specifying the degree of delay which can generally be expected are appropriate for two important reasons. The first reason relates to DoD's interest, already reflected in the proposed regulations, to encourage prospective applicants who desire their records to request them before applying. The more precise the regulations are about the delay that can be expected, the more likely it will be that prospective applicants will be impressed with the need to request records before applying.
>
> The second reason is to provide applicants who have not requested their records yet with enough information for them to make a knowing and intelligent decision concerning whether to request them * * *
>
> For the foregoing two reasons, we urge that the degree of delay that can generally be expected in various situations be specified in * * * the regulations that are finally adopted.

The Department of Defense views this suggestion as impracticable and undesirable. It is virtually impossible for the Department of Defense to predict with any precision what delay in DRB decisionmaking will result in individual cases from requesting records while an application to a DRB is pending. There are simply too many variables involved. Each military department has its own DRB and each of these DRBs offer up to five different modes of discharge review including review by traveling review boards, the itineraries of which depend on the number of applications pending at any given time from certain areas of the country. The DRBs handle from approximately 15,000 to 20,000 applications a year. The delay caused by a request for records will depend on the DRB involved, the number of applications before the DRB, the mode of review requested, and the itineraries of the traveling review boards. Further, applications must go through a number of processing steps prior to review, and the effect of a request for records will vary depending on at what stage of processing the application is when the request is made. Also, the delay a request for records causes will vary depending on the number of other requests for records made at about the same time. Finally, the delay involved will vary depending on the resources available to the DRBs at a particular time. In short, there are so many circumstances involved, which will vary over time, that any prediction regarding delay beyond a prediction of a substantial delay in some cases would be meaningless.

In addition, even if it were possible to predict the delay involved for particular applicants who request their records, making a particular amount of delay part of a rule that is binding on the DRBs would defeat an important purpose of the proposed rule, which is to encourage requests for records prior to applying for discharge review so that the limited resources at the DRBs headquarters are not overtaxed. If the DRBs were held to a fixed schedule of delays due to requests for records, some potential applicants would have no incentive for requesting their records before applying for discharge review and often might wait to request their records from the DRBs. As a result, the DRB headquarters would have to divert scarce resources from their primary mission to respond to requests for records.

NACV's third point concerned the statement in the proposed rule that following copying of requested records "[p]rocessing of the application [for discharge review] shall then be resumed at whatever stage of the discharge review process is practicable." NACV asserted that this language was "contrary to the understanding reached by counsel for the parties in the O'Shea litigation." DoD strongly disagrees. The questioned language is not contrary to the stipulation of voluntary dismissal in *O'Shea v. Secretary of Defense*, Civ. No. 81–1084 (D.D.C. July 16, 1981). Further, the language questioned is no more than a commonsense statement of the obvious. Certainly, no one could argue the converse—that the DRBs should be obligated to resume processing of applications at a stage of the discharge review process that is impracticable. Such a requirement would not only be extremely inefficient for the DRBs, since they handle 15,000–20,000 applications per year, but would be unfair because it would slow down processing and review of the applications of the great majority of applicants who request their records in a timely manner.

The NACV also opined in their comments that DoD misperceived the extent of the adverse affect that its prior policy on requesting records had on DRB applicants. NACV indicated that it and the Veterans Education Project had received a "flood of complaints" regarding the practice. Department of Defense notes that the DRBs have frequent contact with all who practice or appear before them and frequently receive comments and suggestions about DRB procedures. The DRBs have received few complaints about their procedures for obtaining records. Also, it is significant that following publication in the **Federal Register** of the proposed amendment to the DRB procedures, DoD received only NACV's comment. Given these circumstances, DoD believes the perception that its procedures for obtaining military records from the DRBs have caused no problems to the majority of DRB applicants to be an accurate one.

Finally, NACV made some suggestions in their proposed comments about forms and procedures for requesting military records prior to applying for discharge review. These comments basically suggested that the procedures and Department of Defense (DD Form 293) be modified: (1) to allow

applicants to request records at the same time they apply for discharge review and (2) to impress upon applicants the desirability of requesting their military records. These comments in part exceed the scope of the present proposed rulemaking because military records of former servicemembers are maintained at the National Personnel Records Center (NPRC) in St. Louis by the General Services Administration (GSA). The GSA has authority to prescribe the procedures for requesting these records prior to applying for discharge review. The procedures are repeated in DoD regulations for information purposes. Further, there are difficulties with NACV's suggestion that the DD Form 293 be modified so that DRB applicants may request records by checking a box on the form indicating they want copies of their records. The GSA requires the General Services Standard Form (GSSF) 180 and the information contained on it to act on requests for records and uses the GSSF 180 for many requests for records besides those of DRB applicants. The DRBs require the DD Form 293 and the information on it for processing DRB applications. Use by the DRBs of one form for two distinct purposes and by GSA of two different forms for one purpose would create substantial administrative problems for the GSA and the DRBs.

The Department of Defense is contemplating changes to DD Form 293 which would include a statement strongly encouraging applicants to request military records prior to, rather than after, applying for discharge review. This statement would be more prominent than that on the current form. The change would be in conjunction with other changes to the form and requires the approval of the Office of Management and Budget.

However, the Department of Defense does not believe it desirable as part of this change to advise all potential applicants to request copies of their military records if they intend to apply for discharge review. In many cases applicants do not dispute the accuracy of information in their records or the propriety of their discharges but instead request the DRBs to review their records and upgrade their discharges on equitable grounds such as mitigating factors not necessarily reflected in the records. The Department of Defense believes it is unwarranted to encourage every applicant to request his records and have the government spend a great deal of money unnecessarily when many applicants do not want or need their records and only a few individuals have had problems in this area.

Based on the above, the Department of Defense has determined that no significant changes need to be made to the proposed rule. However, based on further internal review, the Department of Defense has decided to add a sentence at the end of the rule that gives further information concerning present DRB practice in making records available. The sentence makes clear that applicants and counsel will have access to applicants' personnel records at their scheduled review site prior to the review.

PART 70—DISCHARGE REVIEW BOARDS (DRBs) PROCEDURES AND STANDARDS

Accordingly, 32 CFR 70.5 is amended by revising paragraph (b)(9)(i) as follows:

§ 70.5 Discharge review procedures.

(b) * * *

(9) * * *

(i) Prior to applying for discharge review, potential applicants or their designated representatives may obtain copies of their military personnel records by submitting a General Services Administration Standard Form 180, Request Pertaining to Military Records, to the National Personnel Records Center (NPRC), 9700 Page Boulevard, St. Louis, Mo. 62132. Once the application for discharge review (DD Form 293) is submitted, an applicant's military records are forwarded to the DRBs where they cannot be reproduced. Submission of a request for an applicant's military records (including a request pursuant to the Freedom of Information Act or Privacy Act) after the DD Form 293 has been submitted shall automatically result in the temporary suspension of processing of the application for discharge review until the requested records are sent to an appropriate location for copying, are copied, and are returned to the possession of the headquarters of the DRB. Processing of the application shall then be resumed at whatever stage of the discharge review process is practicable. Applicants are strongly encouraged to submit any request for their military records prior to applying for discharge review rather than after submitting DD Form 293 in order to avoid substantial delays in processing of applications and scheduling of reviews. Applicants and their counsel also may examine their military personnel records at the site of their scheduled review prior to the review. DRBs shall notify applicants of the dates of availability of the records for examination in their standard scheduling information.

(5 U.S.C. 552, 10 U.S.C. 133, 10 U.S.C. 136, 10 U.S.C. 1553, and delegations of authority from the Secretary of Defense and Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics)

Dated: December 17, 1981.

Francis X. Plant,

Director, Department of the Army, Military Review Boards Agency.

[FR Doc. 81-36877 Filed 12-23-81; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 84

[CGD 81-008]

Annex I to Inland Navigation Rules; Positioning and Technical Details of Lights and Shapes

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is issuing regulations setting out the positioning and technical details for the vessel navigation lights and shapes prescribed by the Inland Navigational Rules Act of 1980. These regulations give the details needed by a vessel to comply with this law. The regulations will enhance the mariner's ability to detect and identify vessels and their courses at night.

EFFECTIVE DATES: The effective date of these regulations is December 24, 1981, except for the Great Lakes. The effective date for the Great Lakes will be announced in a later notice.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Llana, Project Manager, Office of Navigation, Room 1606, U.S. Coast Guard Headquarters, 2100 Second Street S.W., Washington, DC 20593, (202) 426-4958.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking on this subject was published on July 16, 1981 (46 FR 37002). Interested persons were given until September 14, 1981 to submit comments.

Drafting Information

The principal persons involved in drafting this rulemaking are Mr. Chris Llana, Project Manager, Office of Navigation, and Lieutenant Michael Tagg, Project Attorney, Office of Chief Counsel.

Discussion of Effective Dates

The effective date for the new Inland Navigation Rules is December 24, 1981,

on all inland waters except for the Great Lakes, for which the effective date has not yet been established. The former date was established by the Inland Navigational Rules Act of 1980. The effective date for the Great Lakes, however, will be established in the next several months in coordination with the Canadian government. The new Inland Navigation Rules incorporate the requirements of this regulatory Annex by reference. The effective dates for this Annex must coincide with the effective dates for the Inland Navigation Rules, therefore good cause exists for making this rule effective in less than 30 days after publication in the Federal Register.

Discussion of Comments

Comments from approximately 20 sources were received. Not all comments were limited to Annex I or took a clear position on the proposed rule. A number of comments were generally in favor of the rulemaking and a number were generally opposed. There were a few comments on the new statutory Inland Navigation Rules. A discussion of the specific comments follows.

One commenter opposed the use of the metric system of measurement. The metric system is used in the International Navigation Rules and their Annexes and in the Inland Navigation Rules. Use of another system in the Inland Rules Annex I would create confusion and would be inefficient. Use of the metric system is consistent with the Metric Conversion Act of 1975 and follows United States metrification policy.

Two commenters representing the Western Rivers towboat industry requested an extension of the comment period. Because the towboat industry has provided a great deal of input on this rulemaking (through written comments and through the Rules of the Road Advisory Committee and the Towing Safety Advisory Committee), and since such an extension would delay publication of the final rule beyond the December 24 effective date of the new Inland Rules, we did not grant their request. One of the commenters requesting a time extension submitted eight pages of comments on the proposed Annex I.

Section 84.01 Definitions

One commenter asked that the regulations be modified to permit the carriage of navigation lights designed for larger vessels on smaller classes of vessels. This has not always been permitted under Annex I to the International Rules because while the lights designed for larger vessels have more than enough intensity to meet the visibility requirements for smaller vessels, they do not often meet all the other technical requirements for lights used on smaller vessels. The proposal is being modified to preclude this effect for Inland Rules navigation lights. Lights meeting the requirements for larger vessels will be in compliance with the requirements for small vessels.

Rule 22 of both the International and the Inland Navigation Rules specifies the visibility of navigation lights for the various vessel size ranges—the larger the vessel, the greater the visibility requirement in nautical miles. Annex I gives the minimum required light intensities which correspond to the Rule 22 visibility requirements. Annex I also requires that the light intensity drop off rapidly at the ends of the arc through which the light is supposed to shine. The drafters of the International Rules recognized that it is very difficult to achieve total cut-off at the ends of the sectors, and developed the term "practical cut-off". The International Annex I did not define practical cut-off, but instead left it up to individual countries. The definitions varied among countries and with time as experience was gained.

For vessels over 20 meters in length, the United States had used 10% of minimum required intensity as the definition of practical cut-off for the International Rules. This definition was adopted for the proposed Annex I to the Inland Navigation Rules as well. Use of this definition results in a different but fixed practical cut-off intensity for each size range of vessel, because each size range has its own minimum required intensity to go with its different visibility requirement. While the higher powered lights used on larger vessels can meet the practical cut-off requirement for that size vessel, they normally cannot also meet the practical cut-off requirements for smaller vessel classes, and therefore they have not been approved for use on smaller vessels.

The larger fixtures could be made to meet the smaller vessel cut-offs if smaller wattage lamps were installed. This would, of course, reduce the visibility. Changing the definition of practical cut-off from a system based on the minimum required intensity for each vessel size range to a system based on the largest vessel for which the light was designed would permit a light approved for a given size range of vessel to be used on any smaller vessel, because the cut-off would be related to the light itself rather than the size of vessel. We are changing the definition of practical cut-off in the final rule because we believe that smaller vessels should be allowed to use brighter lights than required. In addition, the "10%" has been changed to "12.5%" to conform with current policy for inspected vessel International Rules navigation lights. These changes are a relaxation since lights which would meet the requirement of the proposal will in all cases meet the revised requirement.

A separate issue is the definition of practical cut-off for small vessels. The proposed definition of practical cut-off for vessels less than 20 meters in length was taken from the proposed regulations implementing the International Rules Annex I for smaller vessels. As those proposed regulations are now being considered for withdrawal, it is likely that a Coast Guard certification/approval program for small vessel navigation lights will not be implemented in the near future. Therefore, the definition of practical cut-off for lights for vessels less than 20 meters in length is being deleted from the final rule.

Section 84.03 Vertical Positioning and Spacing of Lights

Three commenters objected to the proposed requirement in paragraph (a)(2) that when two masthead lights are carried the after one shall be at least two meters vertically higher than the forward one. The stated reason for their objection was limited bridge clearance. This constraint was noted during the drafting of the proposal, and the two meters in the proposal was reduced from the 4.5 meter requirement contained in Annex I to the International Rules. One of the commenters suggested that the after masthead light merely be "higher than" the forward light. One of the others suggested a one meter requirement. The third offered no alternative.

If the two meter vertical height requirement does indeed cause a bridge clearance problem, it could be remedied by installing the after masthead light on a telescoping or hinged mast. The entire mast need not be hinged, just the upper offending portion. This type of installation is used on some harbor tugboats and offshore supply vessels. Although this type of mast does require manual operation, that is mitigated by the fact, as stated by one of the commenters, that Western Rivers towboats operate at night without a tow not more frequently than once every two weeks. Masthead lights need not be displayed at other times on the Western Rivers.

The after masthead light is placed higher so that other vessels will be able

to determine the approximate heading by observing the forward and after masthead lights, something they can only do if they are able to tell which light is on the forward mast and which is on the after mast. The Coast Guard feels that a minimum two meter vertical separation is needed for this purpose.

Section 84.03(d) of the proposal contained a requirement for screening "if necessary" of the masthead light or optional all-round light on power-driven vessels less than 12 meters in length. Six comments were received on this proposal. Two commenters strongly supported the proposal and the other four commenters, from the boating industry, were against. The opposing comments cited backscatter from haze and fog as being a problem, and said the requirement was too vague. Two of those commenters suggested that the requirement be made more specific as an alternative to deleting it.

While the proposed requirement was not intended to solve all night vision problems, it was expected to substantially reduce the problem for those vessels where the white navigation light reflects strongly from the vessel surfaces in front of the operator. Rule 6 recognizes that some backscatter is unavoidable under certain conditions and requires that in determining the safe speed for a vessel, the presence of backscatter from a vessel's own lights be taken into account.

The proposal was not made more specific in order to leave the manufacturer more discretion. As a result of the comments, the requirement is being made more specific, while retaining its character as a performance requirement. The requirement is also moved to § 84.09, which deals specifically with screens.

Section 84.03(e) of the proposal contained a requirement for a two meter vertical separation between the forward masthead light and the lowest masthead light on the after mast where the multiple masthead lights for towing are carried on the after mast. The language relating to the carriage of multiple masthead lights on the forward mast was ambiguous. This paragraph has been rewritten to make clear that the minimum required separation is between the highest forward masthead light and the lowest after masthead light.

Section 84.03(f)(1) contains a requirement that masthead lights be placed "above and clear of all other lights and obstructions". One commenter suggested deleting "above and" from the requirement, saying that it shouldn't matter if an obstruction was above a masthead light, as long as it was clear of it. The "above" refers first to "other lights". The intent is to make the masthead lights the most noticeable. Paragraph (f)(2) makes an exception for certain all-round lights, where lower placement is not practicable. "Obstructions" refers to objects within the prescribed vertical and horizontal sectors of the masthead light. If an object is clear of the navigation light, it is not an obstruction, even though it may be mounted above the masthead light.

Section 84.03(g) of the proposal required that the sidelights of a power-driven vessel be placed at least one meter lower than the forward masthead light. One commenter suggested a half meter separation and another commenter said the requirement could be met if dual filament lights were allowed. Both comments were from the Western Rivers towboat industry. The reasons for a one meter separation rather than a half meter separation were discussed in the preamble to the proposed rule. The other comment involves dual filament lights.

This type of light is not required by the Inland Navigation Rules or by this Annex, but is used voluntarily on some vessels and is required by other regulations on certain vessels. Dual filament lights contain in a single fixture one lamp (light bulb) containing two filaments—each on a separate electric circuit. When one filament burns out, power is switched on to the second filament, and the lamp is changed at a later convenient time. The commenter is concerned because his company voluntarily uses dual filament lights which ordinarily will not meet all of the requirements of Annex I.

In order for a navigation light to meet the Annex I horizontal sector requirements (shine through the proper arc), the light source (filament) must be positioned in a prefocused location. In the dual filament lights of the type that have been used by some Western Rivers towboats at least one of the filaments is not located properly within the light fixture. Dual filament lights can meet the requirement if fitted with large screens (which compensate for the off-center filament), but the commenter is apparently unwilling to fit screens of the necessary size.

Vessels operating under the International Navigation Rules which use lights of a similar redundancy have been equipped with tandem lights—two fixtures mounted one on top of the other, each with a separate filament. These lights are almost twice as tall as the dual filament lights, but the lights on both the primary and the secondary circuits perform equally well. In a sketch provided by the commenter to show the penalty incurred by switching to tandem lights (to retain redundancy), the minimum spacing marked indicated a misinterpretation of the requirements. In measuring vertical spacing between lights, the distance between the corresponding lights of tandem fixtures should be used, rather than between the upper light of one fixture and the lower light of the other fixture. If this system of measurement is used, the overall height should not be increased by more than about 25 centimeters with the use of tandem lights, which the Coast Guard believes is not excessive. The use of redundant source light fixtures at all, of course, is not required by the Navigation Rules.

Section 84.05 Horizontal positioning and spacing of lights.

Three comments were received from the Western Rivers towboat industry on the proposed horizontal spacing requirement for masthead lights on vessels over 50 meters in length. Under the new Inland Navigation Rules (and the International Rules), vessels over 50 meters in length are required to display a forward masthead light and an after masthead light, while shorter vessels need only display a single masthead light. Under Annex I to the International Navigation Rules, the two masthead lights are required to be separated by one-half the length of the vessel. The proposed Annex I to the Inland Rules required a separation of at least one-quarter of the length of the vessel. The horizontal separation proposed by the commenters ranged from 2 to 2.5 meters. Rule 24 requires that towboats on the Western Rivers only display masthead lights when they are operating without tows.

The purpose of the separation is to give other vessels an indication of the heading—the closer together the two lights appear, the closer the heading is to the line of sight, and the further apart the two lights appear to be, the closer the heading is to a perpendicular to the line of sight.

The commenters appeared to have downplayed the importance on Western Rivers towboats of navigation lights in general and masthead lights in particular. One commenter emphasized customary practice (involving the use of radiotelephone) between towboats arranging passing maneuvers. He stated that "Navigation lights in River Service are useful only to confirm passing maneuvers and to 'see how the other fellow is shaping up'." (The latter point we think is significant.) His discussion centered on normal passing maneuvers

between two towboats with tows and neglected situations involving vessels other than towboats. Navigation lights are for the primary benefit of the *other* vessel.

The Coast Guard considers navigation lights to be the primary night-time collision avoidance aid. While it may be true that towboats *with* tows follow predictable courses, the requirement for masthead lights for towboats on the Western Rivers applies only when the towboats are operating without tows, and then they are likely to be maneuvering and crossing channels. It is very important at such times for other vessels to know the towboat's relative orientation and turn rate.

While the supplemental use of radiotelephone and radar certainly enhance the safety of vessels operating at night, these aids are not always reliable. All vessels are not equipped with radar and it is not always used on vessels that are so equipped. All vessels do not have a radiotelephone and even when vessels attempt to contact other vessels by radiotelephone, they are not always able to make contact. Such a situation led to the collision of the Liberian tankship M/V PINA and the towboat MR. PETE on the Mississippi River in 1979. Contributing to this $3,285,000 accident were deficient navigation lights and the failure of the vessel operators to establish radio communications after repeated attempts.

One comment was that the after masthead light would shine into the towboat's pilot house. This is not a problem unique to towboats and it may be remedied by installing a screen to limit the downward dispersion of light.

The one-quarter hull length horizontal separation was proposed after the configuration of Western Rivers towboats had been studied. A set of blueprints was submitted during proposal development by a representative of a Western Rivers towing company and member of the Rules of the Road Advisory Committee. The marked-up plans of two towboats, one less than 50 meters in length and one more than 50 meters, were used to a considerable degree in the formulation of the proposed Annex I. The plans showed the existing navigation light positioning and had been marked up to show the positioning that would be required under the International Navigation Rules, and to show the company's proposed changes to the International Annex I to create the Inland Annex I. Their proposed changes included, for vessels over 50 meters in length, a horizontal separation between masthead lights of one quarter of the length of the vessel and a vertical separation of two meters. The blueprint showed an existing mast of approximately the height and position needed to satisfy the proposed horizontal and vertical positioning requirements for the after masthead light. The mast was mounted at the after end of the accommodations below the pilot house. (The mast is used to mount the after all-round range light required by Rule 7 of the existing Western Rivers Navigation Rules. The same light may double as an anchor light.)

Further investigation has shown that similar masts are not uncommon on large Western Rivers towboats. However, on some towboats less than 60 meters in length the upper accommodations (below the pilot house) do not extend as far aft. On vessels of this configuration, the after mast would have to be mounted on the next deck below in order to achieve the quarter hull length separation proposed, thereby resulting in a more costly installation. Taking into account rule 24(i) which exempts vessels on the Western Rivers from the requirement of displaying masthead lights while pushing ahead or towing alongside, the final rule has balanced cost and safety somewhat to permit certain vessels on the Western Rivers to carry their masthead lights at a reduced horizontal separation.

The final rule requires a minimum 10 meter masthead light separation for vessels 50 to 60 meters in length on the Western Rivers and retains the quarter hull length separation requirement for other vessels. The Coast Guard believes the 2 to 2.5 meter separation advocated by the commenters is inadequate to give other vessels reliable information on approximate heading and turn rate.

Rule 38 grants to existing vessels less than 150 meters in length a permanent exemption from compliance with the Annex I horizontal positioning requirements for masthead lights. The after all-round range light now required by Western Rivers rule 7 can be used in lieu of an after masthead light and stern light for nine years under the new Inland Rule 38. Therefore there will be no impact due to this provision on the approximately 135 existing Western Rivers towboats over 50 meters in length (all of which are less than 150 meters in length).

Section 84.09 Screens for Sidelights

The discussion of the proposed § 84.03(d) concerning screens for certain all-round and masthead lights stated that that part of the proposal relating to screens would be revised and moved to this section. Accordingly, to better reflect the new content of § 84.09, the title of this section is being changed to "Screens", and a new paragraph is being added.

Section 84.11 Shapes

The proposal adopted exactly the International Rules Annex I section on day shapes and so included a definition of a "cylinder" shape. Under the International Rules, this shape denotes a vessel constrained by draft. Because the classification "vessel constrained by its draft" was not carried over to the new Inland Rules, the definition for the cylinder shape is not needed and so is being deleted in the final Annex I.

Section 84.15 Intensity of Lights

One commenter said the visibility of lights for inland waters should not be as great as required under the International Rules. Another commenter said they should be more visible because of background land-based lights and because of smog. The visibility requirements were established in Rule 22 of the statutory Inland Rules and cannot be changed by this rulemaking. The intensities established by Annex I correspond to the visibilities prescribed in Rule 22 for good atmospheric conditions.

Section 84.19 Vertical Sectors

One commenter asked that provision be made for battery powered lights used on unmanned barges. Due to the limitations in battery technology, unmanned barge lights used on International Rules waters have been unable to provide the specified intensity in the full vertical sector for a reasonable period before new batteries are required. Since barges on inland waters are not likely to heel over more than a very small amount, the Coast Guard has allowed the battery powered lights used on them to meet a reduced vertical sector requirement. For lights used on International Rules waters this has been accomplished by an interpretive ruling of rule 24 of the International Rules. For the Inland Rules, the proposed Annex I is being modified to include unmanned barges as a separate category of vessel for the purposes of determining vertical sector requirements.

Section 84.23 Maneuvering Light

One commenter said the one meter minimum vertical separation requirement added to the bridge clearance problem. A smaller separation would not interfere unduly with the visibility of other navigation lights as the maneuvering light is operated only intermittently. Accordingly, the

separation requirement is being reduced to one-half meter.

Regulatory Analysis

These regulations were reviewed in accordance with the "Policies and Procedures for Simplification, Analysis and Review of Regulations" (DOT Order 2100.5 of May 22, 1980) in the Notice of Proposed Rulemaking (46 FR 37002) and were determined to be non-significant. The regulations were also found to be non-major under the criteria established in Executive Order 12291. No information has been received which alters those determinations or the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601) certification of no significant impact, which was also published in the same Notice of Proposed Rulemaking.

In consideration of the foregoing, a new Part 84 of Title 33 of the Code of Federal Regulations is added to read as follows:

PART 84—ANNEX I: POSITIONING AND TECHNICAL DETAILS OF LIGHTS AND SHAPES

Sec.

84.01 Definitions.
84.03 Vertical positioning and spacing of lights.
84.05 Horizontal positioning and spacing of lights.
84.07 Details of location of direction-indicating lights for fishing vessels, dredgers and vessels engaged in underwater operations.
84.09 Screens.
84.11 Shapes.
84.13 Color specification of lights.
84.15 Intensity of lights.
84.17 Horizontal sectors.
84.1 Vertical sectors.
84.21 Intensity of non-electric lights.
84.23 Maneuvering light.
84.25 Approval. [Reserved]

Authority: Sec. 3, Pub. L. 96–591, 33 U.S.C. 2071; 49 CFR 1.46(n)(14).

§ 84.01 Definitions.

(a) The term "height above the hull" means height above the uppermost continuous deck. This height shall be measured from the position vertically beneath the location of the light.

(b) The term "practical cut-off" means, for vessels 20 meters or more in length, 12.5 percent of the minimum luminous intensity (Table 84.15(b)) corresponding to the greatest range of visibility for which the requirements of Annex I are met.

(c) The term "Rule" or "Rules" means the Inland Navigation Rules contained in sec. 2 of the Inland Navigational Rules Act of 1980 (Pub. L. 96–591, 94 Stat. 3415, 33 U.S.C. 2001, December 24, 1980) as amended.

§ 84.03 Vertical positioning and spacing of lights.

(a) On a power-driven vessel of 20 meters or more in length the masthead lights shall be placed as follows:

(1) The forward masthead light, or if only one masthead light is carried, then that light, at a height above the hull of not less than 5 meters, and, if the breadth of the vessel exceeds 5 meters, then at a height above the hull not less than such breadth, so however that the light need not be placed at a greater height above the hull than 8 meters;

(2) When two masthead lights are carried the after one shall be at least 2 meters vertically higher than the forward one.

(b) The vertical separation of the masthead lights of power-driven vessels shall be such that in all normal conditions of trim the after light will be seen over and separate from the forward light at a distance of 1000 meters from the stem when viewed from water level.

(c) The masthead light of a power-driven vessel of 12 meters but less than 20 meters in length shall be placed at a height above the gunwale of not less than 2.5 meters.

(d) The masthead light, or the all-round light described in rule 23(c), of a power-driven vessel of less than 12 meters in length shall be carried at least one meter higher than the sidelights.

(e) One of the two or three masthead lights prescribed for a power-driven vessel when engaged in towing or pushing another vessel shall be placed in the same position as either the forward masthead light or the after masthead light, provided that the lowest after masthead light shall be at least 2 meters vertically higher than the highest forward masthead light.

(f)(1) The masthead light or lights prescribed in Rule 23(a) shall be so placed as to be above and clear of all other lights and obstructions except as described in paragraph (f)(2) of this section.

(2) When it is impracticable to carry the all-round lights prescribed in rule 27(b)(i) below the masthead lights, they may be carried above the after masthead light(s) or vertically in between the forward masthead light(s) and after masthead light(s), provided that in the latter case the requirement of § 84.05(d) shall be complied with.

(g) The sidelights of a power-driven vessel shall be placed at least one meter lower than the forward masthead light. They shall not be so low as to be interfered with by deck lights.

(h) [Reserved]

(i) When the Rules prescribe two or three lights to be carried in a vertical line, they shall be spaced as follows:

(1) On a vessel of 20 meters in length or more such lights shall be spaced not less than 1 meter apart, and the lowest of these lights shall, except where a towing light is required, be placed at a height of not less than 4 meters above the hull;

(2) On a vessel of less than 20 meters in length such lights shall be spaced not less than 1 meter apart and the lowest of these lights shall, except where a towing light is required, be placed at a height of not less than 2 meters above the hull;

(3) When three lights are carried they shall be equally spaced.

(j) The lower of the two all-round lights prescribed for a vessel when engaged in fishing shall be a height above the sidelights not less than twice the distance between the two vertical lights.

(k) The forward anchor light prescribed in rule 30(a)(i), when two are carried, shall not be less than 4.5 meters above the after one. On a vessel of 50 meters or more in length this forward anchor light shall be placed at a height or not less than 6 meters above the hull.

§ 84.05 Horizontal positioning and spacing of lights.

(a) Except as specified in paragraph (b) of this section, when two masthead lights are prescribed for a power-driven vessel, the horizontal distance between them shall not be less than one quarter of the length of the vessel but need not be more than 50 meters. The forward light shall be placed not more than one half of the length of the vessel from the stem.

(b) On power-driven vessels 50 meters but less than 60 meters in length operated on the Western Rivers, the horizontal distance between masthead lights shall not be less than 10 meters.

(c) On a power-driven vessel of 20 meters or more in length the sidelights shall not be placed in front of the forward masthead lights. They shall be placed at or near the side of the vessel.

(d) When the lights prescribed in rule 27(b)(i) are placed vertically between the forward masthead light(s) and the after masthead light(s) these all-round lights shall be placed at a horizontal distance of not less than 2 meters from the fore and aft centerline of the vessel in the athwartship direction.

§ 84.07 Details of location of direction-indicating lights for fishing vessels, dredgers and vessels engaged in underwater operations.

(a) The light indicating the direction of the outlying gear from a vessel engaged in fishing as prescribed in rule 26(c)(ii) shall be placed at a horizontal distance of not less than 2 meters and not more

than 6 meters away from the two all-round red and white lights. This light shall be placed not higher than the all-round white light prescribed in rule 26(c)(i) and not lower than the sidelights.

(b) The lights and shapes on a vessel engaged in dredging or underwater operations to indicate the obstructed side and/or the side on which it is safe to pass, as prescribed in rule 27(d)(i) and (ii), shall be placed at the maximum practical horizontal distance, but in no case less than 2 meters, from the lights or shapes prescribed in rule 27(b)(i) and (ii). In no case shall the upper of these lights or shapes be at a greater height than the lower of the three lights or shapes prescribed in rule 27(b)(i) and (ii).

§ 84.09 Screens.

(a) The sidelights of vessels of 20 meters or more in length shall be fitted with mat black inboard screens and meet the requirements of § 84.17. On vessels of less than 20 meters in length, the sidelights, if necessary to meet the requirements of § 84.17, shall be fitted with mat black inboard screens. With a combined lantern, using a single vertical filament and a very narrow division between the green and red sections, external screens need not be fitted.

(b) On power-driven vessels less than 12 meters in length constructed after July 31, 1983, the masthead light, or the all-round light described in rule 23(c) shall be screened to prevent direct illumination of the vessel forward of the operator's position.

§ 84.11 Shapes.

(a) Shapes shall be black and of the following sizes:

(1) A ball shall have a diameter of not less than 0.6 meter;

(2) A cone shall have a base diameter of not less than 0.6 meter and a height equal to its diameter;

(3) A diamond shape shall consist of two cones (as defined in paragraph (a)(2) of this section) having a common base.

(b) The vertical distance between shapes shall be at least 1.5 meter.

(c) In a vessel of less than 20 meters in length shapes of lesser dimensions but commensurate with the size of the vessel may be used and the distance apart may be correspondingly reduced.

§ 84.13 Color specification of lights.

(a) The chromaticity of all navigation lights shall conform to the following standards, which lie within the boundaries of the area of the diagram specified for each color by the International Commission on Illumination (CIE), in the "Colors of Light Signals", which is incorporated by reference. It is Publication CIE No. 2.2. (TC–1.6), 1975, and is available from the Illumination Engineering Society, 345 East 47th Street, New York, NY 10017. It is also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street N.W., Washington, DC 20408. This incorporation by reference was approved by the Director of the Federal Register.

(b) The boundaries of the area for each color are given by indicating the corner co-ordinates, which are as follows:

(1) *White:*

x	0.525	0.525	0.452	0.31.0	0.310	0.443
y	0.382	0.440	0.440	0.348	0.283	0.382

(2) *Green:*

x	0.028	0.009	0.300	0.203
y	0.385	0.723	0.511	0.356

(3) *Red:*

x	0.680	0.660	0.735	0.721
y	0.320	0.320	0.265	0.259

(4) *Yellow:*

x	0.612	0.618	0.575	0.575
y	0.382	0.382	0.425	0.406

§ 84.15 Intensity of lights.

(a) The minimum luminous intensity of lights shall be calculated by using the formula:

$$I = 3.43 \times 10^6 \times T \times D^2 \times K^{-D}$$

where I is luminous intensity in candelas under service conditions,

T is threshold factor 2×10^{-7} lux,

D is range of visibility (luminous range) of the light in nautical miles,

K is atmospheric transmissivity. For prescribed lights the value of K shall be 0.8, corresponding to a meteorological visibility of approximately 13 nautical miles.

(b) A selection of figures derived from the formula is given in Table 84.15(b)

TABLE 84.15(b)

Range of visibility (luminous range) of light in nautical miles D	Minimum luminous intensity of light in candelas for K = 0.8 I
1	0.9
2	4.3
3	12
4	27
5	[illegible]
6	94

§ 84.17 Horizontal sectors.

(a)(1) In the forward direction, sidelights as fitted on the vessel shall show the minimum required intensities. The intensities shall decrease to reach practical cut-off between 1 and 3 degrees outside the prescribed sectors.

(2) For sternlights and masthead lights and at 22.5 degrees abaft the beam for sidelights, the minimum required intensities shall be maintained over the arc of the horizon up to 5 degrees within the limits of the sectors prescribed in rule 21. From 5 degrees within the prescribed sectors the intensity may decrease by 50 percent up to the prescribed limits; it shall decrease steadily to reach practical cut-off at not more than 5 degrees outside the prescribed sectors.

(b) All-round lights shall be so located as not to be obscured by masts, topmasts or structures within angular sectors of more than 6 degrees, except anchor lights prescribed in rule 30, which need not be placed at an impracticable height above the hull, and the all-round white light described in rule 23(d), which may not be obscured at all.

§ 84.19 Vertical sectors.

(a) The vertical sectors of electric lights as fitted, with the exception of lights on sailing vessels and on unmanned barges, shall ensure that:

(1) At least the required minimum intensity is maintained at all angles from 5 degrees above to 5 degrees below the horizontal;

(2) At least 60 percent of the required minimum intensity is maintained from 7.5 degrees above to 7.5 degrees below the horizontal.

(b) In the case of sailing vessels the vertical sectors of electric lights as fitted shall ensure that:

(1) At least the required minimum intensity is maintained at all angles from 5 degrees above to 5 degrees below the horizontal;

(2) At least 50 percent of the required minimum intensity is maintained from 25 degrees above to 25 degrees below the horizontal.

(c) In the case of unmanned barges the minimum required intensity of electric lights as fitted shall be maintained on the horizontal.

(d) In the case of lights other than electric lights these specifications shall be met as closely as possible

§ 84.21 Intensity of non-electric lights.

Non-electric lights shall so far as practicable comply with the minimum intensities, as specified in the Table given in § 84.15.

§ 84.23 Maneuvering light.

Notwithstanding the provisions of § 84.03(f), the maneuvering light described in rule 34(b) shall be placed approximately in the same fore and aft vertical plane as the masthead light or lights and, where practicable, at a minimum height of one-half meter vertically above the forward masthead

light, provided that it shall be carried not less than one-half meter vertically above or below the after masthead light. On a vessel where only one masthead light is carried the maneuvering light, if fitted, shall be carried where it can best be seen, not less than one-half meter vertically apart from the masthead light.

§ 84.25 Approval. [Reserved]

(Sec. 3, Pub. L. 96-591; 49 CFR 1.46(n)(14))

Dated: November 25, 1981.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 81-36413 Filed 12-23-81; 8:45 am]
BILLING CODE 4910-14-M

POSTAL SERVICE

39 CFR Part 111

Third-Class 5-Digit ZIP Code Presorted Mail

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: By a notice published in the **Federal Register** on August 14, 1981, (46 FR 41047) the Postal Service adopted a final rule governing the preparation of third-class bulk mail sent at the 5-digit ZIP Code presort level rate. Each sack of mail sent at this rate must contain a minimum of 50 pieces or 15 pounds of mail. In this final rule the Postal Service is lowering these minimum requirements to 50 pieces or 10 pounds. The Service believes that this change will enable more mailers to qualify for this rate, and the change will not adversely affect the sack workload at the Bulk Mail Centers.

EFFECTIVE DATE: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Florence B. Richardson, (202) 245-4513.

SUPPLEMENTARY INFORMATION: Under current regulations, a sack of 5-digit presort bulk third-class mail must contain a minimum of 50 pieces or 15 pounds. After studying the effects of the regulations which were implemented on September 13, 1981 (46 FR 41047, August 14, 1981), the Postal Service believes it can reduce the minimum pound requirement from 15 pounds to 10 pounds. This change more closely relates to the breakpoint of approximately .24 pound which is used to determine when the bulk third-class per pound rate is charged (instead of the per piece rate). The breakpoint changed November 1, 1981 as a result of changes in third-class rates (46 FR 51683, October 21, 1981). This change will enable more mailings to qualify for the third-class 5-digit presort rate. For example, mailers who mail items which are subject to the bulk third-class per pound rates will need fewer items to qualify for the rate. The Postal Service believes more mailers will presort their mailings to 5-digit destinations, thus reducing their postage costs and also reducing the number of handlings that will be required by the Postal Service.

Also section 622.12a is revised to clarify that a unique 3-digit sack may contain no more than 49 pieces for a particular 5-digit ZIP Code when pieces for that ZIP Code are placed inside a unique three-digit sack with pieces for other 5-digit ZIP Codes served by that city as specified in section 667.42(2).

Post offices are being notified by telecommunication that these changes are being made effective on the date of publication of this document, so that affected mailers can be made aware of the lowered requirements as soon as possible and take advantage of the changes in their next mailings.

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

In view of the considerations discussed above, the Postal Service hereby adopts the following changes to Parts 620 and 660 of the Domestic Mail Manual, which is incorporated by reference in the **Federal Register**. 39 CFR 111.1.

Part 620—Classification

In 622.1, revise 622.12a to read as follows:

622.1 Eligibility

* * * * *

.12 *Five-Digit Presort Level.*

a. *Minimum Quantity.* Each mailing must consist of at least 200 pieces or 50 pounds of mail presorted to 5-digit destinations. Each piece must be part of a package of 10 or more pieces to the same 5-digit ZIP Code and the package must be sacked to the same 5-digit ZIP Code. Each sack must contain a minimum of 50 pieces or 10 pounds of mail to the same 5-digit ZIP Code in order to be eligible for the 5-digit presort level rate. Exception: mailers may commingle different 5-digit packages of 10–49 pieces in sacks for the unique 3-digit multi-ZIP Code cities listed in Exhibit 122.633 providing:

(1) Each sack contains at least 50 pieces or 10 pounds of mail, and

(2) No 3-digit city packages are included in the sack, and

(3) 50 pieces or 10 pounds of mail for a single 5-digit ZIP Code (within the unique 3-digit city) must be sacked separately.

* * * * *

Part 660—Preparation Requirements

In 667, revise .42 to read as follows:

667.4 Preparation Requirements for Five-Digit Presort Level Rate

* * * * *

.42 *Sacking.* All qualifying packages of 10 or more pieces must be placed in a sack. Each sack must contain at least 50 pieces or 10 pounds of mail. Sacks may be prepared in one of two ways, as follows:

(1) If there are 50 pieces or 10 pounds of mail to a single 5-digit ZIP Code destination, they must be placed in a 5-digit sack. Five-digit sacks containing less than 50 pieces or 10 pounds may not be made. The sack must be labeled in the following manner:

Line 1: City, State and 5-digit ZIP Code Destination.
Line 2: Contents.
Line 3: Office of Mailing.

Sample:

ARLINGTON, VA 22202
3C LTRS
BOSTON, MA 021

(2) If a mailer has less than 50 pieces or 10 pounds to the same 5-digit ZIP Code, and if that 5-digit ZIP Code is included in a unique 3-digit multicoded city listed in Exhibit 122.633, packages of that mail may be included in a sack containing other 5-digit packages within the unique 3-digit ZIP Code city. Each sack must contain at least 50 pieces or 10 pounds of 5-digit presorted mail. No 3-digit city packages may be included in the sack. The sack must be labeled in the following manner:

Line 1: City, State and unique 3-digit city ZIP Code.
Line 2: Contents—5-digit PKGS.
Line 3: Office of Mailing.

Sample:

SPOKANE, WA 992
3C LTRS 5-DIGIT PKGS
BOSTON, MA 021

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of these changes will be published in the **Federal Register** as provided in 39 CFR 111.3.

(39 U.S.C. 401, 403, 404)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 81-36799 Filed 12-23-81; 8:45 am]
BILLING CODE 7715-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[A-10-FRL 2005-6]

Standards of Performance for New Source Performance Standards; Subdelegation of Authority to a Washington Local Agency

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is today approving a request dated September 23, 1981, from the Washington Department of Ecology for subdelegation to enforce the New Source Performance Standards to the Benton-Franklin-Walla Walla Counties Air Pollution Control Authority.

EFFECTIVE DATE: November 9, 1981.

ADDRESSES: The related material in support of this subdelegation may be examined during normal business hours at the following locations:

Central Docket Section (10A–81–4), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Air Programs Branch, Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101

State of Washington, Department of Ecology, 4224 Sixth Avenue, SE., Lacey, Washington 98503

The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: George C. Hofer, Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, M/S 625, Seattle, Washington 98101, Telephone: (206) 442–1352, 399–1352 (FTS).

SUPPLEMENTARY INFORMATION: Pursuant to section 112(d) of the Clean Air Act, as amended, the Regional Administrator of Region 10, Environmental Protection Agency (EPA), delegated to the State of Washington Department of Ecology on February 28, 1975, the authority to implement and enforce the program for New Source Performance Standards (NSPS). The delegation was announced in the **Federal Register** on April 1, 1975 (40 FR 14632).

On September 23, 1981, the Washington State Department of Ecology requested EPA's concurrence in the State's subdelegation of the NSPS program to the Benton-Franklin-Walla Walla Counties Air Pollution Control Authority. After reviewing the State's request, the Regional Administrator determined that the subdelegation met all the requirements outlined in EPA's delegation of February 28, 1975. Therefore, the Regional Administrator on November 9, 1981, concurred in the subdelegation to the local agency listed below with the stipulation that all the conditions placed on the original delegation to the State shall also apply to the subdelegation to the local agency (except fossil fuel-fired steam generators). EPA is today amending 40 CFR 60.04 to reflect the State's subdelegation.

The amended § 60.04 provides that all reports, requests, applications, submittals and communications required pursuant to Part 61 which were previously to be sent to the Director of the Washington Department of Ecology will now be sent to the Benton-Franklin-Walla Walla Counties Air Pollution Control Authority. The amended section is set forth below.

This rulemaking is effective immediately and is issued under the authority of section 112 of the Clean Air Act, as amended (42 U.S.C. 1857c–7).

Dated: November 20, 1981.

John R. Spencer,

Regional Administrator.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

In § 60.4, paragraph (b) is amended by adding paragraph (WW)(viii):

§ 60.4 Address.

* * * * *

(b) * * *

(WW) * * *

(viii) Benton-Franklin-Walla Walla Counties Air Pollution Control Authority, 650 George Washington Way, Richland, Washington 99352.

* * * * *

Incorporation by reference of the State Implementation Plan for the State of Washington was approved by the Director of the Office of Federal Register on July 1, 1981.

[FR Doc. 81–36315 Filed 12–23–81; 8:45 am]

BILLING CODE 6560–38–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6095

[NM 42945]

New Mexico; Revocation of Public Water Reserve No. 107, Interpretation No. 109

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order and a Secretarial order which withdrew lands for a public water reserve. This action will restore the lands to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: January 19, 1982.

FOR FURTHER INFORMATION CONTACT: Stella V. Gonzales, New Mexico State Office 505–988–6211.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, as construed by Secretarial Order of November 1, 1929, is hereby revoked in its entirety:

New Mexico Principal Meridian

T. 28 S., R. 9 W.,
Sec. 15, S½NE¼, N½SE¼.

The area described contains 160 acres in Luna County.

2. At 8 a.m. on January 19, 1982, the lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8 a.m. on January 19, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 8 a.m. on January 19, 1982, the lands will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

December 14, 1981.

[FR Doc. 81–36715 Filed 12–23–81; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 6096

[M 41590]

Montana; Public Land Order No. 5924; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This document will correct two errors in Public Land Order No. 5924 of May 18, 1981 which concerned partial revocation of a public water reserve in Montana.

EFFECTIVE DATE: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Montana State Office, 406–657–6291.

By virtue of the authority vested in the Secretary of the Interior, by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

The title of Public Land Order No. 5924 of May 18, 1981, in FR Doc. 81–16027 appearing on page 28857 in the issue of Friday, May 29, 1981, in the first column reads "Montana; Partial Revocation of Public Water Reserve No. 76." It is hereby corrected to read "Montana: Partial Revocation of Public Water Reserve No. 78."

The land description under Paragraph one in the first column reads "Public Water Reserve No. 76." It is hereby corrected to read "Public Water Reserve No. 78."

Garrey E. Carruthers,

Assistant Secretary of the Interior.

December 14, 1981.

[FR Doc. 81–36739 Filed 12–23–81; 8:45 am]

BILLING CODE 4310–84–M

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43 CFR Public Land Order 6097

[OR 19576 (WASH)]

Washington; Powersite Restoration No. 718; Partial Revocation of Powersite Reserve No. 67

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order in part as to 80 acres of land withdrawn for a powersite reserve. This action will restore the public lands involved to operation of the public lands laws generally.

EFFECTIVE DATE: January 19, 1982.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA–216–Washington, it is ordered as follows:

1. The Executive Order of July 2, 1910, which created Powersite Reserve No. 67, is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

Powersite Reserve No. 67

T. 6 N., R. 10 E.,
Sec. 3, SE¼SE¼.
T 5 N., R. 11 E.,
Sec. 18, NE¼SW¼.

The area described aggregate 80 acres in Klickitat County.

2. The State of Washington has waived its preference right for highway rights-of-way or material sites as provided by the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

3. At 10 a.m. on January 19, 1982, the public lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on January 19, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955, (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

December 14, 1981.

[FR Doc. 81–36710 Filed 12–23–81; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 310

Admission and Training of Midshipmen at the United States Merchant Marine Academy; Pay Increase

AGENCY: Maritime Administration, Transportation.

ACTION: Final rule.

SUMMARY: The Maritime Administration amends its regulations relating to merchant marine training to increase the pay that midshipmen of the United States Merchant Marine Academy receive while assigned to merchant vessels for sea year training. The purpose of this amendment is to implement the Maritime Administration policy that midshipmen shall receive the same rate of pay from their steamship company employers for the sea year training as cadets receive at the Federal academies.

EFFECTIVE DATE: January 15, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Erich J. Bernhardt, Academies Program Officer, Maritime Administration, Office of Maritime Labor & Training, Department of Transportation, Washington, D.C. 20590 (202) 426–5764.

SUPPLEMENTARY INFORMATION: Part 310 of Title 46 of the Code of Federal Regulations is hereby amended. This amendment increases the pay that midshipmen of the United States Merchant Marine Academy receive while assigned to merchant vessels for sea year training.

The rate of pay received by midshipmen while assigned to subsidized merchant vessels is a matter of public contract with the owners of such vessels. Accordingly, this amendment is exempt from the application of 5 U.S.C. 553, and is being issued as a final rule without opportunity for public comment. This amendment has been determined not to be a major regulation requiring preparation of a regulatory impact analysis, within the scope of E.O. 12291. The Maritime Administration certifies that the regulation will not exert a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, of 1980 (Pub. L. 96–354). It includes no reporting requirement for the collection of information within the scope of the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

PART 310—MERCHANT MARINE TRAINING

Part 310 Title 46 of the Code of Federal Regulations is amended by revising paragraph (c) of Section 310.58 to read as follows:

§ 310.58 Training on subsidized vessels.

* * * * *

(c) *Pay.* Midshipmen shall receive pay while employed aboard merchant vessels, at the rate of $461.40 per month directly from their steamship company employers. While aboard ship, they shall be berthed in single-occupancy rooms or in rooms with other midshipmen in that part of the vessel designated for licensed officers (or in first-class passenger quarters) and shall mess with the licensed officers. The steamship company employers shall also pay the midshipmen such subsistence and room allowance in port, transportation allowances, and other bonuses or allowances as are paid to the licensed officers of the vessel in which the midshipmen are employed.

(Sec. 204(b) and 1301–1308, Merchant Marine Act, 1936, as amended (49 Stat. 1987, 46 U.S.C. 1114) and Maritime Education and Training Act of 1980 (Pub. L. 96–453); Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 842), as

amended by Pub. L. 91-469 (84 Stat. 1036); Pub. L. 97-31 (Aug. 6, 1981); 49 CFR 1.66 (46 FR 47458, Sept. 28, 1981).

(Catalog of Federal Domestic Assistance Program No. 11-507 U.S. Merchant Marine Academy (Kings Point)).

Dated: December 16, 1931.

By Order of the Maritime Administrator.
Maritime Administration.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-36436 Filed 12-23-81; 8:45 am]

BILLING CODE 4910-81-M

Research and Special Programs Administration

49 CFR Parts 171, 173 and 178

[Docket No. HM-176; Amdt. Nos. 171-63, 173-52, 178-69]

Specification and Usage Requirements for 3AL Seamless, Aluminum Cylinders

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: This final rule amends the Hazardous Materials Regulations by establishing a specification requirement for seamless aluminum cylinders made of definitely prescribed alloys. These new cylinders are designated DOT Specification 3AL. Included in the final rule are requirements governing the use of these cylinders for shipment of certain hazardous materials. Because this final rule eliminates the need for 7 exemptions authorizing the use of over 3 million existing cylinders, these exemptions are terminated on the effective date of the final rule.

EFFECTIVE DATE: July 2, 1982.

FOR FURTHER INFORMATION CONTACT: Arthur Mallen, Chief, Technology Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, U.S. Department of Transportation, 400 7th St. S.W., Washington, D.C. 20590 (202-755-4906).

SUPPLEMENTARY INFORMATION: On August 14, 1980, the MTB published a notice of proposed rulemaking (NPRM) (Docket HM-176; Notice 80-7; 45 FR 54907) which proposed to establish a new seamless aluminum cylinder specification and authorize the use of this cylinder for certain hazardous materials. The NPRM was based in part on the Compressed Gas Association's (CGA) petition dated November 3, 1975, and Airco Industrial Gases (AIG) petition dated April 2, 1979, to add a new high pressure aluminum cylinder specification to Part 178. Comment was invited in that notice with a closing date of November 1, 1980. Based on the comments received and the MTB's evaluation thereof, the proposals in the NPRM with certain revisions are being incorporated as amendments to the Hazardous Materials Regulations.

It is the MTB's intention that existing seamless aluminum cylinders, authorized for use under exemptions, be covered under this rule, thereby eliminating the need for aluminum cylinder exemptions. Accordingly, a new paragraph (c) has been added to § 173.23 to cover cylinders previously authorized under exemptions.

The following is a section by section summary of the comments received on various parts of the notice.

Part 171

Section 171.7

One commenter suggested that the correct ASTM Tension testing method for aluminum is "ASTM B 557," rather than the proposed "ASTM E-8" which is for steel products. MTB agrees and has changed the new paragraph (d)(5)(x) to reference the correct method.

Part 173

One commenter endorsed the NPRM proposal to prohibit the use of 3AL cylinders for poisonous A materials and strong oxidizers. This commenter stated that since aluminum starts degrading at temperatures above 450°F the prohibition was appropriate in the absence of extensive (fire) tests to verify safety. Other commenters posed the opposite view by submitting a list of hazardous materials that are compatible with aluminum. They claim that the restrictions of 49 CFR 173.21 and 173.24 provide adequate safeguards for shipping these hazardous materials. Based on these latter commenters, MTB has reversed its NPRM position and has amended appropriate paragraphs in §§ 173.328, 173.332, 173.336, 173.337 and 173.351 to authorize the use of 3AL cylinders for Poison A materials and strong oxidizers previously authorized for shipment under exemptions.

Section 173.34

One commenter agreed that the 5 year retest is appropriate. Two commenters, on the other hand, claimed that the 5 year retest is discriminatory, and suggested that a 10 year retest is proper since existing regulations allow a 10 year retest for 3A and 3AA steel cylinders and a 12 year retest for 4E aluminum cylinders. Rejection rate for cylinders inspected in 1979 was presented as a basis for concluding that aluminum cylinders are as good as steel cylinders. Notwithstanding these comments, a 5 year retest will be required based on the following:

1. The 10 year retest for 3A and 3AA cylinders is based on extensive experience. The behavior of 3AL cylinders to high pressure cycling with various hazardous materials is not known.

2. No data comparable to the rejection elastic expansion (which is part of the basis for the extension of the retest interval for 3A or 3AA cylinders) was presented for aluminum cylinders.

3. Aluminum, while being resistant to corrosion by some hazardous materials, is very susceptible to damage by other hazardous materials.

4. The comparison of the 3AL to the 4E is not valid with respect to service pressure, burst, or condition of material. The 4E cylinder has a 4:1 burst to service pressure ratio and a limited (500 psi, max.) service pressure; the 3AL has an unlimited service pressure and a 2.5:1 burst to service pressure ratio. Further, the 4E cylinder derives its mechanical properties from cold work while the 3AL cylinder derives its mechanical properties from heat treatment.

In Subparts D and E, §§ 173.119(m)(9), 173.126, 173.134(a)(1), 173.135(a)(6), 173.136(a)(5), 173.137(a)(3), 173.138, 173.141(a)(9), 173.245(a)(28), 173.251(a)(1), and 173.280(a)(6) are amended to prohibit the use of aluminum cylinders for these flammable liquids and corrosive materials. Section 173.121 is amended to authorize shipment of carbon bisulfide in aluminum cylinders. These amendments are based on the compatibility data submitted by several commenters.

Section 173.301

Several commenters suggested that manifolding for 3AL cylinders containing certain gases should be allowed, pointing out that the exemptions allowed manifolding. MTB agrees. Paragraphs (d)(2) and (d)(3) are revised to allow manifolding of aluminum cylinders. However, cylinders containing nitrogen trifluoride and boron trichloride are prohibited from manifolding based on the incompatibility of these gases with aluminum.

Section 173.302(a)

Based on several comments received, paragraph (a)(4)(ii) is revised to allow the use of stainless steel valves; paragraph (a)(4)(iii) is revised to redefine lot size and permit any cleaning agent equivalent to those specified in the Specification that are not capable of reacting with oxygen. A paragraph (a)(5) is added to authorize the following:

1. Permit continued shipment of nonflammable gases which have previously been shipped;

2. Permit stainless steel valves for aluminum cylinders for oxygen service; and

3. Permit the use of equivalent but non-reacting cleaning agents to meet the requirements of RR–C–901(b) standard.

Because there was not sufficient justification presented, the ban on the use of tapered threads on aluminum cylinders used in oxygen service is retained.

Section 173.302(f)

Several commenters opposed the filling limitations imposed on the 3AL cylinder containing carbon monoxide. However, since no supporting data was presented, the filling limitation is retained.

Section 173.304

Good cause was shown to the MTB by commenter who suggested that the final amendments to paragraph (a)(2) should appropriately include all liquefied compressed gases that have been shipped to date in aluminum cylinders, especially two such gases, nitrous oxide and vinyl fluoride. The MTB concurs, and amends paragraph (a)(2) to include these two gases. Since nitrous oxide has similar oxidizing properties as oxygen, a new paragraph (a)(4) is added requiring cylinders used in nitrous oxide service be subjected to the same cleanliness requirements as oxygen cylinders. In addition, a new paragraph (a)(3) has been added to enumerate certain n.o.s. gases (subject to § 173.301(f)) which are not listed in § 172.101 that may be shipped in aluminum cylinders based on past experience gained through exemptions.

Section 173.351

The MTB on its own initiative is amending § 173.351 to authorize the shipment of hydrocyanic acid solutions not over 5 percent concentration in containers authorized for hydrocyanic solutions over 5 percent concentration.

Part 178

Section 178.46–4

Several commenters were opposed to the proposed language regarding inspector performance of chemical analysis, wall thickness measurement and reporting of volumetric capacity and tare weight. Based on the comments received, final § 178.46–4 allows the inspector to verify compliance with the chemical analyses and wall thickness requirement by performing, or witnessing the performance of the chemical analysis or the wall thickness measurement.

The duties of "reporting volumetric capacity and tare weight" and "verifying that design qualification tests have been performed prior to initial manufacture of a new design or a design change" have been added to § 178.46–4, the former upon the request of one commenter, the latter to provide verification of compliance with § 178.46–6(f) and (g).

Section 178.46–5

Paragraph (a) begins by providing that starting stock must be cast stock, or must be traceable to scalped cast stock. Several commenters raised objections to the proposed requirements for the following reasons:

(1) Extruded and forged stocks are equal to or better than cast stock;

(2) This requirement would inhibit significant cost reductions using state of art technological innovations;

(3) The hot extrusion process is a self scalping method for producing defect-free rod;

(4) Cast stock is not available in sizes under 4 inches in diameter;

(5) Use of extruded stock would be prohibited but the use of wrought stock would be permitted;

(6) Traditional aluminum industry practice accepts certification as a means of meeting the alloy chemistry limits without specific chemical analysis or traceability to starting stock;

(7) Cylinders of acceptable quality have been produced using unscalped cast stock under DOT–E 7042; and

(8) Use of grain size not exceeding 250 microns is too severe and not warranted since it is possible to control grain size growth during manufacture. Furthermore, supply of such material is limited to a few sophisticated aluminum producers.

Notwithstanding the above objections, the requirements in § 178.46–5(a) of the NPRM will be adopted in the final rule based on the following rationale.

(1) The statement that the hot extrusion process produces a defect free rod is valid only when producing rods. When producing cylinders by the backward extrusion process, the "oxide skin" is retained in the cylinder and would contribute to the weakening of the cylinder.

(2) For the purpose of manufacturing cylinders, it is questionable as to whether extruded stock and forged stock are comparable to cast stock. A commenters' rationale for the wide use of extruded and forged stock in critical aircraft usage is not a valid comparison, as aircraft structural components are of limited life and subject to frequent inspection; DOT 3AL cylinders have an unlimited life and a 5 year retest and reinspection schedule. Such critical aircraft components are not used in the "as forged" or "as extruded" condition. They are extensively machined prior to use.

(3) Material with specific certified chemistry and with proper grain size (not over 250 microns average) is available.

(4) The exemption process is available to accommodate validated "state of the art" improvements, as well as certain practices deemed appropriate.

Based on the comments received regarding the proposed elongation requirements, § 178.46–5(d) provides in Note 4, a less severe criteria for specimens taken from thin walled cylinders (3/16 inch or less wall thickness) and authorizes a retest without reheat treatment using a round 4D bar if the test method using the flat specimen fails. Also, § 178.46–5(e) allows ultrasonic inspection to be done either before or after parting, although, the added inspection after parting would necessitate more inspections due to the larger number of smaller pieces to inspect.

Section 178.46–6

Commenters were in general agreement that the MTB should lower its proposed design qualification cycle test requirement in paragraph (6)(f). The MTB concurs, in part, and the final rule will provide a reduced design qualification cycle test of at least 10,000 cycles (from 0 to test pressure). The proposed alternate 100,000 cycles (from 0 to service pressure) requirement is retained in the final rule since this cycling requirement was required for the design qualification of all the exemption cylinders and also is in the original proposal for rulemaking. A maximum rate of pressurization of 200 psi per second has been added to final paragraph (6)(f)(2) to assure that test cylinders experience the full pressurization effects as well as to provide uniform pressurization rates. This rate is based on a consensus of opinion expressed by certain cylinder manufacturers.

One commenter questioned the necessity of specifying in paragraph 6(d) a minimum base thickness for free standing cylinders, suggesting that this parameter applied only to cylinders with spun bottoms. The MTB disagrees. The two times the sidewall thickness applies to all types of free standing cylinders to provide wear allowance. This thickness should not be mistaken for the bottom thickness which is provided in paragraph 6(c) of this section.

One commenter questioned the knuckle radius specified in § 178.46–6(c) because he felt that the requirement of the qualification cycle test would eliminate any poorly designed cylinder. MTB disagrees. The cycle test is a general test and its test results would not show specific deficiencies in the design. Data furnished to the MTB during the exemption phase of this matter indicates the validity of the specified knuckle radius.

One commenter suggested that the service pressure parameter is too loose and suggested that any change in service pressure is a significant change. The commenter also suggested that a 30 percent change in bottom thickness be considered a design change. The MTB only agrees with the latter. The MTB believes that any service pressure change is too restrictive. Based on data obtained from other manufacturers, it is believed that a 10 percent change in service pressure is appropriate. The MTB also adds any increase in quantity or size of openings as a significant change since this affects the safety of cylinders appreciably.

Section 178.46–7

Two conflicting comments were received regarding the minimum wall thickness requirement for a cylinder with a diameter of 5 inches or more. The first commenter supplied data which suggested a 0.085 inch minimum wall thickness requirement, showing calculations which indicate that this thickness would give a maximum wall stress below the required calculated stress for a 5 inch diameter cylinder. Because the thickness is much thinner than that required of a 3A or 3AA cylinder which has a greater puncture resistance than the 3AL cylinder, it was not adopted in the final rule. The second commenter supplied data which suggested a 0.170 inch minimum wall thickness to provide more thickness to prevent catastrophic failure if a low pressure cylinder were accidentally filled to 1800 psi. MTB considers this proposal too severe. Consequently, the proposed minimum thickness requirement in the NPRM is adopted in the final rule.

Several commenters also requested that paragraph 7(a) of this section be revised to allow the use of the measured physical properties of the aluminum for establishing the minimum thickness required. Because MTB intends and believes that the wording in the NPRM allows the use of measured values, it has been incorporated in the final rule.

Section 178.46–11

Several commenters objected to the rejection and maximum test pressure criteria (last 2 sentences of paragraph (b)) of the NPRM as severely restrictive. Alternative criteria were proposed including (1) a specific test procedure, (2) proposal to limit the number of pressurizations corresponding to a stress that does not exceed yield strength, and (3) permit unlimited pressurizations since the cylinder is known to withstand 10,000 test pressure cycles. The first proposed alternative was not accepted as it prohibits other procedures that may work; furthermore the proposed procedure is covered by the proposed NPRM wording. The second proposed alternative was also rejected as the yield strength is not available to the retester who also uses this test procedure. The third proposal was not accepted since every successive retest requires a test pressure increased by 100 psi (or 10 percent of test pressure whichever is less). The cycle test uses the minimum pressure. The need of retests due to defect in apparatus or procedure can be minimized by knowledge of the test procedure and equipment and exercising care when testing. The wording used in the final rule is the same as that proposed in the NPRM, as some control must be exercised over the number of retests (and corresponding reheat treatments) permitted because of the unique properties of aluminum.

Section 178.46–12

Several commenters objected to the proposed 9t flattening test criteria of paragraph (c) as being too severe and proposed, as an alternative, the 10t criteria proposed in the CGA petition. The MTB felt that the 10t test criteria would not be severe enough to verify transverse ductility and so proposed in the exemptions the 9t criteria. Test data gathered under the exemptions show that the 9t criteria is readily attainable. In this section, several commenters proposed interchangeability of either the flattening test or the bend test, as they both measure ductility. The MTB agrees. The MTB, on its own, is allowing the use of alternate bend test to also qualify lots that fail the flattening test without reheat treatment.

Section 178.46–13

Several commenters proposed that the proper reference for mechanical testing is ASTM B 557–79, since the metal is aluminum not steel. MTB agrees. The final rule will reference ASTM B 557–79 instead of E 8–79. This action will also take care of the request to define the use of the 4D bar.

Section 178.46–15

The final rule corrects the omission of the marking example in paragraph (a)(2), by adding the symbol "XY" which was inadvertently omitted in the NPRM.

Section 178.46–16

A commenter suggested that the inspector's report form, relative to the reporting of wall thickness, be changed in the final rule to allow the acceptance of go-nogo gauge measurements. The MTB concurs. The final rule provides this. The final rule also corrects the proposed inspector's report form by—

1. Adding "Company" after lines 6 and 8.

2. Deleting as unnecessary, from the third paragraph of the report form the last two entries relating to maximum wall stress and internal pressure.

The Materials Transportation Bureau has determined that this regulation is not a major rule under the terms of Executive Order 12291 and DOT implementing procedures (44 FR 11034) and does not require a Regulatory Impact analysis, nor does it require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et. seq). A regulatory evaluation and environmental assessment is available for review in the Docket. I certify that this amendment will not, as promulgated, have a significant economic impact on a substantial number of small entities. Additionally, this amendment will not affect not-for-profit enterprises, or small governmental jurisdictions. For a number of years there were seven exemptions issued to cylinder manufacturers for authorization to manufacture seamless aluminium cylinders. This number of cylinder manufacturers has not increased and the publication of the final rule covering aluminum cylinders is not expected to proliferate the present number of seven manufacturers, therefore, Office of Management and Budget requirements relating to information collection and recordkeeping are not applicable.

In consideration of the foregoing, Parts 171, 173, and 178 of Title 49 Code of Federal Regulations are amended as set forth below.

PART 171—GENERAL INFORMATION, REGULATIONS AND DEFINITIONS

1. In § 171.7, paragraphs (d)(5)(x), (xi), (xii) and (d)(25) are added; and paragraph (d)(19) is revised to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * *

(d) * * *

(5) * * *

(x) ASTM B 557–79 is titled "Tension Testing Wrought and Cast Aluminum and Magnesium—Alloy Products" 1979 Edition.

(xi) ASTM B–221–76 is titled "Standard Specification for Aluminum Alloy Extruded Bars, Rods, Shapes and Tubes," 1976 Edition.

(xii) ASTM E 290–77 is titled "Semi-Guided Bend Test for Ductility of Metallic Materials," 1977 edition.

* * * * *

(19) Federal Specification RR–C–901b is titled "Federal Specification, Cylinders, Compressed Gas: With Valve or Plug and Cap; ICC 3AA RR–C901b, August 1, 1967."

* * * * *

(25) Aluminum Associations' Handbook is titled "Aluminum Standards and Data," Sixth Edition, 1979.

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

2. In § 173.23, paragraph (c) is added to read as follows:

§ 173.23 Previously authorized packaging.

* * * * *

(c) Seamless aluminum cylinders manufactured for use under DOT E 6498, E 6576, E 6688, E 7042, E 7446, E 8384, and E 8422 may be continued in use, and must be remarked in compliance with Specification 3 AL (§ 178.46 of this subchapter) before or at the time of the first retest following July 2, 1982. The required marking must appear immediately after the exemption mark which may be retained or obliterated by peening.

3. In § 173.34, the Table in paragraph (e) is amended by adding an entry "3 AL" immediately following the entry "3A, 3AA"; and paragraphs (e)(4) and (f)(4) are revised to read as follows:

§ 173.34 Qualification, maintenance and use of cylinders.

* * * * *

(e) * * *

Specification under which cylinder was made	Minimum retest pressure (p.s.i.)	Retest period (years)
* * * * *		
3AL	⅔ times service pressure	5
* * * * *		

* * * * *

(4) A cylinder must be condemned when it leaks, or when internal or external corrosion, denting, bulging, or evidence of rough usage exists to the extent that the cylinder is likely to be weakened appreciably, or when the permanent expansion exceeds 10 percent of the total expansion, except that for DOT 4E aluminum cylinders, when the permanent expansion exceeds 12 percent of the total expansion. Except for DOT 3AL and DOT 4E aluminum cylinders, a cylinder condemned for excessive permanent expansion may be reheat-treated. (See paragraph (g) of this section.) DOT 4 series cylinders, condemned for other than excessive permanent expansion, may be repaired and rebuilt as otherwise provided in this section.

* * * * *

(f) * * *

(4) DOT 3AL and DOT 4E aluminum cylinders may not be reheat treated and must be removed from service.

* * * * *

4. In § 173.119, paragraph (m)(9) is revised to read as follows:

§ 173.119 Flammable liquids not specifically provided for.

* * * * *

(m) * * *

(9) Specification steel or nickel cylinders as prescribed for any compressed gas except acetylene. All cylinder valves must be protected by one of the methods described in § 173.301(g) (1), (2), or (3) of this part. See § 173.34(e)(16).

* * * * *

5. In § 173.121, a new paragraph (a)(7) is added to read as follows:

§ 173.121 Carbon bisulfide (disulfide).

(a) * * *

(7) Specification cylinders as prescribed for any compressed gas except acetylene.

6. Section 173.126 is revised to read as follows:

§ 173.126 Nickel carbonyl.

Nickel carbonyl must be packed in specification steel or nickel cylinders as prescribed for any compressed gas except acetylene. A cylinder used exclusively for nickel carbonyl may be given a complete external visual inspection in lieu of the interior hydrostatic pressure test required by § 173.34(e) of this part. Visual inspection must be in accordance with CGA Pamphlet C–6. All cylinder valves must be protected by one of the methods described in § 173.301(g) (1), (2) or (3) of this part.

7. In § 173.134, the introduction to paragraph (a)(1) is revised to read as follows:

§ 173.134 Pyroforic liquids, n.o.s.

(a) * * *

(1) Specification steel or nickel cylinders prescribed for any compressed gas except acetylene having a minimum design pressure of 175 pounds per square inch are authorized. Cylinders with valves must be:

* * * * *

8. In § 173.135, paragraph (a)(6) is revised to read as follows:

§ 173.135 Diethyl dichlorosilane, dimethyl dichlorosilane, ethyl dichlorosilane, ethyl trichlorosilane, methyl trichlorosilane, trimethyl chlorosilane, and vinyl trichlorosilane.

(a) * * *

(6) Specification steel or nickel cylinders as prescribed for any compressed gas except acetylene.

* * * * *

9. In § 173.136, paragraph (a)(5) is revised to read as follows:

§ 173.136 Methyl dichlorosilance and trichlorosilane.

(a) * * *

(5) Specification steel or nickel cylinders as prescribed for any compressed gas except acetylene.

* * * * *

10. In § 173.137, paragraph (a)(3) is revised to read as follows:

§ 173.137 Lithium aluminum hydride, ethereal.

(a) * * *

(3) Specification steel or nickel cylinders as prescribed for any compressed gas except acetylene. Valves or fittings must be protected from injury by a metal cap or equally efficient device securely attached to the cylinder.

11. Section 173.138 is revised to read as follows:

§ 173.138 Pentaborane.

Specification steel or nickel cylinders prescribed for any compressed gas except acetylene are authorized. Each cylinder must be protected with a valve protection cap or must be packed in a strong wooden box and blocked therein so as to protect the valve from injury under conditions normally incident to transportation. Cylinders not exceeding 2 inches in diameter nor 6 inches in length, excluding the length of the valve, may also be packed in strong solid fiberboard boxes, having no outside dimension less than 4 inches, completely filled with layers of strong corrugated

fiberboard, the center of which shall be cut out to fit the cylinder valve, and otherwise so designed that neither the cylinder nor the valve will be in contact with the wall of the box under conditions normally incident to transportation.

12. In § 173.141, paragraph (a)(9) is revised to read as follows:

§ 173.141 Amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures.

(a) * * *

(9) Specification steel or nickel cylinders as prescribed for any compressed gas except acetylene.

* * * * *

13. In § 173.245, paragraph (a)(28) is revised to read as follows:

§ 173.245 Corrosive liquids not specifically provided for.

(a) * * *

(28) Specification steel or nickel cylinders prescribed for any compressed gas except acetylene are authorized. All cylinder valves must be protected by one of the methods described in § 173.301(g) (1), (2), or (3) of this part. See § 173.34(e)(16).

* * * * *

14. In § 173.251, paragraph (a)(1) is revised to read as follows:

§ 173.251 Boron trichloride and boron tribromide.

(a) * * *

(1) Specification steel or nickel cylinders as prescribed for any compressed gas except acetylene.

* * * * *

15. In § 173.280, paragraph (a)(6) is revised to read as follows:

§ 173.280 Trichlorosilanes.

(a) * * *

(6) Specification steel or nickel cylinders as prescribed for any compressed gas except acetylene.

* * * * *

16. In § 173.301, paragraphs (d)(2) and (3) are revised; the table in paragraph (h) is amended by revising the heading and by adding the entry "3AL" immediately following the entry "DOT 3A," as follows:

§ 173.301 General requirements for shipment of compressed gases in cylinders.

* * * * *

(d) * * *

(2) Manifolding is authorized for specification cylinders containing the following nonliquefied gases: boron trifluoride, carbon monoxide, ethylene, hydrogen, hydrocarbon gases, methane, and nitrogen trifluoride, except that aluminum cylinders are not authorized for boron trifluoride or nitrogen trifluoride service; provided individual cylinders are equipped with approved pressure relief devices as required by § 173.34(d) or § 173.315(i) of this part: *and provided further,* that each cylinder is equipped with an individual shutoff valve that must be tightly closed while in transit. Manifold branch lines of these individual shutoff valves must be sufficiently flexible to prevent injury to the valves which otherwise might result from the use of rigid branch lines. A temperature measuring device may be inserted in one cylinder of a manifold installation in place of the shutoff valve.

(3) Manifolding is authorized for specification cylinders containing the following gases: ethane, ethylene, hydrogen chloride, liquefied hydrocarbon gas, liquefied petroleum gas and propylene, except that aluminum cylinders are not authorized for hydrogen chloride and liquefied hydrocarbon gas service, provided each cylinder is equipped with approved pressure relief devices as required by § 173.34(d) or § 173.315(i) of this part: *and provided further,* that each cylinder is equipped with an individual shutoff valve that must be tightly closed while in transit. Each cylinder must be separately charged and means must be provided to insure that no interchange of cylinder contents can occur during transportation. Manifold branch lines to these individual shutoff valves must be sufficiently flexible to prevent injury to the valves which otherwise might result from the use of rigid branch lines.

* * * * *

(h) * * *

PACKAGINGS	
DOT 3AL	

* * * * *

17. In § 173.302, a new paragraph (a)(5) is added; and paragraphs (a)(4)(ii), (iii), and (f) are revised to read as follows:

§ 173.302 Charging of cylinders with nonliquefied compressed gases.

(a) * * *

(4) * * *

(ii) Cylinder must be equipped only with brass or stainless steel valve; and

(iii) Each cylinder must be cleaned in compliance with the requirements of Federal Specification RR–C–901b, dated August 1, 1967, paragraphs 3.7.2 and 3.8.2. Cleaning agents equivalent to those specified in RR–C–901b, may be used; however any cleaning agent must not be capable of reacting with oxygen. One cylinder selected at random from a group of 200 or less cleaned at the same time, must be tested for oil contamination in accordance with specification RR–C–901b paragraph 4.4.2.3 and meet the standard of cleanliness specified.

(5) Specification 3AL (§ 178.46 of this subchapter) cylinders are authorized only for the following nonliquefied gases: air, argon, carbon monoxide, diborane, ethylene, helium, mercury free hydrogen, krypton, methane, nitrogen, neon, oxygen and xenon. When used in oxygen service, aluminum cylinders must be in compliance with the following conditions:

(i) Cylinder must be equipped only with brass or stainless steel valve;

(ii) Cylinder must have only straight threads in the opening;

(iii) Each cylinder must be cleaned in compliance with the requirements of Federal Specification RR–C–901b, dated August 1, 1967, paragraphs 3.7.2, and 3.8.2. Cleaning agents equivalent to those specified in RR–C–901b may be used; however, any cleaning agent must not be capable of reacting with oxygen. One cylinder selected at random from a group of 200 or less, cleaned at the same time, must be tested for oil contamination in accordance with Specification RR–C–901b, paragraph 4.4.2.3, and meet the standard of cleanliness specified; and

(iv) Cylinder must have a marked service pressure not exceeding 3000 psi.

* * * * *

(f) *Carbon monoxide.* Carbon monoxide must be shipped in a specification 3A, 3AX, 3AA, 3AAX, 3AL, 3, 3E, or 3T, (§§ 178.36, 178.37, 178.46, 178.42, 178.45 of this subchapter) cylinder having a minimum service pressure of 1,800 psig. The pressure in the cylinder must not exceed 1000 psig at 70° F. except that if the gas is dry and sulfur free, the cylinder may be charged to five-sixths of the cylinder service pressure or 2000 psig, whichever is the lesser.

* * * * *

18. In § 173.304, the table in paragraph (a)(2) is amended by adding DOT 3AL cylinders with various service pressures for certain hazardous materials, and by adding footnote 11; paragraphs (a)(3) and (a)(4) are added; and paragraph (d)(3)(i) is revised to read as follows:

§ 173.304 Charging of cylinders with liquefied compressed gas.

(a) * * *

(2) * * *

Kind of gas	Maximum permitted filling density (see Note 1)	Containers marked as shown in this column or of the same type with higher service pressure must be used except as provided in § 173.34 (a), (b), § 173.301(j) (see notes following table).
	Percent	
Anhydrous ammonia	54	DOT-4; DOT-3A480; DOT-3AA480; DOT-3AA480X; DOT-4A480; DOT-3; DOT-4AA480; DOT-3E1800; DOT-3AL480.
• • • •	•	• • •
Bromotrifluoromethane (R-13B1 or 1301).	124	DOT-3A400; DOT-3AA400; DOT-3B400; DOT-4A400; DOT-4AA480; DOT-4B400; DOT-4BW400; DOT-3E1800; DOT-39; DOT-3AL400.
Carbon dioxide, liquefied (see Notes 4, 7, and 8).	68	DOT-3A1800; DOT-3AX1800; DOT-3AA1800; DOT-3AAX1800; DOT-3; DOT-3E1800; DOT-3T1800; DOT-3HT2000; DOT-39; DOT-3AL1800.
Carbon dioxide, nitrous oxide mixture (see Notes 7, and 8).	68	DOT-3A1800; DOT-3AX1800; DOT-3AA1800; DOT-3AAX1800; DOT-3; DOT-3E1800; DOT-3T1800; DOT-3HT2000; DOT-39; DOT-3AL1800.
• • • •	•	• • •
Chlorodifluoroethane (R-142b) or 1-chloro-1, 1-difluoroethane (see Note 5).	100	DOT-3A150; DOT-3AA150; DOT-3B150; DOT-4B150; DOT-4BA225; DOT-4BW225; DOT-3E1800; DOT-39; DOT-3AL150.
Chlorodifluoromethane (R-22) (See Note 5).		DOT-3A240; DOT-3AA240; DOT-3B240; DOT-4B240; DOT-4BA240; DOT-4BW240; DOT-4B240ET; DOT-4E240; DOT-39; DOT-41; DOT-3E1800; DOT-3AL2401.
Chloropentafluoroethane (R-115) (see Note 5).		DOT-3A225; DOT-3AA225; DOT-3B225; DOT-4A225; DOT-3AA225; DOT-3B225; DOT-4BW225; DOT-3E1800; DOT-39; DOT-3AL225.
Chlorotrifluoromethane (R-13) (see Note 5).		DOT-3A1800; DOT-3AA1800; DOT-3; DOT-3E1800; DOT-39; DOT-3AL1800.
Cyclopropane (see Notes 8 and 9)	55	DOT-3A225; DOT-3A480X; DOT-3AA225; DOT-3B225; DOT-4A225; DOT-4AA480; DOT-4B225; DOT-4BA225; DOT-4BB225; DOT-4B240ET; DOT-3; DOT-3E1800; DOT-39; DOT-3AL225.
Dichlorodifluoromethane (R-12) (see Note 5).		DOT-3A225; DOT-3AA225; DOT-3B225; DOT-4A225; DOT-4B225; DOT-4BA225; DOT-4BW225; DOT-4B240ET; DOT-4E225; DOT-3; DOT-39; DOT-41; DOT-3E1800; DOT-3AL225.
Difluoroethane (R-152a) (see Note 5)	79	DOT-3A150; DOT-3AA150; DOT-3B150; DOT-4B150; DOT-4BA225; DOT-4BW225; DOT-3E1800; DOT-3AL150.
• • • •	•	• • •
Ethane (see Notes 8 and 9)	35.8	DOT-3A1800; DOT-3AX1800; DOT-3AA1800; DOT-3AAX1800; DOT-3; DOT-3E1800; DOT-3T1800; DOT-39; DOT-3AL1800.
Ethane (see Notes 8 and 9)	[illegible]	DOT-3A2000; DOT-3AX2000; DOT-3AA2000; DOT-3AAX2000; DOT-3T2000; DOT-39; DOT-3AL2000.
Ethylene (see Notes 8 and 9)	[illegible]	DOT-3A200; DOT-3AX2000; DOT-3AA2000; DOT-3AAX1800; DOT-3; DOT-3E1800; DOT-3T1800; DOT-39; DOT-3AL1800.
Ethylene (see Notes 8 and 9)	32.5	DOT-3A2000; DOT-3AX2000; DOT-3AA2000; DOT-3AAX2000; DOT-3T2000; DOT-39; DOT-3A12000.
Ethylene (see Notes 8 and 9)	35.5	DOT-3A2400; DOT-3AX2400; DOT-3AA2400; DOT-3AAX2400; DOT-3T2400; DOT-39; DOT-3AL2400.
• • • •	•	• • •
Hydrogen sulfide (see Note 10)	[illegible]	DOT-3A480; DOT-3AA480; DOT-3B480; DOT-4A480; DOT-4B480; DOT-4BA480; DOT-4BW480.; DOT-26-480; DOT-3E1800; DOT-3AL480.
• • • •	•	• • •
Methylacetylene-propadiene, stabilized (see Note 5).	Not liquid full at 130° F	DOT-4B240 without brazed seams; DOT-4BA240 without brazed seams; DOT-3A240; DOT-3AA240; DOT-3B240; DOT-3E1800; DOT-4BW240; DOT-4E240; DOT-4B240ET; DOT-4; DOT-41; DOT-3AL240.
• • • •	•	• • •
Nitrous oxide (see Notes 7, 8, and 11)	68	DOT-3A1800; DOT-3AX1800; DOT-3AA1800; DOT-3AAX1800; DOT-3; DOT-3E1800; DOT-3T1800; DOT-3HT2000; DOT-39; DOT-3AL1800.
• • • •	•	• • •
Refrigerant gas, n.o.s. or Dispersant gas, n.o.s.(see Note 5).	Not liquid full at 130° F	DOT-3A240; DOT-3AA240; DOT-3B240; DOT-3E1800; DOT-4A240; DOT-4B240; DOT-4BA240; DOT-4BW240; DOT-4E240; DOT-3; DOT-39; DOT-3AL240.
Sulfur dioxide (see Note 5)	125	DOT-3A225; DOT-3AA225; DOT-3B225; DOT-4A225; DOT-4B225; DOT-4BA225; DOT-4B240ET; DOT-3; DOT-4; DOT-25; DOT-26-150; DOT-38; DOT-39; DOT-3EL800; DOT-3AL225.
Sulfur hexafluoride	120	DOT-3A1000; DOT-3AA1000; DOT-3; DOT-3E1800; DOT-3AL1000.
• • • •	•	• • •
Vinyl chloride (see Note 5)	84	DOT-4B150 without brazed seams; DOT-4BA225 without brazed seams; DOT-4BW225; DOT-3A150; DOT-3AA150; DOT-25; DOT-3E1800; DOT-3AL150.
Vinyl fluoride, inhibited	[illegible]	DOT-3A1800; DOT-3AA1800; DOT-3E1800; DOT-3AL1800.
• • • •	•	• • •

NOTE 11: See § 173.304(a)(4).

(3) Specification 3AL (§ 178.46 of this subchapter) cylinders are authorized also for the following liquefied gases: cyclobutane, hydrogen selenide, propylene, silane, bromochlorodifluoromethane, vinyl bromide, and dimethyl ether.

(4) Specification DOT 3AL (§ 178.46 of this subchapter) cylinders when used in nitrous oxide service must be in compliance with out following conditions:

(i) Cylinder must be equipped only with brass or stainless steel valve; and

(ii) Each cylinder must be cleaned in compliance with the requirements of Federal Specification RR–C–901b paragraphs 3.7.2 and 3.8.2. Cleaning agents equivalent to those specified in RR–C–901b may be used; however, any cleaning agent must not be capable of reacting with oxygen. One cylinder selected at random from a group of 200 or less cleaned at the same time must be tested for oil contamination in accordance with Specification RR–C–901b paragraph 4.4.2.3 and meet the standard of cleanliness specified.

* * * * *

(d) * * *

(3) * * *

(i) Specification 3,[1] 3A, 3AA, 3B, 3E, 3AL, 4B, 4BA, 4B240FLW, 4B240ET, 4BW, 4B240X,[1] 4E, 4,[1] 4A,[1] 9,[1] 25,[1] 26,[1] 38,[1] 39, or 41[1] (§§ 178.36, 178.37, 178.38, 178.42, 178.46, 178.50, 178.51, 178.54, 178.55, 178.61, 178.65, 178.68 of this subchapter) cylinders. The internal volume of a specification 39 cylinder must not exceed 75 cubic inches.

* * * * *

19. In § 173.328, paragraph (a)(2) is revised to read as follows:

§ 173.328 Poison A materials not specifically provided for.

(a) * * *

(2) Specification 3A1800, 3AA1800, 3AL1800, or 3E1800 (§§ 178.36, 178.37, 178.42, 178.46 of this subchapter) cylinders.

(i) Specifications 3A, 3AA and 3AL cylinders must not exceed 125 pounds water capacity (nominal). Cylinders must have valve protection or be packed in strong wooden or metal boxes as described in § 173.327(a)(2). Specification 3AL cylinders are authorized only for arsine, carbonyl sulfide, and phosphine service.

* * * * *

20. In §173.332, paragraph (a)(2) is revised as follows:

§ 173.332 Hydrocyanic acid, liquid (prussic acid) and hydrocyanic acid liquefied.

(a) * * *

(2) Specification 3A480, 3AA480, 3A480X[1] or 3AL1800 (§ 178.36, 178.37, 178.46 of this subchapter) metal cylinders of not over 278 pounds water capacity (nominal); valve protection cap must be used and be at least 9/16-inch thick, gas-tight, with 9/16-inch faced seat for gasket and with United States standard form thread; the cap must be

capable of preventing injury or distortion of the valve when it is subjected to an impact caused by allowing the cylinder, prepared as for shipment, to fall from an upright position with side of cap striking a solid steel object projecting not more than 6 inches above floor level.

* * * * *

21. In § 173.336, paragraph (a)(2) is revised to read as follows:

§ 173.336 Nitrogen dioxide, liquid; nitrogen peroxide, liquid; and nitrogen; tetraoxide, liquid.

(a) * * *

(2) Specification 3A480, 3AA480, 3AL1800, or 25[1] (§§ 178.36, 178.37, or 178.46 of this subchapter) metal cylinders with valve removed are authorized. Valve opening must be closed by means of a solid metal plug with tapered thread properly luted to prevent leakages; valve protection cap must be used and be at least 5/16-inch thick, gas-tight, with 5/16-inch faced seat for gasket and with United States standard form thread.

* * * * *

22. In § 173.337, paragraphs (a) (1) and (2) are revised to read as set forth below and paragraphs (a)(3) and (4) are removed.

§ 173.337 Nitric oxide.

(a) * * *

(1) Specification 3A1800, 3AA1800, 3E1800, or 3AL2800 (§§ 178.36, 178.37, 178.42, or 178.46 of this subchapter) cylinders charged to a pressure of not more than 750 psi at 70° F. Cylinders must be equipped with a valve of stainless steel and valve seat of material which will not be deteriorated by contact with nitric oxide or nitrogen dioxide. Cylinders or valves may not be equipped with safety devices of any type. Valve outlets must be sealed by a solid threaded cap or plug and an inert gasketing material.

(i) Specification 3E1800 cylinders must be packed in strong wooden boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Each outside package must be plainly marked "Inside containers comply with prescribed specifications."

(ii) Specification 3A, 3AA, and 3AL cylinders must have their valves protected by metal caps securely attached to the cylinders and be of sufficient strength to protect the valves from injury during transit, or by packing in strong wooden boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Each outside package must be plainly marked "Inside containers comply with prescribed specifications."

(2) Specification 106A500X (§§ 179.300, 179.301 of this subchapter) tank car tanks. Nitric oxide charge in each tank may not exceed 200 psig at 70° F. Each tank must be equipped with gas-tight valve protection cap (see § 179.302 of this subchapter). Each valve outlet must be sealed by a threaded solid plug or a threaded cap with inert luting or gasket material. Valves must be of stainless steel and the caps, plugs, and valve seats must be of material that will not be deteriorated by contact with nitric oxide or nitrogen dioxide. The tank may not be equipped with any safety relief device.

23. § 173.351 is revised to read as follows:

§ 173.351 Hydrocyanic acid solutions.

Hydrocyanic acid solutions not over 5 percent hydrocyanic acid must be packaged in specification containers as follows:

(a) As prescribed in § 173.332.

(b) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190 or 178.191 of this subchapter) wooden boxes with inside glass bottles not over 1 pound capacity each for solutions of not over 5 percent hydrocyanic acid and not over 5 pints capacity each for solutions of not over 2 percent strength. Completed package, with glass packaging filled with water, must be capable of withstanding six four-foot drops onto solid concrete in the following order: bottom, four sides, and top, without breakage.

24. In § 173.354, paragraph (a)(3) is revised to read as follows:

§ 173.354 Motor fuel antiknock compound or tetraethyl lead.

(a) * * *

(3) Specification steel or nickel cylinders as prescribed for any compressed gas except acetylene.

* * * * *

25. In § 173.358, paragraph (a)(7) is revised to read as follows:

§ 173.358 Hexaethyl tetraphosphate; methyl parathion; organic phosphate compound; organic phosphorous compound; parathion; tetraethyl dithio pyrophosphate; and tetraethyl phyrophosphate, liquid.

(a) * * *

(7) Specification cylinders as prescribed for any compressed gas except acetylene. DOT 3AL cylinders are authorized only for parathion and methyl parathion service.

* * * * *

PART 178—SHIPPING CONTAINER SPECIFICATIONS

26. § 178.46 is added to read as follows:

§ 178.46 Specification 3AL; seamless cylinders made of definitely prescribed aluminum alloys.

§ 178.46–1 Compliance.

Each specification 3AL seamless cylinder must comply with this section.

§ 178.46–2 Size and service pressure.

(a) The maximum water capacity is 1000 pounds.

(b) The minimum service pressure is 150 psig (see § 173.300(h) of this subchapter).

§178.46–3 Inspection.

Inspections and verifications must be performed by an independent inspection agency approved in writing by the Associate Director for HMR in accordance with § 173.300a of this subchapter. Chemical analyses and tests as specified must be made within the United States unless otherwise approved in writing by the Associated Director for HMR in accordance with § 173.300b of this subchapter.

§ 178.46–4 Duties of the inspector.

(a) The inspector shall determine that all materials comply with this specification before releasing those materials for cylinder manufacture.

(b) The inspector shall verify compliance with the provisions of § 178.46–5(d)(1) by:

(1) Performing or witnessing the performance of the chemical analyses on each melt or cast lot or other unit of starting material; or

(2) Obtaining a certified chemical analysis from the material or cylinder manufacturer for each melt, or cast of material; or

(3) Obtaining a certified check analysis on one cylinder out of each lot of 200 cylinders or less, if a certificate containing data to indicate compliance with the material specification is obtained.

(c) The inspector shall verify ultrasonic inspection of all material by inspection or by obtaining the material producer's certificate of ultrasonic inspection. Ultrasonic inspection must be performed or verified as having been performed in accordance with § 178.46–5(e).

(d) The inspector shall determine that each cylinder complies with this specification by:

(1) Making a complete internal inspection before closing;

(2) Making a complete external inspection;

(3) Verifying that heat treatment was proper;

(4) Selecting the samples for all tests;

(5) Selecting the samples for check analyses performed by other than the material producer;

(6) Witnessing each test;

(7) Verifying that the prescribed minimum thickness was met by measuring or witnessing the measurement of the wall thickness;

(8) Verifying that the identification of material is proper;

(9) Verifying the threads, by gauge;

(10) Reporting volumetric capacity, tare weight, and minimum thickness noted;

(11) Determining that each cylinder is marked in compliance with the specification; and

(12) Preparing and providing the required report to the cylinder maker, purchaser, and the Associate Director for HMR.

(e) Prior to initial production of any design or design change, verify that the design qualification tests prescribed in § 178.46–6(f) have been performed with acceptable results.

(f) In this specification, a "lot" means of group of cylinders successively produced having the same:

(1) Size and configuration;

(2) Specified material of construction;

(3) Process of manufacture and heat treatment;

(4) Equipment of manufacture and heat treatment; and

(5) Conditions of time, temperature and atmosphere during heat treatment.

In no case may the lot size exceed 200 cylinders, but any cylinder processed for use in the required destructive physical testing need not be counted as being one of the 200.

§ 178.46–5 Authorized material and identification of material.

(a) Starting stock must be cast stock that is later scalped prior to extrusion of the cylinder shell. If starting stock is not cast stock, it must be traceable to cast stock that has been scalped prior to extrusion.

(b) Material with seams, cracks, laminations, or other defects likely to weaken the finished cylinder may not be used.

(c) Material must be identified by a suitable method that will identify the alloy, the aluminum producer's cast number, the solution heat treat batch number and the lot number.

(d) The material must be of uniform quality. Only the following heat treatable aluminum alloys are permitted:

(1) CHEMICAL COMPOSITION LIMITS [1]

Aluminum association alloy designation No.	Chemical composition								Other [2]		Al
	Si	Fe	Cu	Mn	Mg	Cr	Zn	Ti	Each	Total	
6351	0.7–1.3	0.50 maximum.	0.10 maximum.	0.40–0.8	0.40–0.8		0.20 maximum.	0.20 maximum.	0.05 maximum.	0.15 maximum.	Remainder.
6061	0.40–0.8	0.7 maximum.	0.15–0.40	0.15 maximum.	0.8–1.2	0.04–0.35	0.25 maximum.	0.15 maximum.	0.05 maximum.	0.15 maximum.	Remainder.

[1] ASTM B 221–76 Standard Specification for Aluminum-Alloy Extruded Bars, Rods Shapes, and Tubes, Table 1 Chemical Composition Limits.
[2] Analysis is regularly made only for the elements for which specific limits are s' own, except for unalloyed aluminum. If, however, the presence of other element is suspected to be, or in the course of routine analysis is indicated to be in excess of specified limits, further analysis is made to determine that these other elements are not in excess of the amount specified. (Aluminum Association Standards and Data—Sixth Edition 1979.)

(2) MECHANICAL PROPERTY LIMITS

Alloy and temper	Tensile strength—PSI		Elongation—percent minimum for 2" or 4D [1] size specimen
	Ultimate—minimum	Yield—minimum	
6351–T6	42,000	37,000	[2]14
6061–T6	38,000	35,000	[2]14

[1] "D" represents specimen diameter.
[2] When cylinder wall is not over 3/16-inch thick, 10 percent elongation is authorized when using a 2ft x 8t size test specimen.

(e) All starting stock must be 100 percent ultrasonically inspected, along the length at right angles to the central axis from two positions at 90° to one another. The equipment and continuous scanning procedure must be capable of detecting and rejecting internal defects such as cracks which have an ultrasonic response greater than that of a calibration block with a 5/64-inch diameter flat bottomed hole.

(f) Cast stock must have uniform equiaxed grain structure not to exceed 250 microns average.

(g) Any starting stock not complying with the above must be rejected.

§ 178.46–6 Manufacture.

(a) Cylinder shells must be manufactured by the backward extrusion method and have a cleanliness level adequate to ensure proper inspection.

(b) No fissure or other defect is acceptable that is likely to weaken the finished cylinder below the design strength requirements. A reasonably smooth and uniform surface finish is required. If not originally free from such defects, the surface may be machined or otherwise conditioned to eliminate these defects.

(c) The thickness of the cylinder base may not be less than the prescribed minimum wall thickness of the cylindrical shell. The cylinder base must have a basic torispherical, hemispherical, or ellipsoidal interior base configuration where the dish radius is no greater than 1.2 times the inside diameter of the shell. The knuckle radius may not be less than 12 percent of the inside diameter of the shell.

(d) For free standing cylinders, the base thickness must be at least two times the minimum wall thickness along the line of contact between the cylinder base and the floor when the cylinders are in the vertical position.

(e) Welding or brazing is prohibited.

(f) Each new design and any significant change to any acceptable design must be qualified for production by testing prototype samples as follows:

(1) Three samples must be subjected to 100,000 pressure reversal cycles between zero and service pressure or 10,000 pressure reversal cycles between zero and test pressure, at a rate not in excess of 10 cycles per minute without failure.

(2) Three samples must be pressurized to destruction and failure must not occur at less than 2.5 times the marked cylinder service pressure. Each cylinder must remain in one piece. Failure must initiate in the cylinder sidewall in a longitudinal direction. Rate of pressurization must not exceed 200 psi per second.

(g) In this specification "significant change" means a 10 percent or greater

change in cylinder wall thickness, service pressure, or diameter; a 30 percent or greater change in water capacity or base thickness; any change in material; over 100 percent increase in size of openings; or any change in the number of openings.

§ 178.46–7 Wall thickness.

(a) The minimum wall thickness must be such that the wall stress at the minimum specified test pressure will not exceed 80 percent of the minimum yield strength nor exceed 67 percent of the minimum ultimate tensile strength as verified by physical tests in § 178.46–13.

(b) Calculations must be made by the formula:

$$S=[P(1.3\ D^2+0.4d^2)]/[D^2-d^2]$$

Where:

S = Wall stress in pounds per square inch;
P = Prescribed minimum test pressure in pounds per square inch (see § 178.46–11(c));
D = Outside diameter in inches; and
d = Inside diameter in inches.

(c) The minimum wall thickness for any cylinder with an outside diameter greater than 5 inches must be 0.125 inch.

§ 178.46–8 Openings.

(a) Openings are permitted in heads only.

(b) The size of any centered opening in a head may not exceed one-half the outside diameter of the cylinder.

(c) Other openings are permitted in the head of a cylinder if:

(1) Each opening does not exceed 2.625 inches in diameter, or one-half the outside diameter of the cylinder; whichever is less;

(2) Each opening is separated from each other by a ligament; and

(3) Each ligament which separates two openings must be at least three times the average of the diameters of the two openings.

(d) All openings must be circular.

(e) All openings must be threaded. Threads must comply with the following:

(1) Each thread must be clean cut, even, without any checks, and to gauge.

(2) Taper threads, when used, must be the American Standard Pipe Thread (NPT) type complying with the USDC, NBS Handbook H–28, Part III, Section VII, or the National Gas Taper Thread (NGT) standard complying with NBS Handbook H–28, Part II, Sections VII and IX.

(3) Straight threads conforming with National Gas Straight Thread (NGS) standards are authorized. These threads must comply with NBS Handbook H–28, Part II, Sections VII and IX.

§ 178.46–9 Heat treatment.

Prior to any test, all cylinders must be subjected to a solution heat treatment and aging treatment appropriate for the aluminum alloy used.

§ 178.46–10 Pressure relief devices and protection for valves, pressure relief devices, and other connections.

Pressure relief devices and protection arrangements for valves, pressure relief devices, and other connections must comply with §§ 173.34(d) and 173.301(g) of this subchapter.

§ 178.46–11 Hydrostatic test.

(a) Each cylinder must be subjected to an internal test pressure using the water jacket equipment and method or other suitable equipment and method. The testing apparatus must be operated in a manner so as to obtain accurate data. The pressure gauge used must permit reading to an accuracy of one percent. The expansion gauge must permit reading the total expansion to an accuracy of either one percent or 0.1 cubic centimeter.

(b) The test pressure must be maintained for a sufficient period of time to assure complete expansion of the cylinder. In no case may the pressure be held less than 30 seconds. If, due to failure of the test apparatus, the required test pressure cannot be maintained, the test may be repeated at a pressure increased by 10 percent or 100 psi, whichever is lower. If the test apparatus again fails to maintain the test pressure, the cylinder being tested must be rejected. Any internal pressure applied to the cylinder before any official test may not exceed 90 percent of the test pressure.

(c) The minimum test pressure is the greatest of the following:

(1) 450 psi regardless of service pressure;

(2) Two times the service pressure for cylinders having service pressure less than 500 psi; or

(3) Five-thirds times the service pressure for cylinders having a service pressure of at least 500 psi.

(d) Permanent volumetric expansion may not exceed 10 percent of total volumetric expansion at test pressure.

§ 178.46–12 Flattening test.

(a) The flattening test must be performed on one cyliner taken at random out of each lot of 200 or less by placing the cylinder between wedge shaped knife edges having a 60° included angle, and rounded in accordance with the following table. The longitudinal axis of the cylinder must be at an angle 90° to the knife edges during the test.

TABLE

Cylinder wall thickness in inches	Radius in inches
Under .150	.500
.150 to .249	.875
.250 to .349	1.500
.350 to .449	2.125
.450 to .549	2.750
.550 to .649	3.500
.650 to .749	4.125

(b) An alternate bend test in accordance with ASTM E 290–77 using a mandrel diameter not more than 6 times the wall thickness is authorized to qualify lots that fail the flattening test of this section without reheat treatment. If used, this test must be performed on two samples from one cylinder taken at random out of each lot of 200 cylinders or less.

(e) Each test cylinder must withstand flattening to nine times the wall thickness without cracking. When the alternate bend test is used, the test specimens shall remain uncracked when bent inward around a mandrel in the direction of curvature of the cylinder wall until the interior edges are at a distance apart not greater than the diameter of the mandrel.

§ 178.46–13 Mechanical properties test.

(a) Two test specimens cut from one cylinder representing each lot of 200 cylinders or less must be tested. The results of the test must conform to at least the minimum acceptable mechanical property limits for aluminum alloys as specified in § 178.46–5(d)(2).

(b) Specimens must be 4D bar or gauge length 2 inches with width not over 1½ inch taken in the direction of extrusion approximately 180° from each other; *provided* that gauge length at least 24 times thickness with width not over 6 times thickness is authorized, when cylinder wall is not over 3/16 inch thick. The specimen, exclusive of grip ends, may not be flattened. Grip ends may be flattened to within one inch of each end of the reduced section. When the size of the cylinder does not permit securing straight specimens, the specimens may be taken in any location or direction and may be straightened or flattened cold by pressure only, not by blows. When such specimens are used, the inspectors's report must show that the specimens were so taken and prepared. Heating of specimens for any purpose is forbidden.

(c) The yield strength in tension must be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength must be determined by either the "offset"

method or the "extension under load" method as prescribed in ASTM Standard B–557–79.

(2) In using the "extension under load" method, the total strain (or "extension under load") corresponding to the stress at which the 0.2 percent permanent strain occurs may be determined with sufficient accuracy by calculating the elastic extension of the gauge length under appropriate load and adding thereto 0.2 percent of the gauge length. Elastic extension calculations must be based on an elastic modulus of 10,000,000 psi. In the event of controversy, the entire stress-strain diagram must be plotted and the yield strength determined from the 0.2 percent offset.

(3) For the purpose of strain measurement, the initial strain must be set while the specimen is under a stress of 6,000 psi, the strain indicator reading being set at the calculated corresponding strain.

(4) Cross-head speed of the testing machine may not exceed ⅛ inch per minute during yield strength determination.

§ 178.46–14 Rejected cylinder.

Reheat treatment of rejected cylinders is authorized one time; subsequent thereto, cylinders must pass all prescribed tests to be acceptable.

§ 178.46–15 Marking.

(a) Each cylinder must be plainly and permanently marked, by stamping on the cylinder shoulder, top head, or neck, in the following order:

(1) The specification marking "DOT 3AL" must appear first on the cylinder followed immediately by the service pressure (for example: DOT–3AL 1800).

(2) The serial number and an identifying symbol or letters appear next; location of the number to be just below or immediately following the DOT mark; location of the symbol to be just below or immediately following the number. The symbol and numbers must be those of the maker. The symbol must be registered with the Associate Director for HMR. No duplication is authorized.

Examples

DOT–3AL 1800
1234
XY
or: DOT–3AL 1800–1234–XY.

(3) The date of test (such as 5–81 for May 1981), so placed that the dates of subsequent tests can be easily added, appears next followed by the inspector's official mark.

(4) Marks must be at least ¼ inch high if space permits.

(b) Other marks are authorized provided they are made in low stress areas other than the side wall and are not of a size and depth that will create harmful stress concentrations. Such marks may not conflict with any DOT required markings.

§ 178.46–16 Inspector's report.

Required to be clear, legible, and in the following form:

(Place) _____
(Date) _____
Gas Cylinders:
Manufactured for —— Company
Location at _____
Manufactured by —— Company
Location at _____
Consigned to _____
Location at _____
Quantity _____
Size _____ inches outside diameter by _____ inches long
Marks stamped into the shoulder of the cylinder are:
Specification DOT _____
Serial numbers _____ to _____ inclusive
Identifying symbol (registered) _____
Cylinder manufacturer's identification symbol _____
Inspector's mark _____
Test date _____
Tare weights (yes or no)
Other marks (if any) _____
These cylinders were made by process of _____

The cylinders were heat treated by the process of _____ (alloy and temper designation).

The material used was verified as to chemical analysis and record thereof is attached hereto.

All material and each cylinder were inspected; all that were accepted were found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the cylinder. The processes of manufacture and heat treatment of cylinders were supervised and found to be efficient and satisfactory.

The cylinder walls were measured and the minimum thickness noted was at least equal to the minimum design thickness. The outside diameter was determined to be _____ inches. The wall stress was calculated to be _____ pounds per square inch under an internal pressure of _____ pounds per square inch. The required minimum thickness is _____ inch.

Hydrostatic tests, flattening tests, tensile tests of material, and other tests, as prescribed in Specification DOT–3AL were made in the presence of the inspector and all material and cylinders accepted were found to be in compliance with that specification. Records thereof are attached hereto.

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the Department of Transportation Specification 3AL except as follows:
Exceptions _____

(Signed) _____
(Inspector) _____
(Place) _____
(Date) _____

Record of Chemical Analyses of Material for Cylinders

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long.
Made by _____ Company.
For _____ Company.

Note.—Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

Alloy designation*	Cylinders represented (serial Nos.)	Chemical analyses										
		Si	Fe	Cu	Mn	Mg	Cr	Zn	Ti	Others		Al
										Ea.	Total	

*Aluminum Association Alloy Designation Number.

The analyses were made by
(Signed)
(Place)
(Date)

Record of Physical Tests of Material for Cylinders

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long.
Made by _____ Company.
For _____ Company.

Test No.	Cylinders represented by test (serial Nos.)	Yield strength at 0.2 percent offset (lbs. per sq. inch)	Tensile strength (pounds per sq. inch)	Elongation (percent in ——— size specimen)	Flattening test (record as multiple of t)

(Signed)
(Place)
(Date)

Record of Hydrostatic Tests on Cylinders

Numbered ——— to ——— inclusive.
Size ——— inches outside diameter by ——— inches long.
Made by ——— Company.

Serial Nos. of cylinders tested arranged numerically	Actual test pressure (lbs. per sq. inch)	Total expansion (cubic centimeters)[1]	Permanent expansion (cubic centimeters)[1]	Percent ratio of permanent expansion to total expansion (Actual value)	Tare weight (lbs)[2]	Volumetric capacity

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the cylinder by the test pressures, then the basic data on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquids, etc., must also be given.
[2] Do not include removable cap but state whether with or without valve. These weights must be accurate to a tolerance of 1 percent.

(Signed)
(Place)
(Date)

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1)

Issued in Washington, D.C. on November 25, 1981.

L. D. Santman,
Director, Materials Transportation Bureau.

[FR Doc. 81-36318 Filed 12-23-81; 8:45 am]
BILLING CODE 4910-60-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1136

[Ex Parte No. MC-122 (Sub-No. 3)]

Interpretation-Intercorporate Hauling

AGENCY: Interstate Commerce Commission.

ACTION: Notice of interpretative rule change.

SUMMARY: Final rules have been promulgated at 49 CFR 1136 which implement 49 U.S.C. 10524 (b) and (c), which define compensated intercorporate hauling (CIH) operations, and render them exempt from our carrier licensing regulations on compliance with certain conditions. The Commission has determined that there is no prohibition against a transportation firm using an affiliated CIH carrier for the transportation of company traffic. Conversely, the CIH exemption does not extend to the for-hire transportation of traffic tendered the carrier by non-affiliates. 49 CFR 1136.1 is modified in light of this finding.

EFFECTIVE DATE: December 24, 1981.

ADDRESS: Copies of the complete decision are available, upon request, from: The Office of the Secretary, Interstate Commerce Commission, 12th & Constitution Avenue, N.W., Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:
Melvin Werner, (202) 275-7985, or Edward E. Guthrie, (202) 275-7691

SUPPLEMENTARY INFORMATION: In a notice published at 45 FR 45528 (July 3, 1980), the Commission adopted interim rules implementing 49 U.S.C. 10524 (b) and (c), which define compensated intercorporate hauling (CIH) operations, and render them exempt from our carrier licensing regulations on compliance with certain conditions.

One of the comments to the interim rules, submitted by Cape Air Freight, requested a declaratory order finding that for-hire carriers may not use affiliates operating under the CIH exemption to transport traffic of their customers. Notice of Cape Air's petition and of several other inquiries was published in Ex Parte No. MC-122 (Sub-No. 3), 45 FR 66768 (December 31, 1980). We have considered the comments of interested parties and conclude that 49 CFR 1136.1 should be revised to indicate certain limitations on operations under the CIH exemption. This interpretation does not preclude any notice from being filed as long as statutory requirements are otherwise met.

49 CFR 1136.1, promulgated December 31, 1980, provides:

§ 1136.1 Scope.

Compensated transportation service by a member of a corporate family for other members of the same corporate family ("Compensated Incorporate Hauling" or "CIH") is exempt from Commission regulation except for certain notice requirements. To qualify for the exemption, the participants shall be members of the corporate family in which the parent owns, directly or indirectly, a 100-percent interest in the subsidiaries. These regulations prescribe procedures for compliance with the notice requirements of 49 U.S.C. 10524 (b) and (c).

PART 1136—COMPENSATED INTERCORPORATE HAULING OPERATION

§ 1136.1 [Amended]

To advise the public of our findings in this proceeding we conclude that an additional clause should be added to the next-to-the last sentence of 49 CFR 1136.1. Accordingly, the next to the last sentence of § 1136.1 is amended by adding the following clause to follow the word "subsidiaries": * * *, except no corporation engaged primarily in operations as a for-hire carrier may use an affiliate operating under the exemption of 49 U.S.C. 10524(b), for movement of freight tendered to it in its capacity as a carrier. * * *

We are not providing a comment period for this modification because the proceeding from which it derives has provided a forum for adequate discussion of the issues. The language which has been added to 49 CFR 1136.1 is interpretative, and does not indicate a change in CIH policy. See 49 CFR 1136.3(g). Its intent is merely to assist prospective CIH operators to recognize the limits of the exemption.

This notice interprets a rule and will be effective upon publication of this notice in the **Federal Register** (see 5 U.S.C. 553(d)(2)). In addition, there is good cause to make the interpretation effective immediately so that carriers now providing service and those that intend to file CIH notices in the near future may understand the scope of the

permissible operations. (See 5 U.S.C. 553(d)(3)).

This action does not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10321 and 5 U.S.C. 553)

Date: December 11, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-36949 Filed 12-23-81; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 46, No. 247
Thursday, December 24, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Administration

5 CFR Part 2502

Availability of Records; Freedom of Information Act; Proposed Amendments to Regulations

AGENCY: Office of Administration, Executive Office of the President.

ACTION: Proposed rule.

SUMMARY: The Freedom of Information Act regulations of the Office of Administration were published in the **Federal Register** in final form on July 14, 1980 (45 FR 47112). Organizational changes since that date require amendment to the regulations to conform with the present structure of the agency. The proposed regulations reflect those organizational changes particularly the abolition of the position of Deputy Director.

DATES: Comments on the proposed amendments must be made by January 25, 1982.

ADDRESS: Comments should be directed to Mary C. Lawton, Acting General Counsel, Office of Administration, 17th and Pennsylvania Avenue NW., Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT: Mary C. Lawton, (202) 456–2977.

Part 2502 of Title 5 of the CFR is proposed to be amended as set forth below.

John F. W. Rogers,
Director.

PART 2502—AVAILABILITY OF RECORDS

1. Section 2502.4 is proposed to be revised to read as follows:

§ 2502.4 Organization and functions.

The Office of Administration was created by Reorganization Plan No. 1 of 1977 and Executive Order 12028. Its primary function is to provide common administrative and support services for the various Agencies of the Executive Office of the President. It consists of:

(a) The Office of the Director
(b) Five Divisions—
(1) Personnel
(2) Financial Management
(3) Administrative Operations
(4) Library and Information Services
(5) Automated Systems

The Office has no field organization. Offices of the Office of Administration are presently located in the Executive Office Building, 17th and Pennsylvania Avenue NW., Washington, D.C. 20530. Regular office hours are from 9 a.m. to 5:30 p.m., Monday through Friday. Both buildings are under security control. Persons desiring access are encouraged to make advance arrangements for an appointment.

§§ 2502.7 through 2502.15 and 2502.19 [Nomenclature Change]

2. Sections 2502.7, 2502.8, 2502.9, 2502.10, 2502.11, 2502.12, 2502.13, 2502.14, 2502.15, 2502.19 are amended by substituting the title "Director, Administrative Operations Division" for the title "Deputy Director" wherever it appears.

3. The authority citation for Part 2502 is revised to read as follows:

Authority: 5 U.S.C. 552, as amended.

[FR Doc. 81–30805 Filed 12–23–81; 8:45 am]
BILLING CODE 3115–01–M

DEPARTMENT OF ENERGY

10 CFR Part 1004

Freedom of Information; Schedule of Fees for Processing Requests, Revision

AGENCY: Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Energy (DOE) proposes to revise the schedule of fees for processing requests submitted under the Freedom of Information Act (FOIA) (5 U.S.C. 552 *et seq.*).

DATE: Comments must be received on or before January 25, 1982.

ADDRESSES: Comments may be mailed to Milton Jordan, Director, Division of Freedom of Information and Privacy Acts Activities, Room 1G–051, 1000 Independence Avenue, SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Milton Jordan, Director, Division of Freedom of Information and Privacy Acts Activities, Room 1G–051, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585. (202) 252–5955. Abel Lopez (Office of General Counsel), Department of Energy, Room 6A–211, 1000 Independence Avenue, SW., Washington, D.C. 20585. (202) 252–6618.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Procedural Requirements. A. Section 501 of the DOE Organization Act; B. Executive Order No. 12291; C. Regulatory Flexibility Act.
III. Written Comments Procedure.

I. Background

The FOIA permits the DOE to promulgate Regulations, after notice and comment, specifying a uniform fee schedule for document search and duplication services performed by the DOE in response to requests submitted under the FOIA (5 U.S.C. 552(a)(4)). Fees must be limited to reasonable standard charges, and must provide for recovery of only costs directly incurred. Fees are to be waived or reduced, if DOE determines that such waiver or reduction is in the public interest because the public would primarily benefit from furnishing the information to the requester.

The current fee schedule for search and duplication at 10 CFR 1004.9 was published in the **Federal Register** on January 8, 1979 (44 FR 1908). Under the DOE Regulation the requester is charged all search and duplication costs associated with processing the FOIA request when the total fee exceeds $25. The proposed Regulation would lower this threshold amount to $15. The proposed Regulation also elaborates on the types of costs to be charged, extends the duplication provisions of the fee schedule to requests for documents available in a Departmental Reading Room and establishes $10 as the amount above which such fees will be charged. These revisions are intended to recover more of the costs associated with these search and duplication requests.

II. Procedural Requirements

A. Section 501 of the DOE Organization Act.

Under section 501(c) of the Department of Energy Organization Act, the Department is not bound by the prior

hearing requirements of subsections (b), (c) and (d) with respect to a proposed Regulation upon our determination that no substantial issue of fact or law exists and that the proposed Regulation is unlikely to have substantial impact on the Nation's economy or large numbers of individuals and businesses. Where it is determined that no substantial issue or impact exists, the proposed Regulation may be promulgated in accordance with section 553 of Title 5 U.S.C.

The revision of the fee schedule at 10 CFR 1004.9 raises no substantial issues of fact or law becuase it will merely elaborate the types of costs incurred and allow the agency to recover the costs that it is permitted to recover when providing documents. The amount of costs that the revision permits DOE to recover will not have a substantial impact on the Nation's economy or large numbers of individuals and businesses.

B. *Executive Order No. 12291.*

It has been determined that this proposed Regulation is not a proposed major rule subject to the requirement of the Executive Order No. 12291 (46 FR 13193, February 19, 1981), because it is not likely to result in: an annual effect onthe economy of more than $100 million or more; a major increase in costs of prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

C. *Regulatory Flexibility Act.*

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 601–612, DOE finds that sections 603 and 604 of the Act do not apply to the proposed Regulation because promulgation of the rule will not have a significant economic impact on a substantial number of small entities.

While DOE expects that the number of FOIA requesters, including small entities charged a fee will increase, it does not anticipate that such fee increases will have a significant economic impact on the operations of small entities or that the actual number of small entities affected will be "substantial."

III. Written Comments Procedure

You are invited to participate in this proceeding by submitting data, views, or arguments with respect to the matters contained in this proposed Regulation. Comments should be submitted by 4:30 p.m., E.S.T., on the date set forth in the "Dates" section of this proposed Regulation, to the address indicated in the "Addresses" section of this proposed Regulation and should be identified on the outside envelope and on the document with the designation: "Freedom of Information Fees Schedule." Three copies should be submitted.

Any information or data submitted which you consider to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of such information or data and so treat it according to our determination.

Written comments will be available for public inspection and copying in the DOE's Division of Freedom of Information and Privacy Acts Activities, Room 1E–190, 1000 Independence Avenue, SW., Washington, DC 20585. The DOE will consider all timely comments before acting on the matter proposed in this Notice.

(5 U.S.C. 552)

For the reasons set out in the preamble Part 1004, the DOE proposes to amend Chapter X of 10 CFR as set forth below.

Issued in Washington, DC, December 18, 1981.

William S. Heffelfinger,

Assistant Secretary, Management and Administration.

Title 10 CFR, Chapter X, Part 1004 is amended as follows:

PART 1004—FREEDOM OF INFORMATION

1. In § 1004.7, paragraph (a) is revised to read as follows:

§ 1004.7 Response by authorizing officials: Form and content.

(a) *Form of grant.* When a requested record has been identified and will be made available, and where applicable fees are $15 or less for a Freedom of Information request, or where it has been determined that the payment of applicable fees should be waived, the records shall be made available promptly. Where the applicable fees are in excess of $15 for a Freedom of Information request, the records may be made available before all charges are paid in full.

* * * * *

2. In § 1004.9, paragraph (a)(2) is revised to read as follows:

§ 1004.9 Fees for provisions of records.

(a) * * *

(2) Fees shall not be charged where they would amount, in the aggregate, for a request or series of related requests, to $15 or less for Freedom of Information request. A request for documents available in a Reading Room will be charged for reproduction costs only and will not be charged when such fees would amount, in the aggregate, for a request or series of related requests, to $10 or less. Where fees are in excess of $15 for a Freedom of Information request, or $10 for a request for documents available in a Reading Room, the requester will be assessed for the full amount.

* * * * *

3. Section 1004.9 is amended by revising paragraphs (b)(6), (b)(7) and (c), and adding (d) to read as follows:

(b) * * *

(6) *Computerized records.* Fees for services in processing requests maintained in whole or in part in computerized form shall be in accordance with this section so far as practicable. Services of personnel in the nature of a search will be charged at rates prescribed in paragraph (b)(4) of this section unless the level of personnel involved permits rates in accordance with paragraph (b)(3) of this section. Charges for computer time involved is as follows:

(i) Programming (per hour), $17.00.

(ii) Key punching/per 1,000 card usage, $183.00.

(iii) Duplication per hour, $45.00.

(iv) Computer time per quarter hour, $219.00.

(7) *Other nonpaper records.* Fees for services in processing requests where the records are maintained on microfiche, microfilm, recording tape shall be as follows:

(i) 105mm fiche (duplicate), $1.00.

(ii) 100 ft. roll of 35mm microfilm, $7.00.

(iii) 100 ft. roll of 16mm microfilm, $6.00.

* * * * *

(c) *Notice of anticipated fees in excess of $15.* Unless the requester specifically states that he is willing to pay whatever fees are assessed by DOE for meeting the request, or, alternatively, specifies an amount in excess of $15 which he is willing to pay and which in fact covers the anticipated fees for meeting the request, a request that is expected to involve assessed fees in excess of $15 will not be deemed to have been received until the requester is advised of the cost, agrees to bear it, and makes any advance deposit required. Such notification shall be made by the Freedom of Information Officer consistent with § 1004.4(e).

(d) *Reading Room fees.* Reading Room fees in excess of $10 will be billed to the requester after notification of costs.

[FR Doc. 81-36803 Filed 12-23-81; 8:45 am]
BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-NW-80-AD]

Airworthiness Directives; Boeing Model 707/720 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes an amendment to an existing Airworthiness Directive which required a one-time visual inspection of the wing station 733 production break rib lower outboard and inboard chord for cracks on Boeing Model 707/720 airplanes. This amendment adds repeat inspection intervals to insure that cracks do not progress to the extent that they may degrade the structural capability of the wing below fail-safe regulatory requirements.

DATES: Comments must be received on or before January 29, 1982.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Rules Docket No. 81-NW-80-AD, 9010 East Marginal Way South, Seattle, Washington, 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Anderson, Airframe Branch, ANM-120S Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

Comments Invited

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA public contact concerned with the substance of the proposed AD will be filed in the Rules Docket.

Availability of NPRM'S

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 81-NW-80-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

Discussion: The existing Airworthiness Directive, T81-06-51, Amendment No. 39-4110, (46 FR 25428; May 7, 1981) required a one-time visual inspection of the wing station 733 production break rib lower outboard and inboard chords for cracks. The action was necessary because a 21-inch long crack was found in the aft lower outboard wing splice rib chord which resulted in degradation of the structural capability of the wing below fail-safe regulatory requirements. As a result of the inspection, operators reported finding several rib chords with small cracks, none of which seriously compromised the strength of the wing. However, analysis and evaluation subsequent to issuing the requirement for a one-time inspection has shown that the cracks were caused by stress corrosion in the 7079-T6 aluminum alloy rib chords. Repetitive inspections are therefore now required to insure that cracks are discovered before they progress so far as to endanger the structural integrity of the wing.

Description of the inspection procedures and related documents are included in Boeing Service Bulletin A3308, Revision 2, dated July 10, 1981.

The continued normal inspections in accordance with D6-44860 (Supplemental Structural Inspection Document for High Time 707/720 Aircraft) will not suffice since the much longer inspection intervals for this detail were established for detection of fatigue damage and did not consider the faster progress of stress corrosion damage in these parts.

Cracks in the rib chords of the Wing Station 733 production break, if left undetected, could result in degradation of the wing structural capability below fail-safe regulatory requirements.

It is estimated that 279 airplanes of the U.S. Registry will be affected by this proposed AD, that it will take approximately 8 man hours per airplane per year to accomplish the inspections, and that the average labor cost will be $300 per airplane per year, for a total impact of approximately $84,000 per year.

The Proposed Amendment

Accordingly, the Federal Aviation Administration (FAA) proposes to amend § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) by amending Airworthiness Directive T81-06-51 (Amendment 39-4110; 46 FR 25248 dated May 7, 1981) as follows:

1. Revise paragraph 1. to read as follows:

"1. Perform a one-time visual inspection and repeat visual inspections at intervals not exceeding one year, in accordance with Boeing Service Bulletin A3308, Revision 2, dated July 10, 1981, or later revision approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region."

2. Delete the following NOTE:

Note.—Close visual inspection of the forward and aft inboard and outboard lower chords in accordance with D6-44860 (Supplemental Inspection Document) is an approved alternate means of compliance with paragraph 1 above.

The manufacturer's specifications and procedures identified and described in this amendment are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received the service document from the manufacturer may obtain copies upon request to The Boeing Company, P.O. Box 3707, Seattle, Washington 98124. These documents also may be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.— The FAA has determined that this document involves a proposed regulation that is not major under the provisions of Executive Order 12291, because of its minimal economic impact, as summarized earlier in this document. It has been further determined that this proposed regulation is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft regulatory evaluation for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT." In addition, it has been determined under the criteria of the

Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities, since it involves few, if any, small entities.

Issued in Seattle, Washington on December 15, 1982.

Robert O. Brown,

Acting Director, Northwest Mountain Region.

[FR Doc. 81-36660 Filed 12-23-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Airworthiness Docket No. 81-ASW-61]

Air Tractor Model AT-300, AT-301, AT-302, and AT-400 Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) for Air Tractor Model AT-300, AT-301, AT-302, and AT-400 airplanes. The proposed AD will establish a retirement life for the main landing gear struts, require periodic inspection of both struts for deterioration and cracks, and require replacement of struts found to be damaged or to have reached or exceeded the retirement life of the part. The proposed AD is needed to correct an unsafe condition resulting from main landing gear strut failures.

DATES: Comments must be received on or before January 24, 1982.

ADDRESSES: Send comments on the proposal in duplicate to: Regional Counsel, Attention: Docket No. 81-ASW-61, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The applicable service letter may be obtained from: Air Tractor, Inc., P.O. Box 485, Olney, Texas 76374. Copies of the service letter are contained in the Rules Docket at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: William A. Simmons, Airframe Branch, Aircraft Certification Division, ASW-120, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 516.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Director before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Office of Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the docket.

There have been several reports of broken main landing gear struts. In one instance a taxiing airplane experienced failure of both main landing gear struts causing the airplane to drop to its belly and the propeller to impact the ground. The FAA has determined that this is an unsafe condition and is likely to exist or develop on other airplanes with the same landing gear strut type design. The proposed AD will (1) establish a retirement life for the main landing gear struts, (2) require periodic inspection of both struts for deterioration and cracks, and (3) require replacement of struts found to be damaged or to have reached or exceeded the retirement life of the part. Snow Engineering Company Service Letter Number 45 issued November 1, 1981, refers to this same subject.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

Air Tractor: Applies to Air Tractor Model AT-300, S/N 300-0001 through 300-9999; AT-301, S/N 301-0001 through 301-9999; AT-302, S/N 302-0001 through 302-9999; AT-400, S/N 400-0244 through 400-9999 airplanes certified in all categories and equipped with 1-inch-thick main landing gear struts (P/N 40007-2 or P/N 40058-1) (Airworthiness Docket No. 81-ASW-61).

Compliance required as indicated.

To prevent possible failure of the main landing gear struts (P/N 40007-2 or P/N 40058-1) accomplish the following:

a. Within the next 20 hours' time in service or 100 landings, and thereafter at intervals of 100 hours' time in service or 500 landings, whichever comes first, since last compliance, inspect AT-300 and AT-301 airplanes with 1,000 or more hours' time in service or 5,000 or more landings, whichever is greater, and AT-302 and AT-400 airplanes with 600 or more hours' time in service or 3,000 or more landings, whichever is greater, in accordance with paragraph (b).

b. Remove the left and right outboard fuselage clamp blocks. Remove all minor corrosion on both main landing gears by sandblasting, with special attention in the areas of strut contact with the clamp blocks. Inspect both main landing gears using dye penetrant or magnetic particle inspection procedures. Replace all parts which are damaged, cracked, or have severe corrosion pitting with new parts of the same part number before further flight. All struts returned to service must be painted. Snow Engineering Company Service Letter No. 45 dated November 1, 1981, covers this same subject.

c. For AT-300 and AT-301 airplanes with 1,900 or more hours' time in service or 7,000 or more landings, whichever is greater, and for AT-302 and AT-400 airplanes with 1,100 or more hours' time in service or 5,500 or more landings, whichever is greater, replace the main landing gear struts with new parts of the same part numbers within the next 100 hours' time in service or 500 landings, whichever comes first.

d. This airworthiness directive establishes the retirement life of the 1-inch-thick main landing gears (P/N 40007-2 or P/N 40058-1) installed on the Model AT-300 and AT-301 airplanes to be limited to 2,000 hours' time in service or 7,500 landings, whichever comes first. This airworthiness directive establishes the retirement life of the 1-inch-thick main landing gears (P/N 40007-2 or P/N 40058-1) installed on the Model AT-302 and AT-400 airplanes to be limited to 1,200 hours' time in service or 6,000 landings, whichever comes first.

Equivalent methods of complying with this AD must be approved by the Chief, Aircraft Certification Division, FAA, Southwest Region.

A special flight permit may be issued in accordance with FAR 21.197 to allow flight of the aircraft to a location where this AD can be accomplished.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85).

Note.—The FAA has determined that this proposed regulations involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979) and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves a relatively low cost per aircraft. A draft evaluation has been prepared for this proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Fort Worth, Texas, on December 9, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-36537 Filed 12-23-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Airworthiness Docket No. 81-ASW-67]

Airworthiness Directives; Bell Model 206L and 206L-1 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require modification, replacement, or retirement of the horizontal stabilizer assembly on Bell Models 206L and 206L-1 helicopters. The proposed AD is needed to prevent possible failure of the horizontal stabilizer which could result in loss of the helicopter.

DATES: Comments must be received on or before January 22, 1982.

ADDRESSES: Send comments on the proposal in duplicate to: Regional Counsel, Attention: Docket No. 81-ASW-67, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The applicable service information may be obtained from Product Support Department, Bell Helicopter Textron, P.O. Box 482, Fort Worth, Texas 76101.

These documents may also be examined at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas, or Rules Docket in Room 916, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Tom Dragset, Airframe Branch, Aircraft Certification Division, ASW-120, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 516.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Director before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Office of Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the docket.

Amendment 39-3358 (43 FR 56647) AD 78-24-06, amended by Amendment 39-4032 (46 FR 25428) requires repetitive inspection and modification or horizontal stabilizers, P/N 206-023-119, all dash numbers, installed on Bell Models 206L and 206L-1 helicopters. The AD was issued as a result of in-flight failures of the horizontal stabilizer.

The Federal Aviation Administration has determined, based on additional flight strain data obtained on the horizontal stabilizer, that the stabilizers should be modified, replaced, or retired, depending on which part number stabilizer is installed. Therefore, the FAA is proposing further mandatory action for all Bell Model 206L helicopters and certain serial number 206L-1 helicopters. The proposed AD would require removal and replacement of stabilizer assembly P/N 206-704-143-105, -113, and -131, and replacement of or modification to stabilizer assembly P/N 206-023-119-011, -075, -107, and -113, and 206-961-439-003.

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive.

Bell: Applies to Bell Models 206L helicopters, all serial numbers, and 206L-1, helicopters, serial numbers 45154 through 45398, 45400 through 45491, 45493 through 45543, 45545, through 45614, 45616 through 45634, 45636 through 45638, 45643 through 45647, 45649 through 45652, and 45655 through 45657, certificated in all categories (Airworthiness Docket No. 81-ASW-67).

Compliance is required as indicated, unless previously accomplished.

To prevent possible failure of the horizontal stabilizer, accomplish the following, in accordance with Bell Helicopter Textron Alert Service Bulletin 206L-81-23, Revision A, dated October 23, 1981, or FAA approved equivalent.

a. Remove horizontal stabilizer assemblies, P/N 206-704-143-105, -113, and -131, from service within 25 hours' time in service after March 31, 1982, and replace with a serviceable stabilizer.

b. Inspect horizontal stabilizer assemblies, P/N 206-023-119-011, -075, -107, and -113, and P/N 206-961-439-003, in accordance with paragraph B1 of Accomplishment Instructions of ASB 206L-81-23, Revision A, or FAA approved equivalent, within 25 hours' time in service after March 31, 1982.

c. Remove horizontal stabilizer assemblies, P/N 206-023-119-011, -075, -107, and -113, and P/N 206-961-439-003, that do not meet the inspection criteria for modification within 25 hours' time in service after March 31, 1982, and replace with a serviceable stabilizer.

d. Modify horizontal stabilizer assemblies, P/N 206-023-119-011, -075, -107, and -113, and P/N 206-961-439-003, that meet the inspection criteria for modification, at one of the approved service centers listed in ASB 206L-81-23, Revision A, or remove from service within 25 hours' time in service after March 31, 1982, and replace with a serviceable stabilizer.

e. A serviceable horizontal stabilizer assembly (reference page 5 of ASB 206L-81-23) is one which is marked with modified P/N 206-704-040-003, -011, -075, -107, or -113, or current production P/N 206-023-119-151 or -703.

f. Compliance with this airworthiness directive and AD 78-24-06 is not required if serviceable horizontal stabilizer assemblies, modified P/N 206-704-040-003, -011, -075, or -107, or -113, or current production P/N 206-023-119-151, or -703, are installed.

g. Compliance with this airworthiness directive eliminates the requirement for modification of the stabilizer supports and the daily inspection requirement for cracks required by AD 78-24-06, Amendment 39-3358, as amended by Amendment 39-4032.

h. The helicopter may be flown in accordance with FAR 21.197 to a base where compliance with this AD can be performed.

(Sections 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85)

Note.—The FAA has determined that this document involves a proposed regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979) and will not have significant economic effect on a substantial number of entities under the criteria of the Regulatory Flexibility Act since it involves relatively low cost per aircraft. A draft regulatory evaluation has been prepared for this proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Fort Worth, Texas, on December 8, 1981.

C. R. Melugin, Jr.

Director, Southwest Region.

[FR Doc. 81-36611 Filed 12-23-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Airworthiness Docket No. 81-ASW-58]

Airworthiness Directives; Bell Helicopter Textron Model 214B Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require a magnetic particle inspection of the tail rotor yokes on U.S. Registered Bell Helicopter Model 214B series helicopters, Serial Numbers 28001 through 28060. This magnetic particle inspection is needed to detect possible inclusions which could lead to a fatigue failure of the yoke.

DATES: Comments must be received on or before January 23, 1982.

ADDRESSES: Send comments on the proposal in duplicate to: Regional Counsel, Attention: Docket No. 81-ASW-58, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The applicable service information may be obtained from Bell Helicopter Textron, P.O. Box 482, Fort Worth, Texas 76101, ATTN: Product Support Department.

FOR FURTHER INFORMATION CONTACT: H. A. Armstrong, Airframe Branch, Aircraft Certification Division, ASW-120, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 516.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Director before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Office of Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the docket.

During recent machining of new tail rotor yokes, surface pits were detected. These pits had been subsurface inclusions, and they were exposed during the machining process. Thirty-seven additional yokes were inspected using a magnetic-particle inspection process. Four of these yokes were found to have subsurface inclusions. Prior to this time, the yokes had been penetrant inspected only. The magnetic particle inspection process is now also being employed. The presence of an inclusion causes stress concentrations which could lead to a fatigue failure of the tail rotor yoke and loss of a helicopter. Helicopters Serial Number 28061 and subsequent will have the appropriate inspections performed prior to delivery as new aircraft.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

Bell Helicopter Textron (BHT): Applies to Model 214B series helicopters, Serial Numbers 28001 through 28060, certificated in all categories (Airworthiness Docket No. 81-ASW-58).

a. To prevent fatigue failure of tail rotor yokes, Part Numbers 214-010-702-001, -105, and -107, accomplish the following:

(1) Inspect the tail rotor yoke by magnetic particle inspection in accordance with Bell Helicopter Textron Alert Service Bulletin No. 214-81-18 dated September 18, 1981, or FAA approved equivalent, at the next flapping/pitch change bearing replacement following the effective date of this AD or, in any case not later than February 1, 1982. (The inspection is not required if the applicable Bell Helicopter Textron Alert Service Bulletin has previously been complied with.)

(2) If any inclusions are detected, the yoke shall be rejected and replaced with a like serviceable part.

b. Any equivalent method of compliance with this AD must be approved by the Chief, Aircraft Certification Division, Southwest Region, Federal Aviation Administration.

c. In accordance with FAR 21.197, flight is permitted to a base where the inspection required by this AD may be accomplished.

(Sections 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85)

Note.—The FAA has determined that this document involves a proposed regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979) and will not have significant economic effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves a relatively low cost per aircraft. A draft regulatory evaluation has been prepared for this proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Fort Worth, Texas, on December 9, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-36410 Filed 12-23-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AGL-41]

Proposed Designation of Transition Area; Blue Earth, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Blue Earth, MN, to accommodate a new instrument approach into Blue Earth Municipal Airport, established on the basis of a request from Blue Earth Municipal Airport officials and the State of Minnesota to provide that facility with instrument approach capability.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

DATES: Comments must be received on or before January 15, 1982.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 81-AGL-41, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controller airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures require that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may

be established below the floor of 700-foot controlled airspace.

Aeronautical maps and charts will reflect the area of the instrument procedure, which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 81-AGL-41, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before January 15, 1982, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot controlled airspace transition area near Blue Earth, MN. Subpart G of Part 71 was published in the **Federal Register** on January 2, 1981 (46 FR 540).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540), the following transition area is added:

Blue Earth, Minnesota

That airspace extending upward from 700 feet above the surface within a 5-statute-mile radius of the Blue Earth Municipal Airport (latitude 43°35'52"N, longitude 94°05'33"W) at Blue Earth, Minnesota, and 3 miles either side of the 156° bearing from the Blue Earth NDB extending from the 5-mile radius to 8.5 miles.

(Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

The FAA determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evalution as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 30 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on December 8, 1981.

Paul K. Bohr,

Acting Director, Great Lakes Region.

[FR Doc. 81-36532 Filed 12-23-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AGL-43]

Proposed Designation of Transition Area; Delavan, Wis.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Delavan, Wisconsin, to accommodate a new instrument approach into Lake Lawn Airport, Delavan, Wisconsin, established on the basis of a request from the Lake Lawn Airport officials to provide that facility with instrument approach capability.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

DATES: Comments must be received on or before January 14, 1982.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 81-AGL-43, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPELMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1,200' above ground to 700' above ground. The development of the proposed instrument procedures requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. Aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 81-AGL-43, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before January 14, 1982, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW, Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700 foot controlled airspace transition area near Delavan, Wisconsin. Subpart G of Part 71 was published in the **Federal Register** on January 2, 1981 (46 FR 540).

The Proposed Amendment

Accordingly, the FAA proposes to amend Subsection 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is added:

Delavan, Wisconsin

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Lake Lawn Airport, Delavan, Wisconsin (latitude 42°37'55" N., long ude 88°36'05" W.), excluding the Lake Geneva 700-foot transition area.

This amendment is proposed under the authority of section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 30 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Ill., on December 8, 1981.

Paul K. Bohr,

Acting Director, Great Lakes Region.

[FR Doc. 81-36538 Filed 12-23-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AGL-42]

Proposed Designation of Transition Area, New Holstein, Wis.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to designate controlled airspace near New Holstein, Wisconsin, to accommodate a new instrument approach into New Holstein Municipal Airport, which was established on the basis of a request from the New Holstein Municipal Airport officials to provide that facility with instrument approach capability. The VOR/DME–A procedure under consideration will be based on the Oshkosh, Wisconsin, VORTAC.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

DATES: Comments must be received on or before January 14, 1982.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL–7, Attention: Rules Docket Clerk, Docket No. 81–AGL–42, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694–7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1,200′ above ground to 700′ above ground. The development of the proposed instrument procedures requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL–7, Great Lakes Region, Rules Docket No. 81–AGL–42, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before January 14, 1982, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot controlled airspace transition area near New Holstein, Wisconsin. Subpart G of Part 71 was published in the **Federal Register** on January 2, 1981 (46 FR 540).

The Proposed Amendment

Accordingly, the FAA proposes to amend Subsection 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is added:

New Holstein, Wisconsin

That airspace extending upward from 700 feet above the surface within a five-mile radius of the New Holstein Municipal Airport (latitude 43°56'41" N., longitude 88°08'57" W.) within two and one-half miles each side of the Oshkosh VORTAC 096° radial extending from the five-mile radius area to seven miles west of the airport.

This amendment is proposed under the authority of section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 30 days; and (5) at promulgation, will not have a significant economic impact on a

substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Ill., on December 8, 1981.

Paul K. Bohr,

Acting Director, Great Lakes Region.

[FR Doc. 81-36211 Filed 12-23-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 2 and 35

[Docket No. RM81-38]

Inclusion of Construction Work in Progress for Public Utilities; Order Directing Service and Extending the Time for Reply Comment

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order directing service and extending the time for comment.

SUMMARY: Pursuant to its Notice of Proposed Rulemaking regarding the inclusion of construction work in progress (CWIP) in the rate base of public utilities to relieve severe financial difficulty (46 FR 39445, August 3, 1981), the Commission established a procedure for the service of initial comments on all persons requesting to be placed on a Service List (46 FR 45624, September 14, 1981). Due to some non-compliance by participants in this procedure, the Commission directs these persons to serve their comments on all other persons on the Service List and to certify that this has been done. Failure to comply could result in penalties. The Reply comment deadine is extended as set forth in the Order.

DATES: Service of initial comments must be completed not later than December 23, 1981. Certification of service must be submitted to the Secretary by all participants not later than December 31, 1981. Reply comments must be submitted not later than January 15, 1982.

ADDRESSES: All filings should reference Docket No. RM81-38 and should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8400.

SUPPLEMENTARY INFORMATION:

Issued: December 17, 1981.

On September 4, 1981, the Commission established a service list for comments on the inclusion of construction work in progress in the rate base of electric utilities, in order to facilitate the exchange of written comments among all persons who indicated to the Secretary an intent to file written comments (46 FR 45624, September 14, 1981). The Order stated that any commenter whose name was thereby placed on the Service List should serve initial comments on all other persons on the Service List on the same day those comments were filed with the Commission.

During the comment period, the Commission was advised that numerous persons who filed to be placed on the Service List failed to serve their comments on other parties. In addition, certain commenters have moved the Commission to compel service of initial comments.[1]

The commission established the Service List procedure, in addition to the public comment procedure announced in the Notice of Proposed Rulemaking (46 FR 39445, August 3, 1981), to encourage prompt and efficient responses to the arguments raised by initial comments and to ensure fairness to all persons who may have an interest in rebutting the positions taken by other commenters. Any person who submitted a notice of intent to file written comments, in order to be placed on the list and to obtain service of the comments of others, implicitly agreed to participate fully in this procedure. Many commenters expended money and resources in reliance on that full participation. The Commission believes that it is inequitable for some persons to reap this benefit, without reciprocating by serving their comments on all parties. Moreover, such conduct undermines the objective of this procedure, that is, to provide a thorough and meaningful discussion on the record of all issues relating to CWIP. In light of the customary opportunity to comment on the proposed rule which has been afforded the public generally, without any obligation to participate in a special service procedure, the failure by persons on the Service List to serve all other parties on that list is unacceptable. Such failure diminishes the value of the reply comment procedure established by the Commission.

The Commission therefore directs all persons on the attached Service List, who have not served initial comments on all other persons listed, to do so not later than December 23, 1981 and to certify to the Secretary of the Commission under 18 CFR 1.17(b) and 1.51 that such service has been made, not later than December 31, 1981. In addition, all other persons on the Service List must also certify by December 31, 1981 that such service has been made. The Commission will consider the possibility of penalties for failure to serve initial comments as directed, including striking the comments of those failing to provide service from consideration in this proceeding. In any event, all interested persons are apprised that copies of all comments, including comments filed by persons not participating in the Service List procedure, are available for inspection by participants in this proceeding and the general public at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during regular business hours.

In order to provide sufficient opportunity to respond to any late-served comments, the Commission also extends the deadline for filing reply comments. Reply comments must be filed not later than January 15, 1982.

The motions filed to compel and ensure service of comments are granted to the exent provided in this order.

By the Commission.

Kenneth F. Plumb,

Secretary.

[1] On December 4, 1981, counsel for three groups of publicly- or cooperatively-owned utility systems filed in this docket a Motion to Compel Service of Certain Initial Comments and to Compel Disclosure by Utility Company Parties of Certain Actions Taken and Plans Formulated Under the Economic Recovery Tax Act of 1981. On December 9, 1981, counsel for two of these groups of utility systems also filed a Motion for Adoption of Procedures to Insure Service of Comments On all Interested Parties. This order addresses only the issue of inadequate service of initial comments.

SERVICE LIST

Parties	Representatives
Alabama Power Company, J. M. Elliott, Director, Corporate Financial, Accounting and Regulatory Services, 600 North 18th Street, Birmingham, Alabama 35291.	
Allegheny Electric Cooperative, Inc., Anthony C. Adonizio, Esquire, 212 Locust Street, Post Office Box 1266, Harrisburg, Pennsylvania 17108.	
Arthur Andersen & Co., Mr. Donald Kane, 1666 K Street, N.W., Washington, D.C. 20006	Mr. Richard Walker, Mr. Sam D'Giovanni, Arthur Andersen & Co., 33 West Monroe Street, Chicago, Illinois 60603.
American Electric Power Service Corporation, Joseph Dowd, Esquire, P. T. DeMarria, Esquire, John Cassidy, Esquire, 180 East Broad Street, Columbus, Ohio 43215.	Joseph C. Swidler, Esquire, Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue, N.W., Washington, D.C. 20006.
American Iron and Steel Institute, Gerald W. Houck, Jr., Director—Energy Affairs, 1000 16th Street, N.W., Washington, D.C. 20036.	Philip A. Fleming, Esquire, Crowell & Moring, 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.
American Public Power Association, Alan H. Richardson, Esquire, 2301 M Street, N.W., Washington, D.C. 20037.	Frederick H. Pitts, Esquire, Law Offices of Northcutt Ely, Watergate 600 Building, Washington, D.C. 20037
Arizona Public Service Company, B. Paul Hart, Esquire, Post Office Box 21666, Phoenix, Arizona 85036.	
Arkansas Power and Light Company, Steve L. Riggs, Esquire, Post Office Box 551, Little Rock, Arkansas 72203.	
Association of Illinois Electric Cooperatives, James Eddelman, Esquire, Post Office Box 3781, Springfield, Illinois 62708.	
Boston Edison Company, Marc Alpert, Esquire, 800 Boylston Street, Boston, Massachusetts 02199.	Joseph C. Swidler, Esquire, Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue, N.W., Washington, D.C. 20006.
Bruder & Gentile, Carmen L. Gentile, Esquire, 1201 Connecticut Avenue, N.W., Suite 708, Washington, D.C. 20036.	
Caroline Power and Light Company, Norris L. Edge, Vice President, Rates and Services Practices Department, Post Office Box 1551, Raleigh, North Carolina 27602.	
Village of Chatham, Illinois, Honorable John F. Whitney, Mayor, Chatham, Illinois 62629	
Commonwealth Edison Company, Hubert Nixon, Esquire, One First National Plaza, Chicago, Illinois 60603.	Joseph C. Swidler, Esquire, Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue, N.W., Washington, D.C. 20006
Consolidated Edison Company of New York, Inc., Richard W. Babinecz, Esquire, 4 Irving Place, New York, New York 10003.	
Consumers Union of the United States, Inc., Roger K. Davis, Esquire, 1511 K Street, N.W., #1033, Washington, D.C. 20005.	
Cooperative Customers of Central Telephone & Utilities Corporation	Miller, Balis & O'Neil, P.C., 776 Executive Building, 1030 15th Street, N.W., Washington, D.C. 20005.
Cooperative Customers of Kansas Gas and Electric Company	Miller, Balis & O'Neil, P.C., 776 Executive Building, 1030 15th Street, N.W., Washington, D.C. 20005.
Cooperative Customers of Kansas Power and Light Company	Miller, Balis & O'Neil, P.C. 776 Executive Building, 1030 15th Street, N.W., Washington, D.C. 20005.
William R. Dalton, P.E., 7416 Elgar Street, Springfield, Virginia 22151	
Delorme Haskins & Sells, Sherilin R. Heise, Esquire, Suite 460, 1200 New Hampshire Avenue, N.W., Washington, D.C. 20036.	
Edison Electric Institute, Terry A. Ferrar, Ph. D., Vice President, 1111 19th Street, N.W., Washington, D.C. 20036.	Carl D. Hobelman, Esquire, LeBoeuf, Lamb, Leiby & MacRae, Suite 1100, 1333 New Hampshire Avenue, N.W., Washington, D.C. 20036.
ElectriCities of North Carolina, et al., Dr. Gordon Taylor, Whitfield Russell and Associates, 1301 Pennsylvania Avenue, N.W., Suite 350, Washington, D.C. 20004.	Thomas N. McHugh, Jr., Esquire, Spiegel & McDiarmid, 2600 Virginia Avenue, N.W., Suite 312, Washington, D.C. 20037.
Florida Power and Light Company, W. G. Walker, III, Federal Regulatory Representative, 1111 19th Street, N.W., Suite 1102, Washington, D.C. 20036.	
Georgia Power Company, Romney E. Scott, Vice President—Economic Services, Post Office Box 4545, Atlanta, Georgia 30302.	Robert H. Forry, Esquire, Troutman, Sanders, Lockerman & Ashmore, Candler Building, Atlanta, Georgia 30303.
City of Iola, Kansas, J. A. Wilson, Superintendent of Public Utilities, City Hall, Iola, Kansas 66749.	
Kansas Electric Power Cooperative, Joseph W. Mulholland, Manager of Power Supply and Engineering, Post Office Box 4877, Topeka, Kansas 66604.	
Kim-Wood Electric Cooperative, Inc.	Carl N. Stover, Jr., Esquire, C. H. Guernsey & Co., 3565 Northwest 58th Street, Oklahoma City, Oklahoma 73112.
Louisiana Power and Light Company, Shelton G. Cunningham, Esquire, 142 Delaronde Street, New Orleans, Lousiana 70174.	
Medina Electric Cooperative, Inc., Larry Oefinger, General Manager, 2308 18th Street, Hondo, Texas 78861.	Douglas F. John, Esquire, McDermott, Will & Emery, 1850 K Street, N.W., Suite 500, Washington, D.C. 20006.
Middle South Services, Inc., W. D. Meriwether, Jr., Esquire, Post Office Box 61000, New Orleans, Lousiana 70161.	Dr. William F. Hardin, Hardin and Associates, 1075 Pembroke Road, Fayetteville, Arkansas 72701.
Minnesota Power and Light Company, Kenneth A. Johnson, Esquire, 30 West Superior Street, Duluth, Minnesota 55802.	
Mississippi Power and Light Company, F. S. York, Jr., Vice President, Post Office Box 1640, Jackson, Mississippi 39205.	
Mitnick & Associates, Steve Mitnick, President, 1990 M Street, N.W., Suite 540, Washington, D.C. 20036.	
Modesto Irrigation District, H. L. Brooks, General Manager, Post Office Box 4060, Modesto, California 95352.	
Montaup Electric Company	Albert R. Simonds, Jr., Esquire, Bruder & Gentile, 1201 Connecticut Avenue, N.W., Suite 708, Washington, D.C. 20036.
Mountain Plains Congress of Senior Organizations, et al., Susan Rester, Esquire, National Consumer Law Center, 11 Beacon Street, Boston, Massachusetts 02108.	Edward Petrini, Esquire, National Consumer Law Center, 236 Massachusetts Avenue, N.E., Washington, D.C. 20002.
Municipal Electric Authority of Georgia, Paul Heim, Esquire, 1470 Riveredge Parkway, N.W., Atlanta, Georgia 30328.	Glen L. Ortman, Esquire, Duncan, Allen and Mitchell, 1575 Eye Street, N.W., Washington, D.C. 20005.
Municipal Electric Systems of Oklahoma, Chuck Smith, Executive Director, 201 Northeast 23rd Street, Oklahoma City, Oklahoma 73104.	
Municipal Electric Distribution Group	Charles F. Wheatley, Jr., Esquire, Philip B. Wolfesen, Esquire, 1112 Watergate Office Building, 2600 Virginia Avenue, N.W., Washington, D.C. 20036.
National Rural Electric Cooperative Association, Wallace Tillman, Esquire, 1800 Massachusetts Avenue, N.W., Washington, D.C. 20036.	
New England Electric System, Gerald Browne, Esquire, Michael D. Flynn, Esquire, 25 Research Drive, Westborough, Massachusetts 01581	Joseph C. Swidler, Esquire, Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue, N.W., Washington, D.C. 20006.
City of New Smyrna Beach, Florida, Utilities Commission, B. W. Wait III, Director of Utilities, Post Office Box 519, New Smyrna Beach, Florida 32069.	
National Association of State Utility Consumer Advocates, et al	Brian Lederer, Esquire, Woodson & Woodson, 1110 Vermont Avenue, N.W., Suite 300, Washington, D.C. 20005.
Public Service Commission of the State of New York, David E. Blabey, Esquire, Empire State Plaza, Albany, New York 12223.	Richard A. Solomon, Esquire, Wilner & Scheiner, 1200 New Hampshire Avenue, N.W., Suite 300, Washington, D.C. 20036.
Northeast Utilities Service Company, Warren Hunt, Esquire, 107 Selden Street, Berlin, Connecticut 06037	Joseph C. Swidler, Esquire, Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue, N.W., Washington, D.C. 20006.
Northern States Power Company, Gene R. Sommers, Esquire, Law Department, 414 Nicollet Mall, Minneapolis, Minnesota 55401.	

SERVICE LIST—Continued

Parties	Representatives
Oglethorpe Power Corporation, et al., c/o Mr. J. B. Solomon, Southern Engineering Company of Georgia, 1000 Crescent Avenue, N.E., Atlanta, Georgia 30309	Thomas J. Bolch, Esquire, Post Office Box 27306, Raleigh, North Carolina 27611.
Pacific Gas and Electric Company, Daniel E. Gibson, Esquire, Jack F. Fallin Jr., Esquire, Harry W. Long, Jr., Esquire, Law Department, Post Office Box 7442, San Francisco, California 94120.	
Pennsylvania Power and Light Company, Edward M. Nagel, Esquire, Two North Ninth Street, Allentown, Pennsylvania 18101.	Joseph C. Swidler, Esquire, Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue, N.W., Washington, D.C. 20006.
Pennsylvania Public Utility Commissioner, James H. Cawley, Commissioner, Harrisburg, Pennsylvania 17120.	Marlene Chestnut, Esquire, Pennsylvania P U C, Law Bureau, Post Office Box 3265, Harrisburg, Pennsylvania 17120.
Philadelphia Electric Company, Joseph F. Paquette, Jr., Vice President, Finance and Accounting Department, 2301 Market Street, Post Office Box 8699, Philadelphia, Pennsylvania 19101.	
Potomac Electric Power Company, Edward A. Caine, Esquire, 1900 Pennsylvania Avenue, N.W., Suite 841, Washington, D.C. 20068.	
Rio Grande Electric Cooperative, R. D. Gwartney, Manager, Post Office Box 125, Brackettville, Texas 78832.	
Seminole Electric Cooperative, Inc., Tim Woodbury, Manager of Rates, Post Office Box 17100, Tampa, Florida 33682.	Douglas F. John, Esquire, McDermott, Will & Emery, 1850 K Street, N.W., Suite 500, Washington, D.C. 20006.
South Texas Electric Cooperative, Inc., W. S. Robson, General Manager, Post Office Box 151, Nursery, Texas 77976.	Douglas F. John, Esquire, McDermott, Will & Emery, 1850 K Street, N.W., Suite 500, Washington, D.C. 20006.
Southern California Edison Company, Richard K. Durant, Esquire, Frank J. Cooley, Esquire, 2244 Walnut Grove Avenue, Post Office Box 800, Rosemead, California 91770.	
Southern California Gas Company, Michael D. Gayda, Esquire, Post Office Box 54790, Terminal Annex, Los Angeles, California 90054.	
Southern Company Services Inc., Malcolm D. Sanders, Assistant Comptroller, Perimeter Center East, Post Office Box 720071, Atlanta, Georgia 30346.	
Texas Electric Cooperative of Texas, Inc., et al	William Burchette, Esquire, Heron, Haggart, Ford, Burchette & Ruckert, 1101 17th Street, N.W., Suite 705, Washington, D.C. 20036.
Texas Public Power Association, R. Michael Simmons, Executive Director, 8920 Business Park Drive, Suite 275, Austin, Texas 78759.	
Town of Wallingford, Connecticut, Raymond F. Smith, Director, Department of Public Utilities, 100 John Street, Wallingford, Connecticut 06492.	
The Washington Water Power Company, J. P. Buckley, Vice President—Public Affairs, Post Office Box 3727, Spokane, Washington 99220.	
William C. Wise, 1200 18th Street, N.W., Suite 500, Washington, D.C. 20036	
Van Scoyoc & Wiskup, Inc., Stephen M. Merchant, Vice President, Alvin J. Rowe, Jr., Esquire, 1015 18th Street, N.W., Suite 400, Washington, D.C. 20036.	
Virginia Electric and Power Company, B. D. Johnson, Vice President, Post Office Box 26666, Richmond, Virginia 23261.	Arnold H. Quint, Esquire, Hunton & William, Post Office Box 19230, Washington, D.C. 20036
City of Virginia, Minnesota, Charles R. Fricke, General Manager, Department of Public Utilities, 618 South Second Street, Virginia, Minnesota 55792.	
Department of the Army, David A. McCormick, Esquire, regulatory Law Office (JALS-RL), U.S. Army Legal Services Agency, 5611 Columbia Pike, Falls Church, Virginia 22041.	
Central Vermont Public Service Corporation, Donald L. Rushford, Vice President, 77 Grove Street, Rutland, Vermont 05701.	
City of Columbia, Missouri, Richard E. Malon, Director, Water and Light Department, Post Office Box N, Columbia, Missoun 65205.	
Duke Power Company, Steve C. Griffith, Jr., Esquire, Legal Department, Post Office Box 33189, Charlotte, North Carolina 28242.	
Electricity Consumers Resource Council, Dr. Jay B. Kennedy, Executive Director, 1828 L Street, N.W., Washington, D.C. 20036.	Philip A. Fleming, Esquire, Crowell & Moring, 1100 Connecticut Avenue, N.W., Washington, D.C. 20036
City of Fulton, Missouri, J. E. Bates, Superintendent of Utilities, Board of Public Works, City Hall, Fulton, Missouri 65251.	
Kansas Gas and Electric Company, J. Michael Peters, Esquire, Post Office Box 208, Wichita, Kansas 67201.	
New Mexico Public Service Commission, Robert L. Swartwout, Executive Director, Bataan Memorial Building, Santa Fe, New Mexico 87503.	Sheila S. Hollis, Esquire, Butler, Binion, Rice, Cook & Knapp, 1747 Pennsylvania Avenue, N.W., Suite 900, Washington, D.C. 20006.
Morgan Stanley & Co. Incorporated, J. Hugh Devlin, Managing Director, 1251 Avenue of the Americas, New York, New York 10020.	
Nevada Power Comany, John C. Gibbs, Executive Vice President, Post Office Box 230, Las Vegas, Nevada 89151.	
Third Taxing District of the City of Norwalk, Connecticut, William J. Lyons, Jr., General Manager, Electric Department, 2 Second Street, South Norwalk, Connecticut 06856.	
Sturgeon Bay Utilities, William Baudhuin, General Manager, 230 East Vine Street, Post Office Box 249, Sturgeon Bay, Wisconsin 54235.	
Texas Consumer Association, Clarence L. Johnson, Esquire, 500 West 13th Street, Austin, Texas 78701.	
City of Alameda, California, Bureau of Electricity, Maercee J. Evans, Assistant to the General Manager, Post Office Drawer H, Alameda, California 94501.	
City of Altus, Oklahoma, Ron Bourbeau, City Administrator, Altus, Oklahoma 73521	
American Paper Institute, Inc., Ronald J. Stinn, Vice President, 260 Madison Avenue, New York, New York 10016.	
City of Anderson, Indiana, et al	J. Cathy Lichtenberg, Esquire, Duncan, Weinberg & Miller, P.C., 1775 Pennsylvania Avenue, N.W., Suite 1200, Washington, D.C 20006.
Theodore Barry & Associates, Patricia Spellman, Research Consultant, 1900 M Street, N.W., Washington, D.C. 20036.	
People of the State of California and the Public Utilities Commission of the State of California, Janice E. Kerr, Esquire, J. Calvin Simpson, Esquire, Lawrence Q. Garcia, Esquire, 5066 State Building, San Francisco, California 94102.	
City of Celina, Ohio, Thomas A. Schwartz, Director of Public Service and Safety, Post Office Box 297, Celina, Ohio 45822.	
Central and South West Services, Inc., Stephen B. Jones, Vice President, Rates and Revenues, 2700 One Main Place, Dallas, Texas 75250.	
Central Vermont Public Service Corporation, et al	Carmen L. Gentile, Esquire, Bruder & Gentile, 1201 Connecticut Avenue, N.W., Suite 708, Washington, D.C. 20036.
Chase Manhattan Bank, N.A.	Jacob J. Worenklein, Esquire, Milbank, Tweed, Hadley & McCloy, 1 Chase Manhattan Plaza, New York, New York 10005.
Borough of Chambersburg, Pennsylvania, Julio D. Lecuona, Borough Manager, 100 South Second Street, Chambersburg, Pennsylvania 17201.	
Chillicothe Municipal Utilities, Keith D. Beardmore, General Manager, Post Office Box 807, Chillicothe, Missouri 64601.	
Cincinnati Gas and Electric Company, D. I. Marshall, Manager, Rate and Economic Research Department, Post Office Box 960, Cincinnati, Ohio 45201.	

SERVICE LIST—Continued

Parties	Representatives
Connecticut Municipal Electric Energy Cooperative, Inc., Walter V. Truitt, Jr., Esquire, 286 Thomas Road, Groton, Connecticut 06340.	Robert M. Sussler, Esquire, Conway, Londregan, Louba, McNamara & Sussler, P.C., Post Office Box 1351, New London, Connecticut 06320.
Conservation Law Foundation of New England, Inc., Linzee Weld, Director, New England Energy Project, 3 Joy Street, Boston, Massachusetts 02108.	
Deseret Generation and Transmission Cooperative, Lynn W. Milton, Esquire, 6722 South 300 West, Post Office Box 88, Sandy, Utah 84091.	
El Paso Electric Company	Carl W. Ulrich, Esquire, Chapman, Duff and Paul, 1730 Pennsylvania Avenue, N.W., Washington, D.C. 20006.
Emerald Peoples Utility District, Enid Smith, Administrative Director, Pleasant Hill Plaza, 84599 Tillicum Avenue, Suite 9, Pleasant Hill, Oregon 97401.	
Department of Energy, Lawrence A. Gollomp, Esquire, 1000 Independence Avenue, S.W., Washington, D.C. 20585.	
City of Fayetteville, North Carolina, Public Works Commission, Ray A. Muench, Jr., Manager, 508 Person Street, Post Office Drawer 1089, Fayetteville, North Caroline 28302.	
Florida Public Service Commission, Susan F. Clark, Esquire, 101 East Gaines Street, Tallahassee, Florida 32301.	
General Accounting Office, John A. Brown, Jr., Group Director, Energy & Minerals Division, Washington, D.C. 20548.	
General Motors Corporation, Otis M. Smith, Esquire, Julius Jay Hollis, Esquire, Jack F. Wheatley, Esquire, 3044 West Grand Boulevard, Detroit, Michigan 48202.	Louis Flax, Esquire, Anita V. Spivey, Esquire, Sutherland, Asbill & Brennan, 1666 K Street, N.W., Washington, D.C. 20006.
Georgia Public Service Commission, Ford B. Spinks, Chairman, 244 Washington Street, S.W., Atlanta, Georgia 30334.	
Gulf States Utilities Company, Miguel Gayoso, Esquire, Rates & Regulatory Affairs CWIP Rulemaking Liaison, Post Office Box 2951, Beaumont, Texas 77704.	Lee Allen Everett, Esquire, Gulf States Utilities Company, Post Office Box 2951, Beaumont, Texas 77704.
Idaho Power Company, Robert F. Klumpp, Senior Vice President—Finance, Post Office Box 70, Boise, Idaho 83707.	
Idaho Public Utilities Commission, Myrna J. Walters, Commission Secretary, Statehouse, Boise, Idaho 83720.	
Ilion Board of Light Commissioners, Kevin J. Manfreda, Superintendent, Municipal Building, Ilion, New York 13357.	
Illinois Power Company, D. R. Yemm, Director of Regulatory Affairs, 500 South 27th Street, Decatur, Illinois 62525.	
Indiana Public Service Commission, Larry J. Wallace, Chairman, 901 State Office Building, Indianapolis, Indiana 46204.	
Institute for the Study of Human Issues, Inc., Elliot Taubman, Esquire, 51 Charles Street, New York, New York 10014.	
Iowa Electric Light and Power Company, Steven G. Gerhart, Esquire, Post Office Box 351, Cedar Rapids, Iowa 52406.	
Kansas State Corporation Commission, Richard C. (Pete) Loux, Chairman, State Office Building, Topeka, Kansas 66612.	
Kansas Power and Light Company, Steven Kitchen, Vice President—Controller, Post Office Box 889, Topeka, Kansas 66601.	
City of Lexington, Oklahoma, Raymond Cox, Mayor, Lexington, Oklahoma 73051	Richard I. Chaifetz, Esquire, Arnold D. Berkeley, Esquire, 1925 K Street, N.W., Suite 407, Washington, D.C. 20006.
Long Island Citizens in Action, Marge Harrison, Convenor, Post Office Box 467-W North Station, Baldwin, New York 11510.	
County of Los Alamos, New Mexico, Chris Ortega, Acting Utilities Manager, Post Office Box 30, Los Alamos, New Mexico 87544.	
City of Memphis, Light, Gas and Water Division, et al.	
State of Michigan and Michigan Public Service Commission, Frank J. Kelley, Attorney General, Arthur D. D'Hondt, Assistant Attorney General, 1000 Long Boulevard, Suite 11, Lansing, Michigan 48910.	Ronald D. Eastman, Esquire, Lynda S. Mounts, Esquire, Cadwalader, Wickersham & Taft, 1333 New Hampshire Avenue, N.W., Suite 700, Washington, D.C. 20036.
National Retired Teachers Association, American Association of Retired Persons, Peter W. Hughes, Esquire, 1909 K Street, N.W., Washington, D.C. 20049.	
City of New Cordell, Oklahoma, Tom Crider, Mayor, Cordell, Oklahoma 73632	
New England Coalition on Nuclear Pollution, Diane P. Sidebotham, President, Post Office Box 637, Bradford, Vermont 05371.	
Ohio Citizens' Utility Reform Coalition, Clyde Incledon, President, 33 North High Street, Suite 815, Columbus, Ohio 43215.	
Papago Tribal Utility Authority of Sells, Arizona	Richard I. Chaifetz, Esquire, Arnold D. Berkeley, Esquire, 1925 K Street, N.W., Suite 407, Washington, D.C. 20006.
Paine Webber Mitchell Hutchins Inc., Charles A. Benore, First Vice President, 140 Broadway, New York, New York 10005.	
Pennsylvania Office of Consumer Advocate, Martha W. Bush, Assistant Consumer Advocate, 14th Floor Strawberry Square, Harrisburg, Pennsylvania 17120.	
People's Lobby of Oklahoma, Roberta Ann Funnell, President, 3115 North Harvey Parkway, Oklahoma City, Oklahoma 73118.	
Portland General Electric Company, Mahendra B. Shah, Esquire, Financial Planning & Forecasting, 121 S.W. Salmon Street, Portland, Oregon 97204.	
Potlatch Corporation, William J. Nicholson, Manager, Corporate Energy Services, Post Office Box 7864, San Francisco, California 94120.	
Price Waterhouse & Co., James R. Falco, Chairman, 600 Grant Street, Pittsburgh, Pennsylvania 15219.	
Public Service Company of Colorado, Ronald D. Stinson, Manager, Rate Accounting and Federal Rate Regulatory Services, Post Office Box 840, Denver, Colorado 80201.	
Public Service Company of Oklahoma, Dwane R. Glancy, Treasurer, Post Office Box 201, Tulsa, Oklahoma 74102.	
Rochelle Municipal Utilities, Theodore W. Volding, General Superintendent, 120 North Seventh Street, Rochelle, Illinois 61068.	
State of Rhode Island, Dennis J. Roberts, Jr., Attorney General, 72 Pine Street, Providence, Rhode Island 02903.	J. William W. Harsch, Esquire, O'Connor & Hannan, 1919 Pennsylvania Avenue, N.W., Suite 800, Washington, D.C. 20006.
Seacoast Anti-Pollution League, Jane Doughty, Field Director, 5 Market Street, Portsmouth, New Hampshire 03801.	
Sale Power for Maine, John Jerabek, Vice President, Post Office Box 2204, Augusta, Maine 04330.	
Small Business Administration, Christopher J. Burke, Senior Advocate for Energy & Natural Resources, 1441 L Street, N.W., Suite 501, Washington, D.C. 20416.	
South Carolina Electric & Gas Company, R. W. Stadman, Controller, Post Office Box 764, Columbia, South Carolina 29218.	
Southwestern Public Service Company, Sam Hunter, Vice President—Rates, Post Office Box 1261, Amarillo, Texas 79170.	

SERVICE LIST—Continued

Parties	Representatives
City of Stillwater, Oklahoma, Karl Stadler, Director of Utilities, Post Office Box 631, Stillwater, Oklahoma 74074.	
Tampa Bay Regional Planning Council, Julie E. Greene, Chief, Division of Aging, 9455 Koger Boulevard, St. Petersburg, Florida 33702.	
Tampa Electric Company	Peter C. Leach, Esquire, Gallagher, Boland, Meiburger and Brosnan, 821 15th Street, N.W., Washington, D.C. 20005.
Texas Public Utility Commission, John E. Cunningham, Director of Public Utilities, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757.	
Union Electric Company, Joseph M. Plater, Assistant to the Controller, Post Office Box 149, St. Louis, Missouri 63166.	Charles A. Bremer, Esquire, Union Electric Company, Post Office Box 149, St. Louis, Missouri 63166.
University of Florida, Eugene F. Brigham, Director, College of Business Administration, Public Utility Research Center, Gainesville, Florida 32611.	
Utah Power and Light Company, Owin T. Colby, Jr., Assistant Controller, Post Office Box 899, Salt Lake City, Utah 84110.	
Washington Utilities and Transportation Commission, Robert W. Bratton, Chairman, Highways-Licenses Building, Olympia, Washington 98504.	
West Texas Utilities Company	Carolyn Y. Thompson, Esquire, Isham, Lincoln & Beale, 1120 Connecticut Avenue, N.W., Suite 325, Washington, D.C. 20036.
Public Service Electric and Gas Company, Harold W. Borden, Jr., Esquire, 80 Park Plaza, Newark, New Jersey 07101.	
Wisconsin Public Service Corporation, Dan Bollom, Esquire, Post Office Box 700, Green Bay, Wisconsin 54305.	
Wisconsin Municipals	Richard L. Olson, Esquire, Broadman, Suhr, Curry & Field, 410 First Wisconsin Plaza, Post Office Box 927, Madison, Wisconsin 53701.
R. S. Crowder, 1308 South 17th Street, Birmingham, Alabama 35205	
Environmental Action Foundation, Jeff Brummer, 724 Dupont Circle Building, Washington, D.C. 20036.	

[FR Doc. 81-36794 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

25 CFR Part 700

Commission Operations and Relocation Procedures, Recodification, Revision and Additions

AGENCY: Navajo and Hopi Indian Relocation Commission.

ACTION: Proposed rule.

SUMMARY: On March 9, 1981, the Commission published proposed rules (FR Vol. 46, No. 45 at pp. 15720–15743) which would recodify, revise, and expand the existing regulations contained in 25 CFR Part 700. Many comments were received which were considered by the Commission. The Commission has adopted most of the proposed rules which will be published in the near future. In connection with §§ 700.143—Payments for Divorced or Separated Relocatees and 700.145—Payments to Estates, the Commission wishes to republish a new draft of these regulations and solicit further comment before taking final action on these rules.

DATE: Comments must be received on or before January 25, 1982.

ADDRESS: Send comments to: Paul M. Tessler, CFR Liaison Officer, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona, 86002.

FOR FURTHER INFORMATION CONTACT: Paul M. Tessler, CFR Liaison Officer, Telephone No. (602) 779–3311, Extension 1376, FTS: 261–1376.

The principal author is William G. Lavell, General Counsel, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona 86002, Telephone (602) 779–3311, Extension 1376, FTS: 261–1376.

PART 700—COMMISSION OPERATIONS AND RELOCATION PROCEDURES

Accordingly Part 700 of Title 25 of the Code of Federal Regulations is proposed to be amended by adding regulations designated as §§ 700.143—Payments for divorced or separated relocatees and 700.145—Payments to estates as follows:

§ 700.143 Payments for divorced or separated relocatees.

(a) General. The following considerations apply to Certified Eligible Heads of Households who separate or divorce and intend to establish separate eligibility.

(b) Determination of Benefits. Eligibility for relocation benefits is determined by the residence of the Certified Eligible Head of Household as of the time that benefits were first applied for, rather than at the time of displacement or after relocation.

(1) If the divorce or separation took place before benefits were first applied for and one of the spouses vacated the property at that time, the vacating spouse would not be eligible for benefits and all relocation benefits would accrue to the spouse remaining in occupancy.

(2) If both husband and wife are in possession at the time that benefits are first applied for, and are otherwise eligible for benefits, they qualify together as a displaced family. Their maximum benefit is the amount the family would have received had the man and wife relocated together.

(c) Proration of Relocation Benefits. Relocation benefits may be divided between the husband and wife in any portion they agree upon. This procedure requires a written agreement signed by both parties, which clearly sets forth the method of division and the agreed percentage which each party claims. The agreement may not thereafter be changed without the written consent of both parties. In the absence of an agreement, the benefits shall be divided equally regardless of custody of minor children, if any, or support of emancipated children.

(d) Claimants may agree upon a division of the moving expense payment which differs from division of other relocation benefits. Moving expense payments can be based on actual costs or alternate method; however, the two methods cannot be mixed.

(1) The parties may move at different times; however, all moving expense benefits shall be calculated from the time benefits are first applied for.

(2) If the parties cannot reach an agreement, their moving expense benefits will be determined as if the family had relocated together. The claim form need be signed by only one party; however, the benefit checks will be made payable to both individuals.

§ 700.145 Payments to estates.

Relocation assistance payments can be made to the estate of a Certified

Eligible Head of Household who was certified and qualified for payment during his lifetime under the following circumstances:

(a) The actual cost of removing personal property may be paid to an estate if the decedent was in occupancy of the acquired property at the date benefits were first applied for and the personal property was removed from the premises thereafter.

(b) Replacement housing payments may be paid to an estate only when a Certified Eligible Head of Household qualified for such a housing payment pursuant to the Act and signed a Relocation Contract but died before the replacement housing was completed. The estate of a Certified Eligible Head of Household who had not signed a Relocation Contract at the time of his/her death is not eligible for payment of a replacement housing benefit.

(c) If one of a married couple who was a Certified Eligible Head of Household dies, the surviving spouse may be paid the same moving expense and replacement housing payments the couple would have received had death not occurred. If there is no surviving spouse another member of the household may be designated by the Commission as a Head of Household and may receive all relocation assistance payments.

Roger Lewis,

Chairman, Navajo and Hopi Indian Relocation Commission.

[FR Doc. 81-36804 Filed 12-23-81; 8:45 am]

BILLING CODE 6820-BB-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Ch. VII

Public Hearing and Public Comment Period on the Resubmitted Illinois Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed Rule; Schedule for Public Hearing and Public Comment Period.

SUMMARY: OSM is announcing procedures for the public comment period and hearing on the substantive adequacy of those portions of the proposed Illinois regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) which have been resubmitted by the State. The resubmission includes those portions of the proposed regulatory program which were disapproved by the Secretary of the Interior in his initial decision on October 31, 1980 (45 FR 72468–72505) and any other changes which have been made since that decision.

This notice sets forth the times and locations that the Illinois program is available for public inspection; the date when and the location where OSM will hold a public hearing on the resubmission; the comment period during which interested persons may submit written comments and data on the proposed program and other information relevant to public participation during the comment period and public hearings.

DATES: A public hearing to review the substance of the portions of the Illinois program not previously approved by the Secretary of the Interior will be held at 1:30 p.m. on January 18, 1982 at the address listed under "ADDRESSES."

Comments from members of the public must be received before the close of business on January 25, 1982 in order to be considered in the Secretary's decision on those elements of the proposed Illinois program which were not approved in the initial decision on the proposed program.

ADDRESSES: The public hearing will be held at the Illinois Department of Transportation, Springfield, Illinois. Written comments should be sent to: Office of Surface Mining, Attention: Illinois Program Review, 46 East Ohio Street, Indianapolis, Indiana 46204–1994.

Copies of the full text of the proposed program, a listing of scheduled public meetings and copies of all written comments are available for review and copying at the OSM Region III Office and the office of the State Regulatory Authority listed below, Monday through Friday, 8:00 a.m.–4:30 p.m., excluding holidays.

Office of Surface Mining, Region III, 46 East Ohio Street, Indianapolis, Indiana 46204–1994, Phone (317) 269–2629

Department of Mines and Minerals, Division of Land Reclamation, 227 South 7th Street, Suite 204, Springfield, Illinois 62706

Department of Mines and Minerals, Division of Land Reclamation, Southern District Field Office, Route 6, Box 140A, Marion, Illinois 62959

FOR FURTHER INFORMATION CONTACT: Office of Surface Mining—Region III, Attention: Illinois Program Review, 46 East Ohio Street, Indianapolis, Indiana 46204–1994, Phone (317) 269–2629.

SUPPLEMENTARY INFORMATION: On March 3, 1980, the State of Illinios submitted to OSM a proposed State regulatory program. Pursuant to the provisions of 30 CFR Part 732 (44 FR 15326–15328), the Regional Director published notification of receipt of the program in the March 11, 1980 **Federal Register** (45 FR 15583–15584) and in newspapers of general circulation within the State. In accordance with that announcement, public comments were solicited and a public meeting was held in Springfield, Illinois on April 10, 1980, concerning the program's completeness.

Public hearings on the adequacy of the Illinois submission were held on July 24, 1980 in Springfield, Illinois, and on July 25, 1980 in Marion, Illinois, after due notice on June 26, 1980 in the **Federal Register** (45 FR 43221–43223) and in newspapers of general circulation within the State.

The full chronology of the events leading to the Secretary's initial decision is contained in the **Federal Register** notice of partial approval by the Secretary (45 FR 72468–72505) published on October 31, 1980. That notice also contained the Secretary's findings, detailed explanations of those findings and the Secretary's decision, which approved and disapproved specific parts of the Illinois program.

In accordance with the procedures set forth in 30 CFR 732.13(f), the State of Illinois would have had 60 days from the date of publication of the Secretary's partial approval decision in which to submit a revised program for consideration. However, on December 11, 1980, prior to the Secretary's decision, the State was enjoined by the Seventh Judicial Circuit Court of Sangamon County, Illinois from submitting or resubmitting to OSM the Illinois permanent program for a period of one year. This injunction terminated on December 11, 1981. Under the general statement of policy issued by OSM on August 26, 1981 (46 FR 43041–43043), the State then had 60 days within which to resubmit its program. The State resubmitted its revised program on December 22, 1981.

In keeping with the public participation mandate of SMCRA and 30 CFR 732.13(f), a 30 day public comment and review period is being allowed for the Illinois program submission. The public review and comment period for the Illinois program ends at 4:30 p.m. on January 25, 1982. During this period the Secretary is soliciting comments from the Administrator of the Environmental Protection Agency, the Secretary of Agriculture and the heads of other federal agencies, as well as the general public.

Subsequent to the public hearing and review of all comments, the Regional Director will transmit to the Director a recommended decision along with a record composed of the hearing transcript, written presentations, exhibits, and copies of all public comments.

Upon receipt of the Regional Director's recommendation, the Director will consider all relevant information in the record and will recommend to the Secretary that those portions of the program that were not approved in the Secretary's initial decision now be approved, disapproved or conditionally approved. The recommendation will specify the reasons for the decision. The procedures for the recommended decisions of the Regional Director and the Director are established in 30 CFR 732.12(d) and (e) (44 FR 15326–15327). For further details, refer to 30 CFR 732.12 and 732.13 of the permanent regulatory program (44 FR 15326–15327) and corresponding sections of the preamble (44 FR 14959–14961). The Illinois State program will be evaluated by the Secretary under the criteria set forth in 30 CFR 732.15, including the recent amendment to the definition of "consistent with," which sets a new standard for comparison of State programs with the Federal regulations, 30 CFR 730.5(a) and 732.15(a) (46 FR 53376–53384, October 28, 1981).

The Secretary's decision on the program as resubmitted will constitute the final decision by the Department. If the revised program is approved, the State of Illinois will have primary jurisdiction for the regulation of surface coal mining and reclamation and coal exploration on non-Federal and non-Indian lands in Illinois. If the revised program is approved, the Secretary and the Governor may also enter into a Cooperative Agreement governing regulation of these activities on Federal lands in Illinois. Such an agreement would be the subject of a separate rulemaking and **Federal Register** notice. If the revised program is disapproved, a Federal program will be implemented and OSM will have primary jurisdiction for the regulation of the above activities in Illinois.

To codify decisions on State matters, OSM has established Subchapter T of 30 CFR Chapter VII. Subchapter T will consist of Parts 900 through 950. Provisions relating to Illinois will be found in 30 CFR Part 913 after the Illinois resubmission has been approved or disapproved.

At the public hearing on January 18, 1982, parties wishing to comment on the proposed program will be asked to register for placement on the agenda. The hearing will begin at 1:30 p.m. and will continue until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and who wish to do will be heard at the end of the scheduled speakers. Persons not scheduled to testify but wishing to do so, assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard. Written comments, data, or other relevant information may be submittted to supplement, or in lieu of, an oral presentation at the hearing.

In addition, the Regional Director has prescribed the following hearing format and rules of procedures in accordance with 30 CFR 732.12(b)(1) (44 FR 15326).

1. The hearing shall be informal and follow legislative procedures.

2. Based on the number of speakers in attendance, each participant may be limited to 10 minutes.

3. Participants will be called in the order in which they register.

Public participation in the review of State programs is a vital component in fulfilling the purposes of SMCRA. On September 19, 1979, OSM published guidelines in the **Federal Register** (44 FR 54444–54445) governing contacts between the Department of the Interior and both State officials and members of the public. It is hoped that issuance of these guidelines will encourage full cooperation by all affected persons.

Interested members of the public are encouraged to read the Secretary's partial approval of the initial Illinois program submission (45 FR 72468–72505) published on October 31, 1980. That document contains detailed findings and explanations relating to the parts of the initial submission which were specifically approved and disapproved. Unless a change has been made to part of the program previously approved, the Secretary will only consider comments relating to those portions previously disapproved or to any portions of the program first appearing in the resubmission.

Set forth below is a summary of the contents of the Illinois program including resubmission material.

(a) State Law and Regulation
(b) Other Related State Laws
(c) Attorney General's Opinion
(d) Delegation of Regulatory Authority
(e) Structural Organization—Staffing Functions
(f) Supporting Agreements Between Agencies
(g) Narrative Description for:
(1) Issuing Exploration for Mining Permits
(2) Assessing Permit Fees
(3) Bonding—Insurance
(4) Inspecting and Monitoring
(5) Enforcing the Administrative, Civil and Criminal Sanctions
(6) Administering and Enforcing Permanent Program Standards
(7) Assessing and Collecting Civil Penalties
(8) Issuing Public Notices and Holding Public Hearings
(9) Coordinating with Other Agencies
(10) Consulting with Other Agencies
(11) Designating Lands Unsuitable for Mining
(12) Restricting Financial Interests
(13) Training, Examining and Certifying Blasters
(14) Providing for Public Participation
(15) Providing Administrative and Judicial Review
(16) Providing a Small Operator Assistance Program (S.O.A.P.)
(h) Statistical Information
(i) Summary of Staff with Titles, Functions, Job Experience and Training
(j) Description of Staffing Adequacy
(k) Projected Use of Other Professional and Technical Personnel
(l) Budget Information
(m) Physical Resources Information
(n) Other Programs Administered by the Regulatory Authority

Additional Determinations

The Office of Management and Budget has granted OSM an exemption from Sections 3, 4, 7 and 8 of Executive Order 12291 for State program approvals, emendments, and removal of conditions. Therefore, this rule is exempt from the Determination of Effects requirements of the Executive Order.

No Environmental Impact Statement is being prepared in connection with the process leading to the approval or disapproval of the proposed Illinois program. Under Section 702(d) of SMCRA (30 U.S.C. 1292(d)), approval does not constitute a major action within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

Dated: December 21, 1981.

J. Steven Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 81-36853 Filed 12-23-81; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 159

40 CFR Part 140

[CGD 81-097]

Marine Sanitation Devices

AGENCY: Environmental Protection Agency and Coast Guard, DOT.

ACTION: Notice of Program Review.

SUMMARY: This Notice invites public participation in a regulatory program review currently being conducted by the Coast Guard and the Environmental Protection Agency (EPA). A review of the costs and benefits of and the alternatives to the current Marine Sanitation Device (MSD) program has been initiated by the agencies because of the many complaints by the public regarding the costs and impracticability of the existing program. Also, a report has been prepared by EPA at the request of the Senate Appropriations Committee that analyzes the existing program and evaluates alternatives. The public is invited to submit written comments and data relating to the existing program and possible alternatives and to submit comments on the contents of the report.

DATES: Written comments must be received on or before February 22, 1982 to be considered in the review.

ADDRESS: Written comments may be mailed or delivered to and will be available for inspection and copying at the Marine Safety Council (G-CMC), Room 4402, U.S. Coast Guard Headquarters, 2100 Second St., S.W., Washington, DC 20593, between the hours of 7:00 a.m. and 5:00 p.m., Monday through thursday, except holidays. The report to the Senate Appropriations Committee may be inspected and copied at this address during the same work day. Requests for copies of this report should be directed to the above address; the cost is $4.30 per copy.

FOR FURTHER INFORMATION CONTACT: Ensign J. E. Arner, U.S. Coast guard, (202) 755-7917. Normal working hours are 6:00 A.M. to 4:30 P.M., Monday through Thursday, except holidays. Jonathan Amson, U.S. EPA, (202) 472-3401. Normal working hours 9:30 A.M. to 6:00 P.M. Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: The MSD program review will involve an analysis of Coast Guard regulations and enforcement, EPA standards, and the requirements of Section 312 (Marine Sanitation Devices) of the Clean Water Act (Pub. Law 95-217, 91 Stat. 596, 33 USC 1322). The public is invited to participate in this review by submitting written comments or data relating to the program and alternatives to the program.

The public is invited to comment on the current MSD program:

- Vessels must meet Federal standards requiring at least Type I's for vessels 65 feet in length or less and at least Type II's for vessels over 65 feet.
- States may adopt more stringent standard ("no-discharge") if EPA finds that adquate pump-out facilities are reasonably available in the area and EPA approves the State request.
- Manufacturers must meet Coast Guard certification requirements.
- There is Federal enforcement of the program.

Comments are also invited on the following program alternatives which are discussed in more detail in the EPA report to the Congress, referred to above:

(a) Abolish by law all Federal requirements for MSDs. Under this option—

- States could adopt and enforce their own equipment design and effluent discharge standards.
- There would be no Coast Guard certification requirements for manufacturers of MSD's.
- There would be no Federal involvement in any aspect of MSD enforcement.

(b) By law, abolish Federal MSD requirements for recreational and small commercial vessels 65 feet in length or less and allow States to substitute their own programs for these vessels based upon Federal design standards (Type I, II, or III) or have no program. Larger commercial vessels would still be subject to federal MSD requirements and Federal enforcement. Under this option—

- By law, States could adopt any one of three types of MSD requirements for recreational and small commercial vessels (Type I, II, or III; see 33 CFR 159) or could decide not to have any requirements.
- There would still be national design standards and Coast Guard certification requirements for manufacturers.
- There would be no Federal enforcement of MSD requirements for recreational vessels and commercial vessels 65 feet in length or less; there would be Federal enforcement for commercial vessels over 65 feet.

(c) By law, allow optional State programs based on the Federal design standards (Type I, II, or III) or States could elect to have no program. Existing Federal requirements would also be retained as a model. Under this system—

- National certification requirements for manufacturers are retained.
- There would be no Federal enforcement of MSD requirements.
- States may choose sewage treatment standards appropriate for their waters, including a no-treatment standard if so desired.

(d) By law, establish Federal Type I as the minimum Federal standard. States would have the option to establish a Type II or III standard. Under this option—

- States could adopt more stringent standards that exceed the Federal minimum standard (i.e. Type II or III).
- There would still be Coast Guard certification requirements for manufacturers.
- There would be Federal enforcement.
- There would be State enforcement if the State has chosen a stricter standard.

(e) By law, establish Federal Type I as the minimum standard; States could not establish a more stringent standard. Under this option—

- All vessels on the navigable waters would have to meet the minimum standard.
- There would still be Coast Guard certification requirements for manufacturers.
- There would be Federal enforcement.

(f) By law, establish a Federal no-discharge standard (Type III) and require the installation of pump-out facilitate at marinas. Under this option—

- All vessels in U.S. navigable waters would have to meet the no-discharge standard.
- There would be Coast Guard certification requirements for manufacturers.
- There would be Federal enforcement.

In particular, comments are invited on the following program alternative derived from option (b) with additional provisions for assurance of relatively unrestricted interstate travel. For instance the following alternative addresses four factors (further explained in the report) which appear to be central to any MSD program. They are: certainty for affected parties; States' interests; interstate travel and commerce; enforcement.

Abolish Federal MSD discharge requirements for all recreational vessels

and small commercial vessels 65 feet in length or less, but allow States to adopt discharge standards for these vessels based on the present Federal design standards (i.e., Type I, II, or III). Alternatively, States could choose to adopt no program at all. Federal MSD discharge requirements would be retained for all commercial vessels over 65 feet, as would all Federal design standards for manufacturers of MSD's. Since MSD requirements for recreational and small commercial vessels would be a State responsibility, remove and Federal enforcement of MSD requirements for these vessels (leaving such enforcement responsibilities to the individual States). Retain Federal enforcement of MSD requirements for all larger commercial vessels. Allow for unimpeded travel by recreational and small commercial vessels between States for a specified period of time (such as 14 days), as long as the vessel has a certified MSD installed. Travel within a State's waters would be restricted only by individual State requirements. For example, a vessel registered in a State that requires no MSD would be free to travel in that State with no treatment device installed; should that vessel owner choose to travel to (or through) an adjoining State that requires Type II MSD's, he would have to install a certified MSD, and he would be able to remain in the adjoining State's waters for only a specified period of time (such as 14 days), unless he installed a Type II or Type III MSD; similarly, a vessel in a State requiring Type III MSD's would need either a Type I or Type II MSD and be able to remain for only the specified time unless a Type III MSD is installed. For commercial vessels over 65 feet this provision would not apply.

In addition, comments are solicited on—

(a) the cost to purchase, install, and operate MSD's;

(b) the need for the current regulations in the various geographic regions of the U.S. (for example—fresh water areas, salt water areas, brackish tidal areas);

(c) the practicality of the MSD regulations for the various classes, sizes, and types of vessels (for example—recreational, sail and power vessels, commercial vessels such as passenger, fishing, and cargo vessel);

(d) Coast Guard certification procedures.

(e) the beneficial or detrimental environmental impacts of either the current or alternative programs; and

(f) the beneficial or detrimental effects of State promulgation of standards and State enforcement of the standards.

Note.—This Notice does not serve as a Notice of Proposed Rulemaking which would follow separetly as part of the formal rulemaking procedures if any recommendation for legislative and/or regulatory change is made at the final outcome of this review.

Dated: December 1, 1981.

Bruce R. Barrett,

Acting Assitant Administrator for Water.

Dated: December 9, 1981.

W. E. Caldwell,

Rear. Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 81-36388 Filed 12-23-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-9-FRL-2014-6]

Designation of Areas for Air Quality Planning Purposes; California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of Comment Period.

SUMMARY: On November 12, 1981 (46 FR 55722), the EPA invited comments on certain California attainment status designations. In response to the extension requests from the Proctor & Gamble Company and the Western Oil and Gas Association, the public comment period is being extended to February 15, 1982.

DATE: Comments are due on or before February 15, 1982.

ADDRESSES: Comments should be submitted to: Douglas Grano, Chief, State Implementation Plan Section, Air Programs Branch, Air & Hazards Materials Division, Environmental Protection Agency, Region 9, 215 Fremont St., San Francisco, CA 94105, (415) 974-8222.

FOR FURTHER INFORMATION CONTACT: Douglas Grano at (415) 974-8222.

Dated: December 14, 1981.

Sonia F. Crow,

Regional Administrator.

[FR Doc. 81-36665 Filed 12-23-81; 8:45 am]

BILLING CODE 6560-26-M

DEPARTMENT OF ENERGY

41 CFR Ch. 9

Proposed Amendments to the DOE Procurement Regulations

AGENCY: Department of Energy.

ACTION: Proposed rule.

SUMMARY: This proposed rule adds a new § 9-1.355, "Contracts conditioned upon the availability of funds"; amends § 9-1.405, "Ratification of unauthorized contract awards," to clarify the requirements which must be met to allow ratifications of unauthorized actions; revises § 9-1.705, "Cooperation with the Small Business Administration," to increase from $2 million to $3 million the ceiling for small business class set-aside procurements of construction; deletes Subpart 9-1.53, "Options"; revises § 9-3.805-51, "Noncompetitive procurement," regarding approval procedures for noncompetitive procurements to assure that the approving official is outside the initiating office and at least one level above the individual processing the action and to emphasize the prudence of early coordination with legal counsel; amends § 9-3.809, "Contract audit as a pricing aid," to increase preaward audit thresholds; revises Subpart 9-4.57, "Program Opportunity Notices," and Subpart 9-4.58, "Program Research and Development Announcements," to simplify the approval process for using these solicitation methods; revises §§ 9-7.203 and 9-7.403, "Clauses to be used when applicable," to provide for use of a Cost and Schedule Control Systems clause under appropriate circumstances; revises § 9-7.402-59, "Stop work order," to make that clause optional rather than mandatory for contracts with educational and other nonprofit institutions; revises Subpart 9-50, "Operating and on-site service contracts," relating to procurement procedures for operating and on-site contractors; and clarifies § 9-51.102, "Contract actions requiring advance Headquarters' review and approval," regarding the requirement for Headquarters review of certain contract actions. This proposed rule is the result of operational experience which has shown a need to update and revise the regulations as described in this proposed rule.

DATE: Comments must be received on or before January 25, 1982 to be considered.

ADDRESS: Comments should be addressed to the Department of Energy, Procurement Policy Branch (MA931.1), Forrestal Building, Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Langston, Procurement Policy Branch (MA931.1), Policy and Procedures Division, Procurement and Assistance Management, Department of Energy (202) 252-6188

Mr. E. Barclay Van Doren, DAGC for Procurement and Financial Incentives, Office of General Counsel (GC44), Department of Energy (202) 252-6902

SUPPLEMENTARY INFORMATION:

I. Background
II. Statutory and Regulatory Requirements
III. Public Comments

I. Background

Under section 644 of the Department of Energy Organization Act (hereinafter referred to as "the Act") Pub. L. 95–91, 91 Stat. 565 (41 U.S.C. 7254), the Secretary of the Department is authorized to prescribe such procedural rules and regulations as may be deemed necessary or appropriate to accomplish the functions vested in him. Accordingly, the Department of Energy Procurement Regulations (DOE–PR) were promulgated with an effective date of June 30, 1979 (44 FR 34434, June 14, 1979), 41 CFR Chapter 9.

II. Statutory and Regulatory Requirements

Pursuant to section 501 of the Act (42 U.S.C. 7191) relating to the opportunity for oral presentations on proposed regulations, the Department has determined that no substantial issue of fact or law exists and that this proposed rule is unlikely to have a substantial impact on the Nation's economy, or large number of individuals or businesses. Accordingly, public hearings relating to this proposed regulation will not be held. However, all written comments received by the Department in response to this proposed amendment will be carefully assessed and fully considered in the formulation of the Department's final rule.

Note.—The Department has concluded that the regulation will not affect the quality of the environment and that the requirements of section 7(c)(2) of the Federal Administration Act of 1974, Pub. L. 93–275, do not apply. Additionally, since the proposed rulemaking involves a procurement regulation, it is accordingly exempt from the special clearance procedures required by Executive Order 12291.

III. Public Comments

Interested persons are invited to participate by submitting data, views or arguments with respect to the proposed DOE–PR amendments set forth in this notice. All written comments received will be carefully assessed and fully considered prior to publication of the proposed amendment as a final regulation.

For the reasons set out in the preamble, Chapter 9 of Title 41 of the Code of Federal Regulations is proposed to be amended as set forth below.

(Sec. 644, Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565 (42 U.S.C. 7254))

Issued in Washington, D.C. December 14, 1981.

Hilary J. Rauch,

Director, Procurement and Assistance Management.

The regulations in 41 CFR Chapter 9 are proposed to be amended as set forth below.

Authority: Section 644 of the Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 599, (42 U.S.C. 7254).

Note.—As an aid in identifying specific proposed changes to the DOE Procurement Regulations, a two digit identification number is given each specific change. The first digit represents the numerical sequence of proposed changes, thus, this is change 5 to indicate that this is the fifth time that DOE has issued a notice of proposed rulemaking for the purpose of amending 41 CFR Chapter 9. The second digit is the numerical sequence of specific changes proposed within a particular notice, thus, the first change within the fifth notice is identified as Change 5.1.

Change 5.1

The Table of Contents for Part 9–1, "General," is amended by adding a new § 9–1.355 titled "Contracts conditioned upon the availability of funds," and by removing and reserving Subpart 9–1.53, "Options," the provisions of which have been superseded by FPR Amendment 213, dated January 12, 1981. The revised text will read:

Subpart 9–1.0—Regulation System

Sec.

* * * * *

9–1.355 Contracts conditioned upon the availability of funds.

* * * * *

Subpart 9–1.53 [Reserved]

Change 5.2

Subpart 9–1.3, "General Policies," is amended by adding a new § 9–1.355, "Contracts conditioned upon the availability of funds." The new section will read:

§ 9–1.355 Contracts conditioned upon the availability of funds.

(a) There are many day-to-day supplies and services which must be provided on a continuing basis if the Department is to function efficiently. These requirements are generally funded under yearly operation and maintenance appropriations. A disruption in providing these requirements would seriously impact the orderly operation of the Department.

(b) When it is necessary to initiate a procurement properly chargeable to funds of a new fiscal year prior to the availability of such funds, the clause in (c) below shall be included in the contract.

This clause shall be used only for administrative operations and continuing services (such as rentals, utilities, and guard services) which are necessary for normal operation and for which the Congress consistently appropriates funds.

(c) The following clause shall be used as described in paragraph (b) of this section:

Availability of Funds

Funds are not presently available for this procurement. The Government's obligation hereunder is contingent upon the availability of appropriated funds from which payment for the contract purposes can be made. No legal liability on the part of the Government for payment of any money shall arise unless and until the funds are made available to the Contracting Officer for this procurement and notice of such availability, to be confirmed in writing by the Contracting Officer, is given to the contractor.

(d) When the clause in (c) above is used, the supplies or services shall not be accepted by the Department until funds are available to the Contracting Officer for the procurement and until the Contracting Officer has given notice to the contractor (to be confirmed in writing) of such availability. Records shall be maintained to insure adequate administrative control of funds.

Change 5.3

Section 9–1.405, "Ratification of unauthorized contract awards," is amended by revising paragraphs (b)(c)(2), and (c)(3) and by adding a sentence at the end of paragraph (c)(1) to clarify the types of actions that can be ratified and what approvals are required. The revised text will read:

§ 9–1.405 Ratification of unauthorized contract awards.

* * * * *

(b) Ratifications shall not be approved unless it would have been otherwise proper to enter into a contract prior to the commitment. As used herein, the phrase "otherwise proper" means that a ratification of unauthorized commitments can be made only if there occurred no violation of any substantive legal requirements, e.g., there can be no ratification unless a sole source can be justified; a determination made that the contractor is not debarred or otherwise ineligible for award; the required Organizational Conflict of Interest reviews and determinations are completed; and where all other substantive legal requirements have been met. Any person performing work as a result of an unauthorized commitment shall be contacted by the cognizant procuring office and told to stop work until such time as the Contracting Officer determines whether it is appropriate to establish a contract.

If the work being performed is outside the procuring office's normal area of cognizance, the matter shall be referred to the Senior Procurement Official, or designee, immediately following notice to the performer. The Contracting Officer shall direct the disposition of all products and deliverables received by the Government as a result of an unauthorized commitment.

(c) * * *

(1) * * * Under exceptional circumstances, the Senior Procurement Offical, may waive the requirement that the responsible employee initiate and document the request; *Provided* the cognizant Assistant Secretary or the Head of the Procuring Activity determines in writing that the commitment was in fact made by an employee who shall be identified in the determination.

(2) The request for ratification, an approved justification for noncompetitive procurement, and the information required by Section 9-1.405(c)(1) must be forwarded to the cognizant program Assistant Secretary, or HPA, based on the source of funds for the proposed contract, for that person's concurrence, together with recommended corrective actions to preclude reoccurrence.

(3) If the Assistant Secretary, or HPA concurs with the request for ratification, the request and concurrence shall be forwarded to the Senior Procurement Official. The Senior Procurement Official will review the request, the Justification for Non-Competitive Procurement, any comments or information submitted by the Contracting Officer which should be considered in evaluation of the request, and the information submitted in accordance with DOE-PR 9-1.405(c)(2). Based upon this review and advice from the Office of General Counsel, the Senior Procurement official, will proceed as follows:

(i) If the request submitted does not appear to be justified, it will be returned to the concurring Assistant Secretary or equivalent official without approval.

(ii) If the request and the recommended corrective actions appear justified and adequate, the Senior Procurement Official may ratify the action, return the file to the Contracting Officer for action and monitor the implementation of the corrective action plan.

(iii) A detailed record of the review shall be maintained for audit purposes.

* * * * *

Change 5.4

Subpart 9-1.7, "Small Business Concerns," is amended by revising § 9-1.705-3(b)(1) to increase the class set-aside ceiling for procurements of construction to $3,000,000, and by adding a new § 9-1.706-1(e) to read:

§ 9-1.705-3 Screening of procurements.

* * * * *

(b) * * *

(1) Class Set-Asides. By agreement with SBA, DOE has established a class set-aside for procurements of construction where the estimated value is from $10,000 through $3,000,000, including new construction and repair and alteration of structures. Lists of other class set-asides shall be maintained by all DOE procuring offices, including contractors who manage Government-owned sites. These lists shall be updated at least annually.

* * * * *

§ 9-1.706-1 General

* * * * *

(e)(1) In lieu of the set-aside priorities set forth in FPR 1-1.706-1 (a) and (e), DOE shall award contracts, and encourage the placement of subcontracts for procurement to small business concerns in the following manner:

(i) Concerns which are small business concerns and which are located in labor surplus areas, on the basis of a total set-aside;

(ii) Concerns which are small business concerns, on the basis of a total set-aside;

(iii) Concerns which are small business concerns and which are located in a labor surplus area, on the basis of a partial set-aside;

(iv) Concerns which are small business concerns, on the basis of a partial set-aside.

(2) After priority is given to the small business concerns specified in subsection (e), priority shall also be given to the awarding of contracts and the placement of subcontracts, on the basis of a total set-aside, to concerns which:

(i) Are not eligible under subsection (e);

(ii) Are not small business concerns; and

(iii) Will perform a substantial proportion of the production of those contracts and subcontracts within areas of concentrated unemployment or underemployment or within labor surplus areas.

(3) See FPR 1-1.801 for the definition of a concern located in a labor surplus area.

Change 5.5

Subpart 9-1.53 entitled "Options" is removed and reserved because Amendment 213 to the Federal Procurement Regulation (46 FR 7966, January 26, 1981) has added coverage of this topic to the FPR and makes DOE-PR coverage unnecessary. The revised text will read:

Subpart 9-1.53 [Reserved]

Change 5.6

Section 9-3.805-50, "Selection procedures," is amended by revising paragraph (a)(1)(iv) to provide that the Source Selection Official may be an official designated by the HPA at a level higher than the Contracting Officer. As revised the text will read:

§ 9-3.805-50 Selection procedures.

(a)(1) * * *

(iv) The Source Selection Official shall be the HPA, an official designated by the HPA who is higher than the Contracting Officer, or the Contracting Officer.

* * * * *

Change 5.7

Section 9-3.805-51, "Noncompetitive procurement", is amended by revising paragraph (a)(2) by removing the words "an approved" and substituting the words "a recommended" and by removing the present text of paragraph (d) and inserting new language in its place. The effect of the change is that the justification will be in the form of a recommendation by the initiating office with approval outside the initiating office. The revised text will read:

§ 9-3.805-51 Noncompetitive procurement.

(a) * * *

(2) For a noncompetitive procurement, a recommended justification shall be attached to the procurement request when the request is sent to a Contracting Officer for action.

* * * * *

(d) Review and approval. The justification shall contain a recommendation, concurrence (when needed) and approval as follows: (In the case of cost shared contracts, review levels shall be based on the sum of the contractor and Government shares.)

(i) Concurrences in the recommendation shall be obtained within the initiating office at such levels as are deemed appropriate by the Senior Program Official for procurements initiated by Headquarters or the Head of the Procuring Activity for field initiated procurements. In establishing levels for approval of such recommendations, the Senior Program Official or Head of the Procuring Activity shall assure that the

recommendation approval is at least one level above the initiator. The objective of maximizing the use of competitive procurement procedures as well as the complexity or cost of a procurement should be used as a guide in establishing the appropriate level of responsibility for approval of noncompetitive recommendation.

(ii) The more complex and costly justifications will benefit from early coordination with counsel. Justifications exceeding $1,000,000, or such lower level as counsel may determine, shall be submitted by the initiator to counsel, at the headquarters or field location of the initiator, for concurrence prior to forwarding to the Contracting officer. The heads of the Procuring Activities, in consultation with counsel, are encouraged to establish more restrictive thresholds and conditions specific to their organizations and circumstances.

(iii) The justification, following approval of the recommendation and concurrences of counsel (if required or considered appropriate), shall be forwarded to the Contracting Officer who will seek final approval of justification at such level as the Head of the Procuring Activity may require. In specifying levels of review for final approval, the HPA shall assure that justifications of more than $10,000 are approved at a level above the Contracting Officer as required by § 1–3.101(d) of the FPR and that the final approval authority is outside the initiating organization.

(iv) Justifications exceeding the HPA's delegated contract authority may be approved by the HPA but an information copy shall be furnished to the Contract Business Clearance Division, Procurement Management Office, Headquarters for advisory purposes.

Change 5.8

Section 9–3.809 is amended by revising paragraph (b)(1) to increase the preaward audit thresholds from $100,000 to $500,000 for fixed price contracts and from $250,000 to $1,000,000 for cost reimbursement type contracts, and by correcting an erroneous FPR reference at the end of the second sentence and replacing it by reference to FPR 1–3.807–2 and 1–3.809(b)(ii). The revised text will read:

§ 9–3.809 Contract audit as a pricing aid.

* * * * *

(b) Auditor's reports on contract price proposals.

(1) Prior to negotiation of any contract or modification resulting from a proposal in excess of $500,000 for firm fixed-price and fixed-price with economic price adjustment provisions or $1,000,000 for all other contract types [including initial prices, estimated costs of cost-reimbursement types, interim and final price redeterminations, escalation, target and settlement of price redeterminations, target and settlement of incentive types where the price will be based on cost or pricing data (FPR 1–3.807–3) submitted by the contractor], the Contracting Officer or authorized representative shall request an audit review by the contract audit activity. Also see FPR 1–3.807–2 and 1–3.809(b)(ii).

* * * * *

Change 5.9

Section 9–4.5702–2 is amended by revising paragraphs (a)(2), (b)(2), and (b)(3) to remove the requirement that the prior concurrence of the Senior Procurement Official be obtained on determinations to use the Program Opportunity Notice type of solicitation and its content. The revised text will read:

§ 9–4.5702–2 Determination to use and approval of content.

(a) * * *

(2) The Senior Program Official or designee may approve the determination.

* * * * *

(b) * * *

(2) When a source evaluation board is not required, notices may be approved by the Senior Program Official or designee after prior concurrence by Counsel.

(3) When an SEB is required, notices shall be reviewed and approved by the SEB after prior concurrence by Counsel, and the Senior Program Official, or designee.

* * * * *

Change 5.10

Section 9–4.5802–2 is amended by revising paragraph (a)(1) by removing the final sentence which requires the prior concurrence of the Senior Procurement Official for use of the Program Research and Development Announcement under $2 million, by removing and reserving paragraph (a)(2) which requires additional justification for use of the Program Research and Development Announcement for individual award situations expected to exceed $2 million and by deleting the requirement at paragraph (b)(2) that the content of Program Research and Development Announcements have the prior concurrence of the Senior Procurement Official, Headquarters. The revised text will read:

§ 9–4.5802–2 Determination to use and approval of content.

(a) * * *

(1) Before the PRDA is selected by the program office as the appropriate solicitation procedure, a written program determination shall be made to show that the conditions in § 9–4.5802–1(c) exist to support the conclusion that the use of the PRDA procedure is both necessary and appropriate. The determination must not be merely conclusory but shall be supported by specific facts and explanations.

(2) [Reserved]

* * * * *

(b) * * *

(2) The PRDA content may be approved by the Senior Program Official or designee after prior concurrence by counsel.

* * * * *

Change 5.11

The Table of Contents of Part 9–7 is revised to add new §§ 9–7.203–58 and 9–7.403–75 entitled "Cost and schedule control systems." The new text will read:

PART 9–7—CONTRACT CLAUSES

Sec.

* * * * *

9–7.203–58 Cost and schedule control systems.

* * * * *

9–7.403–75 Cost and schedule control systems.

* * * * *

§ 9–7.203–58 Cost and schedule control systems.

In those instances where the procurement request identifies the procurement as one for which cost and schedule control systems criteria are applicable pursuant to DOE Order 2250.1 and DOE/CR 0015, "Implementation Guide for Cost and Schedule Control Systems Criteria for Contract Performance Measurement," the specific systems criteria required shall be set forth in the contract and the following clause shall be included:

Cost and Schedule Control Systems

(a) In the performance of this contract, the contractor shall establish, maintain, and use cost and schedule control systems (management control systems) meeting the criteria set forth in the contract and as described in detail in DOE/CR–0015, "Cost and Schedule Control Systems Criteria for Contract Performance Measurement—Implementation Guide," annexed hereto and hereinafter referred to as the "Guide." Prior to acceptance by the Contracting Officer and within —— calendar days after contract award, the contractor shall be prepared to demonstrate systems operation to the Government to verify that the proposed

systems meet the designated criteria. As a part of the review procedures, the contractor shall furnish the Government a description of the cost and schedule control systems applicable to this contract in such form and detail as indicated by the Guide, or as required by the Contracting Officer. The contractor agrees to provide access to all pertinent records, data, and plans as requested by representatives of the Government for the conduct of systems review.

(b) The description of the management control systems accepted by the Contracting Officer, identified by title and date, shall be referenced in the contract. Such systems shall be maintained and used by the contractor in the performance of this contract.

(c) Contractor changes to the reviewed systems shall be submitted for review and approval as required by the Contracting Officer. When Contracting Officer approval is required, the Contracting Officer shall advise the contractor of the acceptability of such changes within sixty (60) days after receipt from the contractor. When systems existing at the time of contract award do not comply with the designated criteria, adjustments necessary to assure compliance will be made at no change in contract price or fee.

(d) The contractor agrees to provide access to all pertinent records and data requested by the Contracting Officer, or duly authorized representative, for the purpose of permitting Government surveillance to insure continuing application of the accepted systems to this contract. Deviations from the systems description identified during contract performance shall be corrected as directed by the Contracting Officer.

(e) The contractor shall require that each selected subcontractor, as mutually agreed to between the Government and the contractor and as set forth in the schedule of this contract, meet the criteria for cost and schedule control systems as set forth in subcontract and shall incorporate in all such subcontracts adequate provisions for review and surveillance of subcontractor's systems to be carried out by the prime contractor, or by the Government when requested by either the prime or subcontractor.

* * * * *

§ 9-7.403-75 Cost and schedule control systems.

In those instances where the procurement request identifies the requirement as one for which cost and schedule control systems criteria are applicable, insert the clause set forth at § 9-7.203-58.

* * * * *

Change 5.12

Section 9-7.402-59 is amended by adding a preamble which will make the Stop Work Order clause optional for use rather than mandatory for use in contracts with educational or nonprofit institutions. The revised text will read:

§ 9-7.402-59 Stop work order.

Use of this clause is optional if the contract is for research and development being performed by an educational or nonprofit institution.

* * * * *

Change 5.13

Section 9-15.5006-4 is amended by designating the present text as paragraph (a) and adding new text designated as paragraph (b). The revised text will read:

§ 9-15.5006-4 Precontract costs.

(a) Precontract costs are those incurred prior to the effective date of the contract directly pursuant to the negotiation and in anticipation of the award of the contract where such incurrence is necessary to comply with the proposed contract delivery schedule. Such costs are allowable to the extent that they would have been allowable if incurred after the date of the contract. They do not include costs of preparing bids or of participation in the negotiation. The allowability of precontract costs is dependent upon appropriate coverage in the contract.

(b) *Limitations.*

(1) Precontract cost authorizations shall not be used to cover a period in excess of 15 days and shall not be extended or renewed. If longer coverage is necessary, a letter contract shall be issued in accordance with DOE-PR 9-3.408.

(2) All precontract cost authorizations shall be reviewed and approved at a management level above the Contracting Officer.

(3) Retroactive precontract cost authorizations and the predating of contractual agreements shall not be used.

(4) Precontract cost authorizations shall not authorize the delivery or furnishing of any goods or services from a contractor until after the contract is executed.

Change 5.14

The Table of Contents of Part 9-50, "Operating and On-site Service Contracts," is amended by inserting a new entry § 9-50.704-48, "Cost and Schedule Control Systems" and by removing and reserving § 9-50.2002, "Compensation approval requirements. The revised entry will read:

PART 9-50—OPERATING AND ON-SITE SERVICE CONTRACTS

Sec.

* * * * *

9-50.704-48 Cost and Schedule Control Systems.

* * * * *

9-50.2002 [Reserved]

Change 5.15

Section 9-50.104, paragraph (c) (45 FR 24380, April 9, 1980) is revised to increase the ceiling for small business class set-asides of procurement of construction, including new construction and repair and alteration of structures, from $2 million to $3 million. The revised text will read:

§ 9-50.104 Small business and small disadvantaged business concerns.

(a) * * *

(c) Procurement of construction between $2,500 and $3 million, including new construction, and repair and alteration of structures, shall be set-aside on a class basis for small business concerns. When, in the judgment of the contractor, a particular procurement falling within these dollar limits is determined to be unsuitable for a small business set-aside, notification to SBA shall be made through the DOE Contracting Officer. Unless SBA appeals the decision (see FPR 1-1.706-2), the contractor shall proceed to process the procurement on an unrestricted basis. Small business set-aside preferences should be considered for construction procurements in excess of $3 million on a case-by-case basis, with such preferential participation of small business to be favored, whenever appropriate.

* * * * *

Change 5.16

Section 9-50.704 is amended by adding a new § 9-50.704-48, "Cost and Sechedule Control Systems." The new text will read:

* * * * *

§ 9-50.704-48 Cost and schedule control systems.

In those instances where Cost and Schedule Control Systems criteria are applicable pursuant to DOE Order 2250.1 and DOE/CR 0015 "Implementation Guide for Cost and Schedule Control Systems Criteria for Contract Performance Measurement," the specific systems criteria required shall be set forth in the contract and the following clause shall be included:

Cost and Schedule Control Systems

(a) In the performance of this contract, the contractor shall establish, maintain, and use cost and schedule control systems (management control systems) meeting the criteria set forth in the contract and described in detail in DOE/CR-0015, "Cost and Schedule Control Systems Criteria for Contract Performance Measurement—Implementation Guide," annexed hereto and hereinafter referred to as the "Guide." Prior

to acceptance by the Contracting Officer and within —— calendar days after contract award, the contractor shall be prepared to demonstrate systems operation to the Government to verify that the proposed systems meet the designated criteria. As a part of the review procedures, the contractor shall furnish the Government a description of the cost and schedule control systems applicable to this contract in such form and detail as indicated by the Guide, or as required by the Contracting Officer. The contractor agrees to provide access to all pertinent records, data, and plans as requested by representatives of the Government for the conduct of systems review.

(b) The description of the management control systems accepted by the Contracting Officer, identified by title and date, shall be referenced in the contract. Such systems shall be maintained and used by the contractor in the performance of this contract.

(c) Contractor changes to the reviewed systems shall be submitted for review and approval as required by the Contracting Officer. When Contracting Officer approval is required, the Contracting Officer shall advise the contractor of the acceptability of such changes within sixty (60) days after receipt from the contractor. When systems existing at the time of contract award do not comply with the designated criteria, adjustments necessary to assure compliance will be made at no change in contract price or fee.

(d) The contractor agrees to provide access to all pertinent records and data requested by the Contracting Officer, or duly authorized representative, for the purpose of permitting Government surveillance to insure continuing application of the accepted systems to this contract. Deviations from the systems description identified during contract performance shall be corrected as directed by the Contracting Officer.

(e) The contractor shall require that each selected subcontractor, as mutually agreed to between the Government and the contractor as set forth in the schedule of this contract, meet the creiteria for cost and schedule control systems as set forth in subcontract and shall incorporate in all such subcontracts adequate provisions for review and surveillance of subcontractor's systems to be carried out by the prime contractor, or by the Government when requested by either the prime or subcontractor.

Change 5.17

Section 9–50.1510–14 is amended by revising paragraph (d) to increase from $40,000 to $45,000 the level at which individual employees compensation for operating and on-site employees must be approved by the Contracting Officer. The revised text will read:

§ 9–50.1510–14 Compensation for personal services.

* * * * *

(d) Review and approval of compensation paid individual employees. In determining the resonableness of compensation, the compensation of each individual contractor employee normally need not be subjected to review and approval. Generally, the compensation paid individual employees should be left to the judgment of contractors subject to the limitations of DOE-approved compensation policies, programs, classification systems, and schedules, and amounts of money authorized for wage and salary increases for group of employees. However, in the case of operating and on-site contracts, all compensation due an individual of $45,000 or more shall require the Contracting Officer's or designee's review and approval. In addition, in the case of operating and on-site contracts, it will often be necessary that employee compensation be subjected to review and approval on an individual basis at a level below $45,000, when the Contracting Officer finds it appropriate for the particular situation. The contract shall specifically provide for the approval by the Contracting Officer of the cost of compensating an individual contractor employee above the level determined by the Contracting Officer, if a total of 50 percent or more of such compensation is reimbursed under DOE cost-type contracts. For purposes of determining the level for individual review and approval, total compensation as used in this paragraph includes only the employee's base salary and bonus or incentive compensations. As in the case of other personnel and compensation costs, it is intended that Contracting Officer review and approval of individual compensation normally will be prior to incurrence of costs.

* * * * *

Change 5.18

Section 9–50.2002, "Compensation approval requirements," is removed as its content is duplicative of 9–50.1510–14(d). The revised entry will be:

§ 9–50.2002 [Reserved]

Change 5.19

Section 9–51.102, paragraph (b)(3) is revised by adding the word "intitial" before "proposed contract" to clarify the meaning and by changing the word "will" to "may" to better reflect the nature of estimates of future actions. A new subparagraph (5) is added to paragraph (b) to clarify that the estimated cost in the case of cost-shared procurements is the sum of the contractor and Government shares for purpose of ascertaining whether the action requires Headquarters review. The revised text will read:

§ 9–51.102 Contract actions requiring advance headquarter's review and approval.

* * * * *

(b) * * *

(3) Any initial proposed contract or subcontract, regardless of amount, which in the opinion of the Head of the Procuring Activity may as a result of extension, follow-up work, or other-wise increase the contract or subcontract, or lead to a contract or subcontract with the same contractor, in an amount in excess of the delegated authority.

(4) * * *

(5) In the case of cost-shared contracts, the estimated cost shall be considered to be the sum of the contractor and Government shares for the purpose of ascertaining whether Headquarters review and approval is required.

* * * * *

[FR Doc. 81–36796 Filed 12–23–81: 8:45 am]
BILLING CODE 6450–01–M

Notices

Federal Register
Vol. 46, No. 247
Thursday, December 24, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Sierra National Forest Grazing Advisory Board; Meeting

The Sierra National Forest Grazing Advisory Board will meet February 1, 1982 at 9:00 a.m. at Room 4305, Federal Building, 1130 "O" Street, Fresno, California 93721.

Agenda of the meeting includes:

A. Recognize new Board members.

B. Agree on method Board will use to furnish recommendations for use of Range Betterment Funds.

C. Discuss relationship of the draft Sierra NF land management plan to grazing use.

D. Identify meeting objectives and trip dates for 1982.

E. Public statements, comments, or questions.

The meeting is open to the public. Matters identified by the public will be considered by the Board at the close of the above agenda.

James C. Bates,

Acting Forest Supervisor, Sierra National Forest.

December 18, 1981.

[FR Doc. 81-36815 Filed 12-23-81; 8:45 am]

BILLING CODE 3410-11-M

Packers and Stockyards Administration

Beck & McCord Auction Co., Sikeston, Missouri, et al.; Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No., name, and location of stockyard	Date of posting
MO-200 Beck & McCord Auction Co., Sikeston, Missouri.	August 27, 1970.
MO-244 Missouri Feeder Pig Auctions, Inc., Middletown, Missouri.	March 22, 1978.

Notice or other public procedure has not proceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a change relieving a restriction and may be made effective in less than 30 days after publication in the **Federal Register.** This notice shall be come effective December 24, 1981.

(42 Stat. 159, as amended and supplemented; (7 U.S.C. 181 et seq.))

Done at Washington, D.C., this 21st day of December, 1981.

Jack W. Brinckmeyer,

Chief, Financial Protection Branch, Livestock Marketing Division.

[FR Doc. 81-36802 Filed 12-23-81; 8:45 am]

BILLING CODE 3410-03-M

Sun Valley Livestock Auction Holbrook, Arizona, et al.; Proposed Posting of Stockyards

The Chief, Financial Protection Branch, Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

AZ-112—Sun Valley Livestock Auction, Holbrook, Arizona

MO-254—Laclede County Livestock Producers Association, Lebanon, Missouri

NC-152—Eastern Carolina Livestock Arena, Rocky Mount, North Carolina

VA-155—Abingdon Livestock Market, Abingdon, Virginia

TN-180—M. L. Hickerson's Livestock Market, Manchester, Tennessee

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), proposes to designate the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, arguments concerning the proposed designation, may do so by filing them with the Chief, Financial Protection Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, by January 8, 1982.

All written submissions made pursuant to this notice shall be made available for public inspection in the office of the Chief of the Financial Protection Branch during normal business hours.

Done at Washington, D.C., this 16th day of December, 1981.

Jack W. Brinckmeyer,

Chief, Financial Protection Branch, Livestock Marketing Division.

[FR Doc. 81-36801 Filed 12-23-81; 8:45 am]

BILLING CODE 3410-02-M

WK-259 Stockyards, Inc., Leitchfield, Kentucky, et al.; Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on the respective dates specified below.

Facility No., name, and location of stockyard	Date of posting
KY-166 WK-259 Stockyards, Inc., Leitchfield Kentucky.	December 2, 1981.
OK-201 Cattlemans Livestock Auction, Sallisaw, Oklahoma.	October 10, 1981.
TN-177 Anderson County Livestock Producers, Inc., Clinton, Tennessee.	October 30, 1981.

Done at Washington, D.C., this 21st day of December 1981.

Jack W. Brinckmeyer,

Chief, Financial Protection Branch, Livestock Marketing Division.

[FR Doc. 81-36800 Filed 12-23-81; 8:45 am]

BILLING CODE 3410-02-M

Office of the Secretary

Intent To Establish the Joint Committee on the Future of Cooperative Extension

December 21, 1981.

Notice is hereby given that the Secretary of Agriculture intends to establish the Joint Committee on the Future of Cooperative Extension.

The purpose of the Committee is to provide recommendations from members of the land-grant university system to the Secretary of Agriculture on the mission, scope and direction of Cooperative Extension. The Committee will present Extension's future role and priorities, long-range goals and suggested systematic measurement of progress toward their attainment.

The establishment of the Committee is in the public interest in connection with the duties of the Department.

Written comments on the proposed establishment of the Committee may be submitted to Mary Nell Greenwood, Extension Administrator, Room 340 Administration Building until January 8, 1982.

John E. Schrote,

Deputy Assistant Secretary for Administration.

[FR Doc. 81-36781 Filed 12-23-81; 8:45 am]

BILLING CODE 3410-01-M

Meat Import Limitations; First Quarterly Estimate

Public Law 88-482, approved August 22, 1964, as amended by the Meat Import Act of 1979, (hereinafter referred to as the "Act") provides for limiting the quantity of fresh, chilled, or frozen meat of cattle, sheep except lamb, and goats (TSUS 106.10, 106.22, and 106.25), and certain prepared or preserved beef and veal products (TSUS 107.55, 107.61, and 107.62), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of articles provided for in TSUS 106.10, 106.22, 106.25, 107.55 and 107.62 (hereinafter referred to as "meat articles"), in the absence of limitations under the Act during such calendar year, would equal or exceed 110 percent of the estimated aggregate quantity of meat articles prescribed for calendar year 1982 by subsection 2(c) as adjusted under subsection 2(d) of the Act.

In accordance with the requirements of the Act, I have made the following estimates:

1. The estimated aggregate quantity of meat articles prescribed by subsection 2(c) as adjusted by subsection 2(d) of the Act for calendar year 1982 is 1,182 million pounds.

2. The first quarterly estimate of the aggregate quantity of meat articles which would, in the absence of limitations under the Act, be imported during calendar year 1982 is 1,210 million pounds.

Done at Washington, D.C. this 21st day of December 1981.

John R. Block,

Secretary.

[FR Doc. 81-36584 Filed 12-23-81; 8:45 am]

BILLING CODE 3410-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 23-81]

Application for Subzone at the Nissan Truck Manufacturing Plant in Smyrna, Tenn.

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Metropolitan-Nashville Davidson County Port Authority (the Port Authority) requesting authority for a special-purpose subzone at the truck and parts manufacturing and assembly facility of Nissan Motor Manufacturing Corporation U.S.A. in Smyrna, Tennessee, adjacent to the Nashville Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 CFR Part 400). It was formally filed on December 18, 1981. The applicant is authorized to make this proposal under Section 7-5-107(6), Tennessee Code Annotated. The Port Authority has an application for a general-purpose foreign-trade zone in Nashville, filed November 6, 1981, currently pending before the Board (Docket 20-81, 46 FR 56226, 11-16-81).

The Nissan plant, now under construction, will cover 825 acres on U.S. Route 41-70S in Smyrna, some 20 miles southeast of the Nashville Metropolitan Airport. Operations will include stamping, welding, painting and assembly. The plant's incoming shipments will include: engines, transmissions, drive trains, steering and electrical systems, instrumentation, suspensions, wheels, tires, chassis, body parts, and metal products. Trucks, with production estimated at 156,000 annually, and parts will be produced for domestic and overseas markets. At the outset, the foreign content is expected to be 60 percent of total material value, dropping to 40 percent as additional domestic sources are established.

Zone procedures will allow Nissan to avoid duty and drawback procedures on its exports. On its domestic sales, the company will be able to avoid duty on scrap and rejects and to defer duty on finished products until entry into Customs territory. Because the duty on trucks (25% A.V.) is higher that that on components (average 5% A.V.) Nissan plans to elect privileged status, making its Customs entries on the foreign components. Subzone status is considered an important factor in Nissan's shifting production from overseas to the Tennessee facility, which will employ 2,200 persons.

In accordance with the Board's regulations, an Examiners Committee has been appointed to investigate the application and report to the Board. The committee consists of Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Max G. Willis, District Director, U.S. Customs Service, Region V, 423 Canal Street, Room 244, New Orleans, Louisiana 70130; and Colonel Lee W. Tucker, District Engineer, U.S. Army Engineer District, Nashville, P.O. Box 1070, Nashville, Tennessee 37202.

Comments concerning the proposed subzone are invited in writing from interested persons and organizations. Submissions shall include 12 copies. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before January 29, 1982.

A copy of the application is available for public inspection at each of the following locations:

U.S. Dept. of Commerce Satellite Office, Room 1024, Andrew Jackson Building, Nashville, Tennessee 37219.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and E Streets, NW., Room 3721, Washington, D.C. 20230.

Dated: December 18, 1981.

John J. Da Ponte, Jr.,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 81-36685 Filed 12-23-81; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Certain Castor Oil Products From Brazil; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Countervailing Duty Order.

SUMMARY: On July 20, 1981, the Department of Commerce published in **Federal Register** a notice of the preliminary results of its administrative review of the countervailing duty order on certain castor oil products from Brazil. The review is based upon information for the period January, 1, 1979 through December 31, 1979. The notice stated that the Department had preliminarily determined the amount of the net subsidy to be 2.71 percent *ad valorem*. Interested parties were invited to comment on these preliminary results. Upon review and analysis of all comments received, the Department determines that countervailing duties in the amount of 1.72 percent *ad valorem* shall be assessed on all entries of this merchandise exported from December 7, 1979 through December 31, 1979. The Department further determines that a cash deposit of estimated countervailing duties of 2.53 percent *ad valorem* shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results.

EFFECTIVE DATE: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 2802, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1167).

SUPPLEMENTARY INFORMATION:

Procedural Background

On July 20, 1981, the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 37299) a notice of "Preliminary Results of Administrative Review of Countervailing Duty Order" on certain castor oil products from Brazil (T.D. 76–80, 41 FR 11018). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are hydrogenated castor oil and 12-hydroxystearic acid imported directly or indirectly from Brazil. These import are currently classifiable under items 178.20 and 490.26, respectively, of the Tariff Schedules of the United States.

There are three known exporters of this merchandise to the United States. The review is based on information from two of these exporters (representing 96% of exports) for the period January 1, 1979 through December 31, 1979, and is limited to the benefits received under programs for preferential financing for exports and income tax exemptions for export earnings.

Analysis of Comments Received

Interested parties were invited to comment on our preliminary results. The Department received comments only from the Brazilian government and one importer.

The Brazilian government submitted several comments pertaining to the Department's methodology for calculating the value of the net subsidy.

1. Comment: The Brazilian government argues that benefits derived from its program for income tax exemption on export earnings should be allocated over total revenues rather than export revenues. Under this program, exporters reveived an exemption from Brazilian income tax at the end of the fiscal year based on the ratio of export to total sales, provided, of course, that the firm has made an overall profit on total production. The Brazilian government argues that, because the determining factor in a firm's eligibility for this benefit is its overall profitability for a given year, the benefit accrues to the operations of the whole firm and not just to exports. Further, an exemption calculated on this basis cannot directly affect the price of the exported product; it can only have a general effect on all prices, both domestic and export. Thus, by allocating the benefits only to export revenues, the Department overstates the value of the subsidy, and allocating the tax savings over total revenues would more accurately reflect the true value of the benefit conferred.

Determination: When a firm must export to be eligible for benefits under a subsidy program and when the amount of the benefit received is tied directly or indirectly to the firm's level of exports, that program is an export subsidy. The fact that the firm as a whole must be profitable in order to benefit from this program does not detract from the program's basic function as an export subsidy. The possiblity that a firm may not be profitable in a particular year and, due to this uncertainty, could not specifically apply benefits from this program to its export prices is not relevant to our determination. Therefore, the Department will continue to allocate the benefits under this program over the firm's export revenues instead of total revenues.

2. Comment: Under the income tax exemption program, the benefit from the tax savings earned during a particular tax year is not calculable by the firm until its books are closed, sometime during the following year, when the firm can determine with finality its income for tax year. Therefore, the numerator in the calculation of this benefit contained in the preliminary results, which ascribes the full value of the tax savings to the year in which it is earned, is incorrect. The Department should recognize this delay and choose as the appropriate numerator either the tax savings adjusted to reflect the loss in the value of the subsidy resulting from its deferred receipt, or alternatively, use the tax savings received during the review period (i.e., that earned during the previous year and calculated during the review period, when the company closed its books).

Determination: The Department agrees that we should use the tax savings received during the period under review. It is our general policy to allocate benefits over the period in which they are received. In the past, it has been our practice to consider benefits from any income tax-related subsidy program as received in the same year in which they were earned. In other words, tax benefits calculated on the basis of company performance in a given fiscal year were allocated over the same period. However, in light of the comments submitted by the Brazilian government, we now recognize that the period over which the benefits are earned is not necessarily coincident with the period in which the benefit is received and used by the firm. Therefore, in such situations of uncertain benefits, tax savings earned as a result of company performance in a given fiscal year will now be allocated over the fiscal year in which they are received.

Although this is entirely consistent with our policies and principles, it represents a change in our method of allocation of many income tax-related subsidies to one year or another. In those cases where an order is outstanding, this change in methodology will necessitate a transitional reallocation of benefits. For example, in the instant case, because the tax savings received during this period of review have already been countervailed as though they were received in the prior period of review, we will not countervail the same benefits again for entries during the current period of review. Benefits earned as a result of company performance during the current period of review will be allocated over exports for the next administrative review. Therefore, for the purpose of this annual review, the estimated duty deposit rate on future entries will include estimated benefits under this program based on the new method of calculation, but no countervailing duties will be actually assessed for this program for the period

for which benefits have already been countervailed.

With the adoption of the above procedure the alternate proposal, of adjusting the tax savings to reflect the loss in value of the subsidy resulting from its deferred receipt, becomes moot.

3. Comment: The Department overstates the benefit conferred by working-capital loans received through the preferential financing program by assuming that the entire interest savings from these short-term loans accrues during the review period in which the loans are granted, even if the loan occurs late in the period and can only affect those entries after the date of the loan. In allocating loans contracted for during the current period of review, the Department should prorate the benefit throughout the duration of a loan, to the extent that such loans extend into a subsequent period of review. Loans from an earlier period which extend into the time covered by the current review should be allocated on the same basis. The Department's current method anticipates the actual receipt of the benefit and does not fully allow for factors, such as increased or decreased exports, which will affect the ultimate *ad valorem* value of the benefits.

Determination: Normally, in a program such as this where access to preferential loans is based upon a fixed percentage of the previous year's exports, there would be little difference between the method the Department employed in its preliminary notice and that proposed by the Brazilian government. However, when each year there is substantial growth in the value of exports over the previous year, the administrative convenience of allocating the whole loan to the period of review in which it was granted can create a distortion and overstate the *ad valorem* value of the benefit. Consequently, the Department agrees with the Brazilian government and is adopting the method proposed.

4. Comment: The Department calculated the deposit rate of estimated countervailing duties for future entries based upon the maximum level of utilization possible under the preferential financing program rather than on the actual level of utilization during the period of review. By doing so, the Department makes the unrealistic assumptions that all loans made under this program have a duration of one full year and that there will be no growth in the value of exports over the previous year. This procedure fails to recognize that the causes for underutilization of the program during the period of review are inherent in the way the program operates and that the actual level of utilization during the review period is a reasonably accurate projection of future utilization.

Determination: The Department chose the method used in the preliminary results believing that the underutilization during the period of review was an anomaly. Thus, we departed from the normal procedure of calculating estimated duties by projecting forward results from the review period, because we believed that such rates would mislead importers and lead to unexpected future liability. We believed that the maximum level of utilization possible under this program would more accurately reflect the results of future reviews.

Upon re-examination of information from the original investigations in this and other Brazilian countervailing duty cases and using corrected information for one of the other pending annual reviews of these cases, we have discovered that the apparent underutilization of this program is not unusual. Consequently, we have determined to use the usual method of projecting results from the review period when calculating the estimated countervailing duty deposit rate.

5. Comment: The Department calculated the country-wide weighted-average net subsidy based upon each firm's share of the total exports to all countries. This is inappropriate since these firms do not export to the United States in the same proportion as their total exports.

Determination: The Department agrees and has adjusted its calculations accordingly.

6. We received a comment from an importer with respect to the Department's preliminary determination to assess countervailing duties at a rate significantly higher than the deposit rate in effect during the period of review. Specifically, since countervailing duties are designed to protect American industry, there is no need to raise the countervailing duty rate. The cost structure of American producers permits them to sell at a price that includes a comfortable profit even when meeting the prevailing import price for hydrogenated castor oil.

Determination: In conducting its section 751 review, the Department follows its legal obligation to determine the value of the net subsidy during the period of review. We are not bound by the deposit rate of estimated duties that prevailed during the period reviewed. The International Trade Commission ("the ITC") determines whether there is material injury or likelihood of material injury to a domestic industry. We note that the Department received notification from the ITC on July 22, 1981 that the Government of Brazil had requested an injury determination with respect to this merchandise under section 104(b) of the Trade Agreements Act of 1979.

Final Results of the Review

As a result of our analysis of the comments received, we determine that during the period of review the net subsidy under the income tax exemption program was 0.17 percent *ad valorem* and under the preferential financing program 1.72 percent *ad valorem*. However in light of our determination in comment 2, the net subsidy conferred by the Government of Brazil on the export of certain castor oil products for purposes of this annual review is 1.72 percent *ad valorem*. With respect to the estimated duty deposit rate, by also taking into account the legal changes in the preferential financing program discussed in our notice of preliminary results of review, we have determined the appropriate rate for deposit of estimated duties to be 2.53 percent *ad valorem* on future entries.

The U.S. Customs Service shall assess countervailing duties of 1.72 percent of the f.o.b. invoice price on all unliquidated entries of certain castor oil products exported from Brazil during the period December 7, 1979 through December 31, 1979. All unliquidated entries exported from Brazil before December 7, 1979 shall be liquidated according to instructions in earlier **Federal Register** notices dated March 16, 1976 (41 FR 11018), July 3, 1979 (44 FR 38839), September 28, 1979 (44 FR 55825) and February 26, 1980 (45 FR 12413).

Further, as provided by section 751(a)(1) of the Tariff Act of 1930 ("the Tariff Act"), the Customs Service shall collect a cash deposit of estimated countervailing duties of 2.53 percent of the f.o.b. invoice price on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results.

This deposit requirement will remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next review by the end of March, 1982. The amount of countervailing duties to be imposed on entries made during 1980 will be determined in the next administrative review. Consequently, the suspension of liquidation previously ordered will continue for all shipments exported from Brazil on or after January 1, 1980.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1))

and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

December 21, 1981.

[FR Doc. 81-36829 Filed 12-23-81; 8:45 am]

BILLING CODE 3510-25-M

Washington State University, et al.; Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00303. Applicant: Washington State University, 103 Science Hall, Pullman, WA 99164. Article: Electron Microscope, Model H-300 with Accessories. Manufacturer: Hitachi Scientific Instruments, Ltd., Japan. Intended use of article: See Notice on page 42093 in the **Federal Register** of August 19, 1981. Article ordered: March 27, 1981.

Docket No. 81-00304. Applicant: Washington State University, 103 Science Hall, Pullman, WA 99164. Article: Electron Microscope, Model H-600-2 with Accessories. Manufacturer: Hitachi Scientific Instruments, Ltd., Japan. Intended use of article: See Notice on page 42093 in the **Federal Register** of August 19, 1981. Article ordered: March 27, 1981.

Docket No. 81-00315. Applicant: Carnegie Institution of Washington, 1530 P Street, NW., Washington, D.C. 20005. Article: Electron Microscope, Model JEM 100S with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 42895 in the **Federal Register** of August 25, 1981. Article ordered: March 30, 1981.

Docket No. 81-00319. Applicant: St. John Medical Center, 1923 S. Utica Avenue, Tulsa, Oklahoma 74104. Article: Electron Microscope, Model EM 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: See Notice on page 43729 in the **Federal Register** of August 31, 1981. Article ordered: June 23, 1981.

Docket No. 81-00323. Applicant: Medical University of South Carolina, 171 Ashley Avenue, Charleston, South Carolina 29425. Article: Electron Microscope, Model JEM 100S with Sheet Film Camera and 100 Film Cassettes. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 43729 in the **Federal Register** of August 31, 1981. Application received by Commissioner of Customs: July 17, 1981.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each article establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each article described above or at the time of receipt of application by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-36830 Filed 12-23-81; 8:46 am]

BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Amending the Import Restraint Level for Certain Wool Textile Products From the Republic of Singapore

December 21, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing from 20,000 dozen to 26,000 dozen the level of restraint established for wool sweaters in Category 445/446, produced or manufactured in Singapore and exported during the twelve-month period which began on January 1, 1981.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409))

SUMMARY: The Governments of the United States and Singapore have consulted and agreed to amend the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 21 and 22, 1978, as amended, to increase the designated consultation level for wool textile products in Category 445/446 during the agreement year which began on January 1, 1981 to 26,000 dozen. Agreement was also reached on levels for the category for the three succeeding years.

EFFECTIVE DATE: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Ronald Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On December 19, 1980, there was published in the **Federal Register** (45 FR 83649) a letter dated December 16, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established ceilings for certain specified categories of cotton, wool and man-made fiber textile products, including Category 445/446, produced or manufactured in Singapore, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the twelve-month level of restraint previously established for wool textile products in Category 445/446 to 26,000 dozen.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 21, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of December 16, 1980 from the Chairman, Committee the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in Singapore.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 21 and 22, 1978, as amended, between the Governments of the United States and the Republic of Singapore; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on December 24, 1981, and for the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Category 445/446, produced or manufactured in Singapore, in excess of 26,000 dozen.[1]

The action taken with respect to the Government of the Republic of Singapore and with respect to imports of wool textile products from Singapore has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-36841 Filed 12-23-81; 8:45 am]

BILLING CODE 3510-25-M

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1980.

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

December 16, 1981.

The USAF Scientific Advisory Board Strategic Cross-Matrix Panel will meet at the Pentagon, Washington, D.C. on February 1 and 2, 1982. The purpose of the meeting will be to review the air defense threat of a precursor attack. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m. each day.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-8845.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-36812 Filed 12-23-81; 8:45 am]

BILLING CODE 3910-01-M

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Proposed Multipurpose Dam on Palo Duro Creek, Hansford County, Texas.

AGENCY: Army Corps of Engineers, DOD, Tulsa District.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The proposed action is to constuct a multipurpose reservoir on Palo Duro Creek to satisfy the water resource needs in the area.

2. Reasonable Alternatives: The alternatives evaluated include no action and four multipurpose dam alternatives (Plans 9, 10, 13, and 14) at river mile 34.7 on Palo Duro Creek. Plans 9 and 10 include a 2,122-acre lake at conservation pool elevation 2887.2 feet National Geodetic Vertical Datum (NGVD). Plan 13 includes a 7,152-acre lake at conservation pool elevation 2949.6 feet NGVD, and Plan 14 includes a 13,110-acre lake at conservation pool elevation 2985.8 feet NGVD.

3. Scoping Process:

a. Public Involvement. A comprehensive public involvement program was developed as a means of disseminating information and soliciting public views. A variety of techniques including formal public meetings, meetings with local interests, and meetings with local news media were employed to involve Federal, State, and local agencies, citizen committees, organizations, and the public in the planning studies.

b. Significant Issues Requiring In-Depth Analysis. None.

c. Assignments. The US Fish and Wildlife Service is preparing formal consultation as outlined in Section 7 of the Endangered Species Act, and a Fish and Wildlife Coordination Act Report. The US Soil Conservation Service will report on prime and unique farmlands.

d. Environmental Review and Consultation Requirements. The draft environmental impact statement will be circulated for review and all comments will be incorporated into the final environmental impact statement.

4. A scoping meeting will not be held.

5. Estimated date when the DEIS will be available to the public: February 1982.

ADDRESS: Mr. Buell O. Atkins, Chief, Environmental Resources Branch, US Army Corps of Engineers, Tulsa District, PO Box 61, Tulsa, OK 74121, (918) 581-7857—FTS 736-7857.

Dated: December 17, 1981.

James J. Harmon,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 81-36824 Filed 12-23-81; 8:45 am]

BILLING CODE 3710-39-M

Office of the Secretary

DOD Advisory Group on Electronic Devices; Advisory Committee Meeting

Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electronic Devices (AGED) will meet in closed session on 9 February 82 at the Advisory Group on Electron Devices, 1925 North Lynn St. Arlington, VA. 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Enginering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include classified program details throughout.

In accordance with 5 U.S.C. App 1, section 10(d)(1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 52(b)(c)(1) (1976), and that

accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

December 18, 1981.

[FR Doc. 81-36873 Filed 12-23-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 81-CERT-027]

Capco Pipe Company, Inc.; Application for Recertification of the Use of Natural Gas To Displace Fuel Oil

On December 28, 1980, Capco Pipe Company, Inc. (Capco), formerly Cement Asbestos Products Company, 1400 Twentieth Street, South, P.O. Box 3435, Birmingham, Alabama 35255, was granted a recertification of an eligible use of natural gas to displace fuel oil by the Administrator of the Economic Regulatory Administration (ERA) (Docket No. 80-CERT-041). The recertification involved the purchase of natural gas from Alabama Gas Corporation for use by Capco at its production facility located in Ragland, Alabama. The gas was transported by the Southern Natural Gas Company. The ERA certificate expires on December 27, 1981.

On December 7, 1981, Capco filed an application for recertification of an eligible use of natural gas to displace fuel oil at the Ragland facility pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file with the ERA and available for public inspection at the ERA, Division of Natural Gas Docket Room, Room 6013, 2000 M Street, NW., Washington, D.C., from 8:30 a.m. to 4:30 p.m. Monday through Friday, except Federal holidays.

In its application, Capco states that the volume of natural gas for which it requests recertification is up to 575 Mcf per day. The use of this gas is estimated to displace the use of up to 4164 gallons (99 barrels) of No. 2 fuel oil (0.12 percent sulfur) per day at the Ragland facility.

The eligible seller of the natural gas is Alabama Gas Corporation, 1918 First Avenue, Birmingham, Alabama 35295. The gas will be transported by Southern Natural Gas Company, P.O. Box 2563, Birmingham, Alabama 35202.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economy Regulatory Administration, Room 6304, RG-13, 2000 M Street, NW., Washington, D.C. 20461, Attention: Paula A Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Capco and any persons filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on December 16, 1981.

T. Wendell Butler,

Acting Assistant Administrator, Economic Regulatory Administration.

[FR Doc. 81-36797 Filed 12-23-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

DOE/NSF Nuclear Science Advisory Committee Subcommittee on Electromagnetic Interactions; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following subcommittee meeting:

Name: DOE/NSF Nuclear Science Advisory Committee, Subcommittee on Electromagnetic Interactions

Date and Time: Thursday, January 14, 1982—9:00 a.m.–6:00 p.m. Friday, January 15, 1982—9:00 a.m.–4:00 p.m.

Place: National Science Foundation, 1800 G Street, NW., Room 1242, Washington, D.C.

Contact: John R. Erskine, Department of Energy, Division of Nuclear Physics, ER-23 GTN, Washington, D.C. 20545, Telephone: 301-353-3613.

Purpose of Parent Committee

To provide advice to the Department of Energy and the National Science Foundation on the management of and long range planning for basic nuclear research programs.

Tentative Agenda:

- Review the draft of the committee's report
- Discussion of recommendations
- Public Comment (10 minute rule)

Public Participation

The meeting is open to the public. The Chairperson of the Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at 202-252-5187. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Transcripts:

Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on December 18, 1981.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 81-36806 Filed 12-23-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. GP81-49-000]

U.S.G.S. New Mexico, Section 108 NGPA Determination, Arapahoe Drilling Company, Schalk 52-4 Well, U.S.G.S. Docket No. NM 0115-79, FERC No. JD 79-11689; Request To Withdraw Final Well Category Determination

Issued: December 17, 1981.

On February 9, 1981, Arapahoe Drilling Co. (Arapahoe) filed with the Federal Energy Regulatory Commission (Commission) a request to withdraw its application for a section 108 well category determination under the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432 (Supp. II 1978) for the above-listed well. The United States Geological Survey in Albuquerque, New Mexico notified the Commission that the subject well qualified as a stripper well under section 108 of the NGPA on July 5, 1979, and that determination became final on August 20, 1979, pursuant to

§ 275.202(a) of the Commission's regulations, 45 days after the Commission received notice.

Subsequent to the time the determination became final, Staff review of monthly production records (Operator's Monthly Report Form C-115) filed by Arapahoe with the New Mexico Oil Conservation Division in Santa Fe indicates that the total production from the subject well may have exceeded 60 Mcf per production day during September, October and November 1978, the 90-day production period upon which the application was based. In response to a Staff inquiry dated January 12, 1981, Arapahoe stated that the original filing for stripper well status for the subject well was calculated by using net Mcf's sold instead of total Mcf's produced (which included gas used on the lease).

With respect to the question of refunds arising out of Arapahoe's request for withdrawal of the subject final well category determination, notice is hereby given that the question of whether refunds, plus interest computed under 18 CFR 154.102(d), will be required is a matter subject to the review and final decision of the Commission.

Any person desiring to be heard or to protest this request should, on or before January 25, 1982, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a protest or petition to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedures (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered but will not make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36717 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-301-001]

American Natural Rocky Mountain Co.; Amendment to Application

December 16, 1981.

Take notice that on November 12, 1981,[1] American Natural Rocky Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP81-301-001 an amendment to its application filed pursuant to Section 7(c) of the natural Gas Act so as to reflect the construction and operation of pipeline and compressor facilities and gas transportation service for Michigan Wisconsin Pipe Line Company (Mich Wis), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is stated that Applicant is presently not a "natural-gas company" within the meaning of the Natural Gas Act but is a subsidiary of Mich Wis which is a "natural-gas company". Applicant explains that upon completion of the proposed construction and operation and the commencement of the transportation service for Mich Wis Applicant would be a "natural-as company" within the meaning of the Natural Gas Act. Applicant further explains that the proposed pipeline facilities would be constructed and operated subject to Applicant's direction and control by Mich Wis.

Applicant submits that it filed an application in the instant docket on April 24, 1981, seeking authorization to construct and operate, *inter alia*, approximately 375 miles of 24-inch O.D. pipeline (the Pathfinder Project) connecting the transmission system of Colorado Interstate Gas Company (CIG) in Weld County, Colorado, and Mich Wis' southwest transmission system in Kiowa County, Kansas. Applicant explains that Mich Wis is engaged in an extensive gas exploration, acquisition and development program within the Rocky Mountain areas of Colorado, Wyoming, Utah, and Montana. Applicant further explains that Mich Wis currently uses exchange-displacement service with CIG to effectuate receipt of Mich Wis' gas supplies. It is stated that the continuance of the exchange-displacement service between Mich Wis and CIG is dependent upon a major expansion of CIG's system. Applicant submits that the purpose of its application was therefore to minimize or eliminate the need on CIG's part to expand its system east of Cheyenne, Wyoming, incident to rendering transportation services for Mich Wis.

Mich Wis, it is asserted, has indicated that based on Applicant's application CIG would still be required to transport Mich Wis' gas west of Cheyenne, Wyoming. To permit CIG to use the capacity of its system for its existing customers Applicant therefore proposes to amend its application by including the additional pipeline and compressor facilities necessary to extend the Pathfinder Project from its present terminus in Weld County, Colorado, to the supply and gathering system presently owned and operated by Mich Wis in Fremont County, Wyoming. It is explained that the proposal would permit Mich Wis' Rocky Mountain gas supplies to be delivered directly to its own system in an efficient, economic and environmentally desirable fashion. Furthermore, Applicant maintains that the need on CIG's part to construct and operate facilities necessary to render transportation services for Mich Wis would be completely eliminated.

Applicant specifically proposes to construct and operate the following:

1. 520 miles of 24-inch O.D. pipeline extending southeasterly from a proposed compressor station (the Cedar Ridge Station) to be located in Carbon County, Wyoming, to a point near Greensburg, Kansas, where such line would be connected to Mich Wis' transmission system in Kiowa County, Kansas.

2. 114 miles of 20-inch O.D. pipeline extending northerly from the aforementioned Cedar Ridge Station and terminating at the proposed interconnection with Mich Wis' existing gas-supply and gathering facilities in Fremont County, Wyoming.

3. The Cedar Ridge Station comprising approximately 3,200 horsepower of compression.

4. A second compressor station (the Sand Hills Station) comprising approximately 2,000 horsepower of compression to be located in Washington County, Colorado.

It is stated that the estimated cost of the facilities is $231,153,990 which would be financed initially with an equity contribution of $58,000,000 and the remainder with bank loans. It is explained that the bank loans would be repaid with proceeds from the subsequent issuance of long-term debt securities.

Applicant states that the proposed facilities would have an initial daily capacity of 115,000 Mcf without compression and an initial daily capacity of 175,000 Mcf upon placement in service of the two compressor stations proposed herein. Applicant asserts that the initial capacity of the pipeline system could be readily expanded to over 285,000 Mcf per day with the installation of still additional compression which presently is estimated to cost approximately $30,000,000. Applicant submits that for an approximate 13 percent increase in investment the capability exists to increase the capacity of the initial

[1] This amendment was initially tendered for filing on November 12, 1981; however, the fee required by § 159.2(c) of the Regulations under the Natural Gas Act (18 CFR 159.2(c)) was not paid until December 2, 1981; thus, filing was not completed until the latter date.

system by over 60 percent to readily accommodate additional volumes as such may be developed.

Applicant maintains that Mich Wis is presently attempting to acquire additional gas supplies in the Overthrust Region. Applicant also asserts that Mich Wis has been conducting an extensive gas exploration program in the Rockies for some years and currently has a gas call covering over 1,000,000 acres. Furthermore, it is stated that many of the gas call acres are concentrated in several distinct areas and that exploratory activity has been clustered in the Lysite in Fremont County. Applicant contends there are substantial gas reserves in the Rocky Mountains to be tapped and the opportunities for new gas supplies would be substantially increased. The proposed pipeline would provide both the capacity and the flexibility for providing transportation for other pipeline companies, it is averred.

Applicant also proposes to transport natural gas for Mich Wis with the proposed pipeline system. It is asserted that Applicant would receive and transport through its proposed facilities gas tendered by Mich Wis for transportation up to the contract demand which is initially 175,000 Mcf per day. Applicant submits that Mich Wis would be charged for the transportation service at a level calculated to enable Applicant to recover its costs, including a reasonable return on its investment.

Any person desiring to be heard or to make any protest with reference to said amendment should, on or before January 11, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36744 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5687-000]

City of Canyonville; Application for Preliminary Permit

December 21, 1981.

Take notice that City of Canyonville (Applicant) filed on November 24, 1981, an application for preliminary permit pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r) for Project No. 5687 to be known as the Copeland Creek Hydropower Project located on Copeland Creek in Douglas County, Oregon in the Umpqua National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: City of Canyonville, P.O. 765, Canyonville, Oregon 97417, Attn: Mayor Winston W. Walker.

Project Description—The proposed project would consist of: (1) A natural rock and reinforced concrete diversion structure 5 feet high with negligible impoundment; (2) a diversion channel 2.6 miles long; (3) a penstock 800 feet long; (4) a powerhouse containing a turbine generator with 1.9 MW capacity and 10.6 GWh annual energy output; (5) transmission line 1,500 feet long; and (6) appurtenant facilities. Power will be distributed through a hookup with existing lines and will be used to offset power purchases made by the City.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 24 months, during which time engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of permit activities is $100,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before February 24, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 24, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than April 22, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceding. Any comments, protests, or petitions to intervene must be received on or before February 24, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each respresentative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36745 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5686-000]

City of Canyonville; Application for Preliminary Permit

December 21, 1981.

Take notice that City of Canyonville (Applicant) filed on November 24, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5686 to be known as the Elk Creek Hydropower Project located on Elk Creek in Douglas County, Oregon in the Umpqua National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: City of Canyonville, P.O. Box 765, Canyonville, Oregon 97417, Attn: Mayor Winston W. Walker.

Project Description—The proposed project would consist of: (1) A reinforced concrete diversion structure 7 feet high with negligible impoundment; (2) a diversion channel 2.8 miles long; (3) a penstock 500 feet long; (4) a powerhouse containing a turbine generator with 3.2 MW capacity and 17.0 GWh annual energy output; (5) transmission line 0.25 miles long; and (6) appurtenant facilities. Power would be distributed through an intertie with Pacific Power & Light and used to offset power purchases made by the City.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 24 months, during which time engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of permit activities is $100,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before February 24, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 24, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than April 22, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 24, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36748 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES82-27-000]

Citizens Utilities Co.; Application

December 17, 1981.

Take notice that on December 15, 1981, Citizens Utilities Company (Applicant) filed an application seeking an order pursuant to Section 204 of the Federal Power Act, authorizing the issuance of short-term promissory notes during the period ending January 27, 1984, in an aggregate principal amount not to exceed $35,000,000 outstanding at any one time.

Any person desiring to be heard or to make any protest with reference to the application should on or before January 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36718 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-93-000]

Columbia Gas Transmission Corp., Application

December 21, 1981.

Take notice that on November 24, 1981, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No, CP82–93–000 and application pursuant to Section 7 of the Natural Gas Act and § 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon for the 12-month period commencing March 1, 1982, and operation of various field compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant requests waiver of the total and single project cost limitations prescribed by § 157.7(g) of $3,000,000 and $500,000, respectively. Applicant

proposes a total cost limitation of $7,000,000 with no single project to exceed $1,000,000. Applicant asserts that such waiver is necessary because of the increase in the construction costs for compression facilities since 1973 when the cost limitations for field gas compression facilities were established. Such costs, it is stated, would be financed from funds generated from internal sources.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-38736 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-92-000]

Columbia Gas Transmission Corp.; Application

December 21, 1981.

Take notice that on November 24, 1981, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP82-92-000 an application pursuant to Section 7(c) of the Natural Gas Act and § 157.7(c) of the Regulations thereunder (18 CFR 157.7(c)) for a certificate of public convenience and necessity authorizing the constuction during the 12-month period commencing March 1, 1982, and operation of facilities to make miscellaneous rearrangements on its system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements which would not result in any material change in transportation and sales service presently rendered by Applicant.

It is stated that the total cost of such rearrangements would not exceed $300,000 which cost would be financed from funds generated from internal sources.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-38741 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3525-001]

Edward S. Cruz and William L. Beaver; Application for Exemption of Small Conduit Hydroelectric Facility

December 16, 1981.

Take notice that on November 9, 1981, Edward S. Cruz and William L. Beaver (Applicant) filed an application under section 30 of the Federal Power Act (Act) (16 U.S.C. 823(a)), for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Cottonwood Canyon Ranch Hydroelectric Project (FERC Project No. 3525) would be located on the existing Cottonwood Canyon and Lone Tree Canyon aqueducts in Mono County, near Bishop, California. Correspondence with the Applicant should be directed to: Messrs. Edward S. Cruz, William L. Beaver, Route 4, Box 15, Bishop, California 93514, with a copy to Mr. James E. Earles, CH2M Hill, 555 Capitol Mall, Suite 1290, Sacramento, California 95814.

Purpose of Project—Electric energy generated by the project is proposed to be sold to Southern California Edison Company.

Project Description—The proposed project would consist of: (1) A powerhouse to contain a Pelton-type, turbine-generating unit with a rated capacity of 840 kW; and (2) a tailrace channel.

Agency Comments—The U.S. Fish and Wildlife Service and the California Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined

that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. Comments are due within 45 days from the date of issuance of this notice. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. One copy of an agency's comments must also be sent to the Applicant's representatives.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protest or other comments filed, but a person who merely files a protests or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before January 29, 1982. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspeciton.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36719 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER82-147-000]

Duke Power Co.; Filing

December 17, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke) on December 10, 1981, tendered for filing a contract between Duke and the United States of America, Department of Energy, acting by and through the Southeastern Power Administration (SEPA) dated October 26, 1981. This contract supersedes the prior contract on file with the Commission and contains a proposed change in its transmission rate for wheeling power and energy from the reservoir projects constructed by the Department of the Army in the Savannah River Basin, known as the Hartwell and Clark Hill Projects, to certain preference customers of the United States Government located in Duke's service area in North Carolina and South Carolina. Based on a 12-month period ending November 30, 1981, Duke estimates that the proposed change in transmission rates will increase annual revenues from SEPA by $850,773.00.

Duke has requested that the contract become effective on the date of tender for filing or January 1, 1982, or as soon as the Commission deems appropriate. If waiver is not granted, however, Duke requests an effective date no later than sixty (60) days after the date of tender for filing or February 8, 1982.

Duke states that copies of the filing were served upon the Southeastern Power Administration, the North Carolina Utilities Commission, and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 5, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36747 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5656-000]

Flathead Joint Board of the Flathead, Mission and Jocko Valley Irrigation Districts; Application for Preliminary Permit

December 18, 1981.

Take notice that Flathead Joint Board of the Flathead, Mission and Jocko Valley Irrigation Districts (Applicant) filed on November 16, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5656 to be known as the Dry Creek Power Project located on Dry Creek in Lake County, Montana. The project will lie on lands within the Flathead Indian Reservation. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Everitt Foust, President, Flathead Joint Board of the Flathead, Mission and Jocko Valley Irrigation Districts, P.O. Box 69, Moiese, Montana 59824.

Project Description—The proposed project would consist of: (1) The existing Tabor Dam, St. Marys Lake Reservoir, a spillway and outlet works; (2) the Tabor Dam power site which would utilize the existing outlet works to convey flows to a powerhouse; (3) the Dry Creek power site which would consist of a check and intake structure; a 6-foot diameter, 27,000-foot long penstock, and a powerhouse; and (4) a 5.5-mile long transmission line. The Tabor Dam powerhouse would contain a single generating unit with an installed capacity of 500 kW and the Dry Creek powerhouse would contain two generating units with a total rated capacity of 5,000 kW. Applicant estimates that the total average annual energy production would be 22.40 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary designs, geological, environmental and economic feasibility studies. The cost of the above activities, along with the preparation of an environmental impact report, obtaining agreements with the U.S. Bureau of Indian Affairs, and other Federal, State and local agencies, and preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $100,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 22, 1982, the competing application itself (see: 18 CFR 4.30 et seq. (1981)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 22, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the

Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 22, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36720 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-148-000]

Florida Power & Light Co.; Filing

December 17, 1981.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FP&L) on December 10, 1981, tendered for filing documents entitled "Exhibit I to Service Agreement For Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service." FP&L states that this filing is proposed to amend FERC Electric Tariff Original Volume II (Sheet Nos. 1–19).

FP&L further states that under Exhibit I FP&L will transmit power and energy for the City of Vero Beach (Vero Beach) as is required by Vero Beach in the implementation of its interchange agreement with the City of Tallahassee.

FP&L requests waiver of the Commission's notice requirements to allow the proposed Exhibit to become effective immediately.

According to FP&L, copies of the filing were served on the City Manager, City of Vero Beach.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 5, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36748 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5555-000]

Town of Gold Bar, Wash.; Application for Preliminary Permit

December 18, 1981.

Take notice that the Town of Gold Bar (Applicant) filed on October 22, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5555 to be known as the Olney Creek Falls Water Power Project located on Olney Creek near the Town of Gold Bar in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Ed Grant, Mayor, Town of Gold Bar, 501 Croft, P.O. Box 107, Gold Bar, Washington 98251.

Project Description—The proposed project would consist of:

(1) A 30-foot high dam constructed by increasing the height of an existing 20-foot high dam;

(2) A reservoir with a capacity of less than 10 acre-feet;

(3) A 54-inch diameter, 600-foot long steel penstock;

(4) A powerhouse with a total installed capacity of 1,050 kW;

(5) A switchyard located near the powerhouse; and

(6) A 12.47–kV transmission line interconnecting with an existing substation or transmission line owned by the Snohomish County PUD.

The Applicant estimates that the average annual production would be 5.95 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 18 months during which it would conduct technical, environmental, economic, and financial studies, prepare an FERC license exemption application; and conduct test borings. No new road would be required for conducting these studies which are estimated to cost $90,000.

Competing Applications—This application was filed as a competing application to the Carjen Company's application for Project No. 4741 filed on May 28, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If any agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the

requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 19, 1982.

Filing and Service of Responsive Documents—Any filing must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36729 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5685-000]

Grisdale Hill Co.; Application for Preliminary Permit

December 21, 1981.

Take notice that Grisdale Hill Company (Applicant) filed on November 24, 1981, an application for preliminary permit pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r) for Project No. 5685 to be known as the Christy Creek Hydroelectric Project located on Christy Creek in Lane County, Oregon in the Willamette National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Ms. Marilyn Tebor Shaw, esquire, Suite 1100, 1333 New Hampshire Avenue, NW., Washington, D.C. 20036.

Project Description—The proposed project would consist of: (1) A reinforced concrete diversion dam 8 feet high with negligible impoundment; (2) a low pressure water conveyance 9,500 feet long; (3) a surge tank and steel penstock 1,900 feet long; (4) a powerhouse containing a turbine generator with 4.0 MW capacity and 17.7 GWh annual energy output; (5) transmission line 10 miles long and (6) appurtenant facilities. Power would be sold to the Bonneville Power Administration or a local utility.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 24 months, during which time engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of permit activities is $125,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before February 24, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR § 4.30 et. seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 24, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than April 22, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 24, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36749 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5423-000]

Hydro Electric Constructors, Inc.; Application for Preliminary Permit

December 21, 1981.

Take notice that Hydro Electric Constructors, Inc. (Applicant) filed on September 28, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5423 to be known as the Las Vegas Wash Project located on Las Vegas Wash in Clark County, Nevada. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Don Buckley, Hydro Electric Constructors, 1085 N. Main Street, Suite C, Orange, California 92667.

Project Description—The proposed project would consist of three entirely new developments described as follows: (A) site #1 would consist of: (1) A 20-foot long, 4-foot high diversion structure; (2) a 15,000 foot long conduit consisting of a 6-foot wide, 3-foot deep channel or a 5-foot diameter low pressure penstock; (3) a 600-foot long, 42 inch diameter, high pressure penstock; (4) a powerhouse containing two turbine-

generators with a total rated capacity of 1,200 kW; (5) a 12-kV transmission line; and (6) appurtenant facilities;

(b) Site #2 would consist of: (A) A 40-foot long, 3-foot high diversion structure; (2) a 14,000-foot long conduit consisting of either a 5-foot wide, 3-foot deep channel or a 4-foot diameter low pressure penstock; (3) a 400-foot long, 3-foot diameter, high pressure penstock; (4) a powerhouse containing a single 400-kW turbine-generator; (5) a 12-kV transmission line; and (6) appurtenant facilities;

(C) Site #3 would consist of: (1) A 40-foot long, 3-foot high diversion structure; (2) a 17,160-foot long, 4-foot diameter, low pressure penstock; (3) a 2,000-foot long, 3-foot diameter high pressure penstock; (4) a powerhouse containing a single 300 kW turbine-generator; (5) a 12-kV transmission line; and (6) appurtenant facilities. The total project would generate up to 16,000,000 kWh annually. Energy produced at the project would be sold to a local utility as yet undetermined. The project would be located on land owned by the U.S. Bureau of Land Management, Department of the Interior and Clark County Nevada Sanitation District and Public Works Department.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under this preliminary permit would include economic evaluation, engineering plans, and an environmental assessment. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the work to be performed under this preliminary permit would cost $50,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before February 24, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et. seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 22, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate).

Subcommission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than February 24, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments field, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 24, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35792 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5664-000]

Hydro Management, Inc.; Application for Preliminary Permit

December 22, 1981.

Take notice that Hydro Management, Incorporated (Applicant) filed on November 16, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5664 to be known as the Blue Sky Creek Power Project located on Blue Sky Creek in Lincoln County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. M. H. Edelman, III, President, Hydro Management, Incorporated, Route 1, Box 169, Ronan, Montana 59864.

Project Description—The proposed project would consist of: (1) A 24-foot long, 3-foot high diversion structure on Blue Sky Creek; (2) 24,000-foot long, 16-inch diameter penstock; (3) a powerhouse with a total installed capacity of 1,000 kW; and (4) a 6,000-foot long, 14.4-kV transmission line from the powerhouse to the Grave Creek Power Project transmission line. The Applicant estimates that the average annual energy production would be 6.048 million kWh. The proposed project is located entirely on Federal lands owned by Kootenai National Forest.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 36 months, during which it would conduct the technical, environmental and economic studies, and also prepare an FERC license application. The Applicant estimates that the cost of undertaking these studies would be $10,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 1, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before March 1, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be

filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than April 30, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-38751 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5657-000]

Hydro Management, Inc.; Application for Preliminary Permit

December 22, 1981.

Take notice that Hydro Management, Inc. (Applicant) filed on November 16, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5657 to be known as the Clarence Creek Power Project located on Clarence Creek in Lincoln County, Montana. The project would lie within the Kootenai National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. W. H. Edelman, III, President, Route 1, Box 169, Ronan, Montana 59864.

Project Description—The proposed project would consist of: (1) A native rock diversion, 3 feet high with negligible storage; (2) a penstock 18,480 feet long; (3) a powerhouse containing a turbine generator with 750 kW capacity and 4,536 MWh annual energy output; (4) a transmission line 200 feet long; and (5) appurtenant facilities. Generated power would be sold to the Lincoln Electric Coop, Inc. or the Bonneville Power Administration.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 36 months, during which time engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of permit activities is $7,500.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 1, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before March 1, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than April 30, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-38752 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5660-000]

Hydro Management, Inc.; Application for Preliminary Permit

December 22, 1981.

Take notice that Hydro Management, Inc. (Applicant) filed on November 16, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5660 to be known as the Deep Creek Water Power Project located on Deep Creek, near Eureka, within the lands of Kootenai National Forest in Lincoln County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. W. H. Edelman III, President, Hydro Management, Inc., Route 1, Box 169, Ronan, Montana 59864.

Project Description—The project would consist of: (1)A 3-foot high, 19-foot long diversion structure and a 12,000-foot long, 14-inch diameter pipeline on Deep Creek; (2) a 3-foot high, 17-foot long diversion structure and a 6,000-foot long, 10-inch diameter pipeline on North Fork of Deep Creek; (3) a 19,680-foot long, 16-inch diameter penstock from pipeline interconnection; (4) a powerhouse with total capacity of 1,500 kW; and (5) a 4,000-foot long, 14.4-kV transmission line from powerhouse to an existing Lincoln Electric, Inc. transmission line. The Applicant estimates that the average annual energy production would be 9.223 million kWh.

Proposed Scope of Studies Under Permit—a preliminary permit, if issued, does not authorize construction. The applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic analysis; and prepare an FERC license application. No new roads would be required for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $15,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 1, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et. seq. (1981); and docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before March 1, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than April 30, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before March 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36753 Filed 12-23-81; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 5658-000]

Hydro Management, Inc.; Application for Preliminary Permit

December 16, 1981.

Take notice that Hydro Management, Incorporated (Applicant) filed on November 16, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5658 to be known as the Stahl Creek Power Project located on Stahl Creek in Lincoln County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. W. H. Edelman, III, President, Hydro Management, Incorporated, Route 1, Box 169, Ronan, Montana 59864.

Project Description—The proposed project would consist of: (1) A 22-foot long, 3-foot high diversion structure; (2) a 13,000-foot long, 16-inch diameter penstock; (3) a powerhouse with a total installed capacity of 750 kW; and (4) a 16,000-foot long, 14.4-kV transmission line from the powerhouse to the Williams Creek Power Project transmission line. The entire project is located on U.S. Federal lands owned by Kootenai National Forest.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies, and also prepare a FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $7,500.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 19, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file

an application for license or exemption must be submitted to the Commission on or before February 19, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than April 19, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 19, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36721 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES82-05-001]

Idaho Power Co.; Supplemental Application

December 17, 1981.

Take notice that on December 14, 1981, Idaho Power Company (Applicant) filed an amendment to its application in Docket No. ES82-05-000, seeking a supplemental authorization to increase the amount of short-term borrowings authorized from $120,000,000 to $150,000,000, with no change in the issuance or maturity dates.

Any person desiring to be heard or to make any protest with reference to the application should on or before January 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 81-36722 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-97-000]

Kansas-Nebraska Natural Gas Co. Inc.; Application

December 21, 1981.

Take notice that on November 30, 1981, Kansas-Nebraska Natural Gas Company, Inc. (Applicant), P.O. Box 15265, Lakewood, Colorado 80215, filed in Docket No. CP82-97-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas for resale to the City of Albert, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that is presently sells natural gas for resale to the City of Albert, Kansas, pursuant to its Rate Schedules CD and WPS. Sales to the City of Albert's municipally-owned system totaled 18,345 Mcf for calendar year 1980 and 17,704 Mcf for the twelve months ending September 30, 1981.

Pursuant to the results of a town election, the City of Albert sold its distribution system to Applicant which would commence sale of natural gas at retail to the approximately 110 end use customers currently served at wholesale. Applicant, therefore, proposes the abandonment of the sale of natural gas for resale to the City of Albert.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36742 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5409-000]

Richard K. Linville; Application for Preliminary Permit

December 18, 1981.

Take notice that Richard K. Linville (Applicant) filed on September 22, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5409 to be known as the C. Ben Ross Dam Project located on Little Weiser River in Adams County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Richard K. Linville, 7021 Sand Point Way N.E., #B-305, Seattle, Washington 98115.

Project Description—The proposed project would consist of: (1) The existing C. Ben Ross Dam and Reservoir; (2) penstock 1,000 feet long; (3) powerhouse containing a turbine generator with a capacity of 2,050 kW and annual energy production of 3,455 MWh; (4) transmission line; and (5) appurtenant facilities. Generated power would be sold to the Idaho Power Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of these activities is $40,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 22, 1982, either the competing application itself (See 18 CFR 4.33(a) and (c) (1980)) or a notice of intent (See 18 CFR 4.33(b) and (d) (1980)) or file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 22, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters, the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36723 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5602-000]

Live Oak Associates West; Application for Preliminary Permit

December 18, 1981.

Take notice that Live Oak Associates West (Applicant) filed on November 2, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5602 to be known as the Alder Creek Hydroelectric Project located on Alder Creek in Humboldt County, Nevada. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Alan L. Cain, Live Oak Associates West, Western Farm Management Company, P.O. Box 1386, Klamath Falls, Oregon 97601.

Project Description—The proposed project would consist of: (1) A 1.75-mile long diversion channel; (2) a 1.75-mile long penstock; (3) a 2-mile long, 16-inch diameter penstock; (4) a 500-foot long, 12-inch diameter penstock; (5) a powerhouse No. 1 with a rated capacity of 1,300 kW; (6) a powerhouse No. 2 with a rated capacity of 275 kW; and (7) a 3-mile long, 15-kV transmission line from the powerhouse to an existing 25-kV Harney Electric Cooperative, Inc. transmission line. The Applicant estimates that the average annual energy production would be 6 million kWh. The proposed project is located on Federal lands.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies, and also prepare an FERC license application. The Appplicant estimates that the cost of undertaking these studies would be $78,000.

Competing Applications—Any desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 22, 1982, the competing application itself (see: 18 CFR 4.30 et seq. (1981)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 22, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980).

In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 22, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36724 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4008-002]

Long Lake Energy Corp., Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

December 21, 1981.

Take notice that on November 20, 1981, Long Energy Corporation (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 4008) would be located on East Canada Creek, near the Village of Dolgeville in Herkimer and Fulton Counties, New York. Correspondence with the Applicant should be directed to: Mr. Paul J. Elston, Long Lake Energy Corporation, 330 Madison Avenue, 7th Floor, New York, New York 10017.

Project Description—The proposed project would consist of: (1) an existing limestone gravity dam, 19.5 feet high and 190 feet long; (2) an existing reservoir covering 15 acres and having a storage capacity of 180 acre-feet; (3) four existing gates leading to a new 10-foot in diameter steel penstock 710 feet long; (4) a new 28- by 38-foot powerhouse containing one 1.2 MW and one 3.6-MW turbine/generator unit; (5) a new tailrace; (6) a 100-foot long, 46-kv transmission line; and (7) appurtenant facilities.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the New York State Department of Environmental Conservation are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Comission, on or before February 3, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 C.F.R. 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 C.F.R. 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 C.F.R. 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before February 3, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36754 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST82-62-000]

Louisiana Resources Co.; Application for Approval of Rates

December 18, 1981.

Take notice that on November 19, 1981, Louisiana Resources Company (Applicant), P.O. Box 3102, Tulsa, Oklahoma 74101, filed in Docket No. ST82-62-000 an application pursuant to Part 284 of the Commission's Regulations under the Natural Gas

Policy Act of 1978 for approval of rates charged for transporting natural gas for Faustina Pipe Line Company (Faustina), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it and Faustina have entered into an agreement dated August 18, 1981, whereby Applicant would transport gas by exchange on behalf of Faustina from a point of interconnection between the facilities of Applicant and The Superior Oil Company's Lowry gas plant in Cameron Parish, Louisiana, to a point of interconnection between the facilities of Louisiana Intrastate Gas Corporation and Faustina located in St. James Parish, Louisiana.

Applicant proposes a base transportation charge of 22.25 cents per million Btu as a fair and equitable rate for the service rendered.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 11, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36728 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5638-000]

Mill Pond Associates, Inc.; Application for Exemptin for Small Hydroelectric Power Project Under 5 mW Capacity

December 22, 1981.

Take notice that on November 9, 1981, Mill Pond Associates, Inc., (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (FERC Project No. 5638) would be located on the Squam River, Grafton County, Hew Hampshire. Correspondence with the Applicant should be directed to: Mill Pond Associate, Inc., Box 77A, RFD 3, Plymouth, New Hampshire 03264.

Project Description—The proposed project would consist of: (1) The existing concrete and stone Ashland Paper Mill Dam owned by the Applicant, 200 feet long and 14.5 feet high, with a 56-foot long controlled spillway having 3-foot high flashboards to be replaced; (2) an existing reservoir with negligible storage capacity at 485 feet elevation m.s.l.; (3) new trashracks and headgate; (4) an existing 5.5-foot diameter penstock, 19 feet long; (5) an existing powerhouse containing an existing 180 hp turbine (to be overhauled) to which would be connected a new 100 kW generator; (6) an existing tailrace; and (7) other appurtenances. Applicant estimates an annual generationof 630,000 kWh.

Purpose of Project—Project energy would be sold to the Public Service Company of New Hampshire.

Agency Comments—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the New Hampshire Fish and Game Department are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before February 8, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than May 4, 1982. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 8, 1982.

Filing and Service of Responsive Documents—Any filings, must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street, NE., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36729 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-98-000]

Natural Gas Pipeline Company of America; Application

December 21, 1981.

Take notice that on December 1, 1981, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois

60603, filed in Docket No. CP82–98–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to West Lake Arthur Distribution Company (West Lake) on an interruptible basis, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a June 4, 1981, gas sales agreement, Applicant proposes to sell up to 20,000,000 Mcf of natural gas to West Lake for a term of 363 days from the date of first deliveries. It is stated that Applicant would deliver the gas to Trunkline Gas Company (Trunkline) for West Lake's account at an existing delivery point in Texas. Trunkline would deliver the gas to Suger Bowl Gas Corporation which would transport the gas to West Lake in Louisiana.

It is asserted that Applicant would charge West Lake for each million Btu of gas sold hereunder a rate equal to the average of the rates effective under Applicant's currently effective Rate Schedules E-1, G-1 and WS-1 each minus the GRI surcharge which rate is presently approximately $2.95 per million Btu.

It is stated that West Lake would use the gas for its general system supply. Applicant states that it has sufficient supply to make this sale without impairing or reducing service to its present customers because of excess deliverability due to high take or pay obligations and a significant reduction in demand.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 12 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to be come a party to a proceeding or to participate as a party in any hearing herein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designees on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–36739 Filed 12–23–81; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP74–35]

Pacific Offshore Pipeline Co.; Applicant's Report on Financing and Petition for Approval of Financing and Petition for Approval of Financing Plan and for Adjustment of Certificate Procedures Regarding Authorized Returns on Equity

December 21, 1981.

Take notice that on November 4, 1981, Pacific Offshore Pipeline Company, formerly Exxon Pipeline Company of California (Applicant), P.O. Box 3249, Los Angeles, California 90051, filed in Docket No. CP74–35 a report on financing pursuant to Ordering Paragraph (I) of the Commission's order issued June 8, 1981, in the instant docket, and § 157.14(a)(14) of the Commission's Regulations, requesting Commission approval of its financing plan and a determination that the interest rates, the formula by which the rates would be adjusted annually and other provisions of the debt financing are reasonable and prudent, approval of the related tariff and other changes required to finance and build the Hindo-Las Flores Canyon Project, and authorization for an equity return of twenty percent during construction of the proposed project, all as more fully set forth in the report which is on file with the Commission and open to public inspection.

It is submitted that on March 17, 1981, Applicant was authorized to construct and operate facilities required to transport and treat portions of Exxon's Hondo gas and to sell the natural gas for resale to Pacific Lighting Gas Supply Company (PLGS).

It is stated that the Commission's order of June 8, 1981, authorized Applicant to file a request for adjustments when it had finalized its financing plan. Applicant states that it now has commitments for $85,000,000 from three insurance companies for construction and permanent debt financing of the project on a "project financing" basis and that fulfillment of these commitments is subject only to the preparation and execution of all necessary documentation.

Applicant explains that the debt financing plan consists of $50,000,000 of 18 percent Series A Adjustable Rate Notes due August 1, 2003, and $15,000,000 of 7¼ percent Series B Adjustable Rate Notes due February 1, 1992. In addition, Applicant would until June 1, 1983, have the option to draw down up to an additional $5,000,000 in the event that 70 percent of Applicant's actual construction expenditures would exceed $85,000,000. The initial rate of the Series A and B Notes would remain in effect through January 31, 1983. Thereafter, the rates for the Series A and B Notes would be reset annually at amounts equal to 123 percent and 119 percent, respectively, of the prior 4-weeks' average of 10-year Treasury Constant Maturity Index. The interest rate on the Series A and B Notes would not exceed 25 percent nor be less that 10 percent at any time and would be governed by the law of the State of New York. Interest on the Series A and B Notes would be paid semi-annually on February 1 and August 1 of each year beginning February 1, 1982 for the Series A Notes and August 1, 1982, for the Series B Notes. Beginning February 1, 1984, and continuing on each semi-annual note payment date until maturity, principal payments of 2.5 percent of the aggregate of the Series A and B Notes originally issued would be made. The Series A Notes may not be prepaid prior to March 1 1993; thereafter they may be prepaid under certain circumstances at a redemption price which ranges from 107.2 percent to 100 percent. The Series B Notes may not be prepaid at any time during the life of the Notes.

Applicant further explains that subject to a timely approval of the financing plan by the Commission and satisfactory completion of documentation, $16,500,000 of the Series A Notes would be available for delivery on or about December 15, 1981. The balance of the Series A Notes, $33,500,000, and the $15,000,000 of Series B Notes would be delivered on or about March 1, 1982.

It is asserted that as a requirement of the project financing, the lenders insisted on an assignment to the trustee of the revenues payable under

Applicant's approved tariff by the ultimate purchaser of Applicant's gas, Southern California Gas Company (SoCal). This assignment would have involved pledging the revenues due to PLGS from SoCal under the Resale Agreement. PLGS was unable to make such an assignment because of a negative pledge covenant in its present indenture, it is said. Therefore, a new resale agreement has been signed between Applicant and SoCal for whom this gas was and is ultimately destined. PLGS would not be a party to the gas purchase and sale transaction and SoCal would be substituted as buyer from Applicant. Payments by SoCal would continue to be made directly to Applicant and from Applicant to the lenders so long as Applicant is not in default.

Applicant estimates that the out-of-pocket capital costs for the pipeline from Exxon's Hondo platform to the gas treatment plant and for the plant would aggregate $92,900,000, including interest on debt during construction at an average rate of 17.83 percent. Applicant would finance 70 percent of such capital costs with the funds obtained from the sale of securities as outlined in the report. The remaining out-of-pocket capital costs would be financed with equity from Applicant's parent, Pacific Interstate Company, which in turn would receive such funds from its parent, Pacific Lighting Corporation. Assuming an equity return of 20 percent as requested herein the total investment for the project including equity AFUDC is expected to aggregate $100,600,000. On this basis the three year average cost of service produces an initial rate of $5.47 per million Btu, it is asserted.

Applicant states that when this project goes into operation, Applicant's capital structure would equate to 65 percent debt and 35 percent equity as follows:

	$M	Percent Debt	Percent Equity
Out-of-pocket capital costs: Estimated construction costs	[illegible]	70	30
Estimated interest during construction	12.0	70	30
Total	[illegible]	70	30
Equity AFUDC and other costs	7.7		100
Total project cost	100.6	65	35

It is further explained that the equity component to which an equity return allowance would be applied is comprised of 30 percent of the out-of-pocket capital costs including interest accrued during construction plus equity AFUDC, and the debt component is comprised solely of 70 percent of the capital costs.

Applicant states that it would deposit the proceeds from the sale of the Notes into an escrow account where funds would become available to Applicant to the extent of 70 percent of actual expenditures and upon presentation of a certificate to the escrow agent evidencing actual expenditures for construction and the escrowed funds would be invested in "eligible investments" as defined in the Summary of Terms of the Offering Memorandum. As between Applicant and Pacific Lighting Corporation, Applicant would be required to pay interest only on those funds drawn down for construction purposes; interest on funds not yet requested by Applicant would be paid by Pacific Lighting Corporation.

Applicant states that three principal changes have been made in the *Pro Forma* Tariff as submitted to the Commission in the Amendment to Application of Pacific Offshore Pipeline Company for a certificate of public convenience and necessity filed June 6, 1979. These changes, Applicant states, are as follows:

(1) The first principal change is in section 5 of the Rate Schedule G–1. Section 5 has been changed to reflect the treatment of revenues and costs during the initial year of operations as per Ordering Paragraph (F) of the June 8, 1981, order. According to this Ordering Paragraph, Applicant would treat all revenues and costs as "earnings and expenses during construction" and record AFUDC in accordance with 18 CFR Part 201 during the initial year of operation.

(2) Section 6 has been added to Rate Schedule G–1 describing the take-or-pay obligations between Buyer and Seller as specified in the Resale Agreement between Applicant and SoCal.

(3) An Interest Cost Adjustment Provision has been added as section 15 of the General Terms and Conditions to carry out the intent of the June 8, 1981, Order as stated on page 14 and Ordering Paragraph (I). Lenders are relying on the ability of Applicant to recoup promptly charges and debt service costs and have made Commission approval of this tariff provision a condition of their commitment. On Page 14 of the June 8, Order, the Commission stated,

> Applicant will be permitted to recover all actual prudent debt costs, that is, Applicant will be permitted to recover debt costs in the manner and under the terms set out in the proposed tariff, so long as the interest rate and other provisions of the debt financing are reasonable and prudent in the judgment of the Commission.

In addition, section 16 has been added at the request of the lenders to clarify the buyer's obligations under the Minimum Bill and Monthly Fixed Charge.

Applicant states that it requested an after-tax rate of return on equity of 15 percent when its amendment was filed in June of 1979. The March Decision provided for an equity return of 12.8 percent or one-half of one percentage point above the assumed cost of debt of 12.3 percent. The June 8 order increased the return on equity allowance to the level requested in 1979.

Applicant asserts that current economic and market conditions clearly demonstrate that the 15 percent return on equity proposed in 1979, when debt costs were assumed to be 10 percent is not reasonable nor appropriate for equity which must be committed to this project today. Accordingly, Applicant submits herewith an analysis of the cost of equity capital of Pacific Lighting Corporation, the equity source for this project. Applicant asserts that this analysis produces a range of 18.9 percent to 23.0 percent as the current cost of equity capital to Pacific Lighting Corporation, and is based on three methods:

(1) Earnings Valuation Method. This method relates the earnings of Pacific Lighting Corporation common stock to its market value. The investor's required return i.e., the company's cost of capital, is calculated by dividing earnings by the market price of the stock.

(2) Dividend Valuation Method. This method is based on the recognition that an investor in common stock is interested in the future return on his investment in the form of future dividends plus the value of his investment at the end of a future period. The cost of equity capital is determined by taking the current dividend yield and adding to it the estimated rate at which investors expect the dividend will grow in the future.

(3) Utility Bond to Equity Risk Premium Method. This method is based on investors' requirements of a higher return on common equity capital than on debt capital. The investors required return, i.e., the company's cost of equity capital, is calculated by adding a risk premium to the current bond yield.

It is indicated that the lower end of the range is reflected by the Earnings Valuation Method and in effect is the rate Pacific Lighting Corporation would realize if it repurchased its own shares in the open market. Applicant asserts that this obviously would entail none of the risks associated with investment in Applicant's project, and that,

accordingly, a return of equity of at least 20 percent is clearly warranted and appropriate for this project.

Applicant states that no matter what rationale is used, there is greater risk to equity in this project than to the debt, and that equity in this project continues to bear the completion risk, the market risk, the political risk, the reserve life risk, the force majeure risks and the risks inherent in a single source of associated gas, the production of which is in the sole control of Exxon Corporation. These are the risks in existence now and for which the equity is entitled to a fair and reasonable return now, it is asserted. Further, it is asserted, as the cost of debt has continued to increase, so too has the cost of equity, and that the equity investment in this project represents new equity money, for which the current market costs of equity money would be incurred. If that cost is not allowed as the equity rate of return, the result could only be a negative impact on the market price of Pacific Lighting Corporation's common stock, it is asserted. Applicant submits that this could then impair Applicant's ability to raise capital and would ultimately increase the cost of service to customers. Rates of return for new companies which require both new debt and new equity should not be constrained by rates of return existing for mature operating gas transmission companies, it is asserted. Applicant therefore urges this Commission, as part of its review and approval of the financing package, to adjust the return on equity for the interim period to reflect its actual current cost of at least 20 percent.

Any person desiring to be heard or to make any protest with reference to said report should on or before January 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36737 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER78-338]

Public Service Company of New Mexico; Compliance Filing

December 17, 1981.

The filing Company submits the following:

Take notice that on December 9, 1981, Public Service Company of New Mexico filed an additional compliance report in accordance with the Commission's Opinion No. 133, issued November 9, 1981. The compliance report contains the annualized test period revenues for the currently effective retail rates prescribed by the New Mexico Public Service Commission and a comparative rate of return analysis for retail service to the City of Gallup, New Mexico.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 7, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36728 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2937-001]

Quincy-Columbia Basin Irrigation District, East-Columbia Basin Irrigation District, and South-Columbia Basin Irrigation District; Application for a Major License

December 22, 1981.

Take notice that Quincy-Columbia Basin Irrigation District, East-Columbia Basin Irrigation District and South-Columbia Basin Irrigation District (Applicant) jointly filed on October 19, 1981, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)) for the proposed Quincy Chute Hydroelectric project, FERC No. 2937, to be located at the base of the U.S. Bureau of Reclamation's (USBR) Quincy Chute, a drop structure at canal mile 37.7 on the West Canal of the USBR's Columbia Basin Project in grant County, near Quincy, Washington. The project would affect lands for which the United States has easement rights and are under the administration of USBR. Correspondence with the Applicant should be directed to: Mr. Tom Cotton, Manager, Quincy-Columbia Basin Irrigation District, P.O. Box 188, Quincy, Washington 99848 with copies to: Mr. John Baird, Baird and White, P.O. Box 605, Ephrata, Washington 98823.

Project Description The proposed project would consist of: (1) An intake structure consisting of short canal, a bar screen structure, and a transition section; (2) a 1,470-foot long, 14-foot diameter steel penstock leading to; (3) a powerhouse to contain a Kaplan-type, turbine-generating unit with a rated capacity of 7.8 MW; (4) a tailrace channel; (5) a 1.8-mile long, 115-kV transmission line; and (6) a substation to be built next to an existing 115-kV Grant County PUD No. 2 Transmission line.

Purpose of Project—Project energy would be sold to Bonneville Power Administration or a utility company. The estimated average annual energy output is 29.23 million kWh. The West Canal, in the vicinity of the proposed project does not receive substantial recreational use and has limited potential for recreation. Applicant proposes no recreational facilities at the project site since the existing irrigation facilities have inherent safety hazards because of the chute. Applicant estimates the cost of the project to be about $13.7 million.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 1, 1982, either the competing application itself [See 18 CFR 4.33(a) and (d)] or a notice of intent [See 18 CFR 4.33(b) and (c) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et. seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before March 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be

filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36734 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5810-000]

Town of Skykomish; Application for Preliminary Permit

December 18, 1981.

Take notice that the Town of Skykomish (Applicant) filed on November 5, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5810 to be known as the Upper North Fork Skykomish Hydropower Project located on the North Fork of the Skykomish River in Snohomish County, Washington. The project would lie within Snoqualmie National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Town of Skykomish, P.O. Box 308, Skykomish, Washington 98288, Attention: Mayor.

Project Description—The proposed project would consist of: (1) A reinforced concrete and natural rock diversion dam 7 feet high with a negligible storage; (2) approximately 3 miles of open diversion channel and 1 mile of buried pipeline; (3) surge tank and 800 feet of penstock; (4) a powerhouse containing a turbine generator with 12.5 MW capacity and 60 GWh annual energy production; and (5) appurtenant facilities. Power produced would be used to offset power purchases made by the Town of Skykomish.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 24 months, during which time engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of those activities is $100,000.

Competing Applications.—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 22, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981)).

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 22, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than April 22, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 22, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36730 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-102-000]

Southern Natural Gas Co.; Application

December 21, 1981.

Take notice that on December 2, 1981, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP82-102-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition and operation of certain natural gas facilities from Black Warrior Pipeline Company (Black Warrior), a wholly-owned subsidiary of Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to acquire approximately 9 miles of 8⅝-inch pipeline, approximately 8 miles of gathering pipeline and certain appurtenant facilities located in Monroe County, Mississippi. The facilities were originally constructed to gather and transport the total gas deliverable from reserves owned by certain producers in the Corinne Field, Monroe County, to Mississippi Valley Gas Company (MVG).

It is stated that W. R. Grace & Company committed to Applicant an approximate 50 percent interest in the North Corinne Field reserves which Black Warrior agreed to transport to the Muldon Storage Field, Monroe County, Mississippi, which service required Black Warrior to construct approximately 4.5 miles of additional pipeline and certain appurtenant facilities. Applicant explains that as a result of its inability to take all the gas available to it, MVG arranged to cancel its contract for the purchase of the North Corinne Field reserves and on November 11, 1980, Applicant contracted to purchase those reserves

from the sellers subject to receipt by Black Warrior of Commission approval of a long-term transportation service pursuant to section 311(a)(2) of the Natural Gas Policy Act of 1978.

It is stated that the November 11, 1980, gas purchase contract grants the parties the right to cancel the contract if an acceptable authorization is not issued to Black Warrior by November 11, 1981, but Applicant does not wish to cancel the contract and has notified the sellers that it would seek to acquire the facilities of Black Warrior in order to begin receiving the additional reserves in an expeditious manner. Applicant states that it would acquire all the facilities of Black Warrior at their book value by liquidation of Black Warrior at a total acquisition cost of $2,297,786.

It is asserted that Grace Petroleum Corporation would continue to operate a portion of said facilities pursuant to an operating agreement between Grace Petroleum Corporation and Black Warrior.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-38735 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5441-000]

Southern Utah Valley Power Project; Application for Short-Form License (Minor)

December 21, 1981.

Take notice that the Southern Utah Valley Power Project (Applicant) filed on September 24, 1981, an application for short-form license (minor) (pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)) for Project No. 5441 to be known as the Santaquin Project located on Summit Creek near Santaquin in Utah County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Clark Bigler, Executive, Southern Utah Valley Power Project, Box 371, Payson, Utah 84651 and Ronald G. Greening, Esquire, Duncan, Allen and Mitchell, 1575 Eye Street, N.W., Washington, D.C. 20005.

Project Description.—The proposed run-of-the-river project would consist of existing facilities including: (1) A small reinforced concrete diversion dam, 14.5 feet long and 5.5 feet high, with no significant impoundment; (2) a gated intake structure with trash screen; and new project works to include, (3) a 30-inch diameter steel penstock about 14,000 feet long, (4) a sheet metal-steel framed powerhouse, 20 feet wide and 30 feet long, housing an impulse-type turbine and generating unit rated at 600 kW or 800 kW capacity (depending on minimum flow release requirements yet to be decided upon by the Utah Division of Fish and Wildlife Resources); (5) a short 60-inch diameter steel discharge line; (6) a tailrace channel; (7) a 300-feet long 7.2/12.5-kV transmission line; (8) electrical facilities; and (9) other appurtenances. Applicant estimates annual generation would average 3,300,000 kWh without minimum flow requirments, and 1,800,000 kWh with minimum flow requirements. Project energy will be utilized within the Applicant's distribution system for sale to retail customers.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before February 24, 1982, the competing application itself, (See 18 CFR 4.33(a) and (d)) or a notice of intent (See 18 CFR 4.33(b) and (c)) to file such an application. Submission of a timely notice of intent allows an interested party to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 (c) or § 4.101 et seq. (1981).

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Widlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene.—Any one may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 24, 1982.

Filing and Service of Responsive Documents.—Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the

Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36736 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST82-55-000]

Supenn Pipeline; Application for Approval of Rates

December 18, 1981.

Take notice that on November 16, 1981, Supenn Pipeline (Applicant), P.O. Box 51108, Lafayette, Louisiana 70505, filed in Docket No. ST82-55-000 an application pursuant to Part 284 of the Commission's Regulations under the Natural Gas Policy Act of 1978 for approval of rates charged for transporting natural Gas Company (Southern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes a rate of 13.04 cents per Mcf as fair and equitable for transporting gas for both United and Southern.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 11, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36727 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5286-000]

Lawrence R. Taft; Application for Preliminary Permit

December 18, 1981.

Take notice that Lawrence R. Taft (Applicant) filed on August 24, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5286 to be known as the Cranberry Lake Power Project located on the East Branch Oswegatchie River in the Town of Clifton, St. Lawrence County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Philip J. Movish, Daverman & Associates, 500 South Salina Street, Syracuse, New York 13202.

Project Description—The proposed project would utilize existing facilities owned by the Oswegatchie River-Cranberry Lake Commission consisting of: (1) A 162-foot long and 17-foot high concrete gravity-type dam having a 110-foot long spillway section and having five sluice ways; (2) a reservoir having a surface area of 6,975 acres and a storage capacity of 60,100 acre-feet at normal maximum pool elevation 1,486 m.s.l.; and (3) appurtenant facilities.

Applicant proposes to construct a new powerhouse at the toe of the dam containing three generating units having a total rated capacity of 400 kW. Applicant estimates that the average annual energy output would be 2,450,000 kWh. Project energy would be sold to Niagara Mohawk Power Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform technical and economic feasibility studies, investigations, and the work involved to prepare an application for a FERC license. Applicant estimates the cost of the studies under the permit would be $10,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission on or before March 19, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 19, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than April 19, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 19, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36728 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-54-000]

Texas Eastern Transmission Corp.; Application

December 21, 1981.

Take notice that on November 24, 1981, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, filed in

Docket No. CP82–94–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Elizabethtown Gas Company (Elizabethtown), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a transportation agreement dated November 16, 1981, Applicant proposes to transport up to 40,000 dekatherms (dt) equivalent of natural gas per day less quantities retained for applicable shrinkage for the account of Elizabethtown. It is submitted that Elizabethtown has purchased a supply of natural gas from Consolidated Gas Supply Corporation (Consolidated) to help fulfill its need for a greater natural gas supply.

Applicant states it would receive the subject gas by displacement from Consolidated at the existing point of interconnection between Applicant and Consolidated located at Applicant's meter station 082 in Westmoreland County, Pennsylvania, or at other mutually agreeable existing delivery points in Applicant's Zone C and would redeliver equivalent quantities to Elizabethtown at the existing point of interconnection between Applicant and Elizabethtown located at Applicant's meter station 275 in Middlesex County, New Jersey, or other mutually agreeable existing points of delivery. Applicant proposes in the alternative to transport and deliver the subject gas to Transcontinental Gas Pipe Line Corporation (Transco) for the account of Elizabethtown at the existing point of interconnection between Applicant and Transco at Transco's meter station 249 at Skippack, Pennsylvania, or Transco's meter station 244 located at Linden, New Jersey, for delivery to Elizabethtown.

Applicant states it would perform the proposed transportation service for a term of one year commencing on the date of initial delivery.

It is asserted that Applicant would charge Elizabethtown its presently applicable Rate Schedule TS–1 basic rate of 13.98 cents per dt equivalent; provided, however, for quantities transported and delivered by Applicant which when added to the quantities delivered to Elizabethtown under Applicant's Rate Schedules TS–1 and SS–11 and other transportation agreements exceed the combined total curtailment of natural gas sales to Elizabethtown under all of Applicant's firm sales rate schedules, Applicant would charge Elizabethtown the presently effective Rate Schedule TS–1 excess rate of 16.02 cents per dt equivalent. In addition, Applicant would retain 3.0 percent of all gas received for transportation from April 16 through November 15 of each year and 6.0 percent of all gas received for transportation from November 16 through April 15 of each year for shrinkage.

Applicant further proposes to retain all revenues resulting from transportation of gas for Elizabethtown.

The service proposed herein would enable Elizabethtown to implement its agreement to purchase gas from Consolidated.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–36740 Filed 12–23–81; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP82–95–000]

Transcontinental Gas Pipe Line Corp.; Application

December 21, 1981.

Take notice that on November 25, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP82–95–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of UGI Corporation, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport natural gas which is available to UGI pursuant to a storage arrangement between Penn-York Energy Corporation (Penn-York) and UGI. It is asserted that Penn-York would make up to 20,000 dekatherms (dt) equivalent of natural gas per day available to its affiliate, National Fuel Gas Supply Corporation, which in turn, would redeliver equivalent quantities to Applicant. Applicant states it would redeliver thermally equivalent quantities of gas, less compressor fuel and line loss make-up, to Columbia Gas Transmission Corporation (Columbia) for the account of UGI at the existing delivery points between Applicant and Columbia at Downingtown, Pennsylvania, and Rockville, Maryland, or other existing delivery points within Applicant's Rate Zone 3.

Applicant proposes such service for a term beginning on the date of initial deliveries and ending March 31, 1982. The transportation would be interruptible at Applicant's sole discretion. It is stated that UGI would initially pay Applicant 7.0 cents per dt equivalent for the proposed service and Applicant would retain 0.7 percent of the quantities received for compressor fuel and line loss make-up.

It is asserted that UGI would use the subject gas to reduce its anticipated curtailment during the current winter heating season.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the

appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36736 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RM79-34 and ST82-1]

Transportation Certificates for Natural Gas Displacement of Fuel Oil and United Gas Pipe Line Co.; Self-Implementing Transactions

December 17, 1981.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations and sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA). The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to § 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's Regulations and section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

A "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 of the Commission's Regulations and section 312 of the NGPA.

An "F" indicates a fuel oil displacement transaction implemented pursuant to § 284.202 of the Commission's Regulations. Any interested persons may file a complaint concerning such transaction pursuant to § 284.205(d) of the Commission's Regulations.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G (HT)" indicates transportation, sales or assignments by an Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

Kenneth F. Plumb,

Secretary.

Docket No.	Transporter/seller	Recipient	Date filed	Part 284 subpart	Expiration date [1]	Transportation date
ST82-1	United Gas Pipe Line Co	Southern Natural Gas Co	10/1/81	G		
ST82-2	United Gas Pipe Line Co	Southern Natural Gas Co	10/1/81	G		
ST82-3	El Paso Natural Gas Co	Michigan Wisconsin Pipe Line Co	10/2/81	G		
ST82-4	The East Ohio Gas Co	West Lake Arthur Distribution Co	10/2/81	G(HT)		
ST82-5	Panhandle Eastern Pipe Line Co	Texas Gas Transmission Corp	10/2/81	G		
ST82-6	Trunkline Gas Co	Texas Gas Transmission Corp	10/2/81	G		
ST82-7	Louisiana Gas Pipe Intrastate, Inc	United Gas Pipe Line Co	10/2/81	C	3/1/82	29.51
ST82-8	Louisiana Gas Pipe Intrastate, Inc	United Gas Pipe Line Co	10/2/81	C	3/1/82	29.51
ST82-9	Valero Transmission Co	Northern Natural Gas Co	10/5/81	C	3/4/82	14.20
ST82-10	Tennessee Gas Pipeline Co	Bay State Gas Co	10/7/81	B		
ST82-11	Northwest Pipeline Corp	Utah Gas Service Co	10/5/81	B		
ST82-12	Panhandle Eastern Pipe Line Co	West Lake Arthur Distribution Co	10/8/81	B		
ST82-13	Trunkline Gas Co	West Lake Arthur Distribution Co	10/9/81	B		
ST82-14	Panhandle Eastern Pipe Line Co	United Gas Pipe Line Co	10/8/81	G		
ST82-15	Transcontinental Gas Pipe Line Corp	United Gas Pipe Line Co	10/13/81	G		
ST82-16	Transcontinental Gas Pipe Line Corp	United Gas Pipe Line Co	10/13/81	G		
ST82-17	Big Sandy Gas Corp	Tennessee Gas Pipeline Co	10/9/81	C	3/8/82	43.00
ST82-18	United Gas Pipe Line Co	Transcontinental Gas Pipe Line Corp	10/14/81	G		
ST82-19	Topico	Columbia Gas Transmission Corp	10/15/81	C		
ST82-20	Natural Gas Pipeline Co. of America	United Gas Pipe Line Co	10/15/81	G		
ST82-21	Tennessee Gas Pipeline Co	Consolidated Edison Co. of New York	10/16/81	F		
ST82-22	Tennessee Gas Pipeline Co	United Gas Pipe Line Co	10/20/81	G		
ST82-23	Transcontinental Gas Pipe Line Corp	Consolidated Edison Co. of New York	10/22/81	F		
ST82-24	Louisiana Intrastate Gas Corp	United Gas Pipe Line Co	10/22/81	C	3/21/82	20.00
ST82-25	Transcontinental Gas Pipe Line Corp	Consolidated Edison Co. of New York	10/23/81	F		
ST82-26	Tennessee Gas Pipeline Co	Bay State Gas Co	10/23/81	B		
ST82-27	Trunkline Gas Co	Southern Natural Gas Co	10/26/81	G		
ST82-28	Michigan Wisconsin Pipe Line Co	Monterey Pipeline Co	10/26/81	B		
ST82-29	Northern Utilities, Inc	Northern Gas Co	10/30/81	B		
ST82-30	United Gas Pipe Line Co	Northern Natural Gas Co	10/30/81	G		
ST82-31	Kansas-Nebraska Natural Gas Co	Northern Gas Co	10/30/81	B		
ST82-32	Columbia Gulf Transmission Co	Transcontinental Gas Pipe Line Corp	10/30/81	G		

Docket No.	Transporter/seller	Recipient	Date filed	Part 284 subpart	Expiration date [1]	Transportation date
ST82-33	United Gas Pipe Line Co	Transcontinental Gas Pipe Line Corp	10/30/81	G		

[1] Intrastate pipeline has sought Commission approval of its transportation rate pursuant to section 284.123(b)(2) of the Commission's regulations (18 CFR 284.123(b)(2)). Such rates are deemed fair and equitable if the Commission does not take action by the date indicated.

[FR Doc. 81-36731 Filed 12-23-81; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP80-358-001]

United Gas Pipe Line Co.; Petition To Amend

December 18, 1981.

Take notice that on November 30, 1981, United Gas Pipe Line Company (Petitioner), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP80-358-001 a petition to amend the order issued August 4, 1980, pursuant to Section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)) so as to authorize the construction and operation of a gas purchase facility project in excess of the single project cost limitation of $3,500,000, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it was authorized by order issued August 4, 1980, to construct and operate certain natural gas facilities with a maximum total cost limitation of $20,000,000 with no single onshore project to exceed $2,500,000 and no single offshore project to exceed $3,500,000.

It is stated that Petitioner acquired the right to purchase production from gas reserves underlying South Pass Block 78 Area, offshore Louisiana. Southern Natural Gas Company (Southern) and Natural Gas Pipeline Company of America (Natural) also arranged to purchase production from reserves in the area. Petitioner explains that in order to make the South Pass 78 reserves available to the respective pipeline systems, Petitioner, Southern and Natural agreed to enter into a construction, ownership, operation and maintenance agreement which provides for construction of approximately 2.3 miles of 16-inch pipeline and appurtenant facilities at an estimated cost of $3,300,000.

It is submitted that due to delays attributed to bad weather, problems with the pipeline riser attachment and production platform repairs the actual cost of the project would exceed Petitioner's single project offshore limit by $1,800,000. Petitioner requests amendment of the order of August 4, 1980, so as to authorize the construction of the above described project at a cost not to exceed $5,300,000.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 11, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36757 Filed 12-23-81; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ST80-12-001]

Valero Transmission Co., Extension Reports

December 17, 1981.

The companies listed below have filed extension reports pursuant to section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The Commission's regulations provide that the transportation or sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding the effective date of the requested extension.

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. A letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before January 5, 1981 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protest filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kennth F. Plumb,

Secretary.

Docket No.	Transporter/seller	Recipient	Dated filed	Part 284 subpart	Effective date
ST80-12-001	Valero Transmission Co, P.O. Box 500, San Antonio, TX 78292	Transwestern Pipeline Co	10/13/81	C	1/15/82
ST80-109-001	Big Sandy Gas Corp., P.O. Box 3710, Charleston, WV 25337	Industrial Gas Corp	10/19/81	C	1/16/82
ST80-142-001	National Fuel Gas Supply Corp., 10 Lafayette Square, Buffalo, NY 14203	Kane Gas Co	10/22/81	C	1/21/82

[FR Doc. 81-36732 Filed 12-23-81; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ST80-113-001]

Valero Transmission Co.; Extension Reports

December 17, 1981.

The companies listed below have filed extension reports pursuant to section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The Commission's regulations provide that the transportation or sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding the effective date of the requested extension.

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. A letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before January 14, 1981 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No.	Transporter/seller	Recipient	Date filed	Part 284 subpart	Effective date
ST80-113-001	Valero Transmission Co., P.O. Box 500, San Antonio, TX 78292	El Paso Natural Gas Co	11/16/81	C	1/15/82
ST80-136-001	El Paso Natural Gas Co., P.O. Box 1492, El Paso, TX 79978	Gas Company of New Mexico	11/30/81	B	2/27/82
ST80-141-001	Natural Gas Pipeline Co. of America, 122 South Michigan Avenue, Chicago, IL 60603.	Transcontinental Gas Pipe Line Corp	11/25/81	G	2/27/82

[FR Doc. 81-36743 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 1940]

Wisconsin Public Service Corp.; Expiration of License

December 18, 1981.

Take notice that the license for the Tomahawk Project No. 1940 will expire on December 31, 1986. The project is located on the Wisconsin River in Lincoln County, Wisconsin and is licensed to Wisconsin Public Service Corporation.

The principal project works currently licensed for Project No. 1940 are: A dam, a reservoir, a powerhouse with an installed capacity of 2.6 MW, and appurtenant facilities.

This notice is issued pursuant to the regulations of the Federal Energy Regulatory Commission, 18 CFR 16.2 (1981). The Commission licenses non-federal water-power projects for periods up to 50 years pursuant to the Federal Power Act, 16 U.S.C. 791a–825r. When a license expires, the Commission may issue a new license to the original licensee or to a new licensee, or may recommend to Congress that the United States acquire the project.

Under the Commission's regulations, the current licensee must file its application for a new license from three to five years before the current license expires. Any other entity seeking the license must file an application in accordance with 18 CFR 16.3(b). When an application is filed, notice will be published and interested persons will have a further opportunity to submit a competing application, file a protest or comment, seek to intervene, or recommend that the United States acquire the project.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36733 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-149-000]

Carolina Power & Light Co.; Cancellation

December 18, 1981.

The filing Company submits the following:

Take notice that the Carolina Power & Light Company (Carolina) on November 27, 1981, tendered for filing a Notice of Cancellation. Carolina states that per Agreement dated June 8, 1981, Pinehurst, Inc., sold to and transferred to Carolina its distribution system. Carolina states that notice is hereby given that effective October 29, 1981, Rate Schedule FPC No. 105, effective date June 1, 1973, and filed with the Federal Energy Regulatory Commission by Carolina is to be cancelled. Carolina further states that henceforth the customers served by Pinehurst, Inc., will receive service from Carolina under the Company's applicable retail rate schedule.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 8, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36708 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-662-000]

Central Power and Light Co. Order Accepting for Filing and Requiring Attachment of Exhibits to Rate Schedule, Waiving Notice Requirements, Granting Interventions, and Terminating Docket

Issued: December 21, 1981.

On August 7, 1981, as completed on October 23, 1981,[1] Central Power & Light Company (CP&L) tendered for filing a proposed rate schedule which makes available transmission service by CP&L and West Texas Utilities Company (WTU) to the City of Brownsville, Texas (Brownsville).[2] On September 28, 1981, WTU filed a certificate of concurrence together with a letter agreement which indicates the pertinent terms and conditions concerning WTU's participation in rendering transmission service to Brownsville. The agreement provides for firm and non-firm transmission service,[3] with non-firm service to be supplied on an if-and-when-available basis and interruptible at the option of the company. CP&L requests waiver of the notice requirements and an effective date to coincide with the filing date of the original submittal.

Notice of the filing was issued on August 17, 1981, with responses due on or before September 4, 1981. On September 4, 1981, separate petitions to intervene were filed by a group of WTU's cooperative customers [4] (Texas cooperatives) and by South Texas Electric Cooperative, Inc. and Medina Electric Cooperative (STEC/MEC). Because STEC/MEC and Texas Cooperatives presently receive or are interested in receiving transmission service from CP&L, they request intervention in the instant docket. However, neither STEC/MEC nor Texas Cooperatives has requested that a hearing be held. STEC/MEC does request that the Commission confirm STEC/MEC's belief that barring circumstances which would make the rendition of transmission services infeasible, a refusal by CP&L to provide STEC/MEC the same types of service under the same or similar circumstances as are described in the CP&L/Brownsville agreement would be discriminatory and unlawful.

On September 8, 1981, Brownsville filed a petition to intervene and a motion to enlarge the proposed rate schedule. Brownsville does not object to the CP&L's filing, the proposed effective date, or the request for waiver of notice, provided that the rate schedule is enlarged to include certain letters containing terms and conditions which, according to Brownsville, are an integral part of the contractual arrangements between the parties and must be included as part of the filed rate schedule.

On September 23, 1981, CP&L responded to Brownsville's petition to intervene, contending that the tendered rate schedule is complete and that the motion to enlarge the rate schedule should be denied. CP&L asserts that the letters referenced by Brownsville cover matters outside the scope of the proposed transmission service agreement and that all pertinent provisions of the letters relevant to the instant docket have been included in Exhibit C to the agreement.[5]

Discussion

We find that participation in this proceeding by each of the intervenors is in the public interest. Accordingly, the petitions to intervene will be granted.

Our analysis, based on CP&L's and WTU's average system transmission costs indicates that the proposed firm transmission service rates are cost-justified. Inasmuch as the intervenors have not objected to the proposed rates or the requested effective date, we find that good cause exists to grant waiver of the notice requirements and accept the submittal, with the modifications set forth below, to become effective on August 7, 1981, as requested.

We take this opportunity to advise CP&L that it will be necessary pursuant to Section 35.13 of the Commission's regulations, to timely file the formula methodology together with appropriate cost support, prior to the implementation of any change in the rate for firm transmission service. Further, CP&L must timely file the specific rate and appropriate cost support for any non-firm transmission service rendered under the agreement.

As noted, STEC/MEC has requested that the Commission respond to its interpretation of the effects of a hypothetical refusal by CP&L to cooperate in offering STEC/MEC the same types of service under the same or similar conditions as are described in the CP&L/Brownsville agreement. We are unaware of any such refusal to date and we decline to speculate as to the factual circumstances which might underlie such an occurrence. Thus, we shall deny STEC/MEC's motion for clarification as premature; however, we do so without prejudice to any subsequent findings by the Commission concerning requests for transmission service between STEC/MEC and CP&L.

Concerning Brownsville's motion for enlargement of the rate schedule, we note that CP&L has included in the tendered rate schedule excerpts from the letter agreements which relate to the subject transmission service. While it appears that CP&L has attempted to file a complete rate schedule aplicable to the proposed transmission services, we believe that the rate schedule on file with the Commission should include the complete contractual background and *quid pro quos* for establishment of the transmission service rate schedule between CP&L and Brownsville. Accordingly, the letter agreements appended as Attachment A to Brownsville's September 8, 1981 pleading will be designated as exhibits to CP&L's tendered transmission rate schedule. We are, however, cognizant of the fact that the letter agreements may encompass some matters not specifically related to the transmission service agreement and the current designation of the letter agreements should not be construed as a determination at this time with respect to the Commission's jurisdiction over the enforcement of provisions of the letter agreements unrelated to the tendered transmission service agreement.

The Commission orders:

(A) CP&L's request for waiver of the notice requirements is hereby granted.

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21 By letter dated September 2, 1981, the company was advised that its original submittal was deficient.

22 See Attachment A for rate schedule designations.

23 The charge for non-firm transmission service is to be determined at the time of the transaction in accordance with the Texas Interconnected System Transmission Facilities Policy Guidelines in effect on the date that such service is provided. The proposed charge for firm service until December 31, 1983, is a flat rate depending on the systems involved and the total energy flow. Following that date, CP&L proposes to apply a formula methodology for determining the applicable transmission rate. CP&L states that it will file the formula methodology, the derivation of each component, and appropriate cost support in a timely manner for Commission approval prior to implementation of any change in the firm transmission service rate.

4 Kimble Electric Cooperative, Mid-Tex Electric Cooperative, which includes: Coleman County Electric Cooperative, Concho Valley Electric Cooperative, Dickens Electric Cooperative, Gate City Electric Cooperative, Lighthouse Electric Cooperative, McCullogh Electric Cooperative, Magic Valley Electric Cooperative, Midwest Electric Cooperative, Rio Grande Electric Cooperative, Southwest Texas Electric Cooperative, Stamford Electric Cooperative, and Taylor Electric Cooperative

5 CP&L notes one exception which it agrees should have been filed. That exception is a letter agreement containing certain assurances by WTU which has now been filed by WTU in conjunction with its certificate of concurrence in this docket.

(B) CP&L's submittal is hereby accepted for filing to become effective as of August 7, 1981, without suspension.

(C) CP&L is hereby informed that a timely filing of the rate or formula methodology together with appropriate cost support pursuant to § 35.13 of the Commission's regulations is required prior to the implementation of a change in rates for firm transmission service or the rendering of any non-firm transmission service.

(D) The petitions to intervene in this proceeding are hereby granted subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act: *Provided, however,* that participation by such intervenors shall be limited to the matters set forth in their petitions to intervene; and *provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order of the Commission in this proceeding.

(E) Brownsville's motion to enlarge the tendered rate schedule is hereby granted to the extent discussed above and the letter agreements appended as Attachment A to Brownsville's motion are hereby designated as exhibits to the rate schedule as shown on Attachment A to this order.

(F) Docket No. ER81-662-000 is hereby terminated.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

DOCKET NO. ER81-662-000—RATE SCHEDULE

Designations	Description
Central Power & Light Company	
(1) Rate schedule FERC No. 65.	Transmission services agreement.
(2) Supplement No. 1 to rate schedule FERC No. 65.	Exhibit A—Transmission request CPL/Brownsville transmission services agreement.
(3) Supplement No. 2 to rate schedule FERC No. 65.	Exhibit B to transmission services agreement.
(4) Supplement No. 3 to rate schedule FERC No. 65.	Exhibit C—Other terms and conditions of transmission service to Brownsville.
(5) Exhibit A to rate schedule FERC No. 65.	Texas Interconnected System transmission facilities policy guidelines.
(6) Exhibit B to rate schedule FERC No. 65.	Letter dated January 22, 1981 (attachments A to Brownsville's petition to intervene).
(7) Exhibit C to rate schedule FERC No. 65.	Letter dated February 17, 1981 (exhibit 1 to attachment A to Brownsville's petition to intervene).
(8) Exhibit D to rate schedule FERC No. 65.	Letter dated January 22, 1981 (exhibit 2 to attachment A to Brownsville's petition to intervene).
(9) Exhibit E to rate schedule FERC No. 65.	Letter dated January 22, 1981 (exhibit 4 to attachment A to Brownsville's petition to intervene).

DOCKET NO. ER81-662-000—RATE SCHEDULE—Continued

Designations	Description
(10) Exhibit F to rate schedule FERC No. 65.	Letter dated January 21, 1981 (attachment to West Texas Utilities Company's certificate of concurrence).
West Texas Utilities Company	
(11) Rate schedule FERC No. 46 (concurs in (1) above).	Certificate of Concurrence.

[FR Doc. 81-36787 Filed 12-23-81 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-152-000]

El Paso Electric Co.; Filing

December 17, 1981.

The filing Company submits the following:

Take notice that on December 11, 1981, El Paso Electric Company (El Paso) tendered for filing an initial rate schedule pursuant to an "Agreement for the Purchase of Electric Service from El Paso Electric Company" dated December 8, 1980 (Agreement). El Paso states that this Agreement provides for the firm sale of electric power by El Paso to Texas/New Mexico Power Company (TNP) for a period of 15 years beginning on January 1, 1982.

El Paso requests waiver of the Commission's notice requirements to allow for an effective date of January 1, 1982.

According to El Paso copies of this filing have been served upon the Public Utility Commission of Texas, the New Mexico Public Service Commission and TNP.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petiton to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36788 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP74-122, et al.]

Energy Terminal Services Corp.; Technical Conference

December 18, 1981.

Take notice that on December 29, 1981, the members of the Commission Staff and its consultants will meet with representatives of the Applicant herein to discuss some of the structural and design aspects of the liquefied natural gas tanks located at Rossville, New York. This technical conference will be held at 10:00 a.m. in Room A-367 of Building 226 at the National Bureau of Standards, Gaithersburg, Maryland. All interested parties may attend subject to the space limitations therein.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36789 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-151-000]

Florida Power & Light Co.; Filing

December 18, 1981.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FP&L) on December 11, 1981, tendered for filing documents entitled "Exhibit I to Service Agreement For Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service." This filing is proposed to amend FERC Electric Tariff Original Volume II (Sheet Nos. 1-19).

FP&L states that under the Exhibit I FP&L will transmit power and energy for the Utilities Commission, City of New Smyrna Beach (New Smyrna) as is required by New Smyrna in the implementation of its interchange agreement with the City of Tallahassee.

FP&L requests that waiver of the Commission's Regulations be granted and that the proposed Exhibit be made effective immediately. FP&L states that copies of the filing were served on the Director of Utilities of New Smyrna Beach.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 8,

1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36770 Filed 12-23-81; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 5313-000]

Hydro Energies Corp.; Application for License (Over 5 MW)

December 22, 1981.

Take notice that Hydro Energies Corporation (Applicant) filed on September 3, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for construction and operation of a water power project to be known as the Dewey's Mills Project No. 5313. The project would be located on the Ottauquechee River in Windsor County, Vermont, and would utilize a Federally-owned dam and reservoir. Correspondence with the Applicant should be directed to: Mr. L. John Davidson, President, Hydro Energies Corporation, Post Office Box 500, Quechee, Vermont 05059.

Project Description—The proposed project would utilize a Federally-owned dam and reservoir located within the boundaries of the U.S. Army Corps of Engineers' North Hartland Flood Control Project. The project would consist of: (1) three-foot high flashboards to be installed at the existing Dewey's Mills Dam; (2) a new powerhouse with an installed generating capacity of 2,180 kW; (3) a new switchyard and 4,500-foot long transmission line; and (4) appurtenant works.

The average annual energy output would be between 6,150,000 kWh and 7,050,000 kWh per year.

Purpose of Project—Project energy would be sold to the Central Vermont Public Service Corporation.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 1, 1982, either the competing application itself [See 18 CFR 4.33(a) and (d)] or a notice of intent [See 18 CFR 4.33(b) and (c)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36771 Filed 12-23-81; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. EL81-17-000]

Iowa Electric Light and Power Co.; Order Initiating Hearing

Issued: December 18, 1981.

On May 18, 1981, Iowa Electric Light and Power Company (Iowa Electric) filed a motion, pursuant to §§ 1.20 and 41.7 of the Commission's regulations, requesting that the Commission institute hearing procedures with respect to a notice of accounting deficiency sent to Iowa Electric on April 27, 1981.

The notice of deficiency was issued as a result of an audit conducted by the Commission staff of the company's books and records supporting changes in the recorded cost of electric and

common utility plant and related accumulated provisions for depreciation and amortization from January 1, 1974, through December 31, 1978. The audit staff required various adjustments to the company's accounts, some of which were accepted by Iowa Electric. The company, however, contested three correcting entries concerning the treatment of costs associated with the removal and replacement in 1978 of eight safe-ends [1] at the Duane Arnold Energy Center, a nuclear generating facility 70% owned by Iowa Electric.

Iowa Electric has treated the replacement of the safe-ends as the addition and retirement of retirement units of property, as defined at 18 CFR Part 101, Electric Plant Instruction 10(B)(1), and has capitalized the costs incurred. The Commission staff would treat the removal and replacement costs as "extraordinary property loss" expenses to be amortized over a period of time to be proposed by the company and subject to Commission approval.[2]

Discussion

Part 41 of the Commission's regulations provides for shortened procedures in order to resolve disputes regarding accounting matters. However, § 41.7 provides that where a party does not consent to the shortened procedures, or if at any stage of the proceeding prior to submission of the case to the Commission, a party in interest requests a hearing, the proceeding will be assigned for hearing as provided in § 1.20 of the Commission's Rules of Practice and Procedure. Therefore, we shall grant Iowa Electric's motion and order that a hearing be held.

The Commission orders:

(A) The motion of Iowa Electric filed on May 18, 1981, for the initiation of a hearing is hereby granted.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly section 301 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the accounting issues raised in the Commission's letter order of April 27, 1981.

(C) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a prehearing conference on or before January 25, 1982, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding administrative law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(D) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-38772 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

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[1] A safe-end is part of a nuclear reactor's piping system.

[2] The disputed figures amount to over $15,000,000.

[Project No. 5613-000]

Charles E. and Anne W. MacArthur; Application for License (5 MW or Less)

December 22, 1981.

Take notice that Charles E. and Anne W. MacArthur (Applicant) filed on November 4, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for continued operation of a water power project to be known as the Brown's Mill Project No. 5613. The project is located on the Piscataquis River in the town of Dover-Foxcroft, Piscataquis County, Maine. Correspondence with the Applicant should be directed to: Mr. Charles E. MacArthur, 16 Vaughn Street, Dover-Foxcroft, Maine 04426.

Project Description—The proposed project would consist of two existing developments described below:

(A) The Upper Development for which water rights are owned by the applicant consists of: (1) an existing 12-foot high, 200-foot long masonry and concrete dam owned by the town of Dover-Foxcroft; (2) a 26 acre reservoir at elevation 360 feet m.s.l. with usable storage capacity of 13 acre-feet at a drawdown of 6 inches; (3) an existing fish ladder; and (4) appurtenant facilities. The Upper Development provides stream regulation and limited storage capacity for the lower development.

(B) The Lower Development for which water rights and generating facility are owned by the Applicant consists of: (1) an existing 22-foot high, 26.5-foot long masonry and concrete dam owned by the town of Dover-Foxcroft; (2) a 4 acre reservoir at elevation 344 feet m.s.l. with negligible storage capacity; (3) an existing 172-foot long, 40 to 24-foot wide open canal; (4) an existing 24-foot wide, 84-foot long covered canal; (5) three

existing steel penstocks approximately 50 feet in length; (6) an existing powerhouse containing turbine-generators with a total rated capacity of 594 kW in operation; (7) an existing fish ladder; and (8) appurtenant facilities.

Purpose of Project—Energy produced at the project is sold to Central Maine Power Corporation.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endanagered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 1, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d)] or a notice of intent [See 18 CFR 4.33 (b) and (c)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments protests, or petitions to intervene must be received on or before March 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–36773 Filed 12–23–81; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER81–150–000]

Missouri Power & Light Co.; Filing

December 18, 1981.

The filing Company submits the following:

Take notice that Missouri Power & Light Company (MPL) on December 11, 1981, tendered for filing a proposed Electric Service Agreement between MPL and the City of Linneus, Missouri (Linneus).

MPL states that the Agreement was approved by Bill No. BXXXVII, Ordinance No. BXXXVII of the City of Linneus, Missouri. The Electric Service Agreement between MPL and Linneus entered into on December 7, 1971 expires on December 6, 1981. MPL proposes that the new Agreement become effective on December 7, 1981. The new Agreement increases capacity from 500 kilovolt amperes under the hold Agreement to 1000 kilovolt amperes. The new Agreement requires Linneus to give MPL six (6) months' advance written notice of any proposed new municipal use or resale which will result in a 500 KW addition or more and to consult with MPL prior to such use or resale to determine that such use or resale is consistent with safe and reliable system operation. The new Agreement terminates on December 6, 1991, but is automatically renewed for successive two (2) year periods unless terminated by two (2) years advance written notice by either party to the chief executive officer of the other party. The Agreement is not terminable by either party during the first eight (8) years of the term. Rates to be charged under the new Agreement will remain the same as rates presently charged under the old Agreement and do not

differ from rates charged to other customers in the same class.

Copies of the filing were served upon MPL's jurisdictional customers and the Secretary of the Missouri Public Service Commission.

Any person desiring to be heard to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 8, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are open for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-36774 Filed 12-23-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. G-4283-002, et al.]

Mitchell Energy & Development Corporation, et al.; Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

December 18, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 5, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commissionon its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-4283-002, C, Dec. 3, 1981	Mitchell Energy & Development Corporation, 2001 Timberloch Place, The Woodlands, Texas 77380.	Natural Gas Pipeline Company of America, Wise County area, Texas.	(2)	14.65
G-13295-000, D, Dec. 7, 1981	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Northern Natural Gas Company, Buffalo field, Harper County, Oklahoma.	(3)	
C181-1024-001 and C168-156-000, D, Nov. 30, 1981.	Mobil Oil Corporation, Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Natural Gas Pipeline Company of America, N. Custer City field, sec. 25, T15N, R16W, Custer County, Oklahoma.	(4)	
C165-146-000, C, Dec. 4, 1981	Mitchell Energy Corporation, 2001 Timberloch Place, The Woodlands, Texas 77380.	Natural Gas Pipeline Company of America, Wise County area, Wise County, Texas.	(2)	14.65
C165-1016-000, C, Dec. 4, 1981	Mitchell Energy Corporation, 2001 Timberloch Place, The Woodlands, Texas 77380.	Natural Gas Pipeline Company of America, Wise County area, Wise County, Texas.	(2)	14.65
C167-1457-000, D, Sept. 8, 1978	Anadarko Production Company, P.O. Box 1330, Houston, Texas 77001.	Northern Natural Gas Company, Beaver County, Oklahoma.	(3)	
C167-1533-000, D, Dec. 7, 1981	Kerr-McGee Corporation, P.O Box 25861, Oklahoma City, Oklahoma 73125.	Texas Eastern Transmission Company, Oolseu Frene field, Assumption Parish, Louisiana.	(1)	
C177-491-001, Dec. 4, 1981 [5]	Cities Service Company, P.O. Box 300, Tulsa, Oklahoma 74102.	El Paso Natural Gas Company, Benedum plant, Reagan County, Texas.	(6)	14.65
C181-314-001, C, Dec. 4, 1981	Marathon Oil Company (Operator), 539 South Main Street, Findlay, Ohio 45840.	Natural Gas Pipeline Company of America, Eugene Island area, block 343, offshore Louisiana.	(10)	15.025
C182-120-000, B, Dec. 4, 1981	Grace Petroleum Corporation, Broadway Executive Park, 6501 North Broadway, Oklahoma City, Oklahoma 73116.	Warren Petroleum Company, N.W. Penn field, Crane County, Texas.	(11)	
C182-121-000, A, Dec. 7, 1981	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001.	Tennessee Gas Pipeline Company, West Delta block 78, offshore Louisiana.	(12)	15.025
C182-122-000 (C175-162), B, Dec. 7, 1981.	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Tennessee Gas Pipeline Company, Bay Lizette field, LaFourche Parish, Louisiana.	(13)	
C182-123-000 (C166-646), B, Dec. 7, 1981.	Energy Reserves Group, Inc., Post Office Box 1201, Wichita, Kansas 67201.	Tennessee Gas Pipeline Co., Lockhart field, Starr County, Texas.	(14)	
C182-124-000, E, Dec. 9, 1981 [15]	Mitchell Energy Corporation (Succ. to Cities Service Company), 2001 Timberloch, The Woodlands, Texas 77380.	United Gas Pipeline Company, Cartwright field, Jackson Parish, Louisiana.	(16)	14.73
C182-125-000, A, Dec. 10, 1981	Phillips Petroleum Company, 336 H&A Building, Bartlesville, Oklahoma 74004.	Northern Natural Gas Company, section 788, block 43, H&TC survey, Lipscomb County, Texas and section 35, 2 North, 27 East, Beaver County, Oklahoma.	(17)	14.73
G-10321-000, D, Dec. 14, 1981	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	El Paso Natural Gas Company, University field, Andrews County, Texas.	(3)	
C165-1164-000, D, Dec. 14, 1981	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Natural Gas Pipeline Company of America, Indian basin field, Eddy County, New Mexico.	(4)	

Footnotes:
Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.
[1] Applicant is filing under Gas Purchase Contract dated July 12, 1954, superseded by contract dated December 27, 1977 and amended by Amendment dated August 7, 1981.
[2] Shell Oil Company is no longer able to render service from the acreage involved in this application because it has no interest in the acreage.
[3] Leases released due to cessation of production. Well plugged and abandoned.
[4] Applicant is filing under Gas Purchase Contract dated May 25, 1964 amended by definitive agreement dated November 1, 1981.
[5] Applicant is filing under Gas Purchase Contract dated January 14, 1965 amended by definitive agreement dated November 1, 1981.
[6] By assignment dated May 13, 1974, Anadarko assigned all of its oil and gas rights as to all depths underlying the SE/4 of Section 32-4N-24ECM to Zoller and Danneberg Inc. which is now Premier Resources.
[7] The only well drilled on the lands covered by this application was dry and abandoned and Applicant's leases have been released.
[8] Applicant is filing to change the delivery point from the tailgate of the Dorchester Gas Producing Company's Texon Plant to El Paso Natural Gas Company's measuring facilities at the outlet of Union Texas Petroleum Corporation's Benedum Plant.
[9] Applicant is filing under Residue Gas Purchase Agreement dated April 25, 1977 amended by Amendment dated October 21, 1981.
[10] Applicant is filing under Gas Purchase Contract dated October 6, 1980, amended by Amendatory Agreement dated October 7, 1981.
[11] No longer producing in commercial quantities uneconomic.
[12] Applicant is filing under Gas Purchase Contract dated November 11, 1981.
[13] All leases have been released or surrendered and there is no gas production from acreage.
[14] Some acreage sold effective July 1, 1981. Remaining acreage released of record after wells plugged.
[15] By assignment dated November 3, 1981, to be effective August 6, 1981, Mitchell acquired the interests of Cities Service Company in certain leases.
[16] Applicant is filing under Contract dated October 7, 1981 which supersedes an October 7, 1966 contract between Cities Service Company and United Gas Pipe Line Company.
[17] Applicant is filing under Agreement dated September 6, 1982, as amended October 26, 1980 and March 17, 1981.

[FR Doc. 81-36775 Filed 12-23-81; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 4805-001]

Victor and La Verta Page; Notice of Application for License (5 MW or Less)

December 22, 1981.

Take notice that Victor and La Verta Page (Applicant) filed on October 2, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for construction and operation of a water power project to be known as the Bloomfield Ranch Project No. 4805. The project would be located on the South Fork Kern River, near Bakersfield, in Kern County, California. Correspondence with the Applicant should be directed to: Victor W. Page, P.O. Box 5374, San Bernardino, California 92412.

Project Description—The proposed project would consist of: (1) a 6-foot high dike and headgate; (2) a 10,100-foot long and 60-inch diameter reinforced concrete and steel pipeline; (3) a concrete powerhouse containing 3 generating units, each rated at 830 kW; and (4) a transmission line. The average annual energy generation would be 13 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Southern California Edison Company.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 1, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-36776 Filed 12-23-81; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. CS82-6-000, et al.]

Puma Petroleum Co., et al.; Applications for "Small Producer" Certificates [1]

December 18, 1981.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 5, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No.	Date filed	Applicant
CS82-6-000	Nov. 6, 1981	Puma Petroleum Company, 1660 Lincoln St., Suite 407, Denver, Colorado 80295.
CS82-7-000	Nov. 2, 1981	Kaiser Energy, Inc., *et al.*, 300 Lennox Drive, Oakland, California 94643.
CS82-9-000	Nov. 16, 1981	Harman Oil & Refining Company, 3270 W. Main, Box 13039, Houston, Texas 77019.
CS82-8-000	Nov. 30, 1981	Roller Oil Company, Inc., P.O. Box 215, Luling, Louisiana 70070.
CS82-10-000	Nov. 30, 1981	Fitsland Mongrue, doing business as Mongrue Oil, Inc., P.O. Box 215, Luling, Louisiana 70070.
CS82-11-000	Dec. 7, 1981	Tarina Oil Company, 1006 Main St., Suite 1511, Houston, Texas 77002.
CS82-12-000	Dec. 8, 1981	EFB Limited Partnership, 50 Christmas Hill Road, Guilford, Connecticut 06437.

[FR Doc. 81-38777 Filed 12-23-81; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 5619-000]

R.D.D., Inc.; Application for Preliminary Permit

December 22, 1981.

Take notice that R.D.D., Inc. (Applicant) filed on November 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5619 to be known as the Knott Creek Hydroelectric Project located on Knott Creek in Humboldt County, Nevada. Part of the project is located on Bureau of Land Management land. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Richard Drake, President, R.D.D., Inc., 440 Rhinehart Court, Winnemucca, Nevada 89445.

Project Description—The proposed project would consist of: (1) an existing 27-foot high dam and 450 acre-foot capacity reservoir, enlargement of which is proposed; (2) steel penstock 3.5 miles long; (3) a powerhouse containing a turbine generator with 940 kW capacity and 4.1 GWh annual energy production; (4) transmission line one mile long; and (5) appurtenant facilities. Generated power would be sold to either Sierra Pacific Power Company or Bonneville Power Administration.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 36 months, during which time engineering, economic and environmental studies will be conducted to ascertain feasibility and to support application for a license to construct and operate the project. The estimated cost of the above activities is $72,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 1, 1982, the competing application itself [see: 18 CFR § 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 30, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or § 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-38778 Filed 12-23-81; 8:45 am]
BILLING CODE 6717-01-M

[Volume 560]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 16, 1981.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-ANADARKO PRODUCTION COMPANY			RECEIVED: 11/23/81 JA: KS						
8207478	K81-0813	1517520006		108		ALEXANDER B #1	CONDIT	6.0	CIMARRON-QUINQUE
8207479	K81-0814	1511920002		108		BAKER A #1	NOVINGER SW	6.5	CIMARRON-QUINQUE
8207577	K 81-1009	1517520382		108		BLOOM A #1	ADAMSON	2.4	CIMARRON-QUINQUE
8207498	K 81-0866	1512920517		103		BRADLEY A #1	INTERSTATE	113.0	PANHANDLE EASTERN
8207482	K81-0817	1518920219		108		BUDDENBURG #2	PANOMA COUNCIL GROVE	1.5	PANHANDLE EASTERN
8207473	K81-0802	1512920519		103		FEWEL A #1	INTERSTATE	143.0	PANHANDLE EASTERN
8207575	K 81-1007	1517508808		108		LIGHT B-1	CONDIT	9.0	CIMARRON-QUINQUE
8207480	K81-0815	1517500000		108		MCAHREN A #1	CONDIT	4.2	CIMARRON-QUINQUE
8207576	K 81-1008	1518920378		108		MILLER M #1	GENTZLER	1.2	CIMARRON-QUINQUE
8207481	K81-0816	1506720317		108		PARSONS G #1	PANOMA COUNCIL GROVE	8.2	PANHANDLE EASTERN
8207483	K81-0818	1512900000		108		SWITZER A #2	INTERSTATE RED CAVE	14.2	PANHANDLE EASTERN
-BYRON E HUMMON JR			RECEIVED: 11/23/81 JA: KS						
8207539	K 81-0954	1515921078		103		WILKEY #1	BULL CREEK NORTH	365.0	PEOPLES NATURAL G
-CALVIN EXPLORATION INC			RECEIVED: 11/23/81 JA: KS						
8207512	K81-0884	1511920473		103		ISAAC #2-26	BORCHERS NORTH	180.0	PANHANDLE EASTERN
-CASCADE OIL CO			RECEIVED: 11/23/81 JA: KS						
*8207601	K81-1034	1511520533		108		CARLSON #1		1.5	CLOVER PIPELINE C
*8207602	K81-1035	1511520668		108		CARLSON #2		1.5	CLOVER PIPELINE C
*8207603	K81-1036	1511520651		108		CARLSON #5		1.5	CLOVER PIPELINE C
*8207596	K81-1029	1501720139		108		HARDER #2		3.0	CLOVER PIPELINE C
*8207597	K81-1030	1501720142		108		HARDER #3		3.0	CLOVER PIPELINE C
*8207598	K81-1031	1501720141		108		HARDER #5		3.0	CLOVER PIPELINE C
*8207599	K81-1032	1501720145		108		HARDER #6		3.0	CLOVER PIPELINE C
*8207600	K81-1033	1501720146		108		HARDER #7		3.0	CLOVER PIPELINE C
*8207595	K81-1028	1501720148		108		HARDER #9		3.0	CLOVER PIPELINE C
*8207612	K 81-1044	1501720160		108		VETTER #10		6.0	CLOVER PIPELINE C
*8207613	K 81-1045	1501720161		108		VETTER #11		6.0	CLOVER PIPELINE C
*8207614	K 81-1046	1501720162		108		VETTER #12		6.0	CLOVER PIPELINE C
*8207615	K 81-1047	1501720163		108		VETTER #13		6.0	CLOVER PIPELINE C
*8207616	K 81-1048	1501720164		108		VETTER #14		6.0	CLOVER PIPELINE C
*8207617	K 81-1049	1501720165		108		VETTER #15		6.0	CLOVER PIPELINE C
*8207618	K 81-1050	1501720166		108		VETTER #16		6.0	CLOVER PIPELINE C
*8207605	K81-1038	1501720152		108		VETTER #2		6.0	CLOVER PIPELINE C
*8207606	K81-1038-A	1501720153		108		VETTER #3		6.0	CLOVER PIPELINE C
*8207607	K81-1039	1501720154		108		VETTER #4		6.0	CLOVER PIPELINE C
*8207608	K 81-1040	1501720156		108		VETTER #6		6.0	CLOVER PIPELINE C
*8207609	K 81-1041	1501720157		108		VETTER #7		6.0	CLOVER PIPELINE C
*8207610	K 81-1042	1501720158		108		VETTER #8		6.0	CLOVER PIPELINE C
*8207611	K 81-1043	1501720159		108		VETTER #9		6.0	CLOVER PIPELINE C
*8207604	K81-1037	1501720102		108		VETTER OF #1		6.0	CLOVER PIPELINE

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-CHAMPLIN PETROLEUM COMPANY						RECEIVED: 11/23/81 JA: KS			
8207502	K 81-0871	1505520245		108		GARDEN C #9	PANOMA	9.0	KANSAS NEBRASKA N
-CITIES SERVICE COMPANY						RECEIVED: 11/23/81 JA: KS			
8207564	K 81-0990	1506700000		108		HAMPTON A #2	PANOMA	0.0	PANHANDLE EASTERN
-CITIES SERVICE COMPANY						RECEIVED: 11/25/81 JA: KS			
8207624	K 81-0786	1505520472		103		ENGLER A #2	PANOMA	165.0	NORTHERN NATURAL
-CITIES SERVICE COMPANY						RECEIVED: 11/27/81 JA: KS			
8207625	K-81-0715	1508120223		103		HALL K #6	PANOMA	88.0	COLORADO INTERSTA
-COLONIAL CORP						RECEIVED: 11/23/81 JA: KS			
8207485	K81-0820	1503522902		102-4		WHITEHILL #1	POSEY	21.0	COLONIAL CORP
-DUNBAR & SON OIL ENTERPRISES INC						RECEIVED: 11/23/81 JA: KS			
8207521	K81-0933	1503522171		102-2		PERRY-SNYDER #2-20-30	GUTHRIE	4.0	CITIES SERVICE GA
8207522	K81-0934	1503522172		102-2		PERRY-SNYDER #3-19-30	GUTHRIE	4.0	CITIES SERVICE GA
8207523	K81-0936	1503522169		102-2		PERRY-SNYDER #5-19-30	GUTHRIE	4.0	CITIES SERVICE GA
8207524	K81-0937	1503522170		102-2		PERRY-SNYDER #6-19-30	GUTHRIE	4.0	CITIES SERVICE GA
8207525	K81-0939	1503522220		102-2		PERRY-SNYDER #8-14-30	GUTHRIE	4.0	CITIES SERVICE GA
8207518	K81-0927	1503522325		102-2		SNYDER B-3	GUTHRIE	4.8	CITIES SERVICE GA
8207519	K81-0928	1503522558		102-2		SNYDER B-4	GUTHRIE	4.8	CITIES SERVICE GA
8207520	K81-0929	1503522393		102-2		SNYDER D-1	GUTHRIE	26.4	CITIES SERVICE GA
-ENERGETICS INC						RECEIVED: 11/23/81 JA: KS			
8207571	K 81-0997	1503320420		103		YOST 23-9	WILDCAT	365.0	
-EXXON CORPORATION						RECEIVED: 11/23/81 JA: KS			
8207561	K 81-0987	1504720794		103		BERNARD A MEYER #3	EMBRY EAST	29.0	NORTHERN NATURAL
8207562	K 81-0988	1504720795		103		BERNARD A MEYER #4	EMBRY EAST	1.0	NORTHERN NATURAL
8207563	K 81-0989	1504720796		103		BERNARD A MEYER #5	EMBRY EAST	0.0	NORTHERN NATURAL
8207560	K 81-0986	1504720893		103		BERNARD A MEYER #7	EMBRY EAST	10.0	NORTHERN NATURAL
8207567	K 81-0993	1504720791		103		PAUL MEYER #1	EMBRY EAST	11.0	NORTHERN NATURAL
8207568	K 81-0994	1504720901		103		PAUL MEYER #8	EMBRY EAST	0.0	NORTHERN NATURAL
-F G HOLL						RECEIVED: 11/23/81 JA: KS			
8207620	K 81-1053	1514520718		102-2		ALDRICH B #1-32	EXT/MASSEY W	65.7	KANSAS-NEBRASKA N
8207622	K 81-1055	1504720607		102-2		CHALK #2-13	WAC	37.5	KANSAS-NEBRASKA N
8207478	K81-0729	1514520643		108		MOAR B #1-31	GARFIELD SW	16.5	KANSAS-NEBRASKA N
8207491	K 81-0858	1504720648		103		LUNZ #3-21	EMBRY	35.0	NORTHERN NATURAL
8207621	K 81-1054	1504720426		102-2		MC KINNEY #1-13	WAC	13.8	KANSAS-NEBRASKA N
8207492	K 81-0859	1504720875		103		RUDD #5-16	EMBRY	104.0	NORTHERN NATURAL
-FOUR SANDS OIL						RECEIVED: 11/23/81 JA: KS			
8207474	K81-0803	1501922510		103		BROUGHAM PROPERTIES #1	FRAZIER	25.0	COOKSON HILLS GAS
8207475	K81-0804	1501922511		103		BROUGHAM PROPERTIES #2	FRAZIER	25.0	COOKSON HILLS GAS
-GEAR PETROLEUM CO INC						RECEIVED: 11/23/81 JA: KS			
8207578	K 81-1010	1509520709		108		MOLITOR A #1	GARLISH S W	7.3	KANSAS GAS SUPPLY
8207558	K 81-0984	1509520554		108		MORRISSEE B #1	SPIVEY-GRABS	6.2	NORTHERN NATURAL
8207557	K 81-0983	1509520414		108		WESTERMAN #1	SPIVEY-GRABS	12.4	NORTHERN NATURAL
8207559	K 81-0985	1509720619		103		WILSON-HUTTON #1		54.8	KANSAS-NEBRASKA N
-GEORGE A ANGLE						RECEIVED: 11/23/81 JA: KS			
8207466	K80-0241	1516520733		108		BURGARDT A #8	REICHEL	19.0	KANSAS-NEBRASKA N
-GEORGE R JONES						RECEIVED: 11/23/81 JA: KS			
8207496	K 81-0864	1503320311		102-2		HAAS #1	WILDCAT	100.0	
8207537	K 81-0952	1507720631		103		WELCH #1	STOMRVILLE	75.0	QUIVIRA GAS CO
-GRAHAM-MICHAELIS CORP						RECEIVED: 11/23/81 JA: KS			
8207540	K 81-0956	1502500000		108		YORK 1-26	SITKA	17.0	NORTHERN NATURAL
-IMPERIAL OIL COMPANY						RECEIVED: 11/23/81 JA: KS			
8207538	K 81-0953	1511920165		108		COLLINGWOOD #4	ANGELL	8.5	MICHIGAN WISCONSI
8207619	K 81-1051	1511920259		108		CROOKED-L RANCH #1-21	BORCHERS NORTH	11.0	MICHIGAN WISCONSI

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8207541	K 81-0957	1509720778		102-2		HOFF #1-13	CARVER ROBBINS WEST	14.6	PANHANDLE EASTERN
8207542	K 81-0958	1509720788		102-2		HOFF #2-13 (KINDERHOOK)	CARVER ROBBINS WEST	36.5	PANHANDLE EASTERN
8207556	K 81-0982	1509720788		102-2		HOFF #2-13 (MARMATON)	CARVER ROBBINS WEST	14.6	PANHANDLE EASTERN
8207468	K81-0518	1504720249		108		MULL #2-33	MULL	1.2	KANSAS-NEBRASKA N
8207546	K 81-0965	1509720796		102-2		WINKLEPLECK #1-12	CARVER ROBBINS WEST	18.0	PANHANDLE EASTERN
-KAISER-FRANCIS OIL COMPANY				RECEIVED: 11/23/81 JA: KS					
8207472	K81-0801	1509500000		108		MORGAN #1	SPIVEY-GRABS	14.0	KANSAS GAS SUPPLY
-KANSAS OIL CORP				RECEIVED: 11/23/81 JA: KS					
8207516	K81-0889	1518521170		103		BOWDEN #1	FOLEY	54.0	CENTRAL STATES GA
8207515	K81-0888	1500721137		103		CHRISTENSEN #1	MEDICINE LODGE BOGGS	54.0	KANSAS POWER & LI
-KANSAS-NEBRASKA NATURAL GAS CO INC				RECEIVED: 11/23/81 JA: KS					
8207570	K 81-0996	1509300000		108		FINKELSTEIN 2	HUGOTON	18.0	KANSAS-NEBRASKA N
-LEAR PETROLEUM EXPLORATION INC				RECEIVED: 11/23/81 JA: KS					
8207487	K81-0854	1503320438		102-2		FITZWATER #4-9	WILDCAT	18.0	MICHIGAN WISCONSI
8207508	K81-0880	1503320465		102-2		JELLISON C 1-9	WILDCAT	100.0	MICHIGAN WISCONSI
8207476	K81-0805	1503320439		102-2		SELZER #3-8	WILDCAT	22.0	MICHIGAN WISCONSI
8207574	K 81-1004	1503320440		102-2		ZIELKE #3-8	WILDCAT	15.0	MICHIGAN WISCONSI
-LEBEN OIL CORP				RECEIVED: 11/23/81 JA: KS					
8207509	K81-0881	1517520272		108		GRABER #3	MASSONI	10.0	PANHANDLE EASTERN
-LEE BANKS				RECEIVED: 11/23/81 JA: KS					
8207536	K 81-0951	1511920398		102-4		LOEWEN #1	NORTH BORCHERS	250.0	PANHANDLE EASTERN
8207513	K81-0885	1512920539		102-4		STATE # 1.31	WINTER-MARMATON	200.0	PANHANDLE EASTERN
-LEEMAN ENERGY CORP				RECEIVED: 11/23/81 JA: KS					
8207565	K 81-0991	1509720684		103		ANCHOR D RANCH #3-23A	CONKLIN ESTATE	20.0	KANSAS GAS SUPPLY
-MAXBY OIL CO				RECEIVED: 11/23/81 JA: KS					
8207514	K81-0886	1511500000		108		WIGHT-ANTELOPE TOWNSITE #1	ANTELOPE	3.0	CLOVER PIPELINE C
-MCCOY PETROLEUM CORP				RECEIVED: 11/23/81 JA: KS					
8207471	K81-0791	1507720699		103		GILL A #2	SPIVEY-GRABS	36.0	PANHANDLE EASTERN
8207573	K 81-1003	1509521088		103		HONN A	SPIVEY-GRABS	35.0	PEOPLES NATURAL G
-MESA PETROLEUM				RECEIVED: 11/23/81 JA: KS					
8207593	K81-1026	1511920386		102-4		HEINSON #1-28	WILDCAT	250.0	MICHIGAN WISCONSI
8207594	K81-1027	1511920500		103		MERKLE #2-8	CIMARRON BEND	400.0	KANSAS POWER AND
-MID-CONTINENT ENERGY CORP				RECEIVED: 11/23/81 JA: KS				153.0	NORTHERN NATURAL
8207543	K 81-0961	1518920466		103		CRAWFORD #1			
-MOLZ OIL CO				RECEIVED: 11/23/81 JA: KS					
8207484	K81-0819	1500720884		103		DAVIS-MCGUIRE #1	MCGUIRE GOEMANN	200.0	PANHANDLE EASTERN
8207499	K 81-0868	1500720998		103		ESTELLA MCGUIRE #1	MCGUIRE-GOEMANN	400.0	PANHANDLE EASTERN
8207486	K81-0822	1500720949		103		GOEMANN #1	MCGUIRE GOEMANN	250.0	PANHANDLE EASTERN
8207500	K 81-0869	1500720950		103		SCHIFF-MCGUIRE #1	MCGUIRE-GOEMANN	91.0	PANHANDLE EASTERN
8207501	K 81-0870	1500720684		103		TRAFFAS #1	MCGUIRE-GOEMANN	200.0	PANHANDLE EASTERN
-MULL DRILLING CO INC				RECEIVED: 11/23/81 JA: KS					
8207527	K81-0941	1515120919		103		DOGGETT #5	SOUTH HOPEWELL	150.0	PANHANDLE EASTERN
8207526	K81-0940	1515120920		103		DOGGETT #6	SOUTH HOPEWELL	29.0	PANHANDLE EASTERN
8207623	K 81-1056	1509720110		108		EINSEL "J" #1	MARTIN NORTH	18.0	KANSAS-NEBRASKA N
8207572	K 81-0999	1500700000		108		ELSEA B-#1	PALMER	20.0	CITIES SERVICE GA
8207517	K81-0890	1515100000		108		TATLOCK A-#1	WILPOOL	14.0	PANHANDLE EASTERN
-NATIONAL COOP REFINERY ASSOC				RECEIVED: 11/23/81 JA: KS					
8207531	K 81-0945	1504720808		103		LOVELL #3	WILPOOL	170.0	PANHANDLE EASTERN
-OLYMPIC PETROLEUM COMPANY				RECEIVED: 11/23/81 JA: KS					
8207504	K 81-0875	1503520731		108		JESSIE HARRIS #1	EAST MANSUR	7.2	CITIES SERVICE GA
-PAR PETROLEUM INC				RECEIVED: 11/23/81 JA: KS					
8207489	K 81-0836	1507120226		103		RUTHERFORD #1	BRADSHAW	182.0	NATURAL GAS SALES
-PETROMARK EXPLORATION INC				RECEIVED: 11/23/81 JA: KS					

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8207506	K 81-0877	1504720905			103	EUGENE FISHER #1	ENGLISH NW EXTENSION	144.0	CENTRAL STATES GA
8207495	K 81-0863	1504720731			103	FISHER #1	MULL	182.5	CENTRAL STATES GA
-PICKRELL DRILLING COMPANY						RECEIVED: 11/23/81 JA: KS			
8207503	K 81-0874	1509500000			108	OSBORN B-1	BASIL	18.2	GETTY GAS GATHERI
-RINCON RESOURCES CORP						RECEIVED: 11/23/81 JA: KS			
8207498	K 81-0857	1517520585			103	PARSONS JONES #1	S E LIBERAL	225.8	PHILLIPS PETROLEU
-RUPE OIL CO INC						RECEIVED: 11/23/81 JA: KS			
8207534	K 81-0948	1515100000			103	LEMON #1	CHANCE	72.8	CENTRAL STATES GA
-STELBAR OIL CORP INC						RECEIVED: 11/23/81 JA: KS			
8207488	K 81-0855	1509720673			102-2	FATZER #1	GREENSBURG EAST	150.8	PANHANDLE EASTERN
-TEXAS ENERGIES INC						RECEIVED: 11/23/81 JA: KS			
8207553	K 81-0972	1515120937			103	HAMILTON 2-27	TATLOCK EAST	14.6	CENTRAL STATE GAS
8207469	K-81-0701	1515120905			103	LEMON #2-19	PRATT SW	292.0	CENTRAL STATES GA
8207566	K 81-0992	1515120918			103	WARD 1-12A	CARVER-HOBBINS	36.5	CENTRAL STATES GA
-TEXAS OIL & GAS CORP						RECEIVED: 11/23/81 JA: KS			
8207544	K 81-0962	1500721092			103	Z-BAR CATTLE CO E #1	AETNA	73.8	DELHI GAS P L COR
-TEXAS WEST OIL & GAS CORPORATION						RECEIVED: 11/23/81 JA: KS			
8207529	K 81-0943	1500721079			103	Z-BAR RANCH "28" #1	AETNA	558.8	KANSAS GAS SUPPLY
8207530	K 81-0944	1500721198			103	Z-BAR RANCH 17 #1-A	AETNA	385.0	KANSAS GAS SUPPLY
-TGT PETROLEUM CORPORATION						RECEIVED: 11/23/81 JA: KS			
8207493	K 81-0860	1509720477			103	PYLE A #1	EINSEL	100.8	PANHANDLE EASTERN
-THE MAURICE L BROWN COMPANY						RECEIVED: 11/23/81 JA: KS			
8207497	K 81-0865	1509720748			103	ALTON UNRUH #2	ALFORD EXTENSION	11.0	KANSAS GAS SUPPLY
8207505	K 81-0876	1517120172			108	RHODA CRIST A #1	HUGOTON	14.0	KANSAS-NEBRASKA N
-TXO PRODUCTION CORP						RECEIVED: 11/23/81 JA: KS			
8207511	K81-0885	1500720560			103	ELSEA #2	STUMPH	32.9	CITIES SERVICE GA
8207532	K 81-0946	1519121306			102-2	HOLT A #1	JORDAN CREEK PROSPECT	182.5	DELHI GAS PIPELIN
8207518	K81-0882	1515120375			103	INSLEE #1	HARDING	18.3	CENTRAL STATES GA
8207533	K 81-0947	1519121216			102-2	MORTIMER #1	JORDAN CREEK	73.0	DELHI GAS PIPELIN
8207535	K 81-0950	1519121305			102-2	STEWART A #2	JORDAN CREEK	182.5	DELHI GAS P L COR
8207555	K 81-0981	1500721152			103	Z-BAR CATTLE CO A #1	AETNA	73.0	DELHI GAS PL CORP
8207554	K 81-0980	1500721151			103	Z-BAR CATTLE CO B #1	AETNA	73.8	DELHI GAS PL CORP
8207545	K 81-0964	1500721069			103	Z-BAR CATTLE CO C #1	AETNA	73.0	DELHI GAS P L COR
8207569	K 81-0995	1500721068			103	Z-BAR CATTLE CO D #1	AETNA	73.8	DELHI GAS PL CORP
-W B OSBORN JR (OPERATOR)						RECEIVED: 11/23/81 JA: KS			
8207590	K81-1023	1509320396			108	BOWLUS #1-A	PANOMA	21.0	NORTHERN NATURAL
8207591	K81-1024	1509320459			108	BRANINE #1	HUGOTON	3.0	PEOPLES NATURAL G
8207592	K81-1025	1509320636			108	BRANINE #2	HUGOTON	4.0	PEOPLES NATURAL G
8207587	K 81-1028	1509320262			108	ELSTON #1	HUGOTON (CHASE)	5.5	PEOPLES NATURAL G
8207588	K81-1021	1509300008			108	GANO #1	HUGOTON	16.0	PEOPLES NATURAL G
8207589	K81-1022	1509320617			108	HINES #1-A	PANOMA	13.0	COLORADO INTERSTA
8207579	K 81-1011	1509320550			108	JACOB #1-A	PANOMA	8.5	PANHANDLE EASTERN
8207580	K 81-1012	1509320631			108	KJA #1-A	PANOMA	20.0	COLORADO INTERSTA
8207581	K 81-1013	1509300000			108	KLEEMAN #1	HUGOTON	20.0	NORTHERN NATURAL
8207582	K 81-1015	1509320402			108	MARTIN #3-A	PANOMA	20.5	COLORADO INTERSTA
8207584	K 81-1017	1509320328			108	PEMBERTON #1-A	PANOMA	5.0	COLORADO INTERSTA
8207583	K 81-1016	1509320645			108	PLUMMER #2	HUGOTON (CHASE)	5.5	COLORADO INTERSTA
8207585	K 81-1018	1509320610			108	RAY #1	HUGOTON (CHASE)	2.6	PEOPLES NATURAL G
8207586	K 81-1019	1507520279			108	ROY #1	BRADSHAW	12.0	PEOPLES NATURAL G
-W. L. KIRKMAN, INC.						RECEIVED: 11/23/81 JA: KS			
8207507	K 81-0878	1518520877			103	MORGAN #1	ST JOHN	60.0	CENTRAL STATES GA
-WALTER KUHN DRILLING COMPANY						RECEIVED: 11/23/81 JA: KS			
8207494	K 81-0862	1518920529			103	KUHN #2	PANOMA	73.0	NORTHERN NATURAL

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-WELLS-BATTELSTEIN OIL & GAS INC						RECEIVED: 11/23/81 JA: KS			

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-WELLS-BATTELSTEIN OIL & GAS INC			RECEIVED: 11/23/81 JA: KS						
8207550	K 81-0969	1501922809		103		OLCC E R (0407) PHASE II #120	PERU SEDAN	5.5	COOKSON HILLS GAS
8207549	K 81-0968	1511900000		103		OLCC E R (0407) PHASE II #122	PERU SEDAN	5.5	COOKSON HILLS GAS
8207548	K 81-0967	1501922284		103		OLCC E R (0407) PHASE II #17	PERU SEDAN	8.0	COOKSON HILLS GAS
8207547	K 81-0966	1501922177		103		OLCC E R (0407) PHASE II #18	PERU SEDAN	5.5	COOKSON HILLS GAS
8207552	K 81-0971	1501922208		103		OLCC E R (0407) PHASE II #74	PERU SEDAN	3.7	COOKSON HILLS GAS
8207551	K 81-0970	1501922140		103		OLCC E R (0407) PHASE II #78	PERU SEDAN	7.3	COOKSON HILLS GAS
-WM TAYLOR & ASSOCIATES OF KANSAS IN			RECEIVED: 11/23/81 JA: KS						
8207477	K81-0812	1515100000		103		JOHNSON #1	WILLS	720.0	PANHANDLE EASTERN
-WOODMAN-TANNITTI DRILLING CO.			RECEIVED: 11/23/81 JA: KS						
8207467	K81-0400	1514520578		108		BARSTOW #3	DUNES NO	4.9	KANSAS-NEBRASKA N
-ZENITH DRILLING CORPORATION INC			RECEIVED: 11/23/81 JA: KS						
8207528	K 81-0942	1514520884		103		HAMMEKE B-1	ZOOK	55.0	KANSAS-NEBRASKA N

ALL OTHER PURCHASERS ARE H L BURNS CORP

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before January 8, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–36779 Filed 12–23–81; 8:45 am]

BILLING CODE 6717–01–M

[Volume 561]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 18, 1981.

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 18, 1981.

JD NO	DK DAT	EPI NO	C	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-ANADARKO PRODUCTION COMPANY		RECEIVED: 11/20/81 JA: KS							
8207636		1512920463		103		LINSCOTT C #1	INTERSTATE	113.0	PANHANDLE EASTERN
8207638		1512920499		102-3		THRASH A-1	SOUTH KINSLER	72.0	CIMARRON-QUINQUE
-BENSON MINERAL GROUP		RECEIVED: 11/20/81 JA: KS							
8207640		1514520476		108		BRYANT #1	BRYANT SE	10.2	NORTHERN NATURAL
-C L MORRIS OIL CORP		RECEIVED: 11/19/81 JA: KS							
8207697		1504720797		102-4		FISHER #1	FELLSBURG	146.0	NORTHERN NATURAL
-CALVIN EXPLORATION INC		RECEIVED: 11/20/81 JA: KS							
8207643		1511920415		103		HOFMEISTER 1-21	ANGELL	180.0	PANHANDLE EASTERN
-DUNBAR & SON OIL ENTERPRISES INC		RECEIVED: 11/19/81 JA: KS							
8207689		1503522321		102-2		RICE #1	GUTHRIE	7.8	CITIES SERVICE GA
8207690		1503522789		102-2		RICE #2	GUTHRIE	7.8	CITIES SERVICE GA
8207691		1503522853		102-2		RICE #3	GUTHRIE	7.8	CITIES SERVICE GA
8207692		1503522854		102-2		RICE #4	GUTHRIE	7.8	CITIES SERVICE GA
8207693		1503521849		102-2		SNYDER B-2	GUTHRIE	4.8	CITIES SERVICE GA
8207702		1503522791		102-2		SNYDER F-4	GUTHRIE	4.2	CITIES SERVICE GA
8207687		1503522793		102-2		SNYDER F-6	GUTHRIE	4.2	CITIES SERVICE GA
8207688		1503522855		102-2		SNYDER F7	GUTHRIE	4.2	CITIES SERVICE GA
-DUNBAR & SON OIL ENTERPRISES INC		RECEIVED: 11/20/81 JA: KS							
8207682		1503522542		102-2		CARL MILLS #1	GUTHRIE	3.9	CITIES SERVICE GA
8207677		1535227900		102-2		CARL MILLS #2	GUTHRIE	3.9	CITIES SERVICE GA
8207678		1503522876		102-2		CARL MILLS #3	GUTHRIE	3.9	CITIES SERVICE GA
8207679		1503522899		102-2		CARL MILLS #4	GUTHRIE	3.9	CITIES SERVICE GA
8207676		1503522194		102-2		FIRST NAT'L BANK A-1	GUTHRIE	4.0	CITIES SERVICE GA
8207675		1503522195		102-2		FIRST NAT'L BANK A-2	GUTHRIE	4.0	CITIES SERVICE GA
8207674		1503522394		102-2		FIRST NAT'L BANK A-3	GUTHRIE	4.0	CITIES SERVICE GA
8207681		1503522207		102-2		N MILLS #1	GUTHRIE	1.2	CITIES SERVICE GA
8207680		1503522208		102-2		N MILLS #2	GUTHRIE	1.2	CITIES SERVICE GA
8207672		1503522069		102-2		PERRY SNYDER #10-20-30	GUTHRIE	4.0	CITIES SERVICE GA
8207673		1503522068		102-2		PERRY SNYDER #9-20-30	GUTHRIE	4.0	CITIES SERVICE GA
8207683		1503522320		102-2		SNYDER F-1	GUTHRIE	4.2	CITIES SERVICE GA
8207684		1503522523		102-2		SNYDER F-2	GUTHRIE	4.2	CITIES SERVICE GA
8207685		1503522548		102-2		SNYDER F-3	GUTHRIE	4.2	CITIES SERVICE GA
-ENERGETICS INC		RECEIVED: 11/19/81 JA: KS							
8207703		1503320420		102-4		YOST 23-9	WILDCAT	113.1	
-F G HOLL		RECEIVED: 11/19/81 JA: KS							
8207698		1504720561		102-4		MC KINNEY B #1-3	WAYNE SOUTH EXT	67.0	REPUBLIC NATURAL
-F G HOLL		RECEIVED: 11/20/81 JA: KS							
8207644		1504720563		108		MC KINNEY C #1-3	WAYNE SO EXT	16.0	REPUBLIC NATURAL
-FRANK GROVES OIL		RECEIVED: 11/20/81 JA: KS							
8207671		1503522317		102-2		SNYDER G-1	GUTHRIE	11.0	CITIES SERVICE GA

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8207670		1503522577		102-2		SNYDER G-2	GUTHRIE	11.0	CITIES SERVICE GA
-GEAR PETROLEUM CO INC				RECEIVED: 11/20/81 JA: KS					
8207646		1509521023		103		KROESCH #1		54.8	PEOPLES NATURAL G
8207664		1515120790		103		WELLER B #1	CARVER-ROBBINS	3.7	PANHANDLE EASTERN
8207663		1515120880		103		WELLER B #2	CARVER-ROBBINS	9.5	PANHANDLE EASTERN
8207662		1515120775		103		WELLER C #1	CARVER-ROBBINS	30.0	PANHANDLE EASTERN
8207661		1515120817		103		WELLER C #2	CARVER-ROBBINS	6.0	PANHANDLE EASTERN
8207660		1515120877		103		WELLER C #3	CARVER-ROBBINS	18.0	PANHANDLE EASTERN
-GEORGE A REED				RECEIVED: 11/20/81 JA: KS					
8207647		1511520395		108		ANNA #1		15.0	CLOVER PIPELINE C
8207650		1511520472		108		D RATZLAFF 31-2		13.0	CLOVER PIPELINE C
8207649		1511520476		108		J DONAHUE #29-13		9.0	CLOVER PIPELINE C
8207648		1511520379		108		WESLEY #1		11.0	CLOVER PIPELINE C
-GEORGE R JONES				RECEIVED: 11/20/81 JA: KS					
8207633		1500721178		103		GATES #1	WILDCAT	73.0	
-GRAHAM-MICHAELIS CORP				RECEIVED: 11/20/81 JA: KS					
8207657		1502520342		103		THEIS B #2	MCKINNEY	60.0	NORTHERN NATURAL
-HELLAR DRILLING CO INC				RECEIVED: 11/20/81 JA: KS					
8207639		1503522578		103		RICHARDS #1	MURPHY EXT	8.0	GARFIELD GAS GATH
-IMPERIAL OIL COMPANY				RECEIVED: 11/20/81 JA: KS					
8207645		1509720706		102-2		B-S #1-27	GREENSBURG EAST	73.0	PANHANDLE EASTERN
-IMEX CORP				RECEIVED: 11/20/81 JA: KS					
8207626		1517520508		102-4		PREEDY 1-17	CONDIT EAST NW SW 17 T34	730.0	PANHANDLE EASTERN
-K & O OIL CORP				RECEIVED: 11/20/81 JA: KS					
8207652		1500721120		103		NORMA #2	STRANATHAN	100.0	PANHANDLE EASTERN
-K M M PETROLEUM CORPORATION				RECEIVED: 11/20/81 JA: KS					
8207627		1503320484		102-4		SELZER #1-35	COLLIER FLATS SOUTH	70.0	NORTHERN NATURAL
8207630		1503320429		102-4		SELZER #2-2	COLLIER FLATS SOUTH	73.0	NORTHERN NATURAL
8207628		1503320438		102-4		SELZER #2-35	COLLIER FLATS SOUTH	75.0	NORTHERN NATURAL
8207632		1503320444		102-4		SELZER #3-2	COLLIER FLATS SOUTH	71.0	NORTHERN NATURAL
8207631		1503320448		102-4		SELZER #4-2	COLLIER FLATS SOUTH	72.0	NORTHERN NATURAL
8207629		1503320451		102-4		SELZER 3-35	COLLIER FLATS SOUTH	74.0	NORTHERN NATURAL
-KAISER-FRANCIS OIL COMPANY				RECEIVED: 11/20/81 JA: KS					
8207635		1508100000		108		CURREY UNIT #1	HUGOTON	7.0	NORTHERN NATURAL
-LEBEN OIL CORP				RECEIVED: 11/20/81 JA: KS					
8207655		1514520168		108		BERSCHEIDT #1	ZOOK SOUTH	10.0	KANSAS NEBRASKA N
8207656		1514520121		108		BRADLEY #1	ENLOW	16.0	KANSAS NEBRASKA N
8207641		1517520145		108		DUNLAP #1	ARCHER	19.0	NORTHERN NATURAL
-LEE BANKS				RECEIVED: 11/19/81 JA: KS					
8207695		1509720762		102-4		MOBERLY #1-35	ALFORD	150.0	KANSAS GAS SUPPLY
-MULL DRILLING CO INC				RECEIVED: 11/20/81 JA: KS					
8207686		1504720014		108		ROBBINS #1	MARTIN NORTH	18.0	KANSAS-NEBRASKA N
-NORTHERN PUMP COMPANY				RECEIVED: 11/20/81 JA: KS					
8207651		1517520545		102-4		LIBERAL AIRPORT #6	WILDCAT	500.0	NORTHERN NATURAL
-R J PATRICK OPERATING CO				RECEIVED: 11/20/81 JA: KS					
8207653		1512920545		103		LENDCUT #4	INTERSTATE	5.6	PANHANDLE EASTERN
8207654		1512920551		103		LENDCUT #5	INTERSTATE	155.0	PANHANDLE EASTERN
-RAHNCO OIL & GAS CO INC				RECEIVED: 11/20/81 JA: KS					
8207666		1503522468		102-2		SNYDER G-2	OTTER CREEK	3.2	CITIES SERVICE GA
8207669		1503522355		102-2		SNYDER R-1	GUTHRIE	7.7	CITIES SERVICE GA
8207667		1503522568		102-2		SNYDER R-15	GUTHRIE	2.5	CITIES SERVICE GA
8207668		1503522483		102-2		SNYDER R-3	GUTHRIE	2.5	CITIES SERVICE GA
8207665		1503522383		102-2		SNYDER-R-2	GUTHRIE	5.9	CITIES SERVICE GA

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-ROBERT E WHITE				RECEIVED: 11/20/81 JA: KS					

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-ROBERT F WHITE				RECEIVED: 11/20/81 JA: KS					
8207642		1511520413		108		STIKA #1	EAST ANTELOPE	16.0	CITIES SERVICE GA
-SIERRA PETROLEUM CO INC				RECEIVED: 11/20/81 JA: KS					
8207658		1509500000		108		GOETZ A #1	SPIVEY-GRABS	17.0	PEOPLES NATURAL G
8207659		1517500000		108		ORMISTON #1	KISMET	20.0	PANHANDLE EASTERN
-THE MAURICE L BROWN COMPANY				RECEIVED: 11/20/81 JA: KS					
8207637		1503300000		103		TOOTHAKER #1	ALFORD EXTENSION	110.0	KANSAS GAS SUPPLY
-TXO PRODUCTION CORP				RECEIVED: 11/19/81 JA: KS					
8207700		1500721200		102-4		CHAIN RANCH B #1	THREE MILE CREEK	182.5	DELMI GAS P L COR
8207695		1500721121		102-4		FRITZ #2	ELSEA EXT	182.5	CITIES SERVICE GA
8207694		1519121269		102-4		MILLER "L" #2	LOVE THREE	146.0	DELMI GAS P L COR
8207701		1500720447		102-4		MOTT #1 (OWWO)	WILDCAT	182.5	DELMI GAS P L COR
8207699		1509521042		102-4		PANEK A #1	GOETZ	73.0	DELMI GAS P L COR
-WM GRUENERWALD & ASSOC INC				RECEIVED: 11/20/81 JA: KS					
8207614		1511920440		103		ADAMS #8	ADAMS RANCH WEST	25.0	COLORADO INTERSTA
**********									
OKLAHOMA CORPORATION COMMISSION									
**********									
-AMOCO PRODUCTION CO				RECEIVED: 11/16/81 JA: OK					
8207775	11442	3513900000		108		TRUITT GAS UNIT #1	GUYMON - HUGOTON	18.0	PHILLIPS PETROLEU
-AN-SON CORPORATION				RECEIVED: 11/16/81 JA: OK					
8207741	14603	3503920507		102-2		WHITE #1	EAST HAMMON	456.3	
8207750	11350	3508720571		103		WILDER #1	S E COLE	0.0	SUN GAS CO
-APACHE CORPORATION				RECEIVED: 11/16/81 JA: OK					
8207716	14751	3500920415		102-2		DAUGHERTY 1-11	MERRITT	828.0	EL PASO NATURAL G
-ARCO OIL AND GAS COMPANY				RECEIVED: 11/16/81 JA: OK					
8207725	10693	3508700000		108		BINGAMAN T #1	PAYNE	16.4	SUN GAS CO
8207760	11289	3502700000		108		W L MAYHEW #1	NORMAN NORTH	18.0	CITIES SERVICE GA
-B & N EXPLORATION CO				RECEIVED: 11/16/81 JA: OK					
8207779	11391	3510521942		103		MARTIN #1	UNNAMED	0.0	AG SYSTEMS INC
-B R POLK INC				RECEIVED: 11/16/81 JA: OK					
8207726	10972	3505300000		108		IRENE DAHLEM #1	E WAKITA	5.0	CITIES SERVICE GA
8207724	10971	3505300000		108		LAURA B LAUGHLIN #1	N W WAKITA	2.5	CITIES SERVICE GA
-BENTLEY & LAING				RECEIVED: 11/16/81 JA: OK					
8207776	11450	3510521074		103		KEMNITZ #1	S GANSEL	18.3	AMINOIL USA INC
-CHESNUTT OIL PROPERTIES				RECEIVED: 11/16/81 JA: OK					
8207751	10796	3507100000		103		WOODERSON #1	NORTH BLACKWELL	73.0	ARKANSAS LOUISIAN
8207759	10795	3507122204		103		WOODERSON #2	NORTH BLACKWELL	109.5	ARKANSAS LOUISIAN
-CHRISTIE-STEWART DRILLING CO				RECEIVED: 11/16/81 JA: OK					
8207768	09507	3504927365		103		JOHNSON #1	ELMORE CITY EAST	0.0	LONE STAR GAS CO
-CLARK RESOURCES INC				RECEIVED: 11/16/81 JA: OK					
8207735	11337	3507323030		103		PRIM 13-1	SOONER TREND	60.0	CITIES SERVICE GA
-COLLIER DIAMOND C OILS INC				RECEIVED: 11/16/81 JA: OK					
8207792	11143	3515100000		108		DIMMICK #1 OTC LSE #42320	OAKDALE NW (RED FORK)	16.0	PANHANDLE EASTERN
-CURIC PETROLEUM & GAS CO				RECEIVED: 11/16/81 JA: OK					
8207755	11349	3510120524		103		CARTER 1-19	W HASKELL	15.0	PHILLIPS PETROLEU
-DIAMOND SHAMROCK CORPORATION				RECEIVED: 11/16/81 JA: OK					
8207767	14775	3512920608		102-2		CARLTON #1-26	SOUTHWEST LEEDEY	500.0	TRANSWESTERN PIPE
-DONALD W JACKSON				RECEIVED: 11/16/81 JA: OK					
8207723	8110	3513900000		108-ER		STONEBRAKER A D #1	GUYMON-HUGOTON	0.0	NORTHERN NATURAL
-ECC OIL CO				RECEIVED: 11/16/81 JA: OK					
8207771	11401	3514720999		108		MOODY #1 SW/4 NE/4 17-25N-14E	OGLESBY GAS	4.6	OKAN GAS CO
-ENERGY RESERVES GROUP INC				RECEIVED: 11/16/81 JA: OK					

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8207718	14518	3508520528		102-2		BANKS #1	NORTH SIMON	24.0	AMINOIL USA INC
8207717	14517	3508520512		102-2		BANKS #2	NORTH SIMON	54.0	AMINOIL USA INC
-ESTORIL PRODUCING CORP				RECEIVED: 11/16/81 JA: OK					
8207772	11435	3512521087		103		BARNARD #1	NE TECUMSEH	67.5	TRANSOK PIPELINE
8207774	11437	3512521040		103		BARNARD #2	NE TECUMSEH	73.0	TRANSOK PIPELINE
8207773	11436	3512521038		103		BARTON #1	NE TECUMSEH	75.0	TRANSOK PIPELINE
-F C D OIL CORP				RECEIVED: 11/16/81 JA: OK					
8207761	11367	3509322129		103		HAND 1-26	NW AMES	204.4	PIONEER GAS PRODU
8207747	11366	3508321665		103		JUNE 1-26	S E LOVELL	14.6	EASON OIL CO
8207746	11365	3515321133		103		SWANSON 1-26	N E CEDARDALE	73.0	DELHI PIPELINE CO
-GIBRALTAR EXPLORATION LTD				RECEIVED: 11/16/81 JA: OK					
8207788	11266	3504520882		103		WHITE #1	N CHANEY	365.0	NORTHERN NATURAL
-GRACE PETROLEUM CORPORATION				RECEIVED: 11/16/81 JA: OK					
8207754	10889	3507320032		108		O'HERN 1-17		7.4	EXXON CORP
-GREAT SOUTHWESTERN EXPLORATION INC				RECEIVED: 11/16/81 JA: OK					
8207756	11345	3506321141		103		OLIVER #1	GREASY CREEK	72.0	WELLHEAD ENTERPRI
-GULF OIL CORPORATION				RECEIVED: 11/16/81 JA: OK					
8207764	11473	3507322689		103		F OPPEL JR #1-30	SOUTH OMEGA	38.0	ONG-WESTERN INC
-HALLIBURTON OIL PRODUCING COMPANY				RECEIVED: 11/16/81 JA: OK					
8207706	11277	3507322889		103		POLLARD A #4	WEST LOVELL	5.0	EASON OIL CO
-INEXCO OIL COMPANY				RECEIVED: 11/16/81 JA: OK					
8207765	14509	3503920453		102-4		KAISER #1-16	UNDESIGNATED	150.0	
-JAMES C MEADE				RECEIVED: 11/16/81 JA: OK					
8207733	11376	3512120780		103		EBERLY & MEADE #1-4 HUGHES FUEL	FEATHERSTON	20.0	
-JOE L THOMPSON INC				RECEIVED: 11/16/81 JA: OK					
8207790	11222	3508321584		103		COTHERAN #1		98.0	EASON OIL CO
-JOHN T RIETZ & CO INC				RECEIVED: 11/16/81 JA: OK					
8207766	14772	3508321866		102-2		MARY JO #2	EVANSVILLE	0.0	WILSON GAS PROCES
-LEECO OIL CO				RECEIVED: 11/16/81 JA: OK					
8207731	11029	3514721952		103		HURD-A #2	SKIATOOK (EAST BIRDCREEK	105.0	PHILLIPS PETROLEU
-LOGOS OIL INC				RECEIVED: 11/16/81 JA: OK					
8207769	11070	3510720425		108		SELBY 1-A	WEST PHAROAH LAKE	4.2	PHILLIPS PETROLEU
-LRF CORP				RECEIVED: 11/16/81 JA: OK					
8207752	10842	3506320814		103		MCCORMICK BIDDLE #2	SOUTH DUSTIN	36.0	PUBLIC SERVICE CO
-MACK OIL CO				RECEIVED: 11/16/81 JA: OK					
8207739	11330	3507300000		103		ALIG #1		0.0	PHILLIPS PETROLEU
8207737	11332	3502700000		103		BOSWELL #1		60.0	SUN GAS CO
8207736	11333	3502700000		103		BOSWELL #3		60.0	SUN GAS CO
8207738	11331	3501700000		103		GRELLNER #1		40.0	PHILLIPS PETROLEU
-MAJOR OIL CORP				RECEIVED: 11/16/81 JA: OK					
8207708	11336	3509322034		103		HAGGARD #1-25	NORTH MENO	75.0	PANHANDLE EASTERN
-MORGAN & STEINERT INC				RECEIVED: 11/16/81 JA: OK					
8207770	11194	3507322723		103		BOLLENBACH #1	SOONER TREND	120.0	ONG WESTERN INC
8207704	11195	3504722455		103		BURCHARDT #1	SOONER TREND	120.0	ONG WESTERN INC
-NOBLE OPERATING INC				RECEIVED: 11/16/81 JA: OK					
8207749	12390	3509322091		102-2		DOW #1	S BADO	100.0	PHILLIPS PETROLEU
-O L SCOTT JR				RECEIVED: 11/16/81 JA: OK					
8207788	11394	3504722403		103		EDWARDS #1	S W DOUGLAS	56.0	ARCO OIL & GAS CO
8207778	11399	3504722403		103		EDWARDS #1-A	S W DOUGLAS	67.0	ARCO OIL & GAS CO
8207782	11396	3504722351		103		HOY #1	S E COVINGTON	69.0	ARCO OIL & GAS CO
8207781	11395	3504722337		103		KRIPPES #1-A	S W DOUGLAS	75.0	ARCO OIL & GAS CO
8207783	11397	3504722304		103		LOUIS BLANDFORD #1	S E COVINGTON	28.0	ARCO OIL & GAS CO
8207777	11398	3504722404		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-P-I LTD #8				RECEIVED: 11/16/81 JA: OK					
8207734	11377	3512120781		103		EBERLY & MEADE #1-4 HUGHES FUEL	FEATHERSTON	20.0	
-PANHANDLE EASTERN PIPE LINE CO				RECEIVED: 11/16/81 JA: OK					
8207729	11027	3514721951		103		HURD-A #1	SKIATOOK (EAST BIRDCREEK	105.0	PHILLIPS PETROLEU
-PETROLEUM PROPERTIES INC				RECEIVED: 11/16/81 JA: OK					
8207744	11363	3515321132		103		SWANSON 1-26	N E CEDARDALE	73.0	DELHI PIPELINE CO
-PHILLIPS PETROLEUM CO				RECEIVED: 11/16/81 JA: OK					
8207710	11340	3509322033		103		HAGGARD #1-25	NORTH MENO	75.0	PANHANDLE EASTERN
-PRIDE ENERGY CO				RECEIVED: 11/16/81 JA: OK					
8207715	11344	3508520511		102-2		BANKS #1	NORTH SIMON	24.0	AMINOIL USA INC
8207716	11343	3508520527		102-2		BANKS #2	NORTH SIMON	54.0	AMINOIL USA INC
-RAMCO OIL CO				RECEIVED: 11/16/81 JA: OK					
8207759	11360	3509322128		103		HAND 1-26	NW AMES	204.4	PIONEER GAS PRODU
-RAMSEY PETROLEUM CORP				RECEIVED: 11/16/81 JA: OK					
8207745	11364	3515321134		103		SWANSON 1-26	N E CEDARDALE	73.0	DELHI PIPELINE CO
-RAYMOND OIL CO				RECEIVED: 11/16/81 JA: OK					
8207760	11361	3509322130		103		HAND 1-26	NW AMES	204.4	PIONEER GAS PRODU
-RED FORK ENERGY CO				RECEIVED: 11/16/81 JA: OK					
8207767	11368	3509322131		103		HAND 1-26	NW AMES	204.4	PIONEER GAS PRODU
-RICHARDSON OIL CO				RECEIVED: 11/16/81 JA: OK					
8207775	11438	3512521039		103		BARNARD #2	NE TECUMSEH	73.0	TRANSOK PIPELINE
-ROBERTSON OIL CO				RECEIVED: 11/16/81 JA: OK					
8207771	11439	3512521041		103		BARNARD #2	NE TECUMSEH	73.0	TRANSOK PIPELINE
-SAMSON RESOURCES CO				RECEIVED: 11/16/81 JA: OK					
8207784	11400	3504722405		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-SANTA FE ENERGY CO				RECEIVED: 11/16/81 JA: OK					
8207785	11401	3504722406		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-SHELL OIL CO				RECEIVED: 11/16/81 JA: OK					
8207787	11402	3504722407		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-SOUTHLAND ROYALTY CO				RECEIVED: 11/16/81 JA: OK					
8207762	11369	3509322132		103		HAND 1-26	NW AMES	204.4	PIONEER GAS PRODU
-SUN EXPLORATION & PRODUCTION CO				RECEIVED: 11/16/81 JA: OK					
8207786	11403	3504722408		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-TEXACO INC				RECEIVED: 11/16/81 JA: OK					
8207789	11404	3504722409		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-TEXAS OIL & GAS CORP				RECEIVED: 11/16/81 JA: OK					
8207791	11405	3504722410		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-TRANSCONTINENTAL OIL CO				RECEIVED: 11/16/81 JA: OK					
8207792	11406	3504722411		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-TRIAD OIL CO				RECEIVED: 11/16/81 JA: OK					
8207793	11407	3504722412		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-TRIPLE B OIL CO				RECEIVED: 11/16/81 JA: OK					
8207794	11408	3504722413		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-TRIPLE B OIL CO				RECEIVED: 11/16/81 JA: OK					
8207795	11409	3504722414		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-TRIPLE B OIL CO				RECEIVED: 11/16/81 JA: OK					
8207796	11410	3504722415		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-TRIPLE B OIL CO				RECEIVED: 11/16/81 JA: OK					
8207797	11411	3504722416		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-TRIPLE B OIL CO				RECEIVED: 11/16/81 JA: OK					
8207798	11412	3504722417		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-TRIPLE B OIL CO				RECEIVED: 11/16/81 JA: OK					
8207799	11413	3504722418		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-TRIPLE B OIL CO				RECEIVED: 11/16/81 JA: OK					
8207800	11414	3504722419		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-TRIPLE B OIL CO				RECEIVED: 11/16/81 JA: OK					
8207801	11415	3504722420		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-TRIPLE B OIL CO				RECEIVED: 11/16/81 JA: OK					
8207802	11416	3504722421		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-TRIPLE B OIL CO				RECEIVED: 11/16/81 JA: OK					
8207803	11417	3504722422		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-TRIPLE B OIL CO				RECEIVED: 11/16/81 JA: OK					
8207804	11418	3504722423		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-TRIPLE B OIL CO				RECEIVED: 11/16/81 JA: OK					
8207805	11419	3504722424		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-TRIPLE B OIL CO				RECEIVED: 11/16/81 JA: OK					
8207806	11420	3504722425		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-TRIPLE B OIL CO				RECEIVED: 11/16/81 JA: OK					
8207807	11421	3504722426		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-TRIPLE B OIL CO				RECEIVED: 11/16/81 JA: OK					
8207808	11422	3504722427		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-TRIPLE B OIL CO				RECEIVED: 11/16/81 JA: OK					
8207809	11423	3504722428		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-TRIPLE B OIL CO				RECEIVED: 11/16/81 JA: OK					
8207810	11424	3504722429		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-TRIPLE B OIL CO				RECEIVED: 11/16/81 JA: OK					
8207811	11425	3504722430		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-TRIPLE B OIL CO				RECEIVED: 11/16/81 JA: OK					
8207812	11426	3504722431		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-TRIPLE B OIL CO				RECEIVED: 11/16/81 JA: OK					
8207813	11427	3504722432		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-TRIPLE B OIL CO				RECEIVED: 11/16/81 JA: OK					
8207814	11428	3504722433		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-TRIPLE B OIL CO				RECEIVED: 11/16/81 JA: OK					
8207815	11429	3504722434		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-TRIPLE B OIL CO				RECEIVED: 11/16/81 JA: OK					
8207816	11430	3504722435		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-TRIPLE B OIL CO				RECEIVED: 11/16/81 JA: OK					
8207817	11431	3504722436		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-TRIPLE B OIL CO				RECEIVED: 11/16/81 JA: OK					
8207818	11432	3504722437		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-TRIPLE B OIL CO				RECEIVED: 11/16/81 JA: OK					
8207819	11433	3504722438		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO
-TRIPLE B OIL CO				RECEIVED: 11/16/81 JA: OK					
8207820	11434	3504722439		103		VOSKUHL #1-A	S W DOUGLAS	70.0	ARCO OIL & GAS CO

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-P-T LTD 80				RECEIVED: 11/16/81 JA: OK					
8207787	11254	3509322039		103		CRAWFORD 13-1	SOONER TREND	35.0	WELLHEAD ENTERPRI
8207791	11165	3504722382		103		MONTCASTLE 7-3	SOONER TREND	35.0	WELLHEAD ENTERPRI
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 11/16/81 JA: OK					
8207705	11262	3501721677		103		JIMBO A #2	PIEDMONT	136.0	OKLAHOMA GAS & EL
8207783	11458	3513900000		108		OTTO #1	GUYMON HUGOTON	0.0	MICHIGAN WISCONSI
-PORTS OF CALL OIL CO				RECEIVED: 11/16/81 JA: OK					
8207714	14642	3501722046		102-2		ELLISON #29-1	EL RENO	100.0	DELMI GAS PIPELIN
8207715	14643	3501722006		102-2		HOFMANN #29-1	EL RENO	310.0	DELMI GAS PIPELIN
8207713	14641	3501722045		102-2		PARKER #29-1	EL RENO	200.0	DELMI GAS PIPELIN
-PRESTON CARTER DRILLING CO				RECEIVED: 11/16/81 JA: OK					
8207782	11382	3510900000		108		MAGGIE PERKINS #1	WILDCAT	18.0	CHAMPLIN PETROLEU
-RESOURCES INVESTMENT CORPORATION				RECEIVED: 11/16/81 JA: OK					
8207712	11193	3502720470		103		ENGLAND #1	N W NORMAN	28.7	SUN GAS CO
8207711	11191	3502720440		103		GILMORE #2	N W NORMAN	45.2	SUN GAS CO
-RICHARDSON CONSTRUCTION				RECEIVED: 11/16/81 JA: OK					
8207730	11363	3511122637		103		DWIGGINS #1	BRYANT	6.6	PHILLIPS PETROLEU
8207734	11358	3511122728		103		DWIGGINS #2	BRYANT	3.7	PHILLIPS PETROLEU
8207729	11362	3511122730		103		DWIGGINS #3	BRYANT	2.6	PHILLIPS PETROLEU
8207727	11360	3511122458		103		KENNEDY #1B	BRYANT	18.3	PHILLIPS PETROLEU
8207728	11361	3511122602		103		KENNEDY #3	BRYANT	7.3	PHILLIPS PETROLEU
8207740	11359	3511122729		103		KENNEDY #5	BRYANT	5.5	PHILLIPS PETROLEU
-SABINE PRODUCTION COMPANY				RECEIVED: 11/16/81 JA: OK					
8207732	11403	3509320876		108		BOUSE #1		2.9	DELMI GAS PIPELIN
-SEARCH DRILLING CO				RECEIVED: 11/16/81 JA: OK					
8207786	11296	3500721966		103		BARBY #1-7	MOCANE-LAVERNE	0.1	EL PASO NATURAL G
-SOUTHLAND ROYALTY CO				RECEIVED: 11/16/81 JA: OK					
8207709	11338	3515121096		103		WILSON #5-14	N E LOVEDALE	25.0	EL GRANDE PIPELIN
-SPECTRA ENERGY CORP				RECEIVED: 11/16/81 JA: OK					
8207707	11326	3500722057		103		RIZLEY #1	UNION STAR	58.0	PHILLIPS PETROLEU
-STAR RESOURCES INC				RECEIVED: 11/16/81 JA: OK					
8207748	11426	3506321133		103		HARRIS 1-3	WELEETKA	180.0	PUBLIC SERVICE CO
-STATEX PETROLEUM INC				RECEIVED: 11/16/81 JA: OK					
8207743	14616	3510321396		102-4		HONEYWELL #1-15	POLO	3.6	AMINOIL USA INC
8207744	14618	3510321461		102-4		LANDAKER #2-16	POLO	14.5	AMINOIL USA INC
8207745	14619	3510321479		102-4		LANDAKER #3-16	POLO	66.0	AMINOIL USA INC
8207742	14615	3510321321		102-4		MERRIMAN #2-16	POLO	55.0	AMINOIL USA INC
8207757	14620	3510321376		102-4		MERRIMAN #3-16	POLO	12.0	AMINOIL USA INC
8207758	14621	3510321374		102-4		MERRIMAN #4-16	POLO	6.0	AMINOIL USA INC
-THE WIL-MC OIL CORP				RECEIVED: 11/16/81 JA: OK					
8207789	11294	3505320669		103		PRIVETT #3	S WAKITA	240.0	SUN GAS CO
-TOWNER PETROLEUM CO				RECEIVED: 11/16/81 JA: OK					
8207785	11324	3508121174		103		STRATTON #3-2	MERRICK	17.5	SERVICE DRILLING
8207784	11323	3508121258		103		STRATTON #3-3	MERRICK	19.8	SERVICE DRILLING
-W B & VENERA G ALEXANDER				RECEIVED: 11/16/81 JA: OK					
8207722	11073	3507322918		103		ROZETTA JINDRA #2	SOONER TREND	0.0	CONOCO INC
-W M & A P FULLER				RECEIVED: 11/16/81 JA: OK					
8207710	11219	3509322065		103		BLAND A #1	SOUTHEAST AMES	365.0	PHILLIPS PETROLEU
-WILLIAM M FULLER (ADEMAR CO)				RECEIVED: 11/16/81 JA: OK					
8207753	10885	3509321946		103		GREGORY A #1	SOUTHEAST AMES	100.0	PHILLIPS PETROLEU
-WOOD ENTERPRISES INC				RECEIVED: 11/16/81 JA: OK					
8207719	14623	3511900000		102-4		EDITH MOSER #1 (119-64153)	MARKHAM	8.0	PARKS ENERGY INVE
8207719	14623	3511900000		103		EDITH MOSER #1 (119-64153)	MARKHAM	8.0	PARKS ENERGY INVE
8207721	14626	3511900000		102-4		HUDSON-TURNER #1 (119-63172)	MARKHAM	22.0	PARKS ENERGY INVE
8207721	14626	3511900000		103		HUDSON-TURNER #1 (119-63172)	MARKHAM	22.0	PARKS ENERGY INVE
8207720	14624	3511900000		102-4		SNYDER #2 (119-67382)	MARKHAM	0.5	PARKS ENERGY INVE
8207720	14624	3511900000		103		SNYDER #2 (119-67382)	MARKHAM	0.5	PARKS ENERGY INVE

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before January 8, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–36780 Filed 12–23–81; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[LCE—FRL–1985–7]

Findings of Administrator Preliminary to Lodging of a Consent Decree Under the Steel Industry Compliance Extension Act of 1981: Ford Motor Co.

AGENCY: Environmental Protection Agency.

ACTION: Notice of findings preliminary to lodging of amended consent decree.

SUMMARY: The Administrator indicates her preliminary intention to exercise her discretion and agree to extensions of compliance dates of Ford Motor Company under the Steel Industry Compliance Extension Act of 1981.

EFFECTIVE DATE: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: MIchael Alushin, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 755–0658.

SUPPLEMENTARY INFORMATION: On September 29, 1981, Ford Motor Company filed an application with the Environmental Protection Agency seeking certain compliance date extensions for steelmaking facilities at its River Rouge facility in Dearborn, Michigan under the provisions of section 113(e) of the Clean Air Act. This notice represents the Agency's formal determination that the applicant qualifies for an extension of the compliance date in its existing consent decree. Under section 113(e)(7)(A) of the Act, the Agency is not required to make proposed findings for public comment. The Agency will, however, receive public comments on these findings, and take such comments into account when preparing the amended consent decree. Persons wishing to comment should do so without delay because negotiation of the terms of the amended decree is underway. There will be additional opportunity for public comment, however. Pursuant to 28 CFR 50.7, the Department of Justice will publish notice in the **Federal Register** of the proposed amended decree and take public comment before finally submitting the decree to the court.

Findings

On the basis of information submitted by the applicant and other information available to me, I make the following findings:

(1) I find that the following compliance obligations (capital expenditures necessary to achieve compliance with SIP and RACT where applicable) may be extended:

Project description	Cost (million dollars)
1. Two one-spot rotary coke quench cars (one at Batteries C and Dx, one spare)	3.8
2. Blast furnace casthouse controls (Blast Furnaces A, B, and C)	3.0
Total	6.8

(2) I find (a) that the extensions of compliance are necessary to allow the company to make those capital investments in its iron- and steel-producing operations which are described below, (b) that each of the following investments will improve the efficiency and productivity of the company's iron- and steel-producing operations and (c) that each modernization investment is proposed to be made at its River Rouge facility in Dearborn, Michigan, a community which already contains iron- and steel-producing facilities.

Qualifying modernization investments	Cost (million dollars)
1. Modernize Pickle Line Welders	4.4
2. Modernize No. 2 Tandem Mill	6.1
Total	10.5

(3) I find that in order to achieve compliance with the Clean Air Act (and RACT, where applicable) at all sources in its iron- and steel-producing operations the company will be required to make at least the following capital expenditures:

Source	Amount (million dollars)
1. Two (2) One-Spot Rotary Coke Quench Cars	3.8
2. Blast Furnace Casthouse Controls	3.0
3. BOF Stack Controls	0.1
4. BOF Charging and Tapping	0.3
5. Iron Ladle Dumping	1.7
6. Coke Oven Mass Reinforcement	0.2
7. Coke Oven Combustion Stack Silica Welding	0.2
8. Coke Oven Combustion Stack "C" Precipitator	0.9
Total	10.2

(4) I find that a "phased program of compliance" (as defined in section 113(e)(2) of the Act) would require the company to make the capital expenditures on the following schedule:

At least $5.1 million by December 31, 1983.

At least a total of $7.65 million by December 31, 1984.

At least a total of $10.2 million by December 31, 1985.

(5) I find that an integration of the qualifying capital expenditures and the "phased program of compliance" schedule, when allowing for the required investments under § 113(e)(1)(B), results in the following required schedule of capital expenditures:

At least $3.4 million for non-deferred pollution control to meet SIP, RACT and decree by December 31, 1982.

At least $6.8 million for improving efficiency and productivity by July 16, 1983.

At least a total of $5.1 million for pollution control projects by December 31, 1983.

At least a total of $7.65 million for pollution control projects by December 31, 1984.

At least a total of $10.2 million for pollution control projects by December 31, 1985.

To the extent possible, the decree must incorporate this schedule.

(6) I find that the company will have overall capital expenditures set forth in the preceding section.

(7) I find that the company is in compliance with its existing Federal judicial decree (United States District Court for the Eastern District of Michigan, Civil Action No. 81–70392).

(8) I find that the extensions of compliance contemplated herein will not result in degradation of air quality during the term of the extension.

Based on those findings, I have decided to exercise my statutory discretion and preliminarily consent to the extension of certain deadlines of compliance, contingent upon the successful negotiation and agreement between the company and the United States of Federal judicial decree(s) containing the provisions outlined in section 113(e)(1)(C). This exercise of my discretion is entirely contingent upon such successful negotiation and should the parties be unable to frame a complete and total agreement, then no such extensions shall be granted.

In particular, I hereby give my preliminary consent to the entry of a proper decree which requires capital expenditures to be made on the schedule reflected in my finding number (5) above to the extent possible. The negotiation of such a decree is underway and a decree may be presented to me for my review within a few weeks. Persons desiring to make public comment on these preliminary findings should do so without delay. Comments should be sent to: Michael Alushin (EN–329), Office of Legal Counsel and Enforcement, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, Telephone: (202) 755–0658.

Notice is hereby given that in the event of successful negotiation and agreement between the company and the United States of such Federal judicial decree(s), such consent decree will be lodged and public comment opportunity provided under the provisions of 28 CFR 50.7 by **Federal Register** publication by the Department of Justice without any further **Federal Register** notice on behalf of the Environmental Protection Agency.

Dated: December 17, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81–36709 Filed 12–23–81; 8:45 am]

BILLING CODE 6560–41–M

[LCE–FRL–1985–6]

Findings of Administrator with Regard to Steel Industry Compliance Extension Act of 1981: Alabama By-Products Corp.

AGENCY: Environmental Protection Agency.

ACTION: Notice of Findings Preliminary to lodging of Amended Consent Decree. The Administrator indicates her preliminary intention to exercise her discretion and agree to an extension of a compliance date of the Alabama By-Products Corporation under the Steel Industry Compliance Extension Act of 1981.

DATE: Effective upon December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Michael Alushin, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 755–0658.

SUPPLEMENTARY INFORMATION: On September 21, 1981, Alabama By-Products Corporation (hereinafter "ABC") filed an application with the Environmental Protection Agency seeking a certain compliance date extension for steelmaking facilities under the provisions of section 113(e) of the Clean Air Act (Pub. L. 97–23, 44 U.S.C. 4713.) This notice represents the Agency's formal determination that the applicant qualifies for an extension of the compliance date of its existing consent decree. (Civil Action No. 77–M–1455–S; *United States of America v. Alabama By-Products Corporation;* Northern District of Alabama, Southern Division; entered October 31, 1980. Hereinafter "existing consent decree".) Under section 113(e)(7)(A) of the Act, the Agency is not required to make Proposed Findings for public comment. The Agency will, however, receive public comments on these Findings, and take such comments into account when preparing the amended consent decree. Persons wishing to comment should do so without delay because negotiation of the terms of the amended decree will begin immediately. There will be additional opportunity for public comment, however. Pursuant to 28 CFR 50.7, the Department of Justice will publish notice in the **Federal Register** of the proposed amended decree, and take public comment before finally submitting the decree to the court.

FINDINGS: On the basis of information submitted by the applicant and other information available to me, I make the following findings:

(1) I find that the following compliance obligations may be extended:

Project description	Remaining cost
Emission control system for coke pushing operation at coke battery Nos. 1, 5 and 6.	Approximately $6,650,200.

(2) (a) I find that the above extension is necessary to allow the company to make the capital investment in its iron- and steel-producing operations described below.

(b) I find that the investment described below will improve the efficiency and productivity of the company's iron and steel-producing operations.

(c) I find that the investment described below is proposed to be made in a community which already contains iron and steel-producing facilities.

QUALIFYING MODERNIZATION INVESTMENT

Project description	Remaining cost
Replacement of existing boilers with new boilers of higher energy efficiency at Tarrant facility.	At least $6,650,200.

(3) For the capital investment listed below, I find that the capital investment is not within the scope of the company's iron-and steel-producing operations.

Non-Qualifying Capital Investment

That project described at paragraph (B)2.b. of page 1, under tab 113(e)(1)(B) of ABC's application. The company has claimed the description of this project to be confidential business information, and EPA has determined, pursuant to section 113(e)(3) and 40 CFR Part 2, that this description does qualify for confidential treatment.

(4) I find that in order to achieve compliance with the Clean Air Act at all sources in its iron-and steel-producing operations, ABC will be required to make at least the following capital expenditures:

Source	Amount
Emission control system for coke oven pushing on coke batteries Nos. 1, 5 and 6.	Approximately $6,650,200.

ABC has been given the initial notification of violation contemplated in section III.C.3.(b) of the existing consent decree. Under the provisions of the decree, ABC my be required to spend an additional sum of approximately $3,500,000 for a gas cleaning device for combustion stack number 4.

(5) I find that a "phased program of compliance" (as defined in section 113(e)(2) of the Act) would require ABC to make pollution control capital

expenditures on the following schedule, beginning with the entry of a decree:

$968,358—By June 30, 1983.
$3,227,859—By June 30, 1984.
$6,859,200—By June 30 1985.

This phased program of spending does not comport exactly with the statutory definition found in Section 113(e)(2). However, because the extension will be granted for only one project, this schedule does represent a phased program of spending, "to the extent possible." Section 113(e)(2). The policy behind the phased program requirement of the statute is furthered by may requirement that the project be completed by June 30, 1985.

(6) I find that an integration of the "qualifying modernization investment" and the "phased program of compliance" schedule, when allowing for the required investments under section 113(e)(1)(B) of the Act, results in the following required schedule of capital expenditures:

At least $6,859,200 for qualifying modernization investment—By July 17, 1983.
At least $968,358 for pollution control—By June 30, 1983.
At least $3,227,859 for pollution control—By June 30, 1984.
At least $6,859,200 for pollution control—By June 30, 1985.

This schedule does not include expenditures which may be necessary for the combustion stack No. 4 Gas Cleaner referred to in finding (4) above. If ABC fails to comply after the notice periods provided and therefore is required to install this equipment, it must obligate the additional sum of approximately $3,500,000 in accordance with the schedule in the existing consent decree, section III.c.3.(b).

(7) I find that ABC will have sufficient funds to comply with the capital expenditure requirements set forth in finding (6).

(8) I find that the company has violated the following provisions of the existing consent decree, but that such violations have been corrected or are *de minimis:*

(a) *Consent Decree Provisions III.C.1. and III.D.1.: Charging Emissions from Coke Batteries Nos. 5 and 6*

Violations have been documented on June 2 and June 3, 1981; however, more recent data from Jefferson County and EPA inspections have shown the source to be in compliance. ABC has committed in writing to operation and maintenance procedures, beyond those expressly required in the existing decree, designed to provide continuing compliance. These operation and maintenance procedures will be included in the amendment to the existing decree.

(b) *Consent Decree Provisions III.C.3. and III.D.3.: Combustion Stack No. 4*

Violations of the emission limitation applicable to this stack have been documented by EPA and the Jefferson County Department of Health beyond the December 30, 1980 final compliance date, and ABC has recently been notified of such violations. Pursuant to section III.C.3.(b) of the existing consent decree, ABC must install a gas cleaning device on the stack and demonstrate compliance within 25 months after being formally notified by EPA of a violation continuing more than 60 days after initial notice. The emission violations are considered *de minimis* because ABC has not been given notice of continuing violation and has not, therefore, subsequently failed to begin the procedures required to install a gas cleaning device.

(c) *Consent Decree Provisions III.A.4., III.C.2., and III.D.2.: Pushing Emissions from Coke Batteries Nos. 1, 5, and 6*

Under the existing consent decree, ABC was required to initiate on-site construction or installation of a pushing emission control system on April 30, 1981. The company actually began foundation work in the first week of August 1981. Because this delay was not so great as to preclude compliance with the final compliance date in the decree, this violation is considered *de minimis.*

(9) I find that the extension of compliance contemplated herein will not result in degradation of air quality during the term of the extension. This finding is predicated on the company's assurance that adequate operation and maintenance procedures will be followed.

Based on those findings, I have decided to exercise my statutory discretion and preliminarily to consent to the extension of certain deadlines of compliance, contingent upon the successful negotiation and agreement between the company and the United States, of a Federal judicial decree containing the provisions outlined in section 113(e)(1)(C). This exercise of my discretion is entirely contingent upon such successful negotiation and should the parties be unable to frame a complete and total agreement, then no such extensions shall be granted.

In particular, I hereby give my preliminary consent to the entry of a proper decree which requires capital expenditures to be made on the schedule reflected in my finding number (5) above. The negotiation of such a decree is under way and a decree may be presented to me for my review within a few weeks. Persons desiring to make public comment on these preliminary findings should do so without delay. Comments should be sent to: Michael Alushin, Office of Enforcement Counsel, U.S. Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, Telephone: (202) 755–0658.

Notice is here given that in the event of successful negotiation and agreement between the company and the United States of such Federal judicial decree, such consent decree will be lodged and public comment opportunity provided under the provisions of 28 CFR 50.7 by **Federal Register** publication by the Department of Justice without any further **Federal Register** notice on behalf of the Environmental Protection Agency.

Dated: December 17, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-36701 Filed 12-23-81; 8:45 am]

BILLING CODE 6560-41-M

[ER-FRL-2015-6]

Availability of Environmental Impact Statements Filed

Responsible Agency: USEPA, Office of Federal Activities
Information Contact: Ms. Kathi Wilson (202) 245–3006
EISs Filed: December 14–18, 1981
Comment Due Dates: Drafts—February 8, 1982; Finals—January 25, 1982
Corps of Engineers (COE): Draft—Brownsville Deepwater Channel and Multipurpose Terminal, Permit, Willacy County, Texas (EPA EIS #811023)
COE: Final—Metropolitan Atlanta Area Water Resources Management Study, Georgia (EPA EIS #811014)
COE: Final—Harbor Beach Harbor Dredging and Disposal, Permit, Huron County, Michigan (EPA EIS #811015)
Department of Energy (DOE): Draft Supplement—Liquid Metal Fast Breeder Reactor Program (EPA EIS #811021)
DOI: Bureau of Land Management: Draft: Diapir Field OCS Oil and Gas Lease Sale No. 71, Alaska; EXTENDED REVIEW 1/12/82 (EPA EIS #811024)
DOT: Federal Highway Administration (FHWA): Draft—Great River Road Construction, Hickman and Fulton Counties, Kentucky (EPA EIS #811009)
DOT: FHWA: Final—Yonkers Nepperhan Arterial, Westchester County, New York (EPA EIS #811013)
DOT: Federal Aviation Administration (FAA): Final—Everglades Jetport Replacement Airport, Dade County, Florida (EPA EIS #811017)
DOT: FAA: Final—Kansas City International Airport, Platte and Clay Counties, Missouri (EPA EIS #811019)
Department of Housing and Urban Development (HUD): 104H: Draft—Galleries of Syracuse Redevelopment UDAG, Onondaga County, New York (EPA EIS #811010)

HUD: Draft—Trophy Club Subdivision, Mortgage Insurance, Denton County, Texas (EPA EIS #811011)
HUD: Final—Southdown Subdivision, Mortgage Insurance, Brazoria County, Texas (EPA EIS #811012)
HUD: Draft—Painted Hills Development, Mortgage Insurance, Uintah County, Utah (EPA EIS #811020)
HUD: Final—Rosemeade Subdivision, Mortgage Insurance, Denton County, Texas (EPA EIS #811018)
USDA: Forest Service (FS): Final—Cheyenne Stage II Diversion, Medicine Bow National Forest, Albany and Caribou Counties, Wyoming (EPA EIS #811016)
USDA: FS: Draft—Sierra National Forest Land and Resource Management Plan, Fresno, Madera and Mariposa Counties, California, EXTENDED REVIEW 3/26/82 (EPA EIS #811025)
USDA: FS: Draft—Grider Roadless Area Fire Salvage Sale, Klamath National Forest, Siskiyou County, California (EPA EIS #811026)
USDA: Rural Electrification Administration: Draft—Hayden to Blue River 345 kV Transmission Line, Grand, Routt and Summit Counties, Colorado (EPA EIS #811022)

Dated: December 21, 1981.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 81-36842 Filed 12-23-81; 8:45 am]

BILLING CODE 6560-37-M

FEDERAL MARITIME COMMISSION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the justification offered therefor at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10427; or may inspect the agreement at the Field Offices located at New York, NY., New Orleans, Louisiana, San Francisco, California, Chicago, Illinois, and San Juan, Puerto Rico. Interested parties may submit comments on the agreement, including request for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreement and the statement should indicate that this has been done.

Agreement No. T-4010.

Filing party: Joseph F. Mullins, Jr., Esquire, Denning & Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. T-4010, between Federal Marine Terminals, Inc. (FMT), and Eastport Port Authority (Authority), provides for the lease by the Authority to FMT, of the surface area of the Federal Breakwater, Steel Faced Pier and Stone Appropach located in the Eastport, Maine Harbor. The premises are to be used exclusively by FMT as a marine terminal. The term of the lease is for thirteen months, commencing December 1, 1981, and terminating December 31, 1982, with a renewal option for two additional terms of one year each. FMT shall pay a rental of $12,000 for the period January 1, 1982 to December 31, 1982, if renewed; for the period January 1, 1983 through December 31, 1983; $13,200 and for the period January 1, 1984 through December 31, 1984; $14,520. Assignments, liability and maintenance are as agreed to by the parties in the agreement.

Dated: December 31, 1981.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-36872 Filed 12-23-81; 8:45 am]

BILLING CODE 6730-01-M

Petition for the Removal of Portwide Exemption

Notice is hereby given that the Florida Customs Brokers and Forwarders Association Inc. through the law firm of Sandler & Travis, P.A. located at Rivergate Plaza, 444 Brickell Avenue, Miami, Florida 33131, filed a petition for the removal of portwide exemptions granted by the Commission to the Ports of Pensacola, Port Everglades and Tampa, Florida pursuant to § 510.33(e) of Federal Maritime Commission General Order 4 (46 CFR 510.33(e)).

Section 510.33(e) of General Order 4 prohibits a licensed independent ocean freight forwarder from collecting compensation if it requests the carrier or its agent to perform any of the forwarding services. This section further provides an exemption from this prohibition to licensee/agents in the port of loading upon application therefor and upon a finding by the Commission that an adequate supply of forwarding services is not being held out by nonagent licensees domiciled at the port of loading. By Orders served on November 28, 1966 the Commission granted the Ports of Pensacola and Tampa, Florida portwide exemptions. Port Everglades, Florida was granted a portwide exemption by Commission Order served on May 2, 1967.

The Florida Customs Brokers and Forwarders Association Inc. alleges that an adequate supply of forwarding services is now being held out by nonagent licensees at Pensacola, Port Everglades and Tampa, Florida and that the present exemptions are no longer justified on this basis.

Interested parties may inspect and obtain a copy of the petition at the Washington office of the Federal Maritime Commission, 1100 L St., N.W., Room 10105. Comments with reference to the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 13, 1982. A copy of any such statement or request for a hearing should also be forwarded to the petitioner (as indicated herein), and the comments should indicate that this has been done.

Dated: December 21, 1981.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-36872 Filed 12-23-81; 8:45 am]

BILLING CODE 6730-01-M

[Agreements Nos. T-3738-1, T-3933-1 and T-4004]

Availability of Findings of No Significant Impact

Upon completion of environmental assessments, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on the proposed actions listed below will not constitute major Federal actions significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of environmental impact statements is not required.

Agreement No. T-3738-1 is between the South Carolina States Ports Authority (the Port; Authority) and Orient Overseas Container Lines

(OOCL). This amendment modifies the basic agreement which provides for the Port's five-year lease to OOCL of certain premises at the Port's North Charleston terminal, Charleston, South Carolina.

Agreement No. T–3933–1, between the City of Long Beach and Toyota Motor Sales U.S.A., Inc. (Toyota), provides for certain realignment of the boundaries of the present premises. The realignment, however, will not change the amount of acreage specified in the original agreement. This acreage is used by Toyota to handle and stow automobiles.

Agreement No. T–4004, between the Port of Portland and six Japanese-flag lines, provides for the preferential assignment of 14 acres at Terminal 6 including one berth, one crane and adjacent backup container working area.

The Findings of No Significant Impact (FONSI) will become final on or before January 13, 1982, unless petitions for review are filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessments are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81–36788 Filed 12–23–81; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than January 12, 1982.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadephia, Pennsylvania 19105:

Provident National Corporation, Philadelphia, Pennsylvania (data processing activities; nationwide): to engage, through its subsidiary, Provident Financial Processing Corporation, in data processing activities, including the performance of transfer agency services in connection with an integrated financial services program available through certain national brokerage firms on a nationwide basis. These activities would be conducted from an office at 105 Foulk Road, Wilmington, Delaware, serving a nationwide geographic area.

B. Federal Reserve Bank of Cleveland (Harry W. Hunning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

AmeriTrust Corporation, Cleveland, Ohio (financing, servicing, leasing activities; Illinois): to engage, through its *de novo* subsidiary, AT Financial Corporation, in the following activities: making or acquiring and servicing for its own account or for the account of others, loans and extensions of credit, including commercial loans secured by a borrower's inventory and accounts receivable; making leases of personal property or acting as agent, broker or advisor in leasing such property; and making or acquiring other extensions of credit such as would be made by a commercial finance company. These activities would be conducted from a *de novo* office to be located in Chicago, Illinois, serving the Chicago SMSA.

C. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

Suburban Bancorporation, Hyattsville, Maryland (financing and leasing activities; Virginia and North Carolina): proposes to engage, through a relocation of the Richmond, Virginia office of its subsidiary, Suburban Funding Corporation, in the business of a commercial finance company; making and acquiring loans and other extensions of credit for itself or for others; leasing real and personal property and acting as agent, broker and advisor in the leasing of real and personal property; servicing loans, leases and other extensions of credit for itself and others; and arranging financing, financial structuring and analysis of equipment and financing problems. These activities will be conducted from an office in Charlottesville, Virginia, serving Virginia and North Carolina.

D. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Detroitbank Corporation*, Detroit, Michigan (trust company activities; Florida): to engage, through a subsidiary known as DBT Trust Company of Florida, in the following: activities that may be carried on by a trust company, including activities of a fiduciary, investment advisory, agency, or custodial nature. Such activities will be conducted at an office located at 5550 Blades Road, Boca Raton, Florida, serving the Boca Raton-West Palm Beach Standard Metroplitan Statistical Area, which is comprised of Palm Beach County, Florida. Comments on this application must be received not later than January 6, 1982.

2. *Shaw Investment Company*, New Hampton, Iowa (bookkeeping and data processing services; Iowa): to engage, through its subsidiary, Management Reporting Systems, Ltd., in bookkeeping and data processing services for the internal operations of Applicant and its subsidiaries, the storing and processing of other banking financial, or related economic data, such as performing payroll, accounts receivable or payable, or billing services. These services are to be provided to the Applicant, its subsidiaries and others. These activities would be conducted from an office in New Hampton, Iowa, serving the communities of New Hampton, Fredericksburg, and sumner, Iowa and the surrounding rural areas.

E. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *BankAmerica Corporation*, San Francisco, California (underwriting insurance activities; expansion of geographic scope; Missouri, North Dakota and Wisconsin): to continue to engage, through its indirect subsidiary, BA Insurance Company, Inc., a California corporation, in the activity of underwriter, initially as reinsurer, to the

extent permitted by relevant state law for credit-related life insurance and credit-related accident and health insurance which is directly related to extensions of credit by BankAmerica Corporation and its nonbank subsidiaries. The activities of BA Insurance Company, Inc. will be conducted from an exising office located in San Francisco, California, serving the states of Missouri, North Dakota, and Wisconsin.

2. *Moore Financial Group, Inc.,* Boise, Idaho (financing and leasing activities; Washington, Oregon, Nevada, Utah, Colorado, Wyoming, Montana, and Idaho); to engage, through its subsidiary, Moore Corporate Financial services, Inc., in making or acquiring commercial loans or other similar extensions of credit; servicing loans; and making leases or acting as an agent, broker, or advisor in the leasing of real or personal property. These activities would be conducted from an office in Boise, Idaho serving the eight states listed in the caption to this notice.

3. *U.S. Bancorp,* Portland, Oregon (commercial finance; leasing; credit insurance; California): to engage *de novo* through its subsidiary, U.S. Bancorp Financial, Inc., in the making, acquiring and servicing of loans and other extensions of credit, either secured or unsecured, for its own account or for the account of others, including but not limited to, commercial, rediscount, installment sales contracts and other forms of receivables, and leasing of personal property in conformity with the provisions of 225.4(a)(i)(3) and (6)(a) of Regulation Y and acting as insurance agent with respect to credit life and disability insurance, property and casualty insurance solely in connection with extensions of credit by Bancorp Financial in conformity with the provisions of section 225.4(a)(9)(i) of Regulation Y. These activities will be conducted from an office in Sacramento, California, and will serve the Central Valley area.

F. **Other Federal Reserve Banks:** None.

Board of Governors of the Federal Reserve System, December 17, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36608 Filed 12-24-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than January 15, 1982.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Barclays Bank Limited* and its subsidiary, *Barclays Bank International Limited,* London England (consumer finance, insurance activities; Florida, Texas, Washington): To relocate offices of their subsidiaries and continue to engage through their subsidiaries, BarclaysAmerican Corporation, a North Carolina corporation ("BAC"); BarclaysAmerican/Financial, Inc., a North Carolina corporation ("BAF"); BarclaysAmerican/Industrial Loan Company, a Washington corporation ("BAI"); and BarclaysAmerican/Mortgage, Inc., a North Carolina corporation ("BAM"); in making direct consumer loans, including loans secured by real estate, and purchasing of sales insurance contracts representing extensions of credit such as would be made or acquired by a consumer finance company, and wholesale financing (floor planning); and acting as agent for the sale of related credit life, credit accident and health and credit property insurance. Credit life and credit accident and health insurance sold as agent may be underwritten or reinsured by BAC's insurance underwriting subsidiaries. These activities would be conducted from an office of BAF and BAM located in Gainesville, Florida, which will service the city of Gainesville, Florida and the area within a 25-mile radius, as well as continue to service existing accounts in Cross City, Florida; an office of BAF located in Dallas, Texas which will service the area within a 10-mile radius of the Dallas, Texas office; and an office of BAF and BAI located in East Wenatchee, Washington, which will service the city of East Wenatchee, Washington.

2. *Chemical New York Corporation,* New York, New York (financing and insurance activities; Oklahoma and Arizona): To engage through its subsidiary, Sunamerica Corporation, in generating and servicing loans and other extensions of credit; making or acquiring loans to consumers; acquiring installment contracts from retail sellers covering the time sale of goods and related services; making or acquiring loans and other extensions of credit to businesses (including but not limited to, inventory financing); making or acquiring extensions of credit secured by personal property lease contracts; making available to its debtors credit life, credit accident and health, mortgage life, mortgage disability, and property and casualty insurance, all directly related to extensions of credit. These activities will be conducted from offices in Oklahoma City, Oklahoma and Phoenix, Arizona, serving the states of Oklahoma and Arizona, respectively. Credit life and credit accident and health insurance provided by this office in connection with the proposed activities will be reinsured through Sun States Life and/or Great Lakes Insurance Companies, indirect subsidiaries of the applicant.

3. *Citicorp,* New York, New York (commercial lending and leasing activities; Colorado, Utah, and Wyoming): To engage through a *de novo* office of Citicorp Industrial Credit, Inc. in making or acquiring, for its own account or for the account of others, commercial loans and other extensions of credit; and leasing personal or real property or acting as agent, broker, or advisor in leasing such property and servicing such leases, subject to all of the qualifications specified in 12 CFR 225.4(a)(6) (a) and (b), where the leases serve as the functional equivalent of an extension of credit to the lessee of the property. Such activities would be conducted from an office in

Albuquerque, New Mexico serving the states identified in the caption above.

4. *Citicorp,* New York, New York (commercial lending and leasing activities; Arizona, California): To engage through a *de novo* office of Citicorp Industrial Credit, Inc. in making or acquiring, for its own account or for the account of others, commercial loans and other extensions of credit; and leasing personal or real property or acting as agent, broker, or advisor in leasing such property and servicing such leases, subject to all of the qualifications specified in 12 CFR 225.4(a)(6)(a) and (b), where the leases serve as the functional equivalent of an extension of credit to the lessee of the property. Such activities would be conducted from an office in Irvine, California serving the area identified in the caption above.

5. *Citicorp,* New York, New York (lease financing activities; Georgia, South Carolina, Tennessee, Alabama, Mississippi, and eastern Arkansas): To engage through a *de novo* office of Citicorp Industrial Credit, Inc. in leasing personal or real property or acting as agent, broker, or advisor in leasing such property and servicing such leases, subject to all of the qualifications specified in 12 CFR 225.4(a)(6)(a) and (b), where the leases serve as the functional equivalent of an extension of credit to the lessee of the property. Such activities would be conducted from an office in Atlanta, Georgia, serving Georgia, South Carolina, Tennessee, Alabama, Mississippi, and eastern Arkansas.

6. *Citicorp,* New York, New York (consumer finance and credit related insurance activities; Missouri and Illinois): To relocate an existing office of its indirect subsidiary, Citicorp Homeowners, Inc. (Delaware), from Clayton, Missouri to a new location in St. Louis, Missouri, and to expand the activities and service area of Citicorp Homeowners, Inc. at this location; and to expand the activities of an existing office of Citicorp Person-to-person Financial Center, Inc. at the same St. Louis, Missouri location. The activities to be conducted from this location by Citicorp Homeowners, Inc. and Citicorp Person-to-Person Financial Center, Inc. will include: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estates; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of credit related property and casualty insurance protecting real and personal property of credit, to the extent permissible under applicable state insurance laws and regulations; the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans; th sale of consumer oriented financial management courses; and the servicing, for any person, of loans and other extensions of credit. The service area of Citicorp Homeowners, Inc. and Citicorp Person-to-Person Financial Center, Inc., at this location will include the entire states of Missouri and Illinois for all of the aforementioned activities. Credit related life, accident and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc. and Citicorp Homeowners, Inc.

7. *First National State Bancorporation,* Newark, New Jersey (community reinvestment activities; New Jersey): To engage, through its subsidiary, First National State Community Development Corporation, in the following activities: To assist local and governmental groups in the economic revitalization, rehabilitation and development of both commercial and residential areas located in low and moderate-income areas in the State of New Jersey. This assistance will consist of debt and equity investments, when appropriate in residential, commercial and industrial projects. The subsidiary will acquire, own, renovate, develop, lease, manage, exchange, sell or promote real and/or personal property in order to provide the necessary assistance. The subsidiary will also provide financial counseling to all sectors of the community, especially the small business sector. Finally the subsidiary will engage, coordinate, and arrange joint ventures or participations to provide financial assistance to low and moderate-income areas of the state of New Jersey. The initial focus of the subsidiary will be on the small business community located in Atlantic City and Atlantic County. Such activities will be conducted at offices in Newark, and Atlantic City, New Jersey. Comments on this application must be received not later than January 9, 1982.

8. *National Westminster Bank Limited,* London, England, and its wholly-owned subsidiary, *NatWest Holdings Inc.,* Wilmington, Delaware (factoring, financing servicing and leasing activities; United States): To engage indirectly through a *de novo* subsidiary of NatWest Holdings Inc., NatWest Commercial Services, Inc., in the following activities: Factoring and servicing of accounts receivable arising out of U.S. domestic and international transactions; the acquisition from other factors of accounts receivable arising primarily from international transactions; the financing of accounts receivable and inventory by direct loans, guarantees of letters of credit and issuing other guarantees; unsecured loans primarily to factoring clients; the financing of equipment for clients through the acquisition of conditions sales contracts, servicing of such to direct leasing. These activities will be conducted at the principal office of NatWest Commercial Services, Inc., in Bergan County, New Jersey, and at a sales office in New York, New York, serving the entire United States, but primarily the Eastern Seaboard. Comments on this application must be received not later than January 8, 1982.

B. **Other Federal Reserve Banks:** None.

Board of Governors of the Federal Reserve System, December 16, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36009 Filed 12-36-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Office of the Administrator

General Services Administration Advisory Board; Meeting

Notice is hereby given that the GSA Advisory Board will meet on January 7, 1982, from 1:15 pm to 3:30 pm, in Room 6120, 18th and F Streets, NW, Washington, DC 20405. This meeting will be an orientation session for Board members and provide a general overview of the General Services Administration. The meeting will be open to the public.

For further information, contact Roger C. Dierman, Deputy Associate Administrator (202) 523–1141.

Dated: December 23, 1981.

Charles S. Davis, III,

Associate Administrator.

[FR Doc. 81-36001 Filed 12-23-81; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

National Advisory Council on Drug Abuse; Meetings

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory body scheduled to assemble during the month of January 1982.

National Advisory Council on Drug Abuse, January 19–20; 9:00 a.m., Conference Room 8, Building 31C, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

Open—January 19, 9:00 a.m. to 12:00 Noon; January 20, 9:00 a.m. to 3:00 p.m.

Closed—January 19, 1:30 p.m. to 5:00 p.m.

Contact: Mrs. Jean Collins, Room 10–22 Parklawn Building 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–1644

Purpose. The National Advisory Council on Drug Abuse advises and makes recommendations to the Secretary of Health and Human Services; the Administrator, Alcohol, Drug Abuse, and Mental Health Administration; and, the Director, National Institute on Drug Abuse, on the development of new initiatives and priorities and the efficient administration of drug abuse research, training, demonstration, prevention, and community services programs. The Council also gives advice on policies and priorities for drug abuse grants and contracts, and reviews and makes recommendations on grant applications.

Agenda. On January 19, from 9:00 a.m. to 12:00 Noon, and January 20, from 9:00 a.m. to 3:00 p.m., the session will be open to the public for discussion of program developments and policy issues. On January 19, from 1:30 p.m. to 5:00 p.m., the session will be closed to the public for the final review of grant applications for Federal assistance, in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code, and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

On January 20, from 1:30 p.m. to 3:00 p.m., the Council will hear statements from interested organizations in the drug abuse field. Persons interested in appearing should contact the Executive Secretary to be scheduled. The oral presentation shall be no longer than 10 minutes, although written statements may be submitted in supplement.

An agenda, roster of members, and minutes may be obtained from the contract person listed above.

Dated: December 10, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81–36660 Filed 12–23–81; 8:45 am]

BILLING CODE 4160–20–M

Food and Drug Administration

[Docket No. 81N–0392]

Meeting; Availability of Draft Standards Policy for Medical Devices

AGENCY: Food and Drug Administration.

ACTION: Notice of public meeting and availability of draft standards policy for medical devices.

SUMMARY: The Food and Drug Administration (FDA) announces a meeting to allow public discussion of a draft standards policy for medical devices developed by the Bureau of Medical Devices. FDA also announces the availability of this draft standards policy.

DATES: The meeting will be held on January 26, 1982, from 9 a.m. to 5 p.m.; requests to make a formal presentation at the meeting should be submitted to the contact person by December 31, 1981; summaries of any presentations to be made at the meeting should be submitted to the contact person by January 19, 1982.

ADDRESSES: The meeting will be held in the auditorium on the main floor (Rm. 1073) of the Health and Human Services—North Building, 330 Independence Ave. SW., Washington, D.C. 20201. FDA's draft standards policy is on public display in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1751, and copies of the draft standards policy may be obtained by contacting that office. Requests should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Neal Dunning, Bureau of Medical Devices (HFK–60), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7184.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to allow public discussion of a draft standards policy for medical devices that have been classified into class II (performance standards). The standards policy has been developed by FDA's Bureau of Medical Devices. The meeting is to be conducted under provisions of FDA's administrative practices and procedures regulations (21 CFR 10.65(b)).

This meeting is intended by FDA to encourage public discussion of FDA's policies concerning medical device standards and promote cooperation among all persons affected by the regulation by FDA of medical devices. The meeting will begin with a series of formal presentations on medical device standards policy made by interested persons who may respond to this notice. FDA suggests that the presentations be limited to 10 minutes or less each. FDA will schedule the presentations on a first-come first-served basis. Any person who wishes to make a formal presentation at the meeting should notify the contact person by December 31, 1981; and, by January 19, 1982, the person should submit to the contact person the person's name, address, business affiliation, and a summary of the planned presentation. The meeting will be open to the public. Seating will be available on a first-come first-served basis. To the extent that time permits, interested persons who did not request an opportunity to make a formal presentation will be given an opportunity to make an oral presentation at the conclusion of the meeting. Copies of FDA's draft standards policy are available from the Dockets Management Branch (address above).

Dated: December 21, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–36666 Filed 12–21–81; 2:51 pm]

BILLING CODE 4160–01–M

Health Care Financing Administration

Privacy Act of 1974; Report of Altered System

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of altered system.

SUMMARY: In accordance with 5 U.S.C. 552a(e)(4), we propose to amend the following notice of system of records:

Health Insurance Master Record, HHS/HCFA/BPO, No. 09–70–0502.

We have provided background information about the proposed alteration in the "Supplementary Information" section below.

DATES: HCFA filed a report of altered system with the Speaker of the House, the President of the Senate, and the Director, Office of Management and

Budget (OMB) on December 17, 1981. The altered system of records will be effective February 16, 1982.

ADDRESS: The public should address comments to Shirley Mulhall, HCFA Privacy Officer, Office of Management and Budget, Health Care Financing Administration, Room G–C–3 East Low Rise, 6325 Security Boulevard, Baltimore, Maryland 21207. Comments received will be available for inspection at this location.

FOR FURTHER INFORMATION CONTACT: Ms. Jean Harris, Bureau of Program Operations, Room 598, East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, Telephone (301) 594–9668.

SUPPLEMENTARY INFORMATION: We propose to alter these records by adding information regarding eligibility for VA benefits. The purpose of collecting this data is to maintain information on eligibility and costs in order to reply to inquiries from carriers and intermediaries and to maintain utilization data for health insurance bill and payment record processing.

The routine uses of System Notice 09–70–0502 are not being changed. Routine use 4 calls for disclosure to "providers and suppliers of services directly or dealing through fiscal intermediaries or carriers for administration of title XVIII." In the event a Medicare claim is filed for someone authorized to receive treatment at a non-VA facility on a fee-for-service basis, information about the VA authorization will be forwarded to the Medicare contractor processing the claim. The contractor will contact the provider of medical services prior to making payment to determine whether the VA is responsible for paying for the treatment.

The notice below contains the amended use as indicated above.

Dated: December 17, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

09–70–0502

SYSTEM NAME

Health Insurance Master Record, HHS/HCFA/BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Administration, Bureau of Support Services, 6325 Security Blvd., Baltimore, Md. 21207
HHS Parklawn Computer Center, 5600 Fishers Lane, Rockville, Maryland 20857.
Federal Records Centers

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals age 65 or over who have been, or currently are, entitled to health insurance (Medicare) benefits under title XVIII of the Social Security Act; individuals under age 65 who have been, or currently are, entitled to such benefits on the basis of having been entitled for not less than 24 months to disability benefits under title II of the Act or under the Railroad Retirement Act, and individuals who have been; or currently are, entitled to such benefits because they have end-stage renal disease.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information on enrollment, entitlement, authorization from the Veterans Administration (VA) to receive VA-financed medical services at non-VA facilities, Part A (Hospital) and B (Supplementary Medical) utilization, query and reply activity, health insurance bill and payment record processing, and Health Insurance Master Record maintenance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1814 and 1833 of title XVIII of the Social Security Act (42 U.S.C. 1395f and 1395l).

PURPOSE(S):

To maintain information on Medicare beneficiary eligibility and costs in order to reply to inquiries from contractors and intermediaries and to maintain utilization data for health insurance bill and payment record processing.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS:

Disclosure may be made to: (1) The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Act relating to railroad employment.

(2) Statement Welfare Department pursuant to agreements with the Department of Health and Human Services for determining Medicaid and Medicare eligibility, for quality control studies, for determining eligibility of recipients of assistance under titles IV, XVIII, and XIX of the Social Security Act, and for the complete administration of the Medicaid program:

(3) State audit agencies for auditing State Medicaid eligibility considerations.

(4) Providers and suppliers of services directly or dealing through fiscal intermediaries or carriers for administration of title XVIII.

(5) A congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(6) An individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. Determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. Determines that the purpose for which the disclosure is to be made:

(1) Cannot be reasonably accomplished unless the record is provided in individually identifiable form.

(2) Is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

c. Requires the information recipient to:

(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) Make no further use or disclosure of the record except:

(a) In emergency circumstances affecting the health or safety of any individual.

(b) For use in another research project, under these same conditions, and with written authorization of HCFA.

(c) For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) When required by law;

d. Secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

(7) In the event of litigation where the defendant (is) (a) The Department, or any employee of the Department in his or official capacity; (b) The United States where the Department determines that the claim, if successful, is likely to direct affect the operations of the

Department or any of its components; or (c) any department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(8) To a contractor when the Department contracts with a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained on paper, listings, microfilm, magnetic tape disc and punchcards.

RETRIEVABILITY:

System is in sequence by health insurance claim number, and is used to carry out the tasks of enrollment, query/reply activity, and health insurance bill and payment record processing. Copies of selected parts of the records will be used by the Office of Systems Analysis; data will be retrieved in Rockville from Baltimore via dialup telecommunications lines.

SAFEGUARDS:

Unauthorized personnel are denied access to the records areas. Disclosure is limited to routine use. For computerized records electronically transmitted between Central Office and field office location (including Medicare contractors), systems securities are established in accordance with DHHS ADP Systems Manual, Part 6, "ADP Systems Security." Safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

RETENTION AND DISPOSAL:

Records are generally added to the file several months prior to entitlement. After the death of a beneficiary, his or her records may be placed in an inactive file following a period of no billing or query activity. The current 5 years of Part B and current 5 spells of Part A utilization data are maintained. All noncurrent data is microfilmed prior to elimination from the system.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6325 Security Boulevard, Baltimore, Md. 21207

NOTIFICATION PROCEDURE:

Inquiries and requests for system records should be addressed to the most convenient social security office, the appropriate carrier or intermediary, the HCFA Regional Office, or to the system manager named above. The individual should furnish his or her health insurance claim number and name as shown on Medicare records.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR. Section 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7)).

RECORD SOURCE CATEGORIES:

The data contained in these records are furnished by the individual. There are cases, however, in which the identifying information is provided to the physician by the individual; the physican then adds the medical information and submits the bill to the carrier for payment. Updating information is also obtained from the Master Beneficiary Record.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-36634 Filed 12-23-81; 8:45 am]

BILLING CODE 4120-03-M

National Institutes of Health

Board of Regents of the National Library of Medicine and the Extramural Programs Subcommittee

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Regents of the National Library of Medicine on February 4-5, 1982, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, and the meeting of the Extramural Programs Subcommittee of the Board of Regents on the preceding day, February 3, 1982, from 2:00 to 5:00 p.m., in the 5th-floor Conference Room of the Lister Hill Center Building.

The meeting of the Board will be open to the public from 9:00 a.m. to 5:00 p.m. on February 4 and from 9:00 to 11:00 a.m. on February 5 for administrative reports and program discussions. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4), 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the entire meeting of the Extramural Programs Subcommittee on February 3 will be closed to the public, and the regular Board meeting on February 5 will be closed from 11:00 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property, such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert B. Mehnert, Chief, Office of Inquiries and Publications Management, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20209, Telephone Number: 301-496-6308, will furnish a summary of the meeting, rosters of Board members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.879—Medical Library Assistance, National Institutes of Health)

NIH Programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: December 18, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-36648 Filed 12-23-81; 8:45 am]

BILLING CODE 4140-01-M

Board of Scientific Counselors of the National Cancer Institute Division of Resources, Centers, and Community Activities; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, Divison of Resources, Centers, and Community Activities, National Cancer Institute, National Institutes of Health, January 14-15, 1982, Building 31, Conference Room 4, Bethesda, Maryland 20205. The entire meeting will be open to the public from 8:30 a.m. to 5:00 p.m. on January 14

and from 8:30 a.m. to adjournment on January 15, to discuss the current and future programs of the Division of Resources, Centers, and Community Activities, as well as to review the program concepts of that Division. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of meetings and rosters of committee members upon request.

Dr. Robert G. Burnight, Executive Secretary, National Cancer Institute, National Institutes of Health, Blair Building, Room 614C, Silver Spring, Maryland 20910 (301/427–8630) will furnish substantive program information.

Dated: December 15, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–36946 Filed 12–23–81; 8:45 am]

BILLING CODE 4140–01–M

Breast Cancer Task Force Committee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Breast Cancer Task Force Committee, National Cancer Institute, January 19–20, 1982, Building 31C, Conference Room 6, and Conference Room 10 on January 20, National Institutes of Health, Bethesda, Maryland 20205. The entire meeting will be open to the public on January 19 from 8:30 a.m. to 5:00 p.m. and on January 20 from 8:30 a.m. to adjournment. This meeting will be concerned with reviewing ongoing projects in the epidemiology, experimental biology, diagnosis and treatment of breast cancer and discussing new areas requiring development. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, the Committee Management Office, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. D. Jane Taylor, Executive Secretary, Breast Cancer Task Force Committee, National Cancer Institute, Landow Building, Room 8C09D, National Institutes of Health, Bethesda, Maryland 20205 (301/496–6718) will furnish substantive program information.

Dated: December 18, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–36945 Filed 12–23–81; 8:45 am]

BILLING CODE 4140–01–M

National Advisory Council on Aging; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Council on Aging, National Institute on Aging, on January 28–29, 1982, in Building 1, Wilson Hall, National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. until 12:00 noon on January 28, and from 9:00 a.m. until adjournment on January 29, 1982. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on January 28, 1982, from approximately 1:00 p.m. until adjournment for the review, discussion and evaluation of grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June McCann, Council Secretary, National Institute on Aging, Building 31, Room 2C–05, National Institutes of Health, Bethesda, Maryland 20205 (Area Code 301, 496–5898), will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, Aging Research National, Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: December 18, 1981.

Thomas E. Malone,

Acting Director, National Institutes of Health.

[FR Doc. 81–36930 Filed 12–23–81; 8:45 am]

BILLING CODE 4140–01–M

National Advisory Allergy and Infectious Diseases Council, Allergy and Immunology Subcommittee, Microbiology and Infectious Diseases Subcommittee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, and its Subcommittees on January 28–29, 1981 at the Shoreham Hotel, 2500 Calvert Street, N.W., Washington, D.C. 20008.

The meeting will be open to the public on January 28 from approximately 9:00 to 9:30 a.m., and from 1:30 p.m. to approximately 5:00 p.m. On January 29 the meeting will be open to the public from approximately 9:00 a.m. to 9:30 a.m. This will be to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92–463, the meetings of the NAAIDC Allergy and Immunology Subcommittee and of the NAAIDC Microbiology and Infectious Diseases Subcommittee will be closed to the public for approximately three hours for the review, evaluation, and discussion of individual grant applications. It is anticipated that this will occur from 9:30 a.m. until approximately 12:30 p.m. on January 28, 1981. The meeting of the full Council will be closed from approximately 9:30 a.m. until adjournment on January 29 for the review, evaluation, and discussion of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496–5717, will provide summaries of the meetings and rosters of the Council members as requested.

Dr. Luz A. Froehlich, Acting Director, Extramural Activities Program, NIAID, NIH, Westwood Building, Room 703, telephone (301) 496–7291, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, Pharmacological Sciences; 13.856, Microbiology and Infectious Diseases Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b) (4) and (5) of that Circular.

Dated: December 18, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-36849 Filed 12-23-81; 8:45 am]

BILLING CODE 4140-01-M

National Advisory Dental Research Council; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Dental Research Council, National Institute of Dental Research, on January 25-26, 1982, in Conference Room 6, Building 31-C, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 9:00 a.m. to adjournment on January 26 for general discussion and program presentations. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting of the Council will be closed to the public on January 25 for 9:00 a.m. to adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Dorothy Costinett, Committee Management Assistant, National Institute of Dental Research, National Institutes of Health, Building 31-C, Room 2C17, Bethesda, MD 20205 (phone 301-496-2883), will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Programs Nos. 13.840—Caries Research, 13.841—Periodontal Diseases Research, 13.842—Craniofacial Anomalies Research, 13.843—Restorative Materials Research, 13.844—Pain Control and Behavioral Stidies, 13.845—Dental Research Institutes, 13.878—Soft Tissue Stomatology and Nutrition Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: December 18, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-36851 Filed 12-23-81; 8:45 am]

BILLING CODE 4140-01-M

National Advisory Environmental Health Sciences Council; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Environmental Health Sciences Council, National Institute of Environmental Health Sciences, January 25-26, 1982, at the National Institute of Environmental Health Sciences, Building 101 Conference Room, Research Triangle Park, North Carolina.

This meeting will be open to the public on January 25, 1982, from 9 a.m. to approximately 12 noon for the report of the Director, NIEHS, and for discussion of the NIEHS budget, program policies and issues, recent legislation, and other items of interest. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on January 25, from approximately 1:00 p.m. to adjournment on January 26, 1982, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Leota B. Staff, Committee Management Officer, NIEHS, Building 31, Room 2B55, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-3511, will provide summaries of the meeting and rosters of council members.

Dr. Wilford L. Nusser, Associate Director for Extramural Programs, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, North Carolina 27709, (919) 541-7723, FTS 629-7723, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.892, Prediction, Detection and Assessment of Environmentally Caused Diseases and Disorders; 13.893, Mechanisms of Environmental Diseases and Disorders; 13.894, Environmental Health Research and Manpower Development Resources, National Institutes of Health)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: December 18, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-36852 Filed 12-23-81; 8:45 am]

BILLING CODE 4140-01-M

National Diabetes Advisory Board; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Diabetes Advisory Board and its Subcommittees on January 11-12, 1982, 9:00 to 5:00 p.m., at the Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, Maryland, to discuss the Board's activities and to continue the evaluation of the implementation of the long-range plan to combat diabetes. The meeting will be open to the public. Attendance by the public will be limited to space available. Notice of the meeting room(s) will be posted in the Hotel lobby.

The Subcommittees of the Board will meet the day before, January 11. Further information, times and meeting locations of the Subcommittees may be obtained by contacting Mr. Raymond M. Kuehne, Executive Director, National Diabetes Advisory Board, P.O. Box 30174, Bethesda, Maryland 20814, (301) 496-6045. The agenda and roster of members can also be obtained from his Office. Summaries of the meetings may be obtained by contacting Carole A. Peters, Committee Management Office, NIADDK, National Institutes of Health, Room 9A46, Building 31, Bethesda, Maryland 20205, (301) 496-5765.

Dated December 15, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-36847 Filed 12-23-81; 8:45 am]

BILLING CODE 4140-01-M

National Digestive Diseases Advisory Board; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Digestive Diseases Advisory Board on February 1-2, 1982, 8:30 a.m. to 5:00 p.m., at the Bethesda, Marriott, 5151 Pooks Hill Road, Bethesda, Maryland. The Meeting, which will be open to the public, is being held to discuss the Board's activities and to continue the evaluation of the implementation of the current digestive diseases plan. Attendance by the public will be limited to space available.

Dr. Ralph Bain, Executive Director, National Digestive Advisory Board, P.O. Box 30377, Bethesda, Maryland 20084,

(301) 496–2232, will provide an agenda and roster of members. Summaries of the meeting may be obtained by contacting Carole A. Peters, Committee Management Office, NIADDK, National Institutes of Health, Room 9A46, Building 31, Bethesda, Maryland 20205, (301) 496–5765.

Dated: December 15, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-38944 Filed 12-23-81; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

Removal of Restrictions on Royalty Distribution to Inventors

On August 21, 1981, the Department filed a Notice in the **Federal Register**, Vol. 46, No. 162, announcing its intention to remove the restrictions on the amount of royalties a grantee institution may share with its inventors. The Department solicited public comments within sixty days of publication, setting forth the reasons why it would *not* be in the best interests of the United States to remove present restrictions on royalty distribution to inventors.

The comments both from inventors and the institutions were all in favor of rescinding the restrictions. Several cited the positive effects on the grantee institutions: restoring equity among researchers/inventors receiving Federal research grants; eliminating the necessity to establish two separate patent policies—one for DHHS inventions and another for all other inventions; and removal of excessive administrative and clerical burdens created by the restrictions.

Senate Report 96–480 by the Committee on the Judiciary of the United States Senate notes that Section 202(c)(7)(c) of Pub. L. 96–517 gives special recognition to the equity of inventors and requires that nonprofit organizations share royalties with them, and that it is not intended that Federal agencies establish sharing ratios.

Accordingly, notice is hereby given that Section VI(f) of the Department's Institutional Patent Agreements and all determinations previously made pursuant to 45 CFR 8.2(b) are amended to remove the limitations on the share of royalty income that nonprofit organizations are permitted to share with their employee-inventors.

(5 U.S.C. 301; 42 U.S.C. 241)

Dated: December 18, 1981.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 81-38787 Filed 12-23-81; 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Forest Oil Corp.

AGENCY: Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Forest Oil Corporation has submitted a Supplemental Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 1979, Block 287, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: December 17, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-38888 Filed 12-23-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Gulf Oil Exploration and Production Co.

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of A Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Gulf Oil Exploration and Production Company has submitted a Supplemental Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 2193, Block 140, Main Pass Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: December 17, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-38887 Filed 12-23-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; SONAT Exploration Co.

AGENCY: Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that SONAT Exploration Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 4100, Block 239, East Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978,

that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: December 17, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc 81-36668 Filed 12-23-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur; Operations in the Outer Continental Shelf; Mobil Oil Exploration and Production Southeast, Inc.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Mobil Oil Exploration and Producing Southeast Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3998, Block 182, portion, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837–4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: December 18, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-36811 Filed 12-23-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Indian Affairs

School Construction Priorities List—Fiscal Year 1983

December 3, 1981.

This notice is published in exercise of authority delegated by the Secretary of Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

The school construction priority list has been revised for Fiscal Year 1983 as required by Pub. L. 95–561; 92 Stat. 2319. Section 1125(c) requires that: "At the time any budget request for school construction is presented, the Secretary shall publish in the **Federal Register** and submit with the budget request the current list of all school construction priorities".

This notice for fiscal year 1983 provides the current revised list of proposed construction projects.

Construction of these projects is subject to the availability of funds and/or the status of currently committed construction projects approved by Congress. These proposed projects are also subject to further review in terms of either replacement or rehabilitation.

This current list of school construction projects applies to fiscal year 1983. A revised list is developed and published for each succeeding fiscal year.

BIA AND CONTRACT SCHOOL CONSTRUCTION RANKING—FISCAL YEAR 1983

Ranking	School name	State
1	Hopi High School	AZ.
2	Laguna Junior High School	NM.
3	Black Mesa Day School	AZ.
4	Little Eagle Day School	SD.
5	San Simon Day School	AZ.
6	Beatrice Rafferty Day School	ME.
7	Indian Island Day School	ME.
8	Alamo Navajo Community School	NM.
9	Indian Township Day School	ME.
10	Pine Hill Middle School	NM.
11	Paschal Sherman Indian School	WA.
12	Low Mountain Boarding School	AZ.
13	St. Francis Indian School	SD.
14	Coeur D'Alene Indian School	ID.
15	Pinon Boarding School	AZ.
16	Ojibwa Indian School	ND.
17	Huerfano Dormitory	NM.
18	Wahpeton Boarding School	ND.

Further information regarding this list or the ranking process may be obtained from the Chief, School Facilities Staff, Bureau of Indian Affairs, P.O. Box 2147, Albuquerque, NM 87103–2147, Telephone: (505) 766–2985.

Kenneth Smith,

Assistant Secretary, Indian Affairs.

[FR Doc. 81-36825 Filed 12-23-81; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

California Desert District Multiple Use Advisory Council; Meetings

Two California Desert District Multiple Use Advisory Council subcommittee meetings have been scheduled. The first meeting is being held to review plans by the State of California to acquire public land managed by the BLM for the purpose of expanding the Red Rock State Park. The meeting will be January 12, 1982, from 10 a.m. to 12 noon at the Mojave Veterans Memorial Building, 15580 "O" Street, Mojave, California, with a field trip to follow the formal session.

The second meeting is being held to review the draft 1982 "Implementation Strategy Report" and prepare recommendations regarding program priorities to the full Council. The meeting will be February 1, 1982, beginning at 9 a.m. at the BLM California Desert District Office, 1695 Spruce Street, Riverside, California.

Dated: December 16, 1981.

Gerald E. Hillier,

District Manager.

[FR Doc. 81-36857 Filed 12-23-81; 8:45 am]

BILLING CODE 4310-84-M

Colorado and Wyoming; Green River-Hams Fork Regional Coal Team Hearings

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Hearings and Comment Period on Regional Production Goals.

SUMMARY: The Colorado State Office of the Bureau of Land Management advises the public that hearings will be held to receive oral and written public comments to assist the Secretary of Interior, through the Regional Coal Team (RCT), in the review of the Federal Coal Production Goals for the Green River-Hams Fork Coal Production Region.

Oral and written comments will be accepted at the public hearings. Individuals commenting orally are asked to provide written copies, if possible. Written comments should be sent to the Colorado State Director at the address given below.

DATES: Public hearings will be held on the following schedule:

Date	City	Meeting place	Time
Jan. 5, 1982	Denver CO	Main Post Office, Room 467, 1823 Stout Street	1–4 p.m.
Jan. 6, 1982	Craig CO	Centennial Trailer, Craig District Office, 455 Emerson Street	7:00 p.m.
Jan. 12, 1982	Rawlins WY.	Holiday Inn, 1801 E. Cedar Street	7:00 p.m.
Jan. 13, 1982	Rock Springs WY.	Holiday Inn, 1675 Sunset Drive	7:00 p.m.

ADDRESS: Wrtiten comments on the production goals should be addressed to: State Director, Colorado, 1037 20th Street, Denver, Colorado 80202.

Written comments will be accepted up until 30 days after the date of this notice.

FOR FURTHER INFORMATION CONTACT: Kenneth Smith, Coal Program Specialist, Bureau of Land Management, at the above address, phone (303) 837–3008.

SUPPLEMENTARY INFORMATION: The Department of Energy (DOE) issued updated national and regional coal production goals in December of 1980. These goals are intended to guide the Department of Interior and the RCT in setting a Federal leasing target for the Green River-Hams Fork Federal Coal Production Region.

DOE Coal Production Goals

(Million Tons Annually)

Scenario	1985	1990	1995
Low	71.9	75.1	83.8
Medium	76.5	90.8	130.0
High	88.6	105.3	160.9

The coal production goals developed by DOE are provided at three levels of energy consumption growth rates—low, medium and high.

The Federal Coal Management regulations (43 CFR 3420.3–2(d) require that the RCT consider the regional situation and recommend adjustments to the regional production goals based on such factors as: (1) Public comment received in writing or in hearing(s) held by the team in the region, (2) State Government, Bureau of Land Management State Office, Indian Tribe and regional development policies, (3) administrative capacity to satisfy the indicated level of leasing based on the final production goals, and (4) other information available to the Regional Coal Team which they believe should receive consideration by the Secretary in his review of the final regional production goals.

Dated: December 16, 1981.

Bob Moore

Associate State Director, Colorado.

[FR Doc. 81-38820 Filed 12-23-81; 8:45 am]

BILLING CODE 4310-84-M

Colorado and Wyoming; Green River-Hams Fork Regional Coal Team; Organizational Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Organizational meeting for the second round of coal activity planning in the Green River-Hams Fork Federal Coal Production Region.

SUMMARY: The Colorado State Office of the Bureau of Land Management advises the public that the organizational meeting for the second round of coal activity planning in the Green River-Hams Fork Federal Coal Producton Region is scheduled for 10:00 a.m., January 28, 1982, at Little America, I–25 and I–80, Cheyenne, Wyoming.

FOR FURTHER INFORMATION CONTACT: Keneth Smith, Coal Program Specialist, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202, phone (303) 837–3008.

SUPPLEMENTARY INFORMATION: Agenda items include: Second Round Organization, Status of Land Use Planning, Review of Available Expressions of Interest, Public Comments on DOE Production Goals.

Dated: December 16, 1981.

Bob Moore,

Associate State Director, Colorado.

[FR Doc. 81-38821 Filed 12-23-81; 8:45 am]

BILLING CODE 4310-84-M

[U-40126]

Realty Action-Land Exchange, Salt Lake District, Utah

AGENCY: Bureau of Land Management, Salt Lake District, Interior.

ACTION: Notice.

SUMMARY: The following described public lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal land Policy and Management Act of 1976, 43 U.S.C. 1716:

Selected (Public Lands)

Township	Range	Section	Subdivision	Acres
6 N	17 W	8	Lots 1–4, S½N½, S½	708.64
7 N	16 W	20	All	640.00
		30	Lots 1–4, E½, E½W½	636.52
7 N	17 W	18	Lots 1–4, E½, E½W½ (all).	659.22
		20	All	640.00
		22	All	640.00
		24	All	640.00
		30	All	640.00
		32	All	640.00
		36	Lots 1–4, E½, E½W½ (all).	642.52
		16	All	640.00
7 N	16 W	24	All	640.00
8 N	16 W	30	All	640.00
		14	All	640.00
Total				9,049.00

In exchange for these lands the Federal Government will acquire the following privately-owned land from Professional Management Services, c/o Herbert H. Halliday, trustee:

OFFERED (PRIVATELY-OWNED LAND)

Township	Range	Section	Subdivision	Acres
4 N.	19 W.	5	Lots 1–4 (all)	55.16
		17	Lots 1–4 (all)	59.60
5 N.	18 W.	5	Lots 1–4 S½N½, S½ (all).	655.36
		7	Lots 1–4 E½, E½W½ (all).	655.48
5 N.	19 W.	1	Lots 1–4 S½N½, S½ (all).	639.40
		3	Lots 1–4 S½N½, S½ (all).	639.00
		11	All	640.00
		13	All	640.00
		15	All	640.00
		23	All	640.00
6 N.	18 W.	17	All	640.00
6 N.	19 W.	1	Lots 1–4 S½N½, S½ (all).	639.20
		3	Lots 1–3 S½NE¼, SE¼NW¼, E½SW¼, SE¼.	480.26
		23	All	640.00
7 N.	18 W.	27	E½	320.00
		23	E½	320.00
		35	All	640.00
Total				8,640.48
Grand total				17,688.36

The exchange will involve the surface estates only, of the above described lands. All of the lands both public and private, are hereby segregated from the workings of the land laws, and from mining claim locations.

DATE: For a period of 45 days interested parties may submit comments to the District Manager, BLM, Salt Lake District, 2370 South 2300 West, Salt Lake City, UT 84119. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning the exchange, including the environmental assessment, is available for review at the Salt Lake District Office, 2370 South 2300 West, Salt Lake City, Utah 84119, or call Evan N. Rudd at 524–5348.

SUPPLEMENTARY INFORMATION: The purpose of the exchange is to acquire nonfederal lands valuable for wildlife management purposes and to dispose of public lands designed for agricultural purposes. The exchange has been discussed with Box Elder County officials and is consistent with planning. The public interest will be well served by making this exchange.

The value of the lands to be exchanged are approximately equal and the acreage will be adjusted or money will be used to equalize the values, upon completion of the final appraisal of the lands. The terms and conditions applicable to the exchange will be as follows:

1. Reservation to the U.S. for construction of ditches and canals.

2. Reservation of all minerals, together with the rights of ingress and egress to prospect for, mine and remove the same under applicable law on the offered and the selected land.

3. Reservation of rights-of-way for the county roads which pass through selected lands.

4. Subject to oil and gas leases numbered U–26372, U–31571, U–31575, U–31576, U–31580, U–31581 and U–38548, name and address of leases on file at Utah State Office, BLM, 136 East South Temple, Salt Lake City, UT 84111.

Frank W. Snell,

District Manager.

[FR Doc. 81–33619 Filed 12–23–81; 8:45 am]

BILLING CODE 4310–84–M

[W–4374]

Wyoming; Partial Termination of Proposed Withdrawal

1. The Bureau of Land Management filed an application for withdrawal which was published in the **Federal Register** on page 2588 of the issue for February 7, 1967, and amended by notices published on page 4030 of the issue of March 14, 1967, and page 4506 of the issue of March 24, 1967.

2. The foregoing application requested withdrawal of all public lands which are valuable or prospectively valuable for geothermal steam, from all appropriations under the public land laws, including, without limitation, the mining laws and the mineral leasing laws.

3. The notice published on page 4506 of the issue of March 24, 1967, identified and described lands located in the States of California, Nevada, Idaho, Montana and New Mexico as valuable or prospectively valuable for geothemral steam. No lands in the State of Wyoming have been identified as valuable or prospectively valuable for geothermal steam.

4. Subsequent to the filing of the application for withdrawal the Congress enacted the Geothermal Steam Act of 1970. That Act and the regulations contained in 30 CFR Part 270 and 43 CFR Part 3200 implementing the provisions of that act provide the necessary protections as well as provisions for the development of geothermal steam resources which obviates the need for the withdrawal.

5. Therefor, pursuant to the regulations contained in 43 CFR 2310.1–4, the application for withdrawal as far as it applies to public lands in the State of Wyoming is hereby terminated. This action will not open any land to the operation of the public land laws, mining laws or mineral leasing laws because no segregation from these laws was ever effected by identifying them as valuable or prospectively valuable for geothermal steam.

James H. O'Connor,

Acting State Director.

[FR Doc. 81–33618 Filed 12–23–81; 8:45 am]

BILLING CODE 4310–84–M

[W–0317252]

Wyoming; Modification of a Proposed Continuation of a Withdrawal

December 14, 1981.

The notice of a Proposed Continuation of a Bureau of Land Management Administrative Site Withdrawal appearing in the **Federal Register** Tuesday, June 9, 1981, page 30576 is hereby modified.

Further evaluation of the proposed action by the Bureau of Land Management has resulted in the determination that approximately 4.6 acres of the 13.3 acres currently under withdrawal are no longer needed for the administrative site. Partial revocation

and continuation of this withdrawal is pending.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-36822 Filed 12-23-81; 8:45 am]

BILLING CODE 4310-84-M

[NM 51107]

New Mexico; Application

December 15, 1981.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Natural Gas Pipeline Company of America has applied for a 4-inch natural gas pipeline right-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 20 S., R. 20 E., N.M.P.M.,
Sec. 23, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 24, S½NE¼, SE¼NW¼, N½SW¼;
Sec. 26, N½NW¼;
Sec. 27, NE¼NE¼, S½N½, NW¼SW¼;
Sec. 28, S½SW¼, N½SE¼, SW¼SE¼;
Sec. 33, NW¼NW¼.
T. 20 S., R. 31 E., N.M.P.M.,
Sec. 17, SE¼NE¼, N½S½, SW¼SW¼;
Sec. 18, S½SE¼;
Sec. 19, Lots 1, 2, NW¼NE¼, NE¼NW¼.

This pipeline will convey natural gas across 6.589 miles of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promply send their names and address to the District Manager, Bureau of Land Management, P.O. Box 1397, 1397, Roswell, New Mexico 88201.

John L. Gregg,

District Manager.

[FR Doc. 81-36856 Filed 12-23-81; 8:45 am]

BILLING CODE 4310-84-M

Las Cruces District Grazing Advisory Board; Meeting

AGENCY: BLM, Las Cruces District.

ACTION: Notice of meeting.

SUMMARY: Agenda.

DATE: January 14, 1982, 9:30 a.m.

ADDRESS: Santa Teresa Building Conference Room (Upstairs) 317 North Main Street, Las Cruces, New Mexico.

FOR FURTHER INFORMATION CONTACT: Daniel C. B. Rathbun, District Manager, Las Cruces District, Bureau of Land Management, P.O. Box 1420, Las Cruces, New Mexico 88004, Phone: (505) 524-8551.

SUPPLEMENTARY INFORMATION:

Agenda

1. Approval of Minutes.
2. Southern Rio Grande Rangeland Program Summary.
3. Administration of Livestock Grazing on Public Rangelands.
4. Briefing on Accelerated Wilderness Study Area Designation.
5. Public Comment Period, 2:00 p.m.

Donnie R. Sparks,

Acting District Manager.

December 15, 1981.

[FR Doc. 81-36816 Filed 12-23-81; 8:45 am]

BILLING CODE 4310-84-M

Nevada; Redelegation of Authority

SUMMARY: Section 1.1 of Bureau Order No. 701 dated July 23, 1964, as amended by notice published at 45 FR 6177 on Friday, January 25, 1980 (FR Doc. 80-2428 filed 1/24/80; 8:45 a.m.) and by notice published at 45 FR 81128 on Tuesday, December 9, 1980 (FR Doc. 80-38128 filed 12/8/80; 8:45 a.m.) authorizes the Bureau of Land Management State Directors the opportunity to redelegate the authority to grant or renew rights-of-way under Title I, Section 28 of the Mineral Leasing Act of 1920, as amended, and to redelegate all of their authority under Public Law 94-579 to District Managers. The authority, listed in Section 1.9 of Part 1 of Bureau Order No. 701, except title transfer actions and special project rights-of-way, is hereby redelegated to the Carson City District Manager.

This notice has no other effect on the provisions of FR Doc. 80-2428 or FR Doc. 80-38128.

EFFECTIVE DATE: This redelegation will become effective January 11, 1982.

FOR FURTHER INFORMATION CONTACT: Mike Moran, Bureau of Land Management, Nevada State Office, Post Office Box 12000, Reno, NV 89520.

Roger J. McCormack,

Acting State Director, Nevada.

December 17, 1981.

[FR Doc 81-36810 Filed 12-23-81; 8:45 am]

BILLING CODE 4310-84-M

California Desert District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 94-579, Title IV, Sec. 403, that a public meeting of the California Desert District Grazing Advisory Board will be held Thursday, February 4, 1982.

The meeting will begin at 10:00 a.m. in the Elks Lodge, 1000 Lily Hill Drive in Needles, California and adjourn by 5:00 p.m.

The agenda for the meeting will include (1) discussion of the reorganized Board and members roles; (2) the Rangeland Program Summary Update, including Desert Plan implementation completed to date and scheduled for this year; (3) Bureau changes in Rangeland Management Policy; (4) proposed Stewardship program in the Desert.

Comments and position statements may be submitted in advance to the Chairman of the Grazing Advisory Board, c/o Bureau of Land Management, 1695 Spruce Street, Riverside, California 92507.

Summary minutes of the board meeting will be maintained in the California Desert district and will be available during regular business hours for public inspection within 30 days following the meeting.

Gerald E. Hillier,

District Manager.

[FR Doc. 81-36862 Filed 12-23-81; 8:45 am]

BILLING CODE 4310-84-M

Geothermal Resources Lease Sale Glass Mountain and Geysers-Calistoga KGRA's CA 12028

Notice is hereby given that approximately 32,466.00 acres of land in 15 parcels in Siskiyou County, California, (Glass Mountain) and approximately 11,244.52 acres of land in 6 parcels in Lake County, California, (Geysers-Calistoga), will be offered competitively for lease under the Geothermal Steam Act of 1970 through sealed bids to the qualified responsible bidder of the highest cash amount per parcel. Bids will be received until 10:00 a.m. on February 18, 1982.

For further information contact the California State Office, Division of Operations, Room E-2605, 2800 Cottage Way, Sacramento, California 95825 (916) 484-4492.

Dated: December 17, 1981.

Walter F. Holmes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-36863 Filed 12-23-81; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-1518]

Idaho; Partial Termination of Classification for Multiple-Use Management

December 16, 1981.

1. Pursuant to authority delegated to me by Bureau Order No. 701, dated July 23, 1964 (29 FR 10528), I hereby terminate the Bureau of Land Management Multiple-Use Classification Order dated October 27, 1967, (Serial No. I-1518), published in the **Federal Register**, November 2, 1967, 32 FR 15186, insofar as it affected the lands described below:

Boise Meridian, Idaho

Little Lost Campground

T. 9 N., R. 27 E.,
Sec. 4, Lot 2, SW¼NE¼, NW¼SE¼.

Badger Creek Campground

T. 9 N., R. 27 E.,
Sec. 28, W½SE¼, SW¼NE¼.

Wet Creek Campground

T. 9 N., R. 28 E.,
Sec. 20, SW¼NE¼

Hawley Mountain Campground

T. 9 N., R. 28 E.,
Sec. 4, S½NW¼.

Dry Creek Canal Campground

T. 10 N., R. 28 E., B.M.
Sec. 33, S½SE¼.

The areas described aggregate 439.12 acres in Butte County.

2. The segregative effect on the lands described in this order will terminate upon publication of this notice in the **Federal Register** as provided by the regulations in 43 CFR 2461.5(c)(2).

3. At 7:45 a.m. on January 25, 1982, the lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 7:45 a.m. on January 25, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands also will be open to location under the United States mining laws at 7:45 a.m. on January 25, 1982. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Federal Building, Box 042, Boise, Idaho 83724.

Theodore G. Bingham,
Acting State Director.

[FR Doc. 81-36661 Filed 12-23-81; 8:45 am]

BILLING CODE 4310-84-M

INTERNATIONAL COMMUNICATION AGENCY

Privacy Act of 1974; Report of New System

AGENCY: International Communication Agency.

ACTION: Notice.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, the International Communication Agency published a notice in the **Federal Register** on November 6, 1981 (46 FR 55156) requesting comments on a new system of records which we proposed to establish. A report on the proposed new system was submitted to Congress and to the Office of Management and Budget on October 26, 1981. After considering the two comments received, the Agency is making two changes which are described below under the heading "Supplementary Information." Following these changes, the amended system notice is printed in its entirety.

DATE: The Public Affairs Contact System, as amended below, will be effective December 28, 1981.

SUPPLEMENTARY INFORMATION: Both parties commenting on the proposed new system of records questioned one of the routine uses which would have made information in the records available to other government agencies who have statutory or other lawful authority to maintain such information. The Agency has decided to delete this proposed routine use in its entirety.

The authority for maintenance of the system was also questioned. The Agency is amending this section to cite its enabling statutes, the U.S. Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 *et seq.*) and the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 *et seq.*), in addition to the Federal Records Act.

SYSTEM NAME:

Public Affairs Contact System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of the Director, International Communication Agency, 1750 Pennsylvania Ave., NW., Washington, D.C. 20547.

CATEGORIES OF INDIVIDUALS COVERED IN THE SYSTEM:

U.S. private sector leaders; key overseas contacts (non-Americans); legislative and executive branch personnel who deal with the International Communication Agency and U.S. foreign policy; private citizens and corporations interested in the International Communication Agency and American public diplomacy; U.S. businessmen overseas.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographic data (name, occupation, organization, substantive interests in foreign policy, mailing address); telephone number; records of participation in the International Communication Agency program overseas and formal or informal events in the United States.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Records Act, 44 U.S.C. 3101, U.S. Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 *et seq.*) and the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 *et seq.*).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Identification of persons or organizations who may have interest in American public diplomacy initiatives and developments for distribution of information about International Communication Agency programming and trends in public diplomacy, identification and distribution of information to individuals with an interest in supporting Agency efforts to encourage participation of the private sector in Agency programs at least cost to the American public.

Information is made available on a need-to-know basis to personnel of the International Communication Agency as may be required in the performance of their official duties.

The International Communication Agency intends to establish a public affairs contact system for use by the Director, Deputy Director and their staffs. The system is intended to provide names, telephone numbers and mailing addresses of persons or institutions interested in public diplomacy and the mission of the International Communication Agency in international affairs. Individuals and institutions so identified may be contacted to provide

them with information on current developments, to solicit their views on new program initiatives or to obtain support for participation of the private sector in Agency programs.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All information will be maintained on an automated system—on a magnetic disk for active use and on magnetic tape for system backup.

RETRIEVABILITY:

Records are retrieved by name, contact identification number, institutional affiliation, geographic location, occupation, interests, language ability, year of birth, sex, marital status, invitation lists, Agency publications received, contact history, invitation history, distribution lists, telephone number, and exchange program record.

SAFEGUARDS:

Files are to be called up by designated persons only with preassigned passwords on a terminal in the Office of the Director.

RETENTION AND DISPOSAL:

Files will be reviewed annually and retained, retired or destroyed as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Assistant to the Director, International Communication Agency, 1750 Pennsylvania Ave., NW, Washington, D.C. 20547.

NOTIFICATION PROCEDURE:

Chief, Office of Public Liaison, International Communication Agency, 1750 Pennsylvania Ave., NW, Washington, D.C. 20547.

RECORDS ACCESS PROCEDURES:

Requests from individuals should be addressed to: Chief, Public Liaison, International Communication Agency, 1750 Pennsylvania Ave., NW, Washington, D.C. 20547.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned are published in Part 505 of Title 22, Code of Federal Regulations.

RECORD SOURCE CATEGORY:

Information is provided by the individual concerned or from published sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Dated: December 21, 1981.

Charles Z. Wick,

Director, International Communication Agency.

[FR Doc. 81-38701 Filed 12-23-81; 8:45 am]

BILLING CODE 8230-01-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-1 (Sub-120)A]

Railroad Services Abandonment; Chicago & North Western Transportation Co.; Abandonment Between Fort Dodge, IA and Milepost 217.2 in Webster County, IA; Findings

The Commission has found that the public convenience and necessity permit Chicago and North Western Transportation Company to abandon its 3.1 mile rail line between Fort Dodge, IA at milepost 220.3 and milepost 217.2, in Webster County, IA. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person (or government entity) has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this notice. Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 40 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-38646 Filed 12-23-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. MC-82]

Provisions for Foreseeable Future Costs and Requirements for Additional Data

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision on final procedures.

SUMMARY: The Commission adopts these procedures in accordance with the Motor Carrier Act of 1980, Section 13(a), to permit motor carriers of property to recover reasonable foreseeable future costs in their general increase filings. Under the procedures adopted, future costs will be recoverable at 6 month intervals. The procedures are intended to expedite the recovery of cost increases to reduce regulatory lag. In addition, the Commission is requiring the submission of information reflecting non-issue general commodity traffic not currently provided by the MC-82 rate bureaus.

EFFECTIVE DATE: January 25, 1982.

ADDRESS: Copies of the complete decision are available, upon request, from: The Office of the Secretary, Interstate Commerce Commission, 12th & Constitution Avenue NW., Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Paul R. Meder, (202) 275-7457.

SUPPLEMENTARY INFORMATION: By notice served July 7, 1981, (46 FR 35566, July 9, 1981), comments were solicited on certain proposed procedures with respect to the treatment of time frames and methodology in the computation of reasonable estimated or foreseeable future costs. Procedures for recovery of these costs were authorized by Section 13(a) of Pub. L. 96-296, amending 49 U.S.C. 10701 of the Motor Carrier Act of 1980. In addition, the Commission outlined provisions for the submission of data reflecting non-issue general commodity traffic handled by the traffic study carriers and relied on by the Ex Parte No. MC-82 motor rate bureaus.

Thirteen parties, including shippers, shippers' associations, and rate bureaus, filed comments. The comments received are generally favorable to the proposed procedures, however they suggest changes and arguments in opposition to certain of matters contained in the original order.

We have considered the matters raised by the parties and are convinced that the proposed procedures are warranted. A number of minor changes have been made in the proposed procedures in response to suggestions made in the comments. These changes are summarized below. The sections noted below correspond to the sections of the adopted procedures.

Section (B): In order to clarify our intent as to the requirements for filing for additional increases during the future six month period, our original language has been modified to read:

> If a rate bureau elects to rely on future cost increases prepared int he manner outlined herein, and in turn files another general increase during the six month duration, the rate bureau will be required to establish by a preponderance of the evidence and through appropriate documentation that the increase

sought has not been previously recaptured in the immediately preceding general increase filing.

Section (E): The motor rate bureaus are required to file a statement, in each general increase filing, indicating the absence of any material revenue increases as the result of independent actions taken during the period (between current level expense period and the effective date of a general increase) or indicate the nature of any material revenue increase due to independent actions and its impact on the updated revenue levels. This statement must be filed 15 days in advance of the effective date.

Section (F): Provision has been made for the inclusion of future costs in the calculation of constructed revenue in column 7 of Appendix A, part I. An additional column (7a) for future costs has been added.

Appendix A, part IV, line 21 (footnote): The footnote has been amended to read:

Excludes revenues from intrastate, Section 22, independent tariffs and other traffic not potentially includable as issue traffic subject to I.C.C. jurisdiction. Revenues from this traffic for the base year are $———. The remaining revenues are the sum of line 15 and 19 above.

Appendix A, Section 2 (Part V): We have amended Appendix A, Section 2 (Part V) by eliminating lines 15 through 24 and substituting the wording "all other revenues" on line 12 and providing for Total System Revenue on line 13. We have also eliminated the requirement for separation of LTL and TL revenues on lines 12 and 13 and only require total data. However, we do require that the motor rate bureaus provide updated total other revenues and total system revenues for the two levels indicated. These levels should agree with Appendix A, Section I, Part I, cols. 4, through 6a as appropriate.

A complete copy of the adopted procedures is included below. Since future cost projections are permitted but are not mandatory, there will be no changes in the present wording in the printed decision in § 1104.3(a) of Chapter X, Subchapter B, Title 49 of the Code of Federal Regulations.

Procedures

(A) In compliance with the provisions of the Motor Carrier Act of 1980, we permit the motor rate bureaus to provide additional and reasonable estimated or foreseeable future cost increases for a six month period following the effective date of any general increase filing.

(B) If a rate bureau elects to rely on future cost increases, prepared in the manner outlined herein, and in turn files another general increase during the six month duration, the rate bureau will be required to establish by a preponderance of the evidence and through appropriate documentation that the increase sought has not been previously recaptured in the immediately preceding general increase filing.

(C) Future expenses will be divided into three categories as follows:

1. *Simultaneously Scheduled Wage and Wage Related Increases.* Those expense increases which are scheduled to start simultaneously with the effective date of the general increase filing.

2. *Interim Scheduled Wage and Wage Related Increases.* Those expense increases which will become effective in varying amounts on varying dates. The motor rate bureaus will be required to document the results of all special labor studies in support of these future expense increases and include the results in their evidentiary filing. The motor rate bureaus will be permitted to rely on any reasonable forecasting methodology that clearly defines the various interim wage and wage related future increases. However, the overall impact cannot exceed an amount developed on the basis as provided in Table 1 below.

Table 1 below provides an illustration of how the computation of the total impact of these increases can be applied. The illustration assumes that there will be 5 separate interim wage increases. Each increase amounts to 8 percent, applies to 5 percent of total expenses, and occurs at different dates between April 1 and October 1. The impact of the wage increases can be calculated as follows:

TABLE 1.—DEVELOPMENT OF IMPACT OF INTERIM SCHEDULED WAGE AND WAGE RELATED INCREASES (BASED ON A GENERAL INCREASE TO BECOME EFFECTIVE APRIL 1)

Effective date of wage increase	Rate of increase	×	Portion of total expense	=	Impact to total expense	×	Portion of 6-month period in effect	Impact on total expense (percent)
May 1	8		5		.40		⅚ or 83.3 percent	33
June 1	8		5		.40		⅔ or 66.7 percent	27
July 1	8		5		.40		½ or 50.0 percent	20
Aug. 1	8		5		.40		⅓ or 33.3 percent	13
Sept. 1	8		5		.40		⅙ or 16.6 percent	07
								1 00

Total (5 individual increases applicable to 25 percent of total expenses = 1.0%).

These projected increased costs for the six month future time period, when relied on, will be included in the "future pro forma" cost level on the basis of the amount determined through the appropriate methodology.

The amount of expense increase not allowed from the application of future expenses calculated on the basis of table 1 above will be subject to recovery in the next general increase filing.

3. *Unscheduled Expense Increases (Non-labor Excluding Fuel and Fuel Related Expenses).* Unscheduled cost increases will be allowed on the basis of one-half of the estimated increase in the expenses at the end of the 6-month future period. For example, if the estimated future unscheduled cost increase for the period is 18 percent, a cost increase of 9 percent will be allowed over the length of the period. This approach will permit a reasonable recovery of short-run, non-scheduled expense increases, since it will assume a single cost increase over the entire six-month future cost period that is equivalent to the steadily rising costs covered by this area.

D. *Studies.*—The Commission will accept future expense estimates based on such established methods as Teamster related contractual wage increases (Trucking Management Inc. (TMI)), labor studies based on non-Teamster union contracts and non-union wage increases, the motor carrier non-labor index or other defined methods which will provide reasonable estimates. Regardless of the methodology relied upon, the burden of proof as to the reasonableness of the methodology and adequate support rests with the MC–82 motor rate bureaus.

Each rate bureau is to provide the Commission with the underlying workpapers supporting the calculations used in the preparation of rate adjustments subject to the provisions of Ex Parte No. MC–82, supra. Workpapers are to be sent to the Bureau of Accounts, Section of Cost Analysis.

(E) *Updated Study Carrier Data.*—The motor rate bureaus are required to file a statement, in each general increase filing, indicating the absence of any material revenue increases as the result of independent actions taken during the period (between the current level

expense period and the effective date of a general increase) or indicate the nature of any material revenue increase due to independent actions and its impacted on the updated revenue levels. This statement must be filed 15 days in advance of the effective date.

(F) *Issue Traffic.*—The motor bureaus are also required to include with their general increase submissions an expanded "Appendix A" for all carriers reflecting the revenue/expense comparisons for future cost increases under consideration. The impact of these changes shall be shown as follows: (1) Separately for system and issue traffic, (2) in addition to presently required revenue/expense comparisons and (3) identified as reflecting future costs.

We are also requiring, as we proposed, that the motor rate bureaus submit, as part of the justification statement in an MC–82 general increase filing, the data reflected in attachments 1 and 2.

Pursuant to 5 U.S.C. 605(b), we certify that the procedures adopted in this proceeding will not have a significant economic impact on a substantial number of small entities. The additional data required by this decision is currently available to rate bureaus and will require little or no additional input from the carriers, large or small, which they represent. In addition, inclusion of "foreseeable future costs" in rate requests filed by the rate bureaus is permissive, not mandatory. Finally, this action was mandated by the Motor Carrier Act of 1980.

This decision will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10321, 10701 and 10706, section 13(a) of the Motor Carrier Act of 1980, Pub. L. 96–296; and 5 U.S.C. 553.)

Dated: December 1, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

ATTACHMENT 1.—EX PARTE NO. MC–82, APPENDIX A.—SECTION 1 REVENUE NEED AND ALLOCATION OF BUREAU TRAFFIC

Line No. and Item	Source	Base calendar year—actual	Present pro forma year present level	Restated proforma year					
				Present revenue and projected expense	Present revenue and future expense	proposed revenue and projected expense	Proposed revenue and future expense	Projected expense and constructed revenue need	Future expense and constructed revenue need
(1)	(2)	[3]	(4)	(5)	(5A)	(6)	(6A)	[7]	(7A)
Part I. Revenue Need									
1. Operating revenues	A.R. Sch. 2998 L. 3								
2. Operating expenses	A.R. Sch. 2998 L. 10								
3. Lease of Distinct operating unit (net)	A.R. Sch. 2998 Net of Ls. 12 & 13								
4. Misc. deductions less other income	A.R. Sch. 2998 (L.27 minus L. 20)								
5. Interest included in miscellaneous deductions	A.R. Sch. 2998 L. 23								
6. Income taxes on ordinary income	A.R. Sch. 2998 L. 29								
7. Extraordinary and prior period items	A.R. Sch. 2998 L. 34								
8. Net income or loss	A.R. Sch. 2998 L. 35								
9. Sum of money above operating expenses	Sum of Ls. 4, 6 & 8								
10. Percent owned and leased property to net tangible property (3 decimals)	A.R. Sch. 100, Col. (c) (L. 21 + L. 23) ÷ L. 26								
11. Sum of money related to transportation	(L. 9 × percent in L.10) plus L. 3								
12. System revenue need items and projected revenue need.	L. 2. plus L. 11								
	(Proponent Bureau Only)								
Part II. Allocation to Traffic at Issue									
13. Constant costs and sum of money allocated to issue traffic.	See Method A( ) and Method B( ) Check one Provide both								
14. Variable expenses from traffic at issue (90% variable excluding return on investment).	From traffic and cost study								
15. Operating revenues from traffic at issue	From traffic study								
16. Constant costs and sum of money allocated to issue traffic plus variable expenses.	L. 13 plus L. 14								
17. Revenue to cost comparison (1 decimal)	L. 15 ÷ L. 16								
	(Proponent Bureau Only)								
Part III. Allocation to Non-Issue Traffic									
18. Variable expenses from traffic not at issue (90% variable excluding return on investment).									
19. Operating revenues from traffic not at issue									
	(Proponent Bureau Only)								
Part IV. Allocation to All Potential Issue Traffic									
20. Variable expenses from traffic not at issue (90% variable excluding return on investment).									

ATTACHMENT 1.—EX PARTE NO. MC-82, APPENDIX A.—SECTION 1 REVENUE NEED AND ALLOCATION OF BUREAU TRAFFIC—Continued

Line No. and item	[redacted]	Base calendar year—actual	Present pro forma year present level	Restated proforma year					
				Present revenue and projected expense	Present revenue and future expense	proposed revenue and projected expense	Proposed revenue and future expense	Projected expense and constructed revenue need	Future expense and constructed revenue need
(1)	[redacted]	(3)	(4)	(5)	(5A)	(6)	(6A)	(7)	(7A)
21. Operating revenues from all potential issue Traffic:[1]									

[1] Excludes revenues from intrastate, Section 22, independent tariffs and other traffic not potentially includable as issue traffic subject to I.C.C. jurisdiction. Revenues from this traffic for the base year are: $———. The remaining revenues are the sum of lines 15 and 19 above.

ATTACHMENT 2.—EX PARTE NO. MC-82 APPENDIX A—SECTION 2 (PART V), COMPOSITION OF THE FRAME CARRIERS' SYSTEM TRAFFIC REVENUES (PART I, LINE 1) FOR THE BASE YEAR ACTUAL, PRESENT AND PROJECTED LEVELS SEPARATED BETWEEN LTL, TL AND TOTAL

[Amounts in thousands]

Traffic moving in territory covered by—	Base year actual			Present level			Projected level		
	LTL	TL	Total	LTL	TL	Total	LTL	TL	Total
1. Interstate—Central and southern	$	$	$	$	$	$	$	$	$
2. —Central States									
3. —Eastern central									
4. —Middle Atlantic									
5. —Middlewest									
6. —New England									
7. —Niagara frontier									
8. —Pacific inland									
9. —Rocky Mountain									
10. —Southern									
11. —Steel carriers									
12. —All other	XXX	XXX		XXX	XXX		XXX	XXX	
13. —Total system	XXX	XXX		XXX	XXX		XXX	XXX	

[FR Doc. 81-36851 Filed 12-23-81; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29785]

Atchison, Topeka and Santa Fe Railway Co.; Exemption of Abandonment of 0.91 Mile of Track in Yavapai County, AZ

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the requirements of prior approval under 49 U.S.C. 10903 the abandonment by the Atchison, Topeka and Santa Fe Railway Company of 0.91 miles of track in Yavapai County, AZ. This is a portion of the Prescott District, Albuquerque Division extending from MP 57.32 to MP 58.23 in the City of Prescott.

DATES: This exemption will be effective on January 22, 1982. Petitions for reopening and reconsideration of this action must be filed within 20 days after publication.

ADDRESSES: Send pleadings to: (1) Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423; (2) Petitioner's Representative; R. K. Knowlton, 80 East Jackson Blvd., Chicago, IL 60604. Pleadings should refer to Finance Docket No. 29785.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hansen, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. For a copy of the full decision, write to Interstate Commerce Commission, Room 2227, Washington, DC 20423, or call toll free 800-424-5403.

Dated: December 16, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-36704 Filed 12-23-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved

fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: December 21, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC–F–14713F, filed October 13, 1981. Talmadge E. Borden (Borden) d/b/a West Virginia Coach Lines (WVC) (P.O. Box 336, 105 Sycamore Street, Ravenswood, WV 26164)—Purchase (Portion)—(Greyhound Lines, Inc. (Greyhound) Greyhound Tower, Phoenix, AZ 85077); Correction [1] Representative: Anthony P. Carr, Esq., Greyhound Tower, Phoenix, AZ 85077. WVC seeks authority to purchase a portion of the interstate operating rights of Greyhound and Borden seeks to acquire control of the rights through the transaction. WVC seeks to purchase that portion of Greyhound's rights (1) in No. MC–1501 (Sub-No. 172) renumbered but not yet issued in No. MC–1515 (Sub-No. 172), and No. MC–1515 (Sub-No. 175) generally authorizing transportation of passengers and their baggage, express and newspapers between (a) Charleston, WV and the junction of WV Hwy 3 and Int. Hwy 77 (over U.S. Hwy 119 and WV Hwy 3 and 77); (b) the junction of U.S. Hwy 60 and WV Hwy 16 and Beckley, WV (over WV Hwy 16 and U.S Hwy 19 and an unnumbered Hwy); (c) betwen Clarksburg, WV and Charleston, WV (over U.S. Hwy 19, WV Hwy 4 and U.S. Hwy 119) or (over U.S. Hwys 19 and 119); and (d) between Glenville, WV and Millstone, WV (over U.S. Hwy 5 and WV Hwy 16). WVC holds authority to operate as a motor common carrier interstate or foreign commerce pursuant to No. MC–59235 (Sub-No. 41) issued to Virginia Stage Lines, Inc., d.b.a. Virginia Truckings and acquired by WVC in No. MC–FC–79275.

Note.—(1) An application for temporary authority has not been filed. (2) This application is directly-related to No. MC–157389 (Sub-No. 2) published elsewhere in the Federal Register of November 20, 1981.

(Hearing Site: Washington, DC).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-36706 Filed 12-23-81; 8:45 am]

BILLING CODE 7035-01-M

[1] This notice corrects the notice published in the Federal Register, Vol. 46, No. 224, Friday November 20, 1981 regarding Greyhound's MC–Nos.

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with each applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: December 21, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

MC–F–14722, filed December 1, 1981. Transferee: S&W FREIGHT LINES, INC. 1136 Haley Rd., Murfreesboro, TN 37130

Transferor; J&G Express, Inc., 489 Julienne, Jackson, MS 39204. Representative: Roland M. Lowell, 5th Floor, 501 Union St., Nashville, TN 37219. Transferee seeks authority to purchase Certificates No. MC–121142 (Subs 8, 14, and 20) from transferor (Harold J. Barkley, Jr., Trustee in Bankruptcy). Russell D. Easley and Barry Smotherman, who control transferee through control of its outstanding capital stocks, seek to acquire control of the rights through the transaction. Transferee holds rights under No. MC–121644 and is affiliated with A&M Express, Inc. (MC–145596). The Certificate to be purchased generally authorize general commodities (with exceptions) over regular and irregular routes in MS and TN. No TA lease is sought.

CAL GAS CORPORATION (CAL GAS) (P.O. Box 28397, Sacramento, CA 95828)—control—Petroleum Transportation Corporation (Petroleum) (9717 E. 42nd St., Tulsa, OK 74145). Representatives: Daryl A. Gault, P.O. Box 28397, Sacramento, CA 95828; and James R. Stiverson, P.O. Box 12241, Columbus, OH 43212. Cal Gas, a non-carrier, seeks authority to acquire control of Aminoil Marketing, Inc., a non-carrier, and thereby its subsidiary, Petroleum. Dillingham Corporation, a publicly-held non-carrier, is the sole stockholder of Cal Gas and seeks authority to acquire control of said rights and property through this transaction. Petroleum holds authority in MC–142905 (Sub-No. 14X), which authorizes the transportation, as a motor common carrier, over irregular routes, of (1) *petroleum products, animal feeds, and agriculture fertilizers and ingredients,* between points in Woodward County, OK, on the one hand, and, on the other, points in AR, CO, IA, KS, LA, MO, NE, NM, SD, and TX; (2) *Petroleum products and agriculture fertilizers and ingredients,* between points in Gage County, NE, on the one hand, and, on the other, points in CO, KS, IA, MN, NE, MO, OK, SD, and WY; (3) *agriculture fertilizers and ingredients,* between points in Rogers County, OK, on the one hand, and, on the other, points in AR, KS, MO, OK, and TX; and (4) *petroleum products,* between (a) points in Cowley, Reno, McPherson, and Rice Counties, KS, on the one hand, and, on the other, points in OK, and (b) points in OK on the one hand, and, on the other, points in AR. Condition: Dillingham Corporation, a non-carrier holding company shall be considered a carrier within the meaning of 49 U.S.C. 11348 and is subject to the requirements of 49 U.S.C. 11302 for those issuance of securities and assumptions of obligations which may relate to or affect the activities of its carrier subsidiaries. Regarding the reporting requirements of 49 U.S.C. 11145, Dillingham Corporation need only file such special reports as the Commission may from time to time require. Dillingham Corporation is not made subject to the accounting requirements of 49 U.S.C. 11142.

Notes.—(1) TA has been filed. (2) Cal Gas controls through stock ownership Propane Transport, Inc., a motor common carrier under MC–114989, which is authorized to transport commodities in bulk, between points in thirty-one States, basically east of the Mississippi River. (3) Dillingham Corporation also controls Foss Launch & Tug Co., a common carrier by water at docket W–587, operating generally between the West Coast, AK, and HI.

[FR Doc. 81–36708 Filed 12–23–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commissions' Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicant with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate of foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPI–323

Decided: December 14, 1981.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Fortier.

FF 531 (Sub-2), filed December 2, 1981. Applicant: SECURITY HOUSEHOLD GOODS FORWARDING, INC. 100 W. Airline Hwy., Kenner, LA 70063. Representative: Alan F. Wohlstetter, 1700 K Street N.W., Washington, D.C. 20006, (202) 833–8884. As a *freight forwarder* in connnection with the transportation of *general commodities* (except household goods, unaccompanied baggage and used automobiles and classes A and B explosives), between points in the U.S.

MC 9291 (Sub-21) (republication), filed October 14, 1981, previously noticed in the **Federal Register** issue of November 1, 1981. Applicant: CARROL BALL TRANSPORT, INC., P.O. Box 53, Centerville, KS 66014. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233–9629. Transporting *such*

commodities as are dealt in by supermarkets and discount stores and food and related products, between points in KS, OK, and the Kansas City, MO, Commercial zone, on the one hand, and, on the other, points in MT, WY, CO, NM, ND, SD, NE, KS, OK, TX, MN, IA, MO, AR, LA, WI, IL, MS, AL, TN, KY, IN, OH, MI and GA.

Note.—The purpose of this republication is to correct the territorial description by including points in the Kansas City, MO, Commercial zone as originally proposed.

MC 28990 (Sub-11), filed December 2, 1981. Applicant: SEYMOUR TRANSFER LINES, INC., 800 E. Factory St., Seymour, WI 54165. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, (414) 833–2381. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Menominee and Rapid River, MI, over U.S. Hwy 41, (2) between Vulcan and Powers, MI, over U.S. Hwy 2, (3) between Menominee and Escanaba, MI, over MI Hwy 35, (4) between Waupun, WI, and junction WI Hwy 49 and U.S. Hwy 41, over WI Hwy 49, (5) between Fond du Lac and Theresa, WI, over WI Hwy 175, (6) between Fond du Lac, WI, and junction WI Hwy 28 and U.S. Hwy 41, over U.S. Hwy 41, (7) between Beaver Dam and Horicon, WI, over WI Hwy 33, (8) between Horicon, WI, and junction WI Hwy 28 and U.S. Hwy 41, over WI Hwy 28, (9) between Mayville and Brownville, WI, over Dodge City WI Hwy Y, (10) between junction Dodge City, WI Hwys Y and YY, and junction Dodge City, WI Hwys YY and 41, over Dodge City, WI, Hwy YY, (11) between Lomira, WI, and junction Dodge City, WI, Hwys Y and H, over Dodge City, WI, Hwy H, (12) between Stevens Point, WI, and junction U.S. Hwy 51 and WI Hwy 64, over U.S. Hwy 51, (13) between Merrill and Mountain, WI, over WI Hwy 64, and (14) between junction U.S. Hwy 10 and WI Hwy 34, and junction U.S. Hwy 51 and WI Hwy 34, over WI Hwy 34, serving all intermediate points in connection with routes (1) to (14) above, and serving Green Lake, WI, and points in Marathon and Shawano Counties, WI, and Delta, Dickinson and Menominee Counties, MI, as off route points.

Note.—Applicant intends to tack the sought rights to its existing authority.

MC 108531 (Sub-25), filed December 3, 1981. Applicant: BLUE BIRD COACH LINES, INC., 502–504 N. Barry St., Olean, NY 14760. Representative: Ronald W. Malin, Bankers Trust Bldg., 4th Fl., Jamestown, NY 14701, (716) 664–5210. Transporting *passengers and their baggage* in the same vehicle with passengers, in charter operations, between points in the U.S., under continuing contract(s) with Blue Bird World Travel, Inc., of Olean, NY.

MC 115581 (Sub-5), filed December 2, 1981. Applicant: THE CONNECTICUT COMPANY, d.b.a. AIRFIELD SERVICE, 2909 Main Street, Hartford, CT 06120. Representative: John E. Silliman, 101 Pearl Street, P.O Box 3197, Hartford, CT 06103, (203) 549–4500. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, beginning and ending at points in CT and Hampden County, MA, and extending to points in the U.S.

MC 128220 (Sub-35), filed December 4, 1981. Applicant: RALPH LATHAM, d.b.a. LATHAM TRUCKING COMPANY, P.O. Box 598, Burnside, KY 42519. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602, (502) 223–8244. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Moorman Mfg. Co., of Quincy, IL.

MC 142920 (Sub-27), filed December 2, 1981. Applicant: OLIVER TRUCKING CORP., 620 South Belmont Avenue, Indianapolis, IN 46217. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048–0640, (212) 466–0220. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Walt Disney Productions, Burbank, CA.

MC 142920 (Sub-28), filed December 3, 1981. Applicant: OLIVER TRUCKING CORP., 620 South Belmont Ave., Indianapolis, IN 46217. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048–0640, (212) 466–0220. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with ASR Recording Service, of Glen Rock, NJ and Allison Audio, of Hauppauge, NY.

MC 144511 (Sub-4), filed Novmeber 2, 1981. Applicant: ED O'GRADY, Rural Route 2, Falls City, NE 68355. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501–1849, (402) 476–1144. Transporting *general commodities* (except classes A and B explosives), between points in Richardson County, NE, on the one hand, and, on the other, points in the U.S.

MC 145230 (Sub-11), filed December 4, 1981. Applicant: H & S MOTOR LINES, INC., P.O. Box 248, Wesson, MS 39191. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601) 948–8820. Transporting (1) *Mercer commodities, machinery, and metal products*, between points in Pike County, MS, on the one hand, and, on the other, points in AR, LA, and TX, and (2) *building materials*, between points in Hinds County, MS, on the one hand, and, on the other, those points in and east of NM, CO, NE, SD, and ND.

MC 145371 (Sub-10), filed December 2, 1981. Applicant MFCH, INC., Route 1, Kings, IL 61045. Representative: Daniel O. Hands, 205 West Touhy Ave., Suite 200–A, Park Ridge, IL 60068, (312) 698–2235. Transporting *food and related products*, between points in Lee and Ogle Counties, IL, on the one hand, and, on the other, points in the U.S.

MC 147851 (Sub-14), filed November 27, 1981. Applicant: KWESVA, INC., 2580 Millers Lane, P.O. Box 16009, Louisville, KY 40216. Representative: Herbert D. Liebman, P.O. Box 478, 403 W. Main Street, Frankfort, KY 40602, 1–502–875–3493. Transporting *such commodities* as are dealt in or used by wholesale and retail drug, grocery, food, hardware, variety and department stores and houses, between points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 149541 (Sub-5), filed December 3, 1981. Applicant: LEBARNOLD, INC., 470 St. John's Church Road, Camp Hill, PA 17011. Representative: Francis W. McInerny, 1000 Sixteenth St., N.W., Suite 502, Solar Bldg., Washington, DC 20036, (202) 783–8131. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 151860 (Sub-3), filed December 3, 1981. Applicant: HETEM BROS. INC., 601 Commerce Road, Linden, NJ 07036. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001, (202) 628–9243. Transporting *chemicals and related products*, and *petroleum, natural gas and their products*, between points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, DE, MD, VA, NC, TN, WV, OH, and DC.

MC 152441 (Sub-1), filed November 24, 1981. Applicant: WILSON LEASING, INC., P.O. Box 6946, Rochester, MN 55901. Representative: Grant J. Merritt, 4444 IDS Center, Minneapolis, MN 55402. Transporting *building materals*,

between points in the U.S., under continuing contract(s) with North Star Group of Apple Valley, MN, and North Star Concrete Co., Inc., of Mankato, MN.

MC 155691, filed November 27, 1981. Applicant: EXPRESSLY LTL, P.O. Box 3–245, Anchorage, AK 99501. Representative: Russell A. Evans, 410 Maynard Bldg., 119 First Ave. S., Seattle, WA 98104. Transporting *general commodities* (except classes A and B explosives), between Anchorage, AK, on the one hand, and, on the other, points in the Third Judicial District of AK.

MC 157841, filed November 20, 1981. Applicant: MIDNIGHT EXPRESS TRUCKING COMPANY, 1630 Gibson, Clovis, CA 93612. Representative: Edward L. Fanucchi, 2409 Merced, #3, Fresno, CA 93721, (209) 268–8771. Transporting *bananas*, between the ports of Long Beach, Willmington, Port Hueneme, and Los Angeles, CA, on the one hand, and, on the other, points in Fresno County, CA.

MC 158960 (republication), filed October 29, 1981, previously noticed in the **Federal Register** issue of November 17, 1981. Applicant: MILLER TRUCKING, INC., South Star Route, Chambers, NE 68725. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *dry fertilizer*, between points in Caribou County, ID, on the one hand, and, on the other, points in CO, IA, KS, NE, SD, and WY.

Note.—The purpose of this republication is to reflect CO, in the territorial description in lieu of OK.

MC 159011, filed November 24, 1981. Applicant: DICK GASSER & SONS, LTD., 4055 E. 84th, Commerce City, CO 80022. Representative: Thomas J. Simmons, 5301 North Cliff Ave., Box 480, Sioux Falls, SD 57101, (605) 339–3629. Transporting (1) *food and related products*, between points in CO, on the one hand, and, on the other, points in the U.S., and (2) *beer and malt beverages*, between St. Louis, MO, and points in Clear Creek County, CO.

MC 159491, filed November 30, 1981. Applicant: UNITED STATES BUS TOURS, INC., P.O. Box 6010, West St. Paul, MN 55118. Representative: Robert P. Sack (same address as applicant), (612) 457–6889. Transporting (1) *passengers and their baggage*, in the same vehicle with passengers, and (2) *baggage of passengers* in separate vehicles, in charter and special operation, between points in Scott, Carver, Washington, Dakota, Anoka, Hennepin and Ramsey Counties, MN, on the one hand, and, on the other, points in the U.S.

MC 159501, filed November 30, 1981. Applicant: AMBROSE TOURS, INCORPORATED, 16055 W. 12 Mile Rd., Southfield, MI 48076. Representative: Jeff I. Ambrose (same address as applicant), (313) 569–8050. As a *broker*, at Southfield, MI, in arranging for the transportation of *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, between points in MI, on the one hand, and, on the other, points in the U.S.

MC 159510, filed November 30, 1981. Applicant: DUNN & MAVIS, INC., 9301 Wilshire Blvd., #401, Beverly Hills, CA 90210. Representative: Paul A. Mavis (same address as applicant), (213) 278–5250. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with TN'T Inc., of Los Angeles, CA.

MC 159521, filed December 2, 1981. Applicant: TIMBER TRANSFER, INC., 7305 Kings Road, Jacksonville, FL 32219. Representative: James B. Sistare, Route 2, Box 385–A, Hilliard, FL 32046, (904) 845–2891. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with Georgia-Pacific Corporation of Augusta, GA.

MC 159531, filed December 2, 1981. Applicant: NORTHEAST CARRIERS, INC., 107 Sherman Farm Road, Harrisville, RI 02830. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108, (617) 742–3530. Transporting (1) *rubber and plastic products*, (2) *pulp, paper and related products*, (3) *metal products*, (4) *furniture and fixtures*, (5) *machinery*, and (6) *chemicals and related products*, between points in RI, MA, NY, SC, TN, ID and AL, on the one hand, and, on the other, points in the U.S.

MC 159560, filed December 4, 1981. Applicant: CAMARA ASSOCIATES, INC., d.b.a., CAMARA TOURS, 340 Hathaway Road, New Bedford, MA 02746. Representative: Edward Camara, Jr. (same address as applicant), (617) 999–5200. As a *broker* at New Bedford, MA, in arranging for the transportation of *passengers and their baggage*, in the same vehicle with passengers, between points in the U.S.

MC 159570, filed December 4, 1981. Applicant: BALL MOTOR SERVICE, INC., 1200 West Sunset Drive, Waukesha, WI 53187. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *such commodities* as are dealt in by grocery stores and food business houses, between points in the U.S., under continuing contract(s) with Godfrey Company, of Waukesha, WI.

Volume No. OPY–4–485

Decided: December 14, 1981.

By the Commission, Review Board No. 2. Members Carleton, Fisher, and Williams.

MC 128497 (Sub-19), filed December 7, 1981. Applicant: JACK LINK TRUCK LINE, INC., P.O. Box 127, Dyersville, IA 52040. Representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200–A, Park Ridge, IL 60068, (312) 696–2235. Transportation (1) *lumber and wood products, machinery and metal products*, between points in Clayton and Clinton Counties, IA, on the one hand, and, on the other, points in AR, CO, ND, OK, and TX, and (2) *lumber and machinery*, between points in AR, CO, MO, MT, ND, OK, SD, and WY, on the one hand, and, on the other, points in IA, IL, IN, MN, and WI.

MC 147737 (Sub-2), filed December 7, 1981. Applicant: ABT, INC., P.O. Box 173, Colusa, CA 95932. Representative: Ann M. Pougiales, 100 Bush St., 21st Fl., San Francisco, CA 94104, (415) 986–5770. Transportation *agricultural fertilizers, chemicals and minerals and related machinery, equipment and supplies*, between points in AZ, CA, ID, NV, OR, NM, UT, and WA.

MC 157487, filed December 7, 1981. Applicant: NORM'S HAULING, LTD., P.O. Box 2378, Prince Albert, Saskatchewan, Canada S6V 6Z1. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108, (701) 237–4223. Transportation *chemicals and related products*, between the ports of entry on the International Boundary line beween the U.S. and Canada, at points in MN, MT, and ND, on the one hand, and, on the other, points in ID, IA, MN, MT, ND, SD, and WI.

MC 159617, filed December 9, 1981. Applicant: GRAY LINE TRAVEL TOURS, INC., 1065 Belvoir Rd., Norristown, PA 19401. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. To engage in operations, in interstate or foreign commerce, as a *broker*, at Norristown, PA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage, in round-trip*, special, and charter operations, beginning and ending at points in Bucks, Montgomery, Chester, and Delaware Counties, PA, and extending to points in the U.S.

Volume No. OPY–4–487

Decided: December 18, 1981.

By the Commission, Reveiw Board No. 2. Members Carleton, Fisher, and Williams.

MC 43718 (Sub-38), filed December 15, 1981. Applicant: BIGGE DRAYAGE CO., 10700 Bigge Ave., San Leandro, CA 94577. Representative: James H. Gulseth, 100 Bush St., 21st Floor, San Francisco, CA 94104, (415) 986–5778. Transportation (1)(a) *commodities* which because of size or weight require special handling or use of special equipment, (b) *commodities* not requiring special handling or use of special equipment when moving with commodities in (a) above, (2) *machinery, equipment, materials, and supplies* used in logging, mining, road building and construction work, (3) *metal products*, and (4) *waste or scrap materials*, between points in CA.

MC 150766 (Sub-2), filed December 8, 1981. Applicant: OLDLAND DISTRIBUTING, INC., P.O. Box 3241, Central Point, OR 97502. Representative: Peter H. Glade, One S.W. Columbia, Suite 555, Portland, OR 97258. (503) 227–1681. Transporting *material, equipment, and supplies* used in the installation of floor covering, between points in OR, WA, and CA.

MC 159476, filed November 30, 1981. Applicant: WARREN A. JOHNSON, JR., d.b.a. WAJ TRANSPORTATION, 5 Dunlap Row, P.O. Box 454, Attleboro, MA 02703. Representative: Warren A. Johnson, Jr. (same address as applicant), (617) 222–1990. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Springmeier Shipping Co., of St. Louis, MO, Paragon Contracting Corp., and William R. Dunlap, Inc., both of Attleboro, MA.

MC 159626, filed December 9, 1981. Applicant: ORANGE BLOSSOM LINES, INC., 407 Rospaw Way, Placentia, CA 92670. Representative: C. D. Lewis (same address as applicant), (714) 993–5480. Transporting *passengers and their baggage*, in charter or special operations, between points in Los Angeles, Orange, and Riverside Counties, CA, on the one hand, and, on the other, points in AZ, NV and Ut.

MC 159666, filed December 11, 1981. Applicant: MASHBURN TRUCKING, INC., Highway 183 South, Childress, TX 79201. Representative: James R. Boyd, 1000 Perry Brooks Bldg. Austin, TX 78701, (512) 476–8066. Transporting (1) *Mercer commodities*, and (2) *those commodities* which because of their size or weight require the use of special handling or equipment, between points in TX.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–36712 Filed 12–23–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and the Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after the publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPI–324

Decided: December 14, 1981.

By the Commission Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 154861 (Sub-4), filed December 2, 1981. Applicant: CAROLINA MOTOR EXPRESS, INC., P.O. Box 550, Forest City, NC 28043. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave., N.W., Washington, DC 20005, (202) 347–9332. (1) transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 159511, filed December 1, 1981. Applicant: GEORGE W. SEIBERT, d.b.a. GEORGE'S TRANSPORT SERVICE, 10980 Almond Ave., Fontana, CA 92335. Representative: Lawrence Marquette, P.O. Box 629, Carmel Valley, CA 93924, (408) 625–2031. Transporting, (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159530, filed December 3, 1981. Applicant: MASTER MOVERS, INC., 2529 Drum Creek Road, Chesapeake, VA 22321. Representative: Blair P. Wakefield, Suite 1001 First and Merchants National Bank Building, Norfolk, VA 23510, (804) 627-0070. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

Volume No. OPY-4-486

Decided: December 14, 1981.

By the Commission, Review Board No. 2. Members Carleton, Fisher, and Williams.

MC 159597, filed December 7, 1981. Applicant: ROY POWELL TRUCKING, INC., 407 Kirk St., Lawrenceburg, TN 38464. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, (615) 790-2510. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-36711 Filed 12-23-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 213]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: December 16, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for comment and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 35358 (Sub-61)X, filed March 23, 1981 previously noticed in **Federal Register** of April 20, 1981, republished as follows: Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Drive N.E., Minneapolis, MN 55421. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. Part (b) Sub-No. 14: Lake, DuPage, Cook, Will, IL and Lake and Porter, IN for Chicago, IL; in Sub-No. 15 Hennepin, Anoka, Ramsey, Carver, Scott, Dakota, and Washington, MN and St. Croix and Pierce, WI; in Sub-No. 43, Bergen, and Hudson, NJ, for Secaucus, NJ. The purpose of republication is to correct a territorial omission.

MC 67646 (Sub-106)X, filed November 16, 1981. Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Edward W. Kelliher (same address as applicant). No. MC-43421 and Sub-Nos. 25, 26, 30, 31, 32, 33, 34, 35, 37, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 51, 53, 55, 56, 59F, 61F, 62F, 63 and 67F certificates, acquired in MC-F-14490F, (1) change the general commodity descriptions, specifying exceptions of numerous combinations of commodities, as indicated: (a) to "except classes A and B explosives, household goods, and commodities in bulk," (b) to "except household goods, and commodities in bulk," (c) to "except classes A and B explosives, and commodities in bulk," and (d) to "except classes A and B explosives, and household goods; (2) expand other commodities, as follows: to (a) lead certificate, and "farm products, and food and related products" from agricultural commodities and creamery products; (b) Sub-No. 34, "metal products, except commodities in bulk," from iron and steel articles, except in bulk, and oilfield and pipeline commodities; (c) (Sub-No. 37, "machinery," from washing machines, ironers, vacuum cleaners, and parts: "pulp, paper and related products," from paper boxes: "food and related products," from groceries: "pulp, paper and related products, and such commodities as are used or dealt in by schools," from paper, paper products, and school supplies: "lumber and wood products, rubber and plastic products, metal products, and pulp, paper and related products," from toilet seats, and paper and paper products: "chemicals and related products," from chemicals: "textile mill products, and farm products," from wool: "textile mill products," from cotton tire fabric: "metal products," from nails: "rubber and plastic products," from rubber matting: and "textile mill products," from rayon and rayon fiber, rejected shipments of rayon, empty cases, fillers or cartons, cones, and spools; and (d) Sub-No. 59, "machinery, lumber and wood products, and metal products," from wheels or wheel blanks, including bogies or idlers for army tanks and pallets, platforms and racks; (3) authorize service at all intermediate points along authorized regular routes between named points; (4) broaden territorial descriptions in the irregular-route authorities from one-way to radial authority; and to two-way in the regular-route authorities; (5) broaden irregular-route points and plantsites to countywide, as follows: (a) lead certificate, Cook, DuPage, Kane, Lake, McHenry and Will Counties, IL and Lake and Porter Counties, IN (Chicago, IL commercial zone): St. Louis, MO, and Jefferson, St. Charles and St. Louis Counties, MO and Madison, Monroe and St. Clair Counties, IL (St. Louis, MO-East St. Louis, IL commercial zone); (b) Sub-No. 25, Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties, MN and Pierce and St. Croix Counties, WI (Minneapolis, St. Paul, South St. Paul, and Newport, MN); (c) Sub-No. 37, Essex, Middlesex, Norfolk and Suffolk Counties, MA (Boston, MA and points in MA within 10 miles thereof): Worcester County, MA (Worcester): Hampden and Hampshire Counties, MA (Springfield, MA and points in MA within 10 miles thereof): Hartford County, CT (Hartford): Fairfield and New Haven Counties, CT (Bridgeport): Hampden and Hampshire Counties, MA (Holyoke): Lake and Geauga Counties, OH (Painesville): Providence County, RI (Woonsocket): Middlesex County, MA (Hudson): Cuyahoga, Medina, Lake, Lorain, Portage and Summit Counties, OH (Cleveland and Ravenna): Bristol County, MA (Norton): Plymouth and Bristol Counties, MA and Newport County, RI (New Bedford and Fall River): Summit, Medina, Portage, Stark and Wayne Counties, OH (Akron): Beaver County, PA (New Brighton): Columbiana and Mahoning Counties, OH (Salem): Cook, DuPage, Kane, Lake,

McHenry and Will Counties, IL and Lake and Porter Counties, IN (Chicago, IL); Worcester County, MA (Northbridge); and Kent and Providence Counties, RI (Pawtucket, Darlington, and West Warwick); (d) Sub-No. 42 (irregular route portion) Suffolk, Middlesex and Essex Counties, MA (points on US Hwy 1 between Boston and Danvers, MA, and points on MA Hwy 1A between Boston, and Beverly, MA); (e) Sub-No. 59, Adams County, IL (facilities at Quincy), and Hamilton County, IN (facilities at Noblesville); (f) Sub-No. 62, Marion County, IA (facilities at Pella), Jefferson, Bullitt and Oldham Counties, KY and Harrison, Floyd and Clark Counties, IN (Louisville), Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan and Hendricks Counties, IN (Indianapolis), Allen County, IN (Ft. Wayne), Clermont, Hamilton, Butler and Warren Counties, OH and Boone, Kenton, and Campbell Counties, KY (Cincinnati), Lorain, Cuyahoga, Medina, Summit, Lake and Portage Counties, OH (Cleveland), Greene and Montgomery Counties, OH (Kettering), and Lucas, Wood and Ottawa Counties, OH (Toledo); (6) broaden off-route points to countywide: (a) lead certifcate, Scott and Muscatine Counties, IL and Rock Island and Henry Counties, IL (Davenport, IA-Rock Island and Moline, IL commercial zone): St. Louis County, MO (plantsite near Robertson): McDonough and Fulton Counties, IL (Adair): Henry County, IL (Bishop Hill, and Osco): Knox County, IL (Dahinda, Williamsfield, and East Galesburg): Peoria County, IL (Edlestein): Stark County, IL (Elmira and Lafayette): Henderson County, IL (Gladstone): Adams County, IL (La Praire): Tazewell and Woodford Counties, IL (Peoria Heights): Hamilton County, OH (site near Fernald): Cook, DuPage, Kane, Lake, McHenry and Will Counties, IL and Lake and Porter Counties, IN (Chicago, IL commercial zone), Marion County, IN (those within 5 miles of Indianapolis): Porter and Jackson Counties, IN (Porter and Fleming), Montgomery, Greene, Miami and Clark Counties, OH (points within 10 miles of Dayton), Franklin County, OH (points within 10 miles of Columbus), and Hamilton, Butler, Warren and Clermont Counties, OH and Boone, Campbell and Kenton Counties, KY (Cincinnati, OH commercial zone): (b) Sub-No. 25, Jo Daviess County, IL (Hanover), Dubuque County, IA (Dubuque and Peru Townships), Cook County, IL (Chicago Heights): Crawford, Grant, Richland and Iowa Counties, WI and Allamakee and Clayton Counties, IA (Prairie du Chien, Muscoda, and Blue River, WI): Grant County, WI (Mt. Ida and Mt. Hope): Iowa, Grant and Lafayette Counties, WI (Rewey): Iowa and Grant Counties, WI (Dodgeville and Stitzer): Grant County, WI (British Hollow, Tennyson, Burton and Rockville): (c) Sub-No. 26, Dakota County, MN (plantsite located approx. 1 mile north of the junction of MN Hwys 55 and 49); (d) Sub-No. 31, Cook, DuPage, Kane, Lake, McHenry and Will Counties, IL and Lake and Porter Counties, IN (Chicago, IL commercial zone), Milwaukee, Ozaukee and Waukesha Counties, WI (Cudahy, Fox Point, Greendale, West Milwaukee, Shorewood, Wauwatosa, West Allis, and Whitefish Bay); (e) Sub-No. 32, Dakota County, MN (site in Eagan township); (f) Sub-No. 33, St. Louis County, MO (plantsite in Bridegeton); (g) Sub-No. 34, Putnam County, IL (plantsite in Putnam County); (h) Sub-No. 37, Summit County, OH (plantsite near Darrowville), and Cook, DuPage, Kane, Lake, McHenry and Will Counties, IL and Lake and Porter Counties, IN (Chicago, IL commercial zone); (i) Sub-No. 38, Medina County, OH (plantsite in Brunswick Hills Township); (j) Sub-No. 39, Jefferson County, KY (plantsite near Louisville); (k) Sub-No. 43, Jefferson County, MO (plantsite at Arnold); (l) Sub-No. 45, Scott County, IA (plantsite near Walcott); (m) Sub-No. 46, Macomb County, MI (plantsite at Romeo); (n) Sub-No. 47, Dakota, Hennepin and Scott Counties, MN (facilities at Burnsville); (o) Sub-No. 53, Hennepin County, MN (facilities near Maple Grove); (p) Sub-No. 55, Huntington County, IN (facilities near Huntington); (q) Sub-No. 61, Lee and Muscatine Counties, IA (Fort Madison and Muscatine); (r) Sub-No. 67, Macoupin, Madison, St. Clair and Monroe Counties, IL and St. Charles and St. Louis Counties, MO (East St. Louis and Alton, IL): Ottawa County, OK and Cherokee County, KS (Picher, OK), Washington and Osage Counties, OK (Bartlesville), Oklahoma and Cleveland Counties, OK (Midwest City, and Tinker A.F.B.): Pittsburg County, OK (Krebs, Alderson, Bache, Dow, Haileyville, and Hartshorne): Kay and Osage Counties, OK (Ponca City, Pawhuska, and Tallant): Pittsburg and Comanche Counties, OK (McAlester and Fort Sill): Jackson and Cass Counties, MO and Jackson County, KS (Grandview, MO), Crawford, Neosho and Cherokee Counties, KS (Capaldo, Walnut, West Mineral, Carona, Radley, and Chicopes), Craig and Ottawa Counties, OK and Cherokee County, KS (Welch and Hockerville, OK), Jackson, Clay and Platte Counties, MO and Wyandotte County, KS (points within 10 miles of Kansas City, MO): Jasper and Newton Counties, MO (points within 5 miles of Joplin), Lafayette, Ray, Saline, Johnson and Carroll Counties, MO; and (Mayview, Lexington, Mt. Leonard, and points within 10 miles of Higginsville): Johnson, Saline, Lafayette and Pettis Counties, MO (Warrensburg and Emma, MO): Tulsa, Wagoner, Osage, Rogers and Creek Counties, OK (Tulsa, OK commercial zone): Dallas, Ellis, Johnson, Tarrant, Denton, Collin, Rockwall and Kaufman Counties, TX (Dallas, TX commercial zone): Oklahoma, Cleveland and Canadian Counties, OK (Oklahoma City, OK commercial zone): Muskogee County, OK (Braggs and Camp Gruber, OK): Dakota County, MN (terminal site in Egan Township): Polk, Warren, Madison and Dallas Counties, IA (points within 12 miles of the central post office, Des Moines, IA): Johnson County, KS (Stanley and Morse): Clarke, Decatur, Story and Marshall Counties, IA (Indianola, Osceola, Leon, Lamoni, Nevada, Colo, and State Center); Harrison and Buchanan Counties, MO (Bethany and St. Joseph): Wyandotte, Leavenworth and Johnson Counties, KS and Jackson, Cass, Clay and Platte Counties, MO (Kansas City, KS/MO commercial zone): Hardin, Franklin, Carro Gordo, Black Hawk, Story, Marshall, Grundy, Floyd, Bremer, Mitchell, Benton, Tama, Linn, Johnson and Benton Counties, IA (Iowa Falls, Hampton, Mason City, Eldora, Waterloo, Nevada, Colo, State Center, Cedar Falls, Grundy Center, Ackley, Charles City, Waverly, Wellsburg, Osage, Belle Plaine, Gladbrook, Chelsea, and Cedar Rapids): and Freeborn, Mower, Steele, Anoka, Hennepin, Dakota, Ramsey, Washington, Scott and Carver Counties, MN (Albert Lea, Austin, Owatonna, and Minneapolis). Applicant also seeks to remove other restrictions involving: (a) limiting service at named intermediate points to pickup and delivery only; (b) interchange, interline or joinder of described regular routes for purposes of performing through service; (c) service limited to that originating at and/or destined to named points; (d) prohibiting shipments which are moving on Govt. bills of lading; and (e) various directional restrictions.

MC 97397 (Sub-15)X, filed November 24, 1981. Applicant: BARKLEY TRUCK LINES, INC., 604 Fourth St., P.O. Box 970, Watertown, SD 57201. Representative: Val M. Higgins, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402. Sub-Nos. 3, 11, 12, and 14F certificates, and No. MC-128530 permits: (1) remove all restrictions in the general commodities

descriptions "except classes A and B explosives, household goods, and commodities in bulk" (Sub-Nos. 3 and 12); (2) broaden to: (a) "food and related products" from meats, meat products and byproducts, and articles distributed by meat packinghouses, (except hides), and foodstuffs in mixed loads (Sub-No. 11), and from meat and meat products (Sub-No. 12); (b) "food and related products, and articles distributed by meat packinghouse," from foodstuffs, except commodities in bulk, and meats, meat products and byproducts, and articles distributed by meat packinghouses, except foodstuffs, hides, and commodities in bulk (Sub-No. 14); (3) authorize service at all intermediate points (Sub-Nos. 3 and 12); (4) broaden off-route points to countrywide: Sub-No. 3, Hamlin and Clark Counties, SD (Grover, Hazel, Naples, Vienna, and Willow Lake); Sub-No. 12, Codington, Clark and Day Counties, SD (Wallace, Bradley, Crocker, Lily, and Butler), Hamlin and Kingsbury Counties, SD (Thomas, Hayti, Lake Norden, Badger, and Erwin), Codington and Deuel Counties, SD (Kranzburg, Goodwin, Bemis, Altamont, Clear Lake, Brandt, Moritz, Tuner-Ville, And Gary); Hamlin, Deuel and Brookings Counties, SD (Johnsonville, Estelline, Stone Bridge, Dempster, and Castlewood); and Codington and Clark Counties, SD (Kampeska, Henry, Elrod, and Garden City); (5) broaden irregular-route territorial descriptions from one-way to radial authority, and the named points to countrywide: Sub-No. 11, Beadle County, SD (Huron); Sub-No. 12, Woodbury and Plymouth Counties, IA and Union County, SD (Sioux City, IA), Cass County, ND and Clay County, MN (Fargo, ND); and Sub-Nos. 12 and 14, Codington County, SD (Watertown); and (6) in the lead permit, (a) broaden the commodity description to "farm products and food and related products," from seeds, flour, animal and poultry feed; (b) remove the restriction limiting transportation of traffic to that originating at a specified point; and (c) broaden the territorial description to between points in the U.S. under continuing contract(s) with the named shipper.

MC 121654 (Sub-45)X, filed December 4, 1981. Applicant: COASTAL TRANSPORT & TRADING CO., P.O. Box 7438, Savannah, GA 31408. Representative: Alan E. Serby, 3390 Peachtree Road, NE., 5th Floor, Lenox Towers South, Atlanta, GA 30326. Subs 41F, 39F, 37F, 17F, 33F, 6. Sub-41F: remove special equipment restriction in general commodities authority; Sub 39F: broaden air pollution equipment (except that which because of size or weight requires the use of special equipment) to "machinery and machinery parts"; Duvall County, FL for Jacksonville, FL and Kern County, CA for Bakersfield, CA; Sub 37F: same commodity broadening as Sub 39; replace College Park, GA facilities with Fulton County, GA; Sub-17F: remove facilities limitation at Charleston, SC; Sub 33F: remove size/weight requiring special equipment restriction; Sub–6 broaden plywood panelling and composition board to "building materials"; remove facilities limitation at Charleston and Orangeburg, SC; broaden Subs 6, 17, 37 and 39 to radial authority.

MC 134134 (Sub-100)X, filed September 9, 1981, and previously noticed in the **Federal Register** September 25, 1981, republished as corrected this issue. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, NE 68107. Representative: James F. Crosby 7363 Pacific Street, Suite 210B, Omaha, NE 68114. Applicant seeks to replace named points with counties: Kansas City, MO, with Jackson, Lafayette, Cass, Ray, Clay, Clinton and Platte Counties, MO and Wyandotte, Johnson, and Leavenworth Counties, KS in Sub-Nos. 52F and 90F; Cincinnati, OH with Hamilton, Butler, Warren, and Clermont Counties, OH; Dearborn County, IN; and Boone, Kenton, and Campbell Counties, KY in Sub-No. 71F. The purpose of this republication is to notice the expansion of the above cited city-wide points.

MC 135684 (Sub-170)X, filed December 15, 1981. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, NJ 08822. Representative: Herbert Alan Dubin, 818 Connecticut Avenue NW., Washington, DC 20006. Subs 89F, 94F, and 102F: (1) remove except commodities in bulk restriction, Subs 89F and 102F, and in containers restriction, Sub 94F, (2) remove originating at/destined to restrictions and authorize radial service between named facilities in the U.S., and, points in the U.S. (exept AK and HI) in all Subs.

MC 145223 (Sub-2)X, filed November 20, 1981. Applicant: COLE FREIGHT COMPANY, 12805 Seneca Road, Palos Heights, IL 60463. Representative: James C. Hardman, 33 N. LaSalle Street, Chicago, IL 60602. Lead and Sub 1 (1) broaden to radial authority; (2) delete restrictions limiting service to shipments moving from, to, or between facilities of certain classes of consignors or consignees; (3) in the lead and Sub 1, broaden Columbus, Canton, Mansfield, Hamilton, Steubenville, Elyria, Cleveland, Akron, Kent, Medina, Zanesville, and Ashtabula, OH to Franklin, Stark, Buchland, Butler, Jefferson, Lorain, Cuyahoga, Summit, Portage, Medina, Muskingam, and Ashtabula Counties; Charleston and Huntington, WV to Kanawha and Cabell Counties; Lancaster, Ambler and Marcus Hook, PA to Lancaster, Montgomery and Delaware Counties; Kearney and Paulsboro, NJ to Essex and Gloucester Counties; East Walpole, Lawrence, Watertown and Canton, MA to Norfolk, Essex and Middlesex Counties; Albany, Port Chester, Syracuse, Buffalo, Niagara Falls and Troy, NY to Albany, Westchester, Onandaga, Erie, Niagara and Renesselaer Counties; East Berlin, Hartford, and Greenwich, CT to Hartford and Fairfield Counties; Clarksville, TN to Montgomery County; West Helena, AR to Phillips County; St. Louis and West Springfield, MO to St. Louis and Hampden Counties, MO and St. Louis, MO; and Chicago Heights, IL to Cook County; (4) broaden in the lead (a) books to "printed matter and pulp, paper or related products", (b) in the lead agricultural commodities and prepared foods to "farm products and food and related products", (c) in the lead canned and preserved foodstuffs to "food and related products", (d) in the lead linoleum, cork felt base floor covering or tiling, asphalt, composition tiling, and from floor covering, linoleum, steel rollers, wallboard, and pulpboard to "building materials" (e) in the lead prepared food products to "food and related products", (f) in Sub 1 conduit and pipe (other than iron and steel), attachments, parts and fittings therefor to "building materials" (g) in Sub 1 rubber products to "rubber and plastic products"; (h) in Sub 1 aluminum sidings to "metal products"; (i) in Sub 1 battery boxes and battery box parts to "lumber and wood products, pulp, paper and related products, coal and coal products, petroleum, natural gas and their products, rubber and plastic products, and metal products"; (5) replace facility at Portage County, OH, with Portage County in Sub 1; and facilities at Allen County, IN with Allen County in Sub 1; and (7) remove facility limitation at Medina, OH and West Springfield, MO, in Sub 1; and (8) remove in bulk and motor vehicle limitations in Sub-No. 1, Sheet No. 6.

MC 146322 (Sub-1)X, filed December 14, 1981. Applicant: METRO LIQUID CARRIERS, LTD., 4545 Boul. Lavoie, Parc Industriel, St. Vincent-de-Paul, Laval, Quebec H7C 1A1. Representative: Edward L. Nehez, P.O. Box Y, 7 Becker Farm Road, Roseland, NJ 07068. Lead: Broaden: liquid asphalt, in tank vehicles,

to "petroleum, natural gas and their products, and ores and minerals" and authorize radial service.

MC 149308 (Sub-17)X, filed December 11, 1981. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Sub 8F certificate: Broaden to county-wide authority: Hamilton County, OH (Cheviot, Bridgetown, and Miamitown).

MC 149563 (Sub-13)X, filed December 3, 1981. Applicant: SUPER TRUCKERS, INC., 3900 Commerce Avenue, Post Office Box 111, Fairfield, AL 35064. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, Post Office Box 1240, Arlington, VA 22210. MC–148822, Sub-Nos. 2, 3, 5, 7, 9, and 10 permits, and MC–149563, Sub Nos. 1, 2 and 3 certificates: (1) broaden to "construction materials," from vinyl coated pressboard, plywood and gypsum board, in MC–148822, Sub No. 2; to "furniture and fixtures," from office furniture and parts and accessories for office furniture, in MC–148822, Sub No. 3; to "metal products," from metal articles, in MC–148822, Sub No. 5; to "clay, concrete, glass or stone products and materials, equipment, and supplies used in the installation thereof" from flat glass and materials, equipment and supplies used in the installation of flat glass in MC–148822 Sub-No. 7; to "metal products, machinery and rubber and plastic products," from (1) primary metal products, (2) fabricated metal products, (3) machinery, (4) plastic pipe and plastic fittings, in MC–148822, Sub No. 9; and to "pulp, paper and related products," from paper and paper articles, and to "metal products, lumber and wood products, and construction materials," from prefabricated buildings, knocked down, and iron and steel articles, and commodities used in the installation of prefabricated buildings, and iron and steel articles, in MC–148822, Sub No. 10; (2) broaden the territorial description to "between points in the United States (except AK and HI)" in MC–148822, Sub Nos. 2 and 10; (3) broaden to the following named counties or parishes from the points indicated: (Note—changes referred to in the following section all affect Sub-Nos. which are shown in parentheses to Docket No. MC–149563) AL: (South Calera-3), Shelby County (Shelby, Shelby Springs, and South Calera-3); LA: Avoyelles Parish (Big Bend, Bordelonville, Bunkie, Cottonport, Evergreen, Hamburg, Lettsworth, Longbridge, Mansura, Marksville, Moreauville, Plaucheville, and Simmesport-1), Pointe Coupee Parish (DuPont, Legonier, Lettsworth, Simmesport, and Torres-1), and Rapides Parish (Bunkie); MS: Coahoma County (Tutwiler-1), Humphreys County (Bellwood, Belzoni, Caile, Castleman, and Isola-1), Leflore County (Minter City, Ryall Chapel, and Somerville-1), Marion County (Kokomo-1), Pike County (Barto, Bear Town, Conerly, Fernwood, Holmesville, and McComb-1), Quitman County (Vance-1), Sunflower County (Baird, Blaine, Caile, Cottondale, Doddsville, Drew, Dwyer, Eastland, Fitzhugh, Goldfield, Indianola, Inverness, Isola, Jaquith, Markham, Milroy, Minot, Parchman, Pentecost, Rome, Ruleville, Sunflower, and Whitney-1), Tallahatchie County (Somerville, Tutwiler, and Vance-1), and Walthall County (Davo, Dillon, Knoxo, Lehr, Lexie, Mesa, Rushing, and Tylertown-1); Ohio: Hamilton County (Cheviot and Miamitown-2); TX: Hidalgo County (Hidalgo, Los Ebanos, and Sullivan City-1), and Starr County (Garciaville, Grulla, Rio Grande City, and Spaulding-1).

[FR Doc. 81-36710 Filed 12-23-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 290 (Sub-2)]

Railroad Cost Recovery Procedures; Approval of Railroad Cost Index

AGENCY: Interstate Commerce Commission.

ACTION: Notice of approval of railroad cost index.

SUMMARY: The Commission has decided to approve the cost of index filed by the Association of American Railroads under the procedures of Ex Parte No. 290 (Sub-No. 2), *Railroad Cost Recovery Procedures*. The application of the index provides a maximum increase of 4.7 percent above the level prescribed in our decision served September 28, 1981 [46 FR 48339, October 1, 1981]

EFFECTIVE DATE: December 24, 1981.

FOR FURTHER INFORMATION CONTACT:
Jane Mackall (202) 275–7656
or
Raymond Hobbs (202) 275–7457

SUPPLEMENTARY INFORMATION: By decision served April 17, 1981 (46 FR 22594, April 20, 1981), we outlined the procedures for calculation of the Interim Mid-Quarter Index of railroad costs and the methodology for computing the Rail Cost Adjustment Factor. We also decided to require the Association of American Railroads (AAR), no later than 20 days before the end of each quarter, to calculate and submit to the Commission the mid-quarter index.

We have received AAR's calculations of the mid-quarter index and have found that these calculations comply with the guidelines outlined in our decision served April 17, 1981.

We note that in addition to using the more current 1980 weighting factors in lieu of the 1979 weighting factors, AAR has updated the base period from 1979 to 1980. Although this adjustment is not necessary nor required by the April 17, 1981 guidelines, it does not result in any inaccuracies in ARR's calculations. The adjustment is, therefore, accepted.

The indices derived from ARR's calculations, verified by this Commission, are shown in the table below.

INTERIM MID-QUARTER INDEX

[1980=100]

Category	10/1/ [illegible]	Q4, 1981	Q1, [illegible]
Salaries, wages & supplements	102.7	117.3	128.0
Fuel	102.2	116.0	119.2
Materials and supplies	103.2	111.2	111.5
Other expenses	[illegible]	112.8	113.9
Weighted average [1]	102.7	115.4	[illegible]

[1] Based on the following 1980 weights: Salaries, wages & supplements, 47.2 percent; Fuel, 12.3 percent; Materials and supplies, 12.2 percent; Other Expenses, 28.3 percent.

The resulting Rail Cost Adjustment Factor for the first quarter, 1982 is 1.047 (120.9÷115.4).

In computing the first quarter index, allowance has been made for labor increases accuring to the period from April 1, 1981 to the present which was not forecast in previous indices.

For the reasons discussed in our September 28, 1981 decision, the carriers may not apply this increase to recyclable commodities, other than scrap iron or steel. While the rate reductions required by Ex Parte No. 394, *Cost Ratio for Recyclables—1980 Determination*, 364 I.C.C. 425 (1980), are required by December 26, 1981 we remain under an affirmative obligation to ensure that rates on these commodities do not exceed the maximum permissible level. Without more specific cost evidence, we cannot make such a finding. [2]

In our September 28, 1981 decision, we also indicated that we would begin a proceeding under the Ex Parte No. 290 docket to address the use of the cost recovery index to recyclables and their need for special treatment given Section 204 of the Staggers Act. We have decided to postpone that proceeding

[2] After December 26, 1981, carriers are free separately to propose (through nomal tariff filing procedures) rate increases on recyclables subject to Ex Parte No. 394, *supra*, subject to the condition that they prove compliance with the 146 percent cap.

until the reopened Ex Parte No. 319, *Investigation of Freight Rates for the Transportation of Recyclable or Recycled Commodities*, served April 13, 1981 is decided. In that proceeding, we are considering, among other things, the propriety and level of a maximum rate ceiling for scrap iron and steel. It would be unproductive to begin the Ex Parte No. 290-related rulemaking until it is decided whether ferrous scrap will be included.

This decision will not significantly affect the quality of the human environment or conservation of energy resources. Although this proceeding is not subject to Public Law 96–354, it is our opinion that it will not have a significant adverse impact on a substantial number of small entities.
(49 U.S.C. 10321, 10701O, 5 U.S.C. 553)

Dated: December 18, 1981.

By the Commission, Chairman Taylor, Vice-Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–36705 Filed 12–23–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is Ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–FC–79155. By decision of December 8, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Paul A. Himmer/dba Great Pond Service Center of Certificate No. MC–107897 issued November 14, 1962 to Edward J. Marsan/dba Eddie's Amoco authorizing the transportation of wreck or disabled motor vehicles over irregular routes from points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, and New York, to Lawrence and Methuen, Massachusetts, with no transportation for compensation on return except as otherwise authorized. Representative: Paul Himmer, 1060 Osgood Street, North Andover, MA 01845.

MC–FC–79250. By decision of December 10, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to WORDEN SONS OF COLDWATER, INC. d/b/a McLAIN TRANSPORTATION, INC., of Hillsdale, MI of Permit No. MC–128159 issued September 29, 1967 to McLAIN TRANSPORTATION, INC., of Hillsdale, MI authorizing the transportation of *meats, meat products, and meat by-products*, between the plantsite of Bob Evans Farms, Hillsdale, MI and points in IL, IN, MI, OH and PA. *Spices*, between Cincinnati, OH and the plantsite of Bob Evans Farms, Hillsdale, MI. *Lard Cans* between Cincinnati, OH and the plantsite of Bob Evans Farms, Hillsdale, MI under continuing contract with Bob Evans Farms, Hillsdale, MI. TA lease is not sought. Transferee holds no authority. Representative is: James R. Neal, 1200 Bank of Lansing Bldg., Lansing, MI 48933.

Federal Register Notice

MC–FC–79383, republication. William Curtin, d.b.a. Curtin's Express. The application was originally published in the **Federal Register** in Volume 46, No. 208, page 53226, inadvertantly omitting a portion of the Certificate of Registration being transferred. In order to provide accurate notice of the commodities and territory involved in the application, the authority to be transferred being republished in its entirety.

Certificate of Registration No. MC–98247 (Sub-No. 1), issued February 24, 1964, to Alfred M. Carroll, doing business as Carroll's Express authorizing the transportation of (A) *general commodities*, over irregular routes, between points in Massachusetts, and (B) *general commodities*, between a point in Cambridge and a point in Dedham beyond Readville, passing through (1) Vassar Street and Massachusetts Ave. in Cambridge; Harvard Bridge; Boston Proper; Columbia Ave., Washington Street, Hyde Park Avenue, Milton Street and Sprague Street in Boston, and approximately ½ mile on Sprague Street in Dedham, (2) Vassar Street, Main Street in Cambridge; West Boston Bridge; Boston Proper; Albany Street, Hampton Street, Dedly Street and Blue Hill Avenue in Boston; Blue Hill Avenue, Brush Hill Road and Milton Street in Milton, Milton Street and Sprague Street in Boston, and approximately ½ mile on Sprague Street in Dedham.

MC–FC–79487. By decision of December 1, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to CEE KAY MOTOR FREIGHT, INC. of Certificate No. MC–63411 (Sub-1) issued to BERGEN EXPRESS, CO. INC. authorizing over irregular routes, transporting cleaning compounds, chemicals, and refrigeration supplies, between New York, NY, on the one hand, and, on the other, points in CT, NY, NJ, and PA. Representative: C. Kasten, Jr., 23 Terminal Rd., Lyndhurst, NJ 07071. TA lease is not sought. Transferee is not a carrier.

MC–FC–79496. By decision of December 8, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Robert F. Nolan d/b/a John H. Nolan and Son, of Permit No. MC–113835 (Sub-No. 1) issued to John H. Nolan d/b/a John H. Nolan and Son, Robert F. Nolan and Jane R. Nolan, Executors authorizing the transportation of (1) *caskets;* from New Haven, CT to points in MA, NH, NY, RI, and VT, and (2) *empty containers*, used in the

transportation of caskets, from points in MA, NH, NY, RI, and VT, to New Haven, CT. Representative: Sidney L. Goldstein, 109 Church Street, New Haven, CT 06510.

Note.—Transferee is a non-carrier.

MC–FC–79501. By decision of December 8, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to GOLDEN ISLES COACHES, INC., of Brunswick, GA, of Certificate No. MC–136102 (Sub-1), issued to SANDHILL STAGE LINES, INC., of Jacksonville, FL, authorizing the transportation of *passengers and their baggage*, in charter operations, beginning and ending at Hilton Head Island, SC, and extending to points in FL, GA, NC, SC, and TN. Representative: James Perry Fields, 1612 Union Street, P.O. Box 797, Brunswick, GA 31521.

Notes.—TA has not been filed. Transferee is not a carrier, but is affiliated with Coastal Trucking Co., Inc., which holds common carrier authority under MC–151141.

MC–FC–79517. By decision of December 14, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to IDDINGS TRUCKING, INC., of Lowell, OH, of Certificate No. MC–101053 (Sub-No. 12X), issued July 27, 1981, to DRY BULK TRANSPORT, INC., of Marietta, OH, authorizing the transportation of (1) *commodities in bulk, coal and coal products, ores and minerals, and clay, concrete, glass, or stone products*, (a) between points in Hancock, Brooke, Ohio, Marshall and Wetzel Counties, WV, on the one hand, and, on the other, points in Guernsey, Noble and Monroe Counties, OH, and (b) between points in Pleasants and Wetzel Counties, WV, on the one hand, and, on the other, points in Jefferson, Belmont, Guernsey, Monroe, Harrison and Noble Counties, OH; and (2) *commodities in bulk*, (a) between points in Washington and Morgan Counties, OH, on the one hand, and, on the other, points in Pleasants and Wood Counties, WV, (b) between points in Noble County, OH, on the one hand, and, on the other, points in Wood County, WV, and (c) between points in Mason County, KY, and Washington County, OH, on the one hand, and, on the other, points in IL, IN, OH, PA, WV, and MI. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215.

Notes.—(1) TA has not been filed. (2) Transferee is authorized to operate pursuant to No. MC–99656, as a common carrier in the States of OH, IN, IL, KY, MD, MI, MO, NY, PA, and WV. (3) No. MC–99656 (Sub-No. 8) is a direct application, filed and published in this same Federal Register issue.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Dated: December 18, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC–99656 (Sub-8), filed December 4, 1981. Applicant: IDDINGS TRUCKING, INC.—Extension State Route 60, Box 388, Lowell, OH 45744. Representative: Michael Spurlock, Esquire, 275 East State Street, Columbus, OH 43215. (1) *Commodities in bulk*, (a) between points in IL, IN, OH, PA, WV, MI and Mason County, KY, and (b) between points in IL, IN, OH, PA, WV, MI, and Mason County, KY, on the one hand, and, on the other, points in KY, MD, MO, and NY, and (2) *Coal and coal products, ores and minerals, and clay, concrete, glass or stone products*, between points in Hancock, Brooke, Ohio, Marshall, Pleasants, and Wetzel Counties, West Virginia, on the one hand, and, on the other, points in Ohio.

Notes.—This application is directly related to No. MC–FC–79517, published in this same Federal Register issue.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–36709 Filed 12–23–81; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF THE TREASURY

Office of the Secretary

National Productivity Advisory Committee; Meeting

December 21, 1981.

The National Productivity Advisory Committee will hold its first meeting on Wednesday, January 6, 1982, at 10:45 a.m. in Room 4121/5 of the Main Treasury Building, at 15th Street and Pennsylvania Avenue NW, Washington, D.C.

The National Productivity Advisory Committee was established by Executive Order 12332 on November 10, 1981. The Chairman of the Committee is William E. Simon. The Committee is composed of distinguished citizens, only one of whom is a full-time officer of the

Federal Government. The members serve at the pleasure of the President.

The Committee shall advise the President and the Secretary of the Treasury through the Cabinet Council on Economic Affairs on the Federal Government's role in achieving higher levels of national productivity and economic growth.

The meeting will be open to public observation. Written comments or statements may be submitted at any time before or after the meeting. Approximately 25 seats will be available on a first come, first served basis.

Roger B. Porter,

Executive Secretary, National Productivity Advisory Committee.

[FR Doc. 81-36714 Filed 12-23-81; 8:45 am]

BILLING CODE 4810-25-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel: Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 806 15th Street, NW., Washington, DC 20506:

1. Date: January 6, 1982.
   Time: 9:00 a.m. to 5:30 p.m.
   Room: 314.
   Program: This meeting will review applications for Summer Stipends in Philosophy I, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1982.
2. Date: January 7-8, 1982.
   Time: 9:00 a.m. to 5:30 p.m.
   Room: 807.
   Program: This meeting will review applications submitted for the Youthgrants Program, Division of Special Programs, for projects beginning after May 1, 1982.
3. Date: January 7-8, 1982.
   Time: 9:00 a.m. to 5:30 p.m.
   Room: 1134.
   Program: This meeting will review applications submitted for Research Material Program: Publications Panel, Division of Research Programs, for projects beginning after April 1, 1982.
4. Date: January 8, 1982.
   Time: 9:00 a.m. to 5:30 p.m.
   Room: 314.
   Program: This meeting will review applications for Summer Stipends in History I, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1982.
5. Date: January 9, 1982.
   Time: 9:00 a.m. to 5:30 p.m.
   Room: 314.
   Program: This meeting will review applications for Summer Stipends in Art History and Architecture, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1982.
6. Date: January 11, 1982.
   Time: 9:00 a.m. to 5:30 p.m.
   Room: 314.
   Program: This meeting will review applications for Summer Stipends in Recent U.S. History, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1982.
7. Date: January 13, 1982.
   Time: 9:00 a.m. to 5:30 p.m.
   Room: 911.
   Program: This meeting will review applications for Summer Stipends in Foreign Languages and Literatures II, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1982.
8. Date: January 13, 1982.
   Time: 9:00 a.m. to 5:30 p.m.
   Room: 314.
   Program: This meeting will review applications for Summer Stipends in Political Science, Economics, and Law and Jurisprudence, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1982.
9. Date: January 13, 1982.
   Time: 9:00 a.m. to 5:30 p.m.
   Room: 1134.
   Program: This meeting will review applications for Summer Stipends in History II, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1982.
10. Date: January 15, 1982.
    Time: 9:00 a.m. to 5:30 p.m.
    Room: 911.
    Program: This meeting will review applications for Summer Stipends in Religion, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1982.
11. Date: January 15, 1982.
    Time: 9:00 a.m. to 5:30 p.m.
    Room: 1023.
    Program: This meeting will review applications for Summer Stipends in Sociology, Psychology, and Education, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1982.
12. Date: January 15, 1982.
    Time: 9:00 a.m. to 5:30 p.m.
    Room: 314.
    Program: This meeting will review applications for Summer Stipends in Foreign Languages and Literatures I, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1982.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose:

(1) Trade secrets and commercial or financial information obtained from a person and priviledged or confidential;

(2) Information on a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) Information the disclosure of which would significantly frustrate implementation of proposed agency action;

pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506, or call (202) 724-0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 81-36826 Filed 12-23-81; 8:45 am]

BILLING CODE 7536-01-M

National Council on the Arts; Visual Arts Panel (Painting); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Panel (Painting) to the National Council on the Arts will be held on January 12-15, 1982 from 9:00 a.m.-6:00 p.m. in the Consul Building West Lobby of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of

section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

December 15, 1981.

[FR Doc. 81–36817 Filed 12–23–81; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

Responses; Availability

• **Recommendation Responses from—**

Federal Aviation Administration: Dec. 10, A–81–144: Plans to investigate questionable maintenance/inspection practices and use of unauthorized substitute parts. *Dec. 10, A–73–109:* Issued AD 74–18–09, Amendment 39–1947. *Dec. 10, A–78–57 and 58:* Believes –57 not feasible; has issued final rule, Airworthiness Review Program; Amendment 8A. *Dec. 10, A–79–9 and –10:* Following completion of "A Study to Determine the Need for Altitude Information on Surveillance Approaches," concludes that recommended actions are unwarranted. *Dec. 10, A–73–68:* Has amended 14 CFR 25.785 to provide improved flight attendant protection while seated. *Dec. 10, A–77–43 and –44:* Will not issue the recommended maintenance alert; will not conduct the recommended directed safety inspection. *Dec. 10, A–78–64:* Is collecting data to analyze bird ingestion criteria of large high bypass ratio turbofan engines.

Federal Railroad Administration: Dec. 1, R–74–9: The Consolidated Code of Operating Rules, Rule G, prohibits use of narcotics and intoxicants by railroad employees. *Dec. 1, R–74–2 through –4:* Believes recommendations are not justified. *Dec. 1, R–81–10 through –16:* Has issued a final rule on Docket HM–174; is reviewing other products for inclusion under 49 CFR 179.105; is modifying tank cars to minimize bottom outlet valve damage in train accidents; is using AAR–RPI data to analyze the need for regulatory action; will evaluate safe tank car placement in trains; will research and test tank car steels, breach mechanisms, and resistance to breaching. *Dec. 1, R–81–75:* Additional interim safety precautions believed to be unnecessary for unretrofitted tank cars.

U.S. Coast Guard: Nov. 24, M–81–32 and –33 and M–79–103: Will reevaluate exemption of passenger-carrying rivercraft from Algiers traffic lights; is establishing a monitoring/education program to reduce improper use of bridge-to-bridge radiotelephone; is cooperating with Federal Communication Commission; has requested vessel surveillance funding; New Orleans VTS participation is required.

National Cargo Bureau, Inc.: Dec. 1, M–81–70: Has emphasized to all surveyors that trimming of general cargo vessels cannot be overstressed.

Motor Vehicle Manufacturers Association: Dec. 9, H–81–63: In discussing with members inclusion of warning in owners manuals on hazards of riding in open cargo areas of pickup trucks.

State of Alaska: Nov. 24, H–81–68 and 69: State regulations permit riding in open cargo areas of pickup trucks; Department of Public Safety will evaluate the effect of prohibiting this practice in Alaska.

Note.—Single copies of responses are free on written request, identified by recommendation number, to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

B. Sharon Flemming,

Director, Executive Secretariat.

December 18, 1981.

[FR Doc. 81–36839 Filed 12–23–81; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–358]

Cincinnati Gas & Electric Co., et al.; Order Extending Construction Completion Date

The Cincinnati Gas and Electric Company, Columbus and Southern Ohio Electric Company and The Dayton Power and Light Company are the holders of Construction Permit No. CPPR–88 issued by the Atomic Energy Commission [1] on October 27, 1972 for construction of the William H. Zimmer Nuclear Power Station, Unit 1, presently under construction at a site located in Clermont County, Ohio.

On February 8, 1980, Cincinnati Gas & Electric Company filed a request for extension of the completion date for Unit 1 based on the time needed to comfortably accommodate the Commission's announcement of a pause in issuing operating licenses to the spring of 1980.

Subsequently, Cincinnati Gas & Electric Company filed an amended request by letter, dated March 16, 1981 for further extension of the completion date for Unit 1 based upon the Nuclear Regulatory Commission's report to Congress stating that a decision on a full power license for the William H. Zimmer Nuclear Power Station is expected in July of 1982.

As a result of the accident at the Three Mile Island, Unit 2 Nuclear Power Plant, the Nuclear Regulatory Commission (NRC) conducted an extensive investigation of potential design deficiencies in the plant, plant operator response to the accident, operator errors and/or misinterpretation of plant instrumentation, and all other aspects of the accident which might lead to information that would improve the safety of nuclear power plants. The findings of this investigation and from the comprehensive study of the President's Commission showed that certain plant modifications and improvements in utility organization structure were required to improve the safety of nuclear power plant operation and to upgrade the capability of utilities to cope with a severe accident. The NRC staff prepared an Action Plan for Commission review and approval that included new and/or improved safety objectives, the detailed criteria for their implementation and the various implementation deadlines. In order to accommodate a reasonable schedule needed to complete safety evaluations regarding the applicant's response to the Action Plan requirements and the subsequent licensing actions related to these new safety requirements, the Nuclear Regulatory Commission staff concluded that the requested completion date of construction for Unit 1 should be extended to December 31, 1982.

This action involves no significant hazards consideration; good cause has been shown for the delays; and the requested extension is for a reasonable period, the bases for which are set forth, in the staff's safety evaluation of the request for extension.

The preparation of an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the order other than that which has already been predicted and described in the Commission's Environmental Statements for the William H. Zimmer Nuclear Power Station, Unit 1 published in September 1972 and June 1977.

The Commission has determined that this action will not result in any significant environmental impact and, pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with this action.

The applicant's letters, dated February 8, 1980 and March 16, 1981, and the staff's safety evaluation supporting the Order are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the local public document room established for the William H. Zimmer Nuclear

[1] Effective January 20, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and Permits in effect on that day were continued under the authority of the Nuclear Regulatory Commission.

Power Station, Unit 1, at the Clermont County Library, Third and Broadway Streets, Batavia, Ohio 45103.

It is hereby ordered that the latest completion date for CPPR–88 be extended from April 1, 1980 to December 31, 1982 for Unit 1.

Dated: December 18, 1981.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–36784 Filed 12–23–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–322–CPA and 50–322–OL]

Long Island Lighting Co., (Shoreham, Unit 1); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *Long Island Lighting Company* (Shoreham Nuclear Power Station, Unit 1), Docket Nos. 50–322–CPA and 50–322–OL, is hereby reconstituted by appointing the following Administrative Judge to the Board: Dr. James L. Carpenter. Dr. Oscar H. Paris was a member of this Board, but, because of a schedule conflict, is unable to continue to serve.

As reconstituted, the Board is comprised of the following Administrative Judges:

Louis J. Carter, Chairman
Mr. Frederick J. Shon
Dr. James L. Carpenter

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is: Dr. James L. Carpenter, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Issued at Bethesda, Maryland this 17th day of December 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81–36785 Filed 12–23–81; 8:45 am]

BILLING CODE 7590–01–M

[50–514–CP and 50–515–CP]

Portland General Electric Co., et al., (Pebble Springs, Units 1 & 2); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *Portland General Electric Company, Et Al.* (Pebble Springs, Units 1 and 2), Docket Nos. 50–514 and 50–515–CP, is hereby reconstituted by appointing the following Administrative Judge to the Board: Mr. Ivan W. Smith. Mrs. Elizabeth Bowers was chairman of this Board, but, because of a schedule conflict, is unable to continue to serve.

As reconstituted, the Board is comprised of the following Aministrative Judges:

Mr. Ivan W. Smith, Chairman
Dr. Walter H. Jordan
Dr. Oscar H. Paris

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board Chairman is: Judge Ivan W. Smith, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Issued at Bethesda, Maryland this 16th day of December 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81–36786 Filed 12–23–81; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act and also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether section 3504(H) of Pub. L. 96–511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for an uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least 10 working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and

to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201

New

• Farmers Home Administration
Form FMHA 1942–31, Association Water or Sewer System
Grant Agreement
FMHA 1942–31
On occasion
State or local governments/businesses or other institutions
State and local gov't, non-profit organizations
SIC: 178, 494, 495
Small businesses or organizations
Area and regional development: 350 responses; 700 hours; $117,200 Federal cost; $8,400 public cost; 1 form; not applicable under 3504(h)
Nell Minow, 202–395–7340

FMHA needs this information to document the agreement between the grantor (FMHA) and the grantee (recipient).

• Food and Nutrition Service
Cereal Acceptability Study
Nonrecurring
Individuals or households
Low income prenatal women and preschool children in WIC
Food and nutrition assistance: 2,800 responses; 642 hours; $250,750 Federal cost; $2,915 public cost; 9 forms; not applicable under 3504(h)
Nell Minow, 202–395–7340

Through comments during rulemaking processes of 1978–1980, WIC program managers have been advised to improve participant satisfaction with the high-iron fortified cereals allowed in the WIC food package so that iron status in this population may be strengthened. The results of this study shall provide the department with the necessary, but previously unavailable, information needed to modify the current nutritional standard governing WIC cereals.

• Farmers Home Administration
7 CFR 1951–A, Account Servicing Policies
On occasion
Individuals or households/farms
Farm owners, operators and applicants for FMHA assistance
SIC: 011, 013, 016, 017, 018, 019, 021, 024, 025, 027
Farm income stabilization: 60 responses; 60 hours; $102,930 Federal cost; $360 public cost; 1 form; not applicable under 3504(h)
Nell Minow, 202–395–7340

Regulation establishes the policies and procedures used by FMHA in the collecting and servicing of existing loans. The information is needed to determine rescheduling, deferring and reamortizing of loans to enable borrowers to become more successful and to reduce FMHA loan losses.

• Farmers Home Administration
7 CFR 1942–I, Resource Conservation and Development (RCD)
Loans and watershed (WS) loans and watershed (WS) advances
On occasion
State or local governments/businesses or other institutions
Public bodies and non-profit corporations
SIC: 494, 497
Small businesses or organizations
Farm income stabilization: 90 responses; 195 hours; $75,200 Federal cost; $2,340 public cost; 1 form; not applicable under 3504(h)
Nell Minow, 202–395–7340

FMHA needs this information to make loans or advances to cover all or a part of the cost for watershed work or improvement. An addition, this regulation authorized resource conservation and development loans for land conservation and utilization and water and acquacultural purposes.

• Farmers Home Administration
7 CFR 1804–D, Planning and Performance Site Development Work
FMHA 424–20
On occasion
State or local governments/businesses or other institutions
Housing developers, non-profit housing organizations
SIC: 152, 153, 154, 161, 162
Small businesses or organizations
Mortgage credit and thrift insurance: 14,000 responses; 48,860 hours; $112,680 Federal cost; $4,794 public cost; 1 form; not applicable under 3504(h)
Nell Minow, 202–395–7340

Information is used by FMHA to determine if subdivisions and site developments will meet agency and other public authority requirements as they pertain to location, layout, utilities, streets, etc.

• Farmers Home Administration
7 CFR 1980–D, Rural Housing Program Loans
On occasion
Individuals or households/businesses or other institutions
Banks, savings & loan associations
SIC: 602, 612, 616
Small businesses or organizations
Mortgage credit and thrift insurance: 300 responses; 350 hours; $139,000 Federal cost; $3,500 public cost; 1 form; not applicable under 3504(h)
Nell Minow, 202–395–7340

Title V of the Housing Act of 1949, as amended, authorizes rural housing loans to above-moderate income applicants. Information collected is necessary for FMHA to guarantee the loan requested and to assure that appropriate loan servicing actions are taken.

• Farmers Home Administration
7 CFR 1980–B, Guaranteed Farmer Program Loans
FMHA 449–11, 449–12
On occasion
Individuals or households/State or local governments/farms/ businesses or other institutions
Farming proprietorships
SIC: 100, 103, 016, 017, 018, 019, 021, 024, 025, 027
Small businesses or organizations
Farm income stabilization: 13,220 responses; 15,262 hours; $367,990 Federal cost; 2 forms; $157,531 public cost; not applicable under 3504(h)
Nell Minow, 202–395–7340

FMHA needs the information collected to determine whether loan proposals are technologically and economically feasible and otherwise in compliance with the enabling legislation.

• Farmers Home Administration
7 CFR 1980–F, Guaranteed Economic Emergency Loans
On occasion
Businesses or other institutions
Lending institutions
SIC: 602
Small businesses or organizations
Farm income stabilization: 1,600 responses; 2,500 hours; $186,200 Federal cost; 1 form; $28,275 public cost; not applicable under 3504(h)
Nell Minow, 202–395–7340

FMHA needs this information to service loans made because of a lack of sufficient agricultural credit due to economic stresses such as a general tightening of agricultural credit or an unfavorable relationship between production costs and prices received for agricultural commodities.

Revisions

• Economics and Statistics Service

Peanut Cost of Production Survey
Nonrecurring
Farms
Peanut farms
SIC: 013
Small businesses or organizations
Agricultural research and services: 720 responses; 800 hours; $160,000 Federal cost; $160,000 public cost; 1 form; not applicable under 3504(h)

Statistical Policy Branch, 202–395–7313

The information is needed to estimate peanut production costs by type of cost, per pound and acre. The cost estimates serve as a basis setting peanut prices under existing and proposed support programs.

Extensions (Burden Change)

• Food Safety and Inspection Services
Regulations Governing Voluntary Reimbursable Inspection Service
MP–86, MP–225
On occasion
Businesses or other institutions
Meat slaughter and processing plants
SIC: 201
Consumer and occupational health and safety: 31 responses; 7 hours; $135 Federal cost; 1 form; not applicable under 3504(h)

Charles A. Ellett, 202–395–7340

Reimbursable services are provided under the Agriculture Maketing Services Act of 1946 to maintain the identity of federally inspected meat products through operations not subject to inspection.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

Revisions

• Economic and Statistical Analysis
Form BE–15 Annual Survey of Foreign Direct Investment in the U.S.—1981
BE–15
Annually
Businesses or other institutions
Foreign owned U.S. business enterprises
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 2,500 responses; 7,500 hours; $200,000 Federal cost; $187,500 public cost; 1 form; not applicable under 3504(h)

Statistical Policy Branch, 202–395–7313

Secures financial and operating data on U.S. companies owned by persons consisting of information on balance sheets, income statements, employment, trade, and by State acres of land and mineral rights and property, plant and equipment owned. Required for the preparation of the international investment accounts of the United States.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703–697–1195

Revisions

• Department of the Army
Uniform Tender of Rates and/or Charges for Transportation Services
Form 43
On occasion
Businesses or other institutions
Household goods carriers
SIC: 421
Small businesses or organizations
Department of Defense-Military: 70,000 responses; 11,620 hours; $185,000 Federal cost; 1 form; not applicable under 3504(h)
Andy Uscher, 202–395–4814

To obtain necessary rate data to effect reduced rate shipment of CONUS DOD personal property shipments.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–7304

Extensions (Burden Change)

• Office of Education Research and Improvement
1981 Survey of 1979–80 College Graduates
ED (NCES) 2385–2385–1
Biennially
Individuals or households/businesses or other institutions
Institutions of higher education
SIC: 822
Research and general education aids: 15,300 responses; 4,350 hours; $509,979 Federal cost; 2 forms; $27,547 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030.

This survey is needed in order for NCES to meet the requirements of Pub. L. 93–380, section 406(B)(1) and (5). It will be used as such to produce a report on the supply and demand of persons newly qualified to teach as well as several reports on new college graduates in the job market.

Reinstatements

• Office of Education Research and Improvement
Postsecondary Network Surveys System
NCES 2405
On occasion, annually
State or local governments
State education agencies
SIC: 941
Research and general education aids: 456 responses; 456 hours; $12,000 Federal cost; 8 forms; $6,840 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

NCES was mandated by Pub. L. 93–380 to "assist State and local educational agencies in improving and automating their statistical and data collection activities." As part of its assistance program, NCES has established a postsecondary network surveys system to facilitate the interchange of information and expertise among States.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Centers for Disease Control
Regulatory Requirements for Childhood Immunization
Project grants
Annually
State of local governments
State and local health departments
SIC: 943
Health: 63 responses; 3,150 hours; $18,900 Federal cost; 1 form; $31,500 public cost; not applicable under 3504(h)
Gwendolyn PLA, 202–395–6880

Application for a grant requires full description of applicant's program objectives, plans and activities, the extent of disease and need for support, a description of various program elements, and a budget and justification.

• Centers for Disease Control
Occupational Safety and Health Training Grants
Annually
State or local governments/businesses or other institutions
Institutions applying for educational research centers
SIC: Multiple
Health: 45 responses; 2,745 hours; $100,000 Federal cost; 1 form; $27,450 public cost; not applicable under 3504(h)
Gwendolyn PLA, 202–395–6880

42 CFR 86 prescribes requirements and procedures which must be met in filing applications and grantee accountability for grants for education programs in occupational safety and health.

• Health Care Financing Administration
Medicare/Medicaid Fire Safety Survey Report
HCFA–2786A, 2768D
Annually, biennially, other–see SF83
Businesses or other institutions

Hospitals and long term care facilities
SIC: 805, 806
Small businesses or organizations
Health: 9,181 responses; 17,616 hours; $232,491 Federal cost; 4 forms; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

Section 1861(e)(9) and 1902(a)(28) of the Social Security Act require that providers of services meet requirements to ensure the safety of individual who are furnished services. These forms are used to collect information concerning compliance with those requirements. The information from the forms is used by DHHS regional office personnel to make decisions concerning certification for medicare/medicaid reimbursements.

• Departmental Management
Federal Cash Transaction Report
OS–23–81
Monthly, quarterly
State or local governments/businesses or other institutions
Recipients of HHS grants-in-aid
SIC: Multiple
Public assistance and other income supplements: 1 response; 1 hour; $30,213 Federal cost; 1 form; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

This is a report to monitor Federal cash advances to recipients and obtain cash disbursement information. The DFAFS R–27 currently in use will be replaced with the SF–272.

• Health Services Administration
Survey of Migrant Services Provided by Community Health Centers
Nonrecurring
Businesses or other institutions
Federally-funded community health centers
SIC: 808
Health care services: 100 responses; 150 hours; $750 Federal cost; 1 form; $1,500 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Survey will determine whether community health centers have provided services to migrant farmworkers in a manner consistent with the needs of the migrants and the requirements of section 904 of Pub. L. 97–35.

• Centers for Disease Control
VD Control Program Grant Requirements
Annually
State or local governments
State and local health departments
SIC: 943
Health: 63 responses; 3,150 hours; $18,900 Federal cost; 1 form; $31,500 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Application for a venereal disease control program grant requires full description of applicant's program objectives, plans, and activities, the extent of disease problem and need for support, description of program elements, and budget and justifications.

Revisions

• Centers for Disease Control
NIOSH Information Dissemination Strategy
CDC/NIOSH(C) 2.7
Annually
Individuals or households
Individuals on NIOSH mailing list plus additions
Health: 2,000 responses; 120 hours; $10,000 Federal cost; $1,200 public cost; 1 form; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

The Joint Committee on Printing mandates that "all departments shall make necessary revisions in their mailing lists at least once a year in order to eliminate waste in Government funds caused by publications being improperly addressed, or mailed to persons no longer desiring them. The data collected will be used to annually accomplish the purge mandated by the Joint Committee on Printing.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202–755–5184

Extensions (Burden Change)

• Housing Programs
Low-Income Housing Program Operating Budget
HUD–52566, 52567, 52571 and 52573
HUD–52564
Annually
State or local governments
Public housing agencies
SIC: 953
Mortgage credit and thrift insurance: 15,000 responses; 360,000 hours; $1,515,000 Federal cost; 5 forms; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

This document is used by HUD to ensure that sound financial practices are followed by public housing agencies (PHAS) and that Federal funds are used for eligible expenditures. For PHAS, as a financial summary and analysis of immediate and long-term operating programs and plans, it is used to provide control over operations and achieve objectives in a balanced and businesslike manner.

Reinstatements

• Community Planning and Development
Urban Homesteading Quarterly Report (Milestones)
HUD 4027.2
Quarterly
State or local governments
Units of local government
SIC: 953
Community development: 384 responses; 576 hours; $10,230 Federal cost; 1 form; $7,488 public cost; not applicable under 3504(h)
Richard Sheppard, 202–295–6880

Pub. L. 93–383, section 810, requires that the secretary, CPD conduct continuing evaluations of programs carried out by local agencies. This report monitors the progress of the properties, once they are transferred to a local agency, to the homesteader, through the rehabilitation and finally to final conveyance.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–6331

New

• Employment Standards Administration
Maintenance and Annual Updating of Affirmative Action Program
CC–60–2
Annually
Businesses or other institutions
Govt Contractors and subcon with contracts of $1 million, etc
SIC: all
Small businesses or organizations
Other labor services: 23,620 responses; 3,640,520 hours; $0 Federal cost; 1 form; $24,774,786 public cost; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Contractors and subcontractors must maintain their affirmative action programs (AAPS) in accordance with executive order 11246, 41 CFR 60–1. 40 and 60–2, section 503 of the Rehabilitation Act of 1973, 41 CFR 60–741, and section 402 of the Vietnam Era Veterans Readjustment Act of 1974, 41 CFR 60–250. This is not a reporting requirement. The burden is limited to record keeping.

• Employment Standards Administration
Development of Initial Affirmative Action Plan Pursuant to 41 CFR 60–2
CC 60–2A
Nonrecurring
Businesses or other institutions
Govt contractors and subcon who received their first, etc.
SIC: all
Small businesses or organizations

Other labor services: 120 responses; 36,960 hours; $0 Federal cost; 1 form; $252,806 public cost; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Contractors and subcon who receive their initial government contract in excess of $1 million must develop an affirmative action program in accordance with executive order 11246, 41 CFR 60–2, section 503 of the Rehabilitation Act of 1973, 41 CFR 60–741, and section 402 of the Vietnam Era Veterans Readjustment act of 1974, 41 CFR 60–250. This is not a reporting requirement. The burden is limited to recordkeeping.

• Employment Standards Administration
Quarterly Updating of Individual Hometown Plan by its Administrative Committee
CC–41
Quarterly
Businesses or other institutions
Admin. comm. in covered areas with approved hometown plans.
SIC: multiple
Small businesses or organizations
Other labor services 76 responses; 32 hours; $150 Federal cost; 1 form; $202 public cost; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Area-wide plans under the jurisdiction of local representatives of construction contractors, unions, and minority communities must be updated and periodically reported to indicate that the plans are working effectively.

• Employment and Training Administration
Labor Market Information Performance Indicators
Monitoring
ETA–2224B
Quarterly
State or local governments
State employment security agencies
SIC: 944
Training and employemt: 212 responses; 212 hours; $2,500 Federal cost; 1 form; $2,200 public cost; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

This monitoring effort will collect quarterly information on the types, number and timeliness of labor market information publications produced by State employment security agencies (SESA). The information will permit an examination of the extent sesas are meeting planned publication schedules. Corrective actions to resolve any problems can then be undertaken.

Revisions

• Occupational Safety and Health Administration
Post Inspection Employer Questionnaire
Post Inspection Employee Questionnaire
OSHA–240
On Occasion
Businesses or other institutions
All employers inspected by OSHA, including businesses, etc.
SIC: multiple
Small Businesses or organizations
Consumer and occupational health and safety: 7,500 Responses; 1,125 hours $14,862 Federal cost; 2 forms $16,875 public cost; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

OSHA's goal is to foster cooperative relationships with employers and employees to promote safety and health most effectively. To achieve this, OSHA must rely on the professional conduct of its compliance officers. This survey will allow employers and employee representatives to react to OSHA's inspections and provide the information needed to develop a cooperative, non-adversarial program.

• Employment Standards Administration
Records to Be Kept by Employers Under The FSLA of 1938, as Amended (29 CFR 516)
WH–1261
On Occasion
Individuals or household/State or local governments/farms/businesses or other institutions
Enterprises engaged in, producing goods for, handling, etc.
SIC: all
Small businesses or organizations
Other labor services: 60,200,000 Responses; 700,000 hours $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Outlines Records to be kept by employers under the FISA regulations, 29 CFR 516(A) & (B). Deemed to be maintained by prudent manager.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

• Research and Special Programs Administration
Manufacturers Data Report
Nonrecurring
Businesses or other institutions
Manufacturers and owners of portable tanks
SIC: 401, 421, 441, 442, 371
Other transportation: 1,500 Responses: 1,500 hours; $37,500 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

To verify that portable tanks were constructed in accordance with the department's specifications.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

New

• Office of the Secretary
Requirement to Retain Records of Real Property Purchases with Revenue Sharing Funds
On Occasion
State or local governments
Cities, townships, counties, Indian tribes, Alaskan Native
SIC: 999
Central fiscal operations: 39,000 Responses; 19,500 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

To aid the Office of Revenue Sharing in determining whether or not it has jurisdiction over alleged discrimination.

• Office of the Secretary
Collection of Information Needed to Determine Compliance With the Act
On Occasion
State or local governments
Cities, townships, counties, Indian tribes
SIC: 999
Central fiscal operations: 39,000 Responses; 39,000 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Information requested to be collected and reported from time to time includes race, sex, ethnic origin of employees, data concerning to which minorities, females, aged and handicapped are beneficiaries of entitlement funds. Information must be retained and ors employees allowed access to the information. Reports must be made available on request to determine compliance with the Act.

• Office of the Secretary
Requirement for Retention of Audit Work Papers and Related Audit Reports for a 3-year period.
On Occasion
State or local governments
Cities, townships, counties, Indian tribes, Alaskan Natives
SIC: 999
Central fiscal operations; 12,000 Responses; 6,000 hours $0 Federal cost; 1 form; not applicable under 3504(h)

Irene Montie, 202–395–6880

Recipient Governments are required to retain audit reports and the work papers which document the reports for a period of 3 years to be submitted upon request of the Director or the Comptroller General of the United States.

• Office of the Secretary
Retention of Books, Documents, Papers and Records Needed to Determine Compliance With the Act.
On occasion
State or local governments
Cities, townships, counties, Indian tribes, Alaskan Native
SIC: 999
Central fiscal operations: 39,000 responses; 39,000 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

To require recipient governments to maintain for inspection by the director and the Comptroller General of the United States any books, documents, papers and other records as may be required to determine compliance with the act.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Christine Scoby—202–382–2742

New

• Construction Grant Project Review Information and Record Keeping—Consolidated Request II, Activity Under Revision (825, 827, 830, 834, 835, 838, 841, 900, 904, 905, and 906)
Nonrecurring
State or local governments
City, County, or other pub body, or Indian tribe, with, etc.
SIC: 999
Pollution control and abatement: 1,626 responses; 472,510 hours; $2,273,131 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 200–395–7340

This consolidated request (Req II) requests conditional clearance for 11 ICR's which are likely to be removed or reduced due to current regulations revision. The information is needed for wastewater treatment project reviews by States or EPA to determine eligibility for Federal construction grants. The clearance request for the ICR's will be resubmitted following final Federal Register publication of all chgs affecting 40 CFR 35. (See consolidated Req 1 and Att 1, etc.)

• Revisions of Closure and Post-Closure Cost Estimates
On occasion, annually, other—see SF83
State or local governments/businesses or other institutions
Owners/operators of establishments in hazardous waste
SIC: Multiple
Small businesses or organizations
Pollution control and abatement: 12,390 responses; 6,195 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Owners and operators of hazardous waste management facilities are required to revise their closure and post-closure cost estimates to account for inflation and changes in closure and post-closure plans.

• Information Requirements Regarding Changes to Hazardous Waste Management Facilities During "Interim Status"
On occasion
State or local governments/businesses or other institutions
Owners/operators of hazardous waste management facilities
SIC: Multiple
Small businesses or organizations
Pollution control and abatement: 500 responses; 1,500 hours; $10,500 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7304

EPA published regulations on May 19, 1980 stating that certain types of changes made to hazardous waste management facilities during "Interim Status" (as defined under sec. 3005(e) of RORA) must be made with the knowledge, and in some cases, the consent, of EPA. The regulations require documentation from the facility owner or operator when such changes are planned.

• Unsaturated Zone Monitoring at Hazardous Waste Land Treatment Facilities
Other—See SF83
Businesses or other institutions
Hazardous waste land treatment facilities
SIC: Multiple
Small businesses or organizations
Pollution control and abatement: 200 responses; 20,000 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Information gained from unsaturated zone monitoring at hazardous waste land treatment facilities is used to (1) indicate the success or failure of the land treatment processes, (2) allow early detection of threats to ground-water quality, and (3) evaluate the potential for plant uptake of hazardous waste constituents.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Clearance Officer—Thomas P. Goggin—202–634–6983

New

• Establishment Information
EEOC 447
On occasion
Farms/businesses or other institutions
Private sector employers subject to the EPA, etc.
SIC: Multiple
Small businesses or organizations
Federal Law Enforcement Activities: 200 Responses; 50 Hours; $1,056 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880.

Form 447 will be used to obtain basic EPA jurisdictional data from employers subject to investigation under the act. Use of this form in those few cases when EPA coverage/exemption status is not readily apparent will save the commission and respondents money over other investigatives approaches.

FEDERAL MARITIME COMMISSION

Agency Clearance Officer—Ronald D. Murphy—202–523–5326

Extensions (no change)

• 46 CFR 536—Publishing and Filing of Tariffs by Common Carriers by Water in the Foreign Commerce of the U.S.—per Container Rates
Gen. order 13
On occasion
Businesses or other institutions
Waterborne common carriers in U.S. foreign commerce
SIC: 441
Water transportation: 426 responses; 426 hours; $8,200 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams; 202–395–4814

Rule was previously approved October 6, 1981. New expiration date requested to coincide with related clearance 3072–0009, which expires on October 31, 1984.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—William Jones—202–452–2983

New

• Annual Survey of Foreign Fiduciary Assets
FFIEC 006
Annually
Businesses or other institutions
State-chartered member banks, Edge Act Corporations
SIC: 602, 604, 605

General Government: 21 responses; 189 hours; $500 Federal cost; 1 form: $2,835 public cost; not applicable under 3504(h)
Richard S. Stavneak, 202–395–6880.

A uniform interagency report providing the only available known source of the volume of trust or fiduciary activities of foreign banking affiliates of U.S. banking organizations. Report information is used for supervisory purposes including assessing the need for, and nature of supervisory inspections of those activities.

- Survey of Repurchase Agreements (RPS) on U.S. Government Securities and Nonreservable Due Bills

FR 3019A, B
Nonrecurring
Businesses or other institutions
Credit unions with total deposit of $200 million or more
SIC: 602, 603, 605, 612, 614
General government: 10,867 responses; 2,717 hours; $15,000 Federal cost; 2 forms; $40,755 public cost; not applicable under 3504(h)
Richard S. Stavneak, 202–395–6880

These data will be used to improve benchmark data for repurchase agreements (RPS) which are an important and highly volatile component of the monetary aggregates. In addition, survey results will be used to assess permanent data needs in the RP area.

Extensions (Burden Change)

- Report of Selected Borrowings

FR 2415 2415A
Weekly, other—see SF83
Businesses or other institutions
Large member banks
SIC: 602
General Government: 9,754 responses; 27,142 hours; $147,925 Federal cost; 2 forms; $542,840 public cost; not applicable under 3504(h)
Richard S. Stavneak, 202–395–6880

Report collects information on the outstanding balances of selected borrowings in immediately available funds of large member banks (i.e., those with total assets of $1 billion or more as 13/31.77). This report, which provides information mainly on Federal funds and repurchase agreements, is used in the analysis and formulation of monetary policy. Limited advance information is collected daily by telephone (FR 2415A) from the fifteen largest respondents.

Extentions (No change)

- Electric Power Survey

FR 2009
Monthly
Businesses or other institutions
Public and private owned electric utilities
SIC: 491, 261, 265, 281, 286, 331, 333
General Government: 7,200 responses; 49,464 hours; $17,000 Federal cost; 2 forms; $741,960 public cost; not applicable under 3504(h)
Richard S. Stavneak, 202–395–6880

Report collects information on the volume of electric power sold to mining or manufacturing establishments or generated by such establishments for their own use. Survey results are used as a proxy for physical production measures in certain categories of the industrial production index.

- Complaint form

On occasion
Individuals or households
Anyone with any complaint involving a State member bank General Government: 70 responses; 35 hours; $626 Federal cost; 1 form; $300 public cost; not applicable under 3504(h)
Richard S. Stavneak, 202–395–6880

This form is made available to the public for use in reporting consumer complaints involving State member banks.

GENERAL SERVICES ADMINISTRATION

Agency Clearance Officer—John F. Gilmore—202–566–1164

New

- Service Contract Act of 1965 (as amended)

2166
Other—See SF83
Businesses or other institutions
Individs, firms and organ performing SVCS on GSA contracts
SIC: 734, 739, 762
Small businesses or organizations
General property and records management: 2,500 responses; 250,000 hours; $253,250 Federal cost; 1 form; $1,705,000 public cost; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

The GSA form 2166 provides information to prospective bidders and contractor on building service contracts and other nonpersonal service contracts regarding their obligations under the Service Contract Act of 1965.

INTERNATIONAL COMMUNICATION AGENCY

Agency Clearance Officer—Mary Jane Winnett—202–523–4308

Extensions (Burden Change)

- Certificate of International Educational Character Wall Chart, Map and Poster

IAP–8
On occasion
Businesses or other institutions
Producers and distributors of audio visual materials.
SIC: All
Foreign information and exchange activities: 25 responses; 25 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

Form is supplied on request to U.S. producers and distributors of educational, scientific and cultural visual and auditory materials (wall chart, map, and poster) who have interest in exporting their materials abroad.

- Application for certificate of International Educational Character—Motion Picture

IAP–1
On occasion
Businesses or other institutions
Producers and distributors of audio visual materials.
SIC: All
Foreign information and exchange activities: 25 responses; 400 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

Form is supplied on request to U.S. producers and distributors of educational, scientific and cultural visual and auditory materials abroad.

- Application for Certificate of International Education Character—Recording

IAP–2
On occasion
Businesses or other institutions
Producers and distributors of audio visual materials.
SIC: All
Foreign information and exchange activities: 25 responses; 75 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

Form is supplied on request to U.S. producers and distributors of educational, scientific and cultural visual and auditory materials—recording—who have interest in exporting their materials abroad.

NUCLEAR REGULATORY COMMISSION

Agency Clearance Officer—Stephen Scott—301–492–8585

New

- Generic Letter Re: Odyn Code

Nonrecurring
Businesses or other institutions
NRC licensees
SIC: 483

Energy information, policy, and regulation: 22 responses; 109,824 hours; $80,000 Federal cost; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

NRC plans to request NRC licensees to perform analysis on use of Odyn codes and report results of such reviews.

Extensions (No Change)

• Confidential Statement of Employment and Financial Interests, 10 CFR 0.735–28
NRC 443
On occasion
Individuals or households
NRC consultants and potential employees
Energy information, policy, and regulation: 200 responses; 200 hours; $16,000 Federal cost; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

Provides basic data for potential agency employees and/or consultants to preclude any potential conflict of interest.

OFFICE OF PERSONNEL MANAGEMENT

Agency Clearance Officer—John P. Weld—202–632–7720

Revisions

• Applicant Research Questionnaire
CPM 1306
On occasion
Individuals or households
Individuals applying for Federal employment
Central personnel management: 300,000 responses; 25,000 hours; $40,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Used by OPM and agencies to collect race, sex, and national origin data for determining impact of selection procedures and for complying with provisions as Luevanc V. Campbell, Civil Action 79–0271, U.S. District Court for D.C.

National Scurry,

Chief, Reports Management.

[FR Doc. 81–36328 Filed 12–23–81; 8:45 am]
BILLING CODE 3115–01–M

Agency Forms Under Review

December 21, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

Adescription of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether section 3504(h) of Pub. L. 96–511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least 10 working days after notice in the Federal Register, but occasionally the public interest requires more rapid action.

Q Comments and Questions

Copies of the proposed forms and supportng documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list shoud be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Nothwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201

New

• Food and Nutrition Service
Part 283, Food Distribution Program for Households on Indian reservations—(Recordkeeping)
On occasion
State or local governments
State agencies or Indian tribal organ acting as State, etc.
SIC: 943
Food and nutrition assistance: 54,800 responses; 9,400 hours; $69,562 Federal cost; 1 form; $94,000 public cost; not applicable under 3504(h)
Nell Minow, 202–395–7340

Part 283—Administration of the food distribution program on Indian reservations describes the terms and conditions under which commodity foods may be distributed to households on or near an Indian reservation and

how the program shall be administered by capable Indian tribal organizations.

• Food and Nutrition Service
Part 283, Food Distribution Program for Households on Indian Reservation
Household application form
On occasion
Individuals or households
Indian households or households on Indian reservations, etc.
Food and nutrition assistance: 27,000 responses; 13,500 hours; $90,062 Federal cost; 1 form; $135,000 public cost; not applicable under 3504(h)
Nell Minow, 202–395–7340

Part 283—Administration of the food distribution program on Indian reservations describes the terms and conditions under which commodity foods may be distributed to households on or near an Indian reservation and how the program shall be administered by capable Indian tribal organizations.

Revisions

• Food and Nutrition Service
Food Stamp Program Regulations—Part 278
FNS 252, 252–2, 252–3, 350
Annually
Businesses or other institutions
Wholesale food concerns, retail food stores
SIC: 540, 514
Small businesses or organizations
Food and nutrition assistance: 212,791 responses; 23,580 hours; $28,462 Federal cost; 4 forms; $35,800 public cost; not applicable under 3504(h)
Nell Minow, 202–395–7340

FNS needs applicants' gross and food sales volumes and statement of whether staple foods are more than half of eligible food sales to decide whether the applicants should be authorized. FNS uses sales volume with other data to detect the possibility of violations of the rules.

Extensions (Burden Change)

• Food and Nutrition Service
Part 283—Food Distribution Program for Households on Indian Reservations
On occasion, monthly, quarterly, annually
State or local governments
State agencies or Indian tribal organizations
SIC: 943
Food and nutrition assistance: 152,320 responses; 29,185 hours; $168,487 Federal cost; 1 form; $291,850 public cost; not applicable under 3504(h)
Nell Minow, 202–395–7340

Part 283—Administration of the food distribution program on Indian reservation describes the terms and conditions under which commodity may be distributed to households on or near an Indian reservation and how the program shall be administered by capable Indian tribal organizations.

Reinstatements

• Economics and Statistics Service
1981 National Pesticide Usage Survey
Annually
Farms
Producers of crops and livestock in 33 States
SIC: 011, 013, 019, 021, 024, 029
Small businesses or organizations
Agricultural research and services: 15,786 responses; 6,397 hours; $1,215,000 Federal cost; 4 forms; $102,352 public cost; not applicable under 3504(h)
Statistical policy branch, 202–395–7313

This survey provides for a continuing series of pesticide usage and pest management data. The data will be used for assessing the impact of U.S. EPA pesticide regulations, evaluating pesticide use patterns, research in pesticide use, and general information on pest control.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

New

• Bureau of the Census
Background Survey Questionnaire
BC–1297
Nonrecurring
Individuals or households
Applicants for Tel Interviewer Positions, Random Digit, Etc., Other Advancement and Regulation of Commerce: 150 responses; 6 hours; $1,000 Federal cost; 1 form; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

Plan is to collect information on telephone interviewer applicants in research study between March and August 1982. Information on race/ethnicity is required by uniform guidelines on employee selection procedures for use in adverse impact assessment. All information requested will be utilized in evaluating telephone interviewer personnel practices under study.

Revisions

• Economic and Statistical Analysis
Direct Transactions of U.S. Reporter with Foreign Affiliate Incorporated Abroad
DE–577
Quarterly
Businesses or other institutions
U.S. buss enterprises which have an equity int of 10%, etc.
SIC: All
Small businesses or organizations
Other advancement and regulation of commerce: 35,300 responses; 35,300 hours; $350,000 Federal cost; 1 form; $882,500 public cost; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

Secures data on current and capital account transactions between U.S. persons and foreign business enterprises in which they have an equity interest of 10 percent of more. Consists of data on earnings; dividends, interest, and fees and royalties received; and outstanding debt and equity position. Authorized by the International Investment Survey Act of 1976 (P.L. 94–472). Required for the preparation of the U.S. balance of payment accounts.

• Bureau of the Census
Boundary and Annexation Survey
BAS–1, –2 –4, –5, –6, –6 BAS 33(L)
Annually
State or local governments
State and local governments
SIC: 999
Other advancement and regulation of commerce: 7,900 responses; 2,500 hours; $400,000 Federal cost; 4 forms; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

The Bureau of the Census needs to have accurate up-to-date boundary information for tabulating, economic and decennial data for local areas.

• Bureau of the Census
Annual Retail Trade Report
B–151 B–151A B–152 B–53
Annually
Businesses or other institutions
Form will be mailed to a sample of stores in all retail, etc
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 32,000 responses; 12,800 hours; $492,000 Federal cost; 4 forms; $128,000 public cost; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

The annual retail trade survey provides the only continuing authoritative measure of annual sales and industry. The annual sales and end-of-year inventory estimates are used as a benchmark for developing monthly retail sales and inventory estimates. The survey also provides the only complete sample results producing method of inventory valuation data.

Estensions (Burden Change)

• National Oceanic and Atmospheric Administration

Oceanic Gamefish Investigations Big Game Fishing Log
NOAA 88-904
On occasion
Individuals or households
Sport fishermen
Other advancement and regulation of commerce: 15,150 responses; 500 hours; $63,100 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202-395-4814

Collection of catch, fishing effort, and biological data on billfishes is necessary for the preservation and management of the species. The continuation of this study is necessitated by the long life span of this important recreational resource.

• International Trade Administration
Export Assistance Services end user survey
ITA-4078P
On occasion
Businesses or other institutions
U.S. firms which subscribe to ITA export asst. programs.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 6,200 responses; 3,100 hours; $160,000 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202-395-4814

The questionnaire is used to collect data for necessary evaluation of all export marketing assistance programs of ITA.

• International Trade Administration
Emergency Application for Rating or Directive Assistance
ITA-993
Other—see SF83
Businesses or other institutions
Producers of industrial products
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 1 response; 1 hour; $0 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202-395-4814

The information collected is required for the enforcement and administration of the delegated authority of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.) to assure delivery of military and energy essential supplies and equipment on a timely basis.

• Bureau of the Census
Survey of Local Government Finances (School System)
F-33, 33-1, 33-L1, & 33-L3
Annually
State or local governments
State & local educational agencies
SIC: 999
Other advancement and regulation of commerce: 16,604 responses; 1,400 hours; $263,000 Federal cost; 4 forms; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

The F-33 form is used to collect financial data for public school systems. Data are incorporated with other local government finance data and entered into the national income accounts. Data are also used in long established bureau reports and to determine revenue sharing entitlements.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202-426-7304

Extensions (Burden Change)

• Office of Educational Research and Improvement
State-Level Personnel Exchange (Elementary-Secondary)
2428-1, 2428-2, 2428-3
Annually
State or local governments
State education agencies
SIC: 941
Research and general education aids: 96 responses; 48 hours; $27,680 Federal cost; 3 forms; $720 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

NCES was mandated by P.L. 93-380 to "assist State and local educational agencies in improving and automating their statistical and data collection activities." As part of its assistance program, NCES has established a State-level personnel exchange to facilitate the interchange of information and expertise among States.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488

New

• Departmental Management
Evaluation of the Medicare Mental Health Demonstration
National survey
OS-27-81
Nonrecurring
Businesses or other institutions
2,000 ambulatory mental health facilities
SIC: 808
Small businesses or organizations
Public assistance and other income supplements: 2,000 responses; 667 hours; $25,280 Federal cost; 1 form; not applicable under 3504(h)
Gwendolyn Pla, 202-395-6880

The evaluation is designed to assess the costs of medicare-financed ambulatory mental health care. Forty-five nationally selected mental health settings are receiving medicare waivers that modify some current medicare reimbursement limitations. A national survey of all ambulatory settings will be conducted on a one-time basis for extrapolating the demonstration results on a nationwide basis.

• Alcohol, Drug Abuse, and Mental Health Administration
Inventory of Mental Health Organizations
ADM 25-1
Biennially
Businesses or other institutions
Non-Federal mental health organizations
SIC: 806
Small businesses or organizations
Health: 1,425 responses; 2,138 hours; $213,809 Federal cost; 1 form; $21,380 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202-395-6880

The inventory provides an updated universe of psychiatric organizations to serve as a sampling frame for sample surveys. It also provides descriptive information regarding facilities which is crucial to monitoring developments in the specialty mental health sector and to monitoring progress toward national mental health goals.

Revisions

• Social Security Administration
Medical History and Disability Report—Widow, Widower, Surviving Divorced Wife, Disabled Child
SSA-3820 (10-81)
On occasion
Individuals or households
Claimants under title II, and title XVI provisions
General retirement and disability insurance: 134,000 responses; 46,667 hours; $250,042 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202-395-6880

Sections 216(i), 223(d), and 1614(a)(1) of the Social Security Act provide for information regarding medical evidence required to determine eligibility for social security disability benefits. This form elicits the information required to make a determination on the claimant's entitlement to such benefits.

Extensions (no change)

• Health Care Financing Administration
Quarterly Showing
HCFA-41
Quarterly
State or local governments

Medicaid State agencies
SIC: 919
Health: 200 responses; 9,000 hours; $8,208 Federal cost; $90,000 public cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

This form provides documentary evidence certifying the effectiveness of the State utilization control program for all medical care facilities participating in the medicaid program.

Department of Labor

Agency Clearance Officer—Paul E. Larson—202–523–6331

New

- Occupational Safety and Health Administration

Condition Inspection Reports
OSHA–237
On occasion
Businesses or other institutions
Shipyard industry
SIC: 373
Small businesses or organizations
Consumer and occupational health and safety: 2,500 responses; 1,250 hours; $0 Federal cost; $6,250 public cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

To help ensure that hooks that have no manufacturer's guideline for maximum loads are tested and to help ensure than non-fixed vesels are similarly tested.

- Occupational Safety and Health Administration

Oxygen and Toxic Gas Test
OSHA–230
On occasion
Businesses or other institutions
Construction employer
SIC: Multiple
Small businesses or organizations
Consumer and occupational health and safety: 14,000 responses; 700 hours; $0 Federal cost; $6,300 public cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

The required information is needed when internal combustion engines exhaust into an enclosed space to assure that oxygen and toxic gas levels are properly controlled to eliminate employees exposure to a hazardous environment.

- Occupational Safety and Health Administration

29 CFR Part 1910, Subpart F, Manlifts, 1910–68(e)(3)
OSHA–200
Monthly
Businesses or other institutions
General industry workplaces which utilize manlifts
SIC: Multiple
Small Businesses or organizations
Consumer and occupational health and safety: 36,000 responses; 6,000 hours; $0 Federal cost; $52,938 public cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

All manlifts shall be inspected by a competent designated person at intervals of not more than 30 days. Limit switches shall be checked weekly. A written record shall be kept of findings at each inspection. Records of inspection shall be made available to the assistant Secretary of Labor or his duly authorized representative.

- Occupational Safety and Health Administration

Installation and Operation of Resistance Welding Equipment
1910.252(c)(6) maintenance
OSHA–219
Annually
Businesses or other institutions
Maintenance shops, auto body shops, fabrication plants, etc.
SIC: Multiple
Small businesses or organizations
Consumer and Occupational Health and Safety: 2,500,000 responses; 83,333 hours; $0 Federal cost; 1 form; $416,665 public cost; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

The information is needed to assure the effectiveness of the regulation. The recordkeeping provides the Agency with adequate information to indicate that equipment is maintained properly and may prevent severe physical harm or death.

- Occupational Safety and Health Administration

Telecommunication Training Record
OSHA–220
Nonrecurring on occasion
Businesses or toerh institutions
Telecommunications industry employers
SIC: 481, 482, 483, 489
Consumer and Occupational Health and Safety: 17,500 responses; 14,300 hours; $0 Federal cost; 1 form; $107,250 public cost; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

In 9 CFR 1910.268 OSHA requires telecommunications employers to keep training records for their employees. The record must include: (1) a description of the training program with a list of subject courses. (2) the types of employees taking the courses, and (3) a record of employees who have received the training.

- Occupational Safety and Health Administration

Medical and dive related logs
OSHA–221
On occasion
Businesses or other institutions
Commercial divers
SIC: 739
Small businesses or organizations
Consumer and Occupational Health and Safety: 52,600 responses; 265,300 hours; $0 Federal cost; 1 form; $1,326,500 public cost; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

To help ensure safe decompression of divers exposed to hyperbartic conditions. Logs will be used by employees as aides to achieve this goal.

- Occupational Safety and Health Administration

Eight Carcinogenic Substances 29 CFR 1910.1007
1014(G)(2)
OSHA–222
On occasion annually
Business or other institutions
Employers having establishments where carcinogens is manufacturer.
SIC: Multiple
Small businesses or organizations
Consumer and Occupational Health and Safety: 13,850 responses; 6,925 hours; $3,500 Federal cost; 1 form; $50,899 public cost; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

These regulations require employers to maintain complete and accurate records of employee medical examinations conducted in connection with the standards, and to forward them to the director of NIOSH upon termination of the employee's employment or in the event the employer ceases business without a successor. Such recordkeeping is useful to the employer, employee, physician, and the government in determining whether an employee's exposure to one or more of these carciogenic

- Occupational Safety and Health Administration

N–nitrosodimetheylamine 29 CFR 1910.1016(G)(2)
OSHA–224
On occasion, annually
Business or other institutions
Employers having establishments N–nitrosodimethylamine
SIC: 281, 282, 286, 307
Small businesses or organizations
Consumer and Occupational Health and Safety: 423 responses; 212 hours; $500 Federal cost; 1 form; $1,558 public cost; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Employers to maintain complete and accurate records of employee medical examinations conducted in connection with the standard and to forward them to the director of NIOSH upon termination of the employee's employment or in the event the employer ceases business without a successor.

• Occupational Safety and Health Administration
Cotton dust 29 CFR 1910.1043(K)
OSHA–226
On occasion, semiannually, annually
Business or other institutions
Employers with establishments involving cotton dust
SIC: 207, 221, 222, 224, 225, 228, 229, 251
Small businesses or organizations
Consumer and Occupational Health and Safety: 934,200 responses; 467,100 hours; $500 Federal cost; 3 forms; $2,347,172 public cost; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

This regulation requires employers to establish and maintain accurate records of exposure monitoring and medical surveillance for employees exposed to cotton dust. These records are useful to the employer, employee, physician and the Government in determining whether an employee's exposure to cotton dust has had an effect on his/her health.

• Occupational Safety and Health Administration
Assured equipment grounding conductor program records
OSHA–227
Nonrcurring; quarterly
Business or other institutions
Construction firms
SIC: Multiple
Small businesses or organizations
Consumer and occupational health and safety: 2,250,000 responses; 285,200 hours; $0 Federal cost; 1 form; $2,852,000 public cost; not applicable under 3504 (h)
Laverne V. Collins, 202–395–6880

These records are needed so that compliance with the other requirements of the assured grounding program can be checked. The records consist of a written description of the employer's program and records of all tests. Test records need not be written but may be in the form of color coding.

• Occupational Safety and Health Administration
Physician's Exam
OSHA–224
On occasion
Businesses or other institutions
25 heavy construction general contractors
SIC: 162
Small businesses or organizations
Consumer and occupational health and safety: 292 responses; 219 hours; $0 Federal cost; 1 form; $6,570 public cost; not applicable under 3504 (h)
Laverne V. Collins, 202–395–6880

The physicians' record is needed to ensure that an employees' physiological ability to function in a compressed air environment continues while assigned to such work.

• Employment Standards Administration
Medical Recordkeeping Requirement
ESA–CA–37
On occasion
Businesses or other institutions
Physicians and others providing medical treatment
SIC: 999
Small businesses or organizations
Income security: 795,000 responses; 26,500 hours; $0 Federal cost; 1 form; not applicable under 3504 (h)
Laverne V. Collins, 202–395–6880

Recordkeeping requirements for physicians treating and examining FECA claimants. Medical reports based on records are an important factor in the adjudication of the claims for benefits.

• Mine Safety and Health Administration
Escapeway and Escape Facilities
MSHA–225R
Weekly
Businesses or other institutions
Active underground coal mines in U.S.
SIC: 111 121
Small businesses or organizations
Consumer and occupational health and safety: 150,876 responses; 150,876 hours; $0 Federal cost; 1 form; not applicable under 3504 (h)
Laverne V. Collins, 202–395–6880

Requires examination of escapeway routes by a certified person. The information is used to ensure compliance with safety regulations. Authority established by Public Law 95–164.

• Mine Safety and Health Administration
Weekly Inspections of Fire Suppression Devices
MSHA–230R
Weekly
Businesses or other institutions
Nation's active coal mines
SIC: 111 121
Small businesses or organizations
Consumer and occupational health and safety: 2,320,800 responses; 232,080 hours; $0 Federal cost; 1 form; not applicable under 3504 (h)
Laverne V. Collins, 202–395–6880

The unhealthy mine environment requires frequent monitoring. The records indicate that emergency safety equipment has been inspected as required and reduces the possibility of equipment failure in an emergency. Authority established by Public Law 95–164.

• Mine Safety and Health Administration
Records of Fire Drills and Programs To Instruct and Train Miners in Location and Use of Fire-Fighting Equipment
MSHA–220R
Annually
Businesses or other institutions
Nation's active coal mines
SIC: 111 121
Small businesses or organizations
Consumer and occupational health and safety: 2,601 responses; 650 hours; $0 Federal cost; 1 form; not applicable under 3504 (h)
Laverne V. Collins, 202–395–6880

Requires operators to keep a record of fire drills and institute a program to train all miners in the use and location of fire-fighting equipment. Authority established by Public Law 95–164.

• Mine Safety and Health Administration
Mine Evacuation Drill Records
MSHA–423R
Semiannually
Businesses or other institutions
Underground metal/nonmetal mines
SIC: Multiple
Small businesses or organizations
Consumer and occupational health and safety: 900 responses; 75,000 hours; $0 Federal cost; 1 form; not applicable under 3504 (h)
Laverne V. Collins, 202–395–6880

Mine evacuation drills prepare the underground miner for immediate and appropriate response to an underground emergency. The semiannual drill requirement helps assure that new employees will receive the practice and all employees can be updated regarding evacuation plan changes.

• Mine Safety and Health Administration
Compressed Air Receivers and Pressure Vessels Inspection
MSHA–413R
Annually/biennially
Businesses or other institutions
Metal/nonmetal mining industry
SIC: Multiple
Small businesses or organizations
Consumer and occupational health and safety: 9,000 responses; 9,000 hours; $0 Federal cost; 1 form; not applicable under 3504 (h)
Laverne V. Collins, 202–395–6880

Standard recognizes the hazards of deteriorated pressure vessels and requires inspection by personnel with appropriate expertise. Records of these inspections are made by non-operator personnel and copies are maintained for MSHA check.

• Mine Safety and Health Administration
Instruction Records of Mine Emergency Training and Self-Rescuer Training
MSHA–406R
Annually
Businesses or other institutions
Underground metal/nonmetal mines
SIC: Multiple
Small businesses or organizations
Consumer and occupational health and safety: 900 responses; 56,250 hours; $0 Federal cost; 1 form; not applicable under 3504 (h)
Laverne V. Collins, 202–395–6880

Mine emergency training and self rescuer training is required for all underground personnel. The instructional material and instruction records must be retained for MSHA inspection to assure that all personnel involved will understand the appropriate emergency procedures, particularly self-protection afforded by the self rescuer during a fire.

• Mine Safety and Health Administration
Employee Instruction Record for Escape, Evacuation, Fire Alarm Signals, and Emergency Procedures (Underground)
MSHA–402R
Annually
Businesses or other institutions
Underground metal/nonmetal mines
SIC: multiple
Small businesses or organizations
Consumer and occupational health and safety: 900 responses; 37,500 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Escape and evacuation plans and procedures must be understood and quickly implemented by all underground employees. The instruction on a regular basis assures this understanding.

• Mine Safety and Health Administration
Work Site Examinations for Safety and Health Conditions
MSHA–407R
Other—see SF83
Businesses or other institutions
Metal/nonmetal mining industry
SIC: multiple
Small businesses or organizations
Consumer and occupational health and safety: 14,900 responses; 198,666 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Work-site examinations are required to be made by a competent person on each shift. Records must be retained for one year. Examinations which detect imminent danger situations must result in personnel removal from the area.

• Mine Safety and Health Administration
Impoundment or Refuse Pile Engineering Plans
MSHA–217 MSHA–216
Annually
Businesses or other institutions
Active coal mines
SIC: 111 121
Small businesses or organizations
Consumer and occupational health and safety: 90 responses; 78,150 hours; $5,385 Federal cost; 2 forms; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires operators to submit reports concerning refuse piles construction prior to beginning any work. The information is used to monitor potential hazardous conditions. Authority established by Public Law 95–164.

• Mine Safety and Health Administration
Radon Daughter Sampling
MSHA–403R
Other—see SF83
Businesses or other institutions
Underground metal/nonmetal mines
SIC: multiple
Small businesses or organizations
Consumer and occupational health and safety: 300 responses; 27,000 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires that operator sampling be performed bi-weekly to determine radon daughter concentration where uranium is mined, quarterly where uranium is not mined, and that records be kept. Sampling is required to ensure that worker's are not exposed to concentrations of radon daughters in excess of permissible limits. The information is used to determine that the workers health is protected.

• Mine Safety and Health Administration
Instruction Records for Fire Alarm Signals and Procedures
MSHA–420R
Annually
Businesses or other institutions
All metal/nonmetal mine employees
SIC: multiple
Small businesses or organizations
Consumer and occupational health and safety: 14,900 responses; 306,600 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

All mine employees must be familiar with fire alarm signals and fire procedures at their work site. This standard assures instruction and annual refresher instruction for all employees to assure their safety in the event of a fire or other similar emergency. Individual emergency duty of workers are also explained at this time. The inspector reviews records of the instruction during regular inspections.

• Mine Safety and Health Administration
Inspection Records of Pressure Vessel Gages, Devices, and Piping
MSHA–406R
Annually/biennially
Businesses or other institutions
Metal/nonmetal mining industry
SIC: multiple
Small businesses or organizations
Consumer and occupational health and safety: 9,000 responses; 9,000 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Standard recognizes the hazards of gages, valves, piping, and other safety devices fitted on pressure vessels and requires inspection of same by personnel with appropriate expertise. Inspections and records are made by non-operator personnel. Records are maintained for MSHA check.

• Mine Safety and Health Administration
Safety Defect Record of Self Propelled Equipment
MSHA–422R
Other—see SF83
Business or other institutions
Metal/nonmetal mining industry
SIC: multiple
Small businesses or organizations
Consumer and occupational health and safety: 14,900 responses; 2,731,696 hours; $0 Federal cost; 1 form; not applicable under 3540(h)
Laverne V. Collins, 202–395–6880

Required record keeping will assure that defects are known by the responsible supervisor who can schedule the repair. Record will assist operator in analysis of equipment defect history and provide this information for the inspectors perusal.

• Employment and Training Administration
Unemployment Insurance Quality Appraisal
Et No. 365
Annually
State or local governments
State employment security agencies
SIC: 944

Training and employment: 53 responses; 31,800 hours; $75,000 Federal cost; 28 forms; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Annual Appraisal of State administration of unemployment insurance program. Results identify areas of deficiency which must then be addressed in Budget request for following fiscal year.

• Mine Safety and Health Administration
Petitions for Modification of Mandatory Safety Standards
MSHA–700
Other—see SF83
Businesses or other institutions
Operators and independent contractors
SIC: 999
Small businesses or organizations
Consumer and occupational health and safety: 300 responses; 12,000 hours; $300,000 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requirements for an operator or independent contractor to obtain interim relief from a mandatory safety standard and for a modification of the mandatory safety standard. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Permissible Equipment Testing
MSHA–702, 717, 708, 718
712 705
Other—see SF83
Businesses or other institutions
Manufacturers of respiratory protective equipment
SIC: multiple
Small businesses or organizations
Consumer and occupational health and safety: 5,494 responses; 351,994 hours; $120 Federal cost; 6 forms; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires application for testing and approval with prescribed drawings and specifications, including changes, modifications, and quality control plans for the management of quality of respiratory protective apparatus. The information is used to evaluate the design injunction with tests to assure conformance standards prior to approval of the respiratory device design. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Record of Results of Examinations of Electric Equipment
MSHA–224R, 235R, 237R, 234R
236R, 238R, 239R
Weekly
Businesses or other institutions
Underground coal mines and coal mine facilities
SIC: 111 121
Small businesses or organizations
Consumer and occupational health and safety: 1,070,135 responses; 304,362 hours; $0 Federal cost; 7 forms; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires operators to frequently examine, test and properly maintain electric equipment. Needed to ensure that the required examinations are conducted by mine operators. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Physical Qualification for Mine Rescue Work
MSHA–5000–3
Annually
Businesses or other institutions
Underground mines
SIC: multiple
Small businesses or organizations
Consumer and occupational health and safety: 700,000 responses; 3,500 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires that each rescue team member and alternate be certified by a physical to be fit to perform strenuous rescue and recovery work. The certification must be submitted on approved MSHA forms. Authority established by the Federal Mine Safety Act of 1977, Pub. L. 95–164

• Mine Safety and Health Administration
Certification/Qualification Program
MSHA 5000–4, 5000–7
Semiannually, annually
Businesses or other institutions
Coal mine operators and personnel
SIC: Multiple
Small businesses or organizations
Consumer and occupational health and safety: 6,400 responses; 1,000 hours; $0 Federal cost; 2 forms; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

30 CFR, sections 75 and 77 state that the Secretary of Labor may temporarily qualify certain persons to perform tests and operate hoists. These sections detail the procedures and requirements necessary for certification/qualification. Form 5000–4 and 5000–7 provide the mining industry with an expeditious and nationally uniform method for total compliance with the law.

• Mine Safety and Health Administration
New and Experienced Miner Training
5000–23
Other—See SF83
Businesses or other institutions
Mine operators and personnel
SIC: Multiple
Small businesses or organizations
Consumer and occupational health and safety: 1,000,000 responses; 80,000 hours; $168,200 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Title 30 CFR, sections 48.5, 48.6, 48.7, 48.8, and 48.11 detail the various training requirements applicable to coal miners at the Nation's mines. Form 5000–23 provides the mining industry with an expeditious and nationally uniform method for the compilation of this safety training information.

Revisions

• Bureau of Labor Statistics
Log and Summary of Occupational Injuries and Illnesses Supplementary Record of Occupational Injuries and Illnesses
OSHA 200, OSHA 101
Other—See SF83
State or local governments/businesses or other institutions
Employers in covered employment recordable occupation
SIC: All
Small businesses or organizations
Other labor services: 1 response; 480,900 hours; $37,700 Federal cost; 2 forms; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

The OSH Act requires employers to prepare and maintain records of occupational injuries and illnesses. These records are necessary for carrying out the purposes of the act. They assist OSHA in making inspections and investigations, provide the basis for a statistical program, and raise awareness of employees and employers to workplace hazards.

Reinstatements

• Mine Safety and Health Administration
Records of Training
5000–23
Other—See SF83
Businesses or other institutions
Mine operators and personnel
SIC: Multiple
Small businesses or organizations
Consumer and occupational health and safety: 1,000,000 responses; 80,000 hours; $168,200 Federal cost; 1 form; $168,200 public cost; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Title 30 CFR, sections 48.5, 48.6, 48.7, 48.8, and 48.11 detail the various training

requirements applicable to coal miners at the Nation's mines. Form 5000–23 provides the mining industry with an expeditious and nationally uniform method for the compilation of this safety training information.

• Occupational Safety and Health Administration
Course evaluation
OSHA–49
On occasion
Individuals or households/State or local governments
Individual trainees attending courses at the OSHA institute
SIC: Multiple
Consumer and occupational health and safety: 2,000 responses; 167 hours; $5,000 Federal cost; 1 form; $1,336 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The form is a student critique of training conducted. It is completed by trainees and used by OSHA to determine if course objectives are being met and if course revisions are necessary.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

New

• Internal Revenue Service
Gains and Losses From Commodity Futures Contracts and Straddle Positions
6781
Annually
Individuals or households/farms/businesses or other institutions
All taxpayers except State or local governments
SIC: Multiple
Small businesses or organizations
Central fiscal operations: 100,000 responses; 302,323 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Title V of P.L. 97–34 made significant changes to the tax treatment of gains and losses from commodity futures contracts and straddle positions. Form 6781 reflects these changes including all elections provided for in this title. The data is used to verify that the tax reported accurately reflects any such gains or losses.

• Internal Revenue Service
Safe Harbor Lease Information Return (Under Section 168(f)(8) of the Internal Revenue Code)
6793
Nonrecurring
Businesses or other institutions
Lessors and lessees under section 168(f)(8) of the IRC
SIC: All
Central fiscal operations: 40,000 responses; 57,280 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Fay S. Iudicello, 202–395–3090

Section 168(f)(8) of the IRC allows a lessee and corporate lessor to elect lease status for property. The lessor then claims depreciation and, usually, investment tax credit. The information is necessary to determine whether the conditions for lease status are met and to evaluate the effects of the new law.

Extensions (Burden Change)

• Comptroller of the Currency
Form TA–1 Uniform Form for Registration as a Transfer Agent and Amendment to Registration as a Transfer Agent
TA–1
On occasion
Businesses or other institutions
Entities acting as transfer agent which are nat'l banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 80 responses; 80 hours; $1,000 Federal cost; $2,500 public cost; 1 form; not applicable under 3504(h)
Richard S. Stavneak, 202–395–6880

Used as uniform form for registration as a transfer agent and for amendment to registration as a transfer agent

Extensions (No Change)

• Bureau of Alcohol, Tobacco and Firearms
ATF Distribution Center Survey
ATF F 1600.7
On occasion, annually
Businesses or other institutions
Manufacturers of alcohol, tobacco products, firearms, etc.
SIC: multiple
Small businesses or organizations
Federal law enforcement activities: 4,000 responses; 70 hours; $723 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Information required to evaluate distribution system, freight mail companies and shipping time. Data used for program evaluations shipping services/awards and other statistical information.

• Bureau of Alcohol, Tobacco and Firearms
Requisition for Forms or Publications
ATF F 1600.1
On occasion, annually
Individuals or households/State or local governments/businesses or other institutions
Alcohol, tobacco, firearms, explosive manuf, wholesal, etc.
SIC: multiple
Small businesses or organizations
Federal law enforcement activities: 10,000 responses; 2,000 hours; $3,298 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Information required to fulfill requests from public for various forms and publications.

• Bureau of Alcohol, Tobacco and Firearms
Requisition for Firearms and Explosives Forms
ATF F 1600.8
On occasion, annually
Individuals or households/businesses or other institutions
Manufacturers of firearms and ammunition, explosives, etc.
SIC: 504, 594
Small businesses or organizations
Federal law enforcement activities: 20,000 responses; 1,000 hours; $3,634 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Information required to fulfill requests from the public for various forms and publications, concerning firearms and explosives.

Reinstatements

• Bureau of Alcohol, Tobacco and Firearms
Notice of Intent To Manufacture Liquor Bottles and Assignment of Manufacture Number
ATF F 4328 (5540.1)
On occasion
Businesses or other institutions
Bottle manufacturers
SIC: 322
Small businesses or organizations
Federal law enforcement activities: 20 responses; 20 hours; $284 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Form is used to determine a person who intends to manufacture liquor bottles and assign a number of plants making liquor bottles. Describes the person, location of plan, use of materials to make liquor bottles, and number assigned to plants making liquor bottles. The number of plants is placed on the bottle in its manufacture.

CIVIL AERONAUTICS BOARD

Agency Clearance Officer—Clifford M. Rand—202–673–6042

Revisions

- Part 207—Charter Trips and Special Services

On occasion
Businesses or other institutions
Certificated route air carriers
SIC: 451
Small businesses or organizations
Air transportation: 1 response; 0 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Liberalizes the Board's existing rules on net leases (leases of aircraft with crew) between airlines. This revision is being made because the existing rules are unnecessary barriers to competitive opportunities.

CONSUMER PRODUCT SAFETY COMMISSION

Agency Clearance Officer—Charles Casper—301–634–7770

New

- Coal & Wood Burning Appliance Survey

Nonrecurring
Businesses or other institutions
Retail stores selling coal and wood burning appliances
SIC: 571, 572, 531, 525, 596
Small buinesses or organizations
Consumer and occupational health and safety: 48 responses; 96 hours; $13,000 Federal cost; 1 form; not applicable under 3504(h)
Mahesh Podar, 202–395–7340

The survey is being implemented to evaluate the reported success of industry efforts to certify coal and wood burning appliances to existing voluntary standards. The survey information will be used by the Commission in its final deliberation regarding the need to publish a mandatory labeling rule for coal and wood burning appliances.

- Sampling of Indoor Air Characteristics in Residences

Nonrecurring
Individuals or households
Households
Consumer and occupational health and safety: 100 responses; 25 hours; $4,200 Federal cost; 1 form; not applicable under 3504(h)
Mahesh Podar, 202–395–7340

This is a preliminary project to assess the effect of air exchange rate meterological conditions, structural features of the building and consumer product use on various pollutant levels (levels of organics, CO, NO_2 and particulates) in homes. This questionnaire will be used in the selection of 40 homes to be used in the study.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Christine Scoby—202–382–2742

New

- Update of Closure and Post-Closure Plans

On occasion, other–see SF83
State or local governments/businesses or other institutions
Owners of establishments involved in hazardous waste
SIC: Multiple
Small businesses or organizations
Pollution control and abatement: 590 responses; 295 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Owners and operators of hazardous waste management facilities are required to revise their closure and post-closure plans wherever there is a change in operating procedure affecting it.

- Quality Assurance Specifications and Requirements

Nonrecurring
State or local governments/businesses or other institutions
State and local govts., educational and research, etc.
SIC: 739, 822, 892, 951
Pollution control and abatement: 2,000 reponses; 10,000 hours; $75,000 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

To satisfy the EPA directive that all data generated for the agency be scientifically valid, defensible, and of known quality, to assure EPA quality assurance requirements are implemented and interpreted uniformly, to reduce uncertainty and preparation costs by standardizing quality assurance project plan formats.

- Manifest Requirements for Generators of Hazardous Waste 801

On occasion, other—see SF83
State or local governments/businesses or other institutions
Persons who ship hazardous waste offsite
SIC: Multiple
Small businesses or organizations
Pollution control and abatement: 1,489,800 responses; 372,450 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

The manifest is the tracking document that also meets the DOT shipping paper requirements which allows a generator to verify whether any loan of hazards waste is accepted by designed facility. It also helps enforcement officials establish custody of any such load.

Extensions (Burden Change)

- RCRA Hazardous Waste Permit Application—Part A 262

3510–1, 3510–3
On occasion
State or local governments/businesses or other institutions
Owners and oper of facilities that treat, store, etc.
SIC: Multiple
Small businesses or organizations
Pollution control and abatement; 178 responses; 4,628 hours; $15,130 Federal cost; 2 forms; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

The RCRA permit application is needed so that hazardous waste treatment, storage and disposal facilities can apply for a permit as required under section 3005 of RCRA. The permit application is also used to define the processes that can be used and the wastes that can be handled at an existing facility that has interim status.

- Notification of Hazardous Waste Activity

8700–12
On occasion
State or local governments/businesses or other institutions
Generators and transporters of hazardous waste, etc.
SIC: Multiple
Small businesses or organizations
Pollution control and abatement: 2,178 responses; 3,267 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

The Resource Conservation and Recovery Act requires all persons with hazardous waste activities to notify EPA. EPA uses the information to maintain an inventory of all hazardous waste activities throughout the Nation. The notification form is also used for issuing a unique EPA identification number to each activity.

FEDERAL COMMUNICATIONS COMMISSION

Agency Clearance Officer—Richard D. Goodfriend—202–632–7513

Extensions (Burden Change)

- Common Carrier Land Mobile Channel Loading Measurement, Part 22.501(1)(10)(ii)

Quarterly
Businesses or other institutions
Radio common carrier licensed to use the UHF TV channels, etc.
SIC: 481

Small businesses or organizations
Other advancement and regulation of commerce: 42 responses; 84 hours; $11,513 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

Information is used by mobile services division staff to determine if authorized number of mobile stations reflects optimum frequency channel usage.

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Clearance Officer—Panos Konstas—202–389–4481

Revisions

- Consolidated Reports of Condition and Consolidated Reports of Income (Mutual Savings Banks)

8040/18, 8040/51
Quarterly/semiannually
Businesses or other institutions
Mutual savings banks
SIC: 603
Small businesses or organizations
Mortgage credit and thrift insurance: 2,332 responses; 44,874 hours; $267,000 Federal cost; $503,145 public cost; 2 forms; not applicable under 3504(h)
Richard S. Stavneak, 202–395–6880

Reports are filed in accordance with section 7 of the FDI Act (12 U.S.C. 1817) and Part 34.2 of the FDIC rules and regulations. Data is used to monitor the financial condition and earnings performance of individual savings banks as well as the entire savings bank industry. Data is also used for research, insurance assessments and for FDIC publications.

- Consolidated Reports of Condition and Consolidated Reports of Income (State Banks Not Members of the Federal Reserve)

8040/01, 01A, 02, 2A, 03, 11, 12, 13, 17
Semiannually
Businesses or other institutions
Insured State nonmember commerical banks
SIC: 602
Mortgage credit and thrift insurance: 55,576 responses; 417,703 hours; $2,407,000 Federal cost; $3,759,327 public cost; 9 forms; not applicable under 3504(h)
Richard S. Stavneak, 202–395–6880

Reports are filed in accordance with section 7 of the FDI Act (12 U.S.C. 1817) and Part 304.2 of the FDIC rules and regulations. Data is used to monitor the financial condition and earnings performance of individual banks as well as the entire banking industry. Data is also used for research, insurance assessments and for FDIC publications.

FEDERAL HOME LOAN BANK BOARD

Agency Clearance Officer—Frank J. Crowdo—202–377–6025

Revisions

- Application for Merger

710
Nonrecurring
Businesses or other institutions
Savings and Loan Industry
SIC: 999
Mortgage credit and thrift insurance: 200 responses; 8,000 hours; $4,285 Federal cost; 1 form; not applicable under 3504(h)
Richard S. Stavneak, 202–395–6880

12 CFR 546, 552.13 and 563.22 require FSLIC insured associations to obtain bank board approval to merge with or acquire the assets of another institution. The merger application is ued to evaluate the financial, competitive and Legal aspects of the transaction.

Extensions (No Change)

- Application for Permission to Change Office Location

Nonrecurring
Businesses or other institutions
Savings and loan industry
SIC: 999
Mortgage credit and thrift insurance: 146 responses; 2,336 hours; $4,285 Federal cost; 1 form; $4,285 public cost; not applicable under 3504(h)
Richard S. Stavneak, 202–395–6880

12 CFR 545.15 requires Federal associations to submit to the bank board applications to change the location of an existing branch office. The purpose of this application is to determine if the branch can be established at the new location without supervisory concern and undue injury to other local thrift institutions.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—William Jones—202–452–2983

Extensions (no change)

- Report of assets of money market mutual funds

FR 2051A, 2051B, 2051C
Weekly, monthly
Businesses or other institutions
Money Market Mutual Funds
SIC: 672
General government: 8,064 responses; 953 hours; $17,000 Federal cost; 3 forms; $14,295 public cost; not applicable under 3504(h)
Richard S. Stavneak, 202–395–6880

These reports provide information on the investment assets of money market mutual funds which is used in the construction of the monetary aggregate statistics. These statistics are the basic to the monetary policy actions of the Federal Reserve.

- Ownership of demand deposit accounts of individuals partnerships, and corporations

FR 2501
Quarterly
Businesses or other institutions
A sample of commercial banks
SIC: 602
Small businesses or organizations
General government: 944 responses; 1,161 hours; $11,000 Federal cost; 1 form; $17,415 public cost; not applicable under 3504(h)
Richard S. Stavneak, 202–395–6880

This report, which collects information on demand deposits in five ownership categories, is used by the Federal Reserve to explain the implications of short-run variations in the money supply. Specifically these data aid in determining whether shifts in the money supply are due to changes in sector distribution or to behavioral changes within a given sector.

FEDERAL TRADE COMMISSION

Agency Clearance Officer—Carl Hevener—202–523–3373

New

- Service order, invoice, and receipt

FTC 14
On occasion
Individuals or households/State or local governments/businesses or other institutions
Gen. Pub. (indiv., Priv. groups and bus., and other Fed/St Agen)
SIC: Multiple
Small Businesses or organizations
Other advancement and regulation of commerce: 31,500 responses; 2,375 hours; $17,000 Federal cost; 1 form; not applicable under 3504(h)
Nell Minow, 202–395–740

Request for copies of commission documents (e.g., complaints, decisions and orders, opinions) in order that the documents may be identified and furnished to the requesting party and in order to monitor the level of demand and need for restocking those documents.

GENERAL SERVICES ADMINISTRATION

Agency Clearance Officer—John F. Gilmore—202–566–1164

New

- Monthly certificate of network downtime

Monthly
Businesses or other institutions

Remote computing companies, computing service bureaus
SIC: 737
Small businesses or organizations
General property and records management: 588 responses; 882 hours; $10,878 Federal cost; 1 form; $5,292 public cost; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

Report is necessary to obtain from TSP contractors a report of their computer network downtime. This is used to facilitate the receipt of proper credits to Federal agencies using contractor network that experience computer outages. This information is used to monitor downtime.

- TSP contractor's monthly report of services delivered

Monthly
Businesses or other institutions
Remote computing companies, computing
SIC: 737
Small businesses or organizations
General property and records management: 588 responses; 1,176 hours; $10,878 Federal cost; 1 form; $7,056 public cost; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

The net services delivered report is used in program and financial management of the teleprocessing services program. It serves as the key element needed to ensure the financial integrity of the program, to confirm payments, to determine volume discounts and to ensure invoices submitted and services delivered (and paid for) match.

- Contractor's report of services ordered

Format
Monthly
Businesses or other institutions
Remote computing companies, computing service bureaus
SIC: 737
Small businesses or organizations
General property and records management: 588 responses; 1,176 hours; $13,377 Federal cost; 1 form; $7,056 public cost; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

To be able to monitor the amount of potential services provided to the Government and to check this with the cumulative order limitation and the net services delivered. It serves as the baseline from which ADTS determine payment and is a check and balance with invoices that GSA reviews and upon which payment is made.

Reinstatements

- Forms for use by displaced persons in applying for benefits under PL 91–646 uniform relocation and real property acquisition policies act

SF 262–267
On occasion
Individuals or households/businesses or other institutions
Hsehlds, indiv., bus., farm oper., non-profit organ.
SIC: 990
Small businesses or organizations
General property and records management: 15,800 responses; 47,400 hours; $260,700 Federal cost; 6 forms; $521,400 public cost; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

The SF's 260 series are for use by applicants to file claims for benefits under the Uniform Relocation Assistance and Real Property Assistance and Real Property Acquisition Policies Act of 1970. These provide data on persons displaced from their property as a result of acquisition by the Federal Government.

INTERNATIONAL TRADE COMMISSION

Agency Clearance Officer—Charles Ervin—202–523–0267

New

- Service industries questionnaire

Nonrecurring
Businesses or other institutions
U.S. companies which provide serv. in overseas markets, etc.
SIC: Multiple
Small businesses or organizations
Conduct of foreign affairs: 500 responses; 6,000 hours; $120,000 Federal cost; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

Under section 332 of the Tariff Act of 1930, the USITC has responsibility to provide fact-finding reports on issues affecting the U.S. trade position. Data collected through the questionnaire is needed to assist in developing a U.S. position for an upcoming GATT ministerial meeting in November 1982. A final report will be submitted to the President and the Congress on or about August 1982.

NATIONAL CREDIT UNION ADMINISTRATION

Agency Clearance Officer—Ms. D. Lynn Gordon—202–357–1202

Extensions (burden change)

- 12 CFR 701.21–7 loan participation

12 CFR 701.217
On occasion
Businesses or other institutions
Federal credit unions
SIC: 614
Small businesses or organizations
Mortgage credit and thrift insurance: 900 responses; 300 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

This regulation requires on FCU to keep a written participation agreement on file which outlines all the terms and conditions of the loan. The requirement is regulatory and compliance oriented.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202–272–2142

New

- Rule 23c–2, All and Redemption of Securities Issued by Registered Closed-End Companies

On occasion
Businesses or other institutions
Closed-end investment companies
SIC: 999
Other advancement and regulation of Commerce: 5 responses; 5 hours; $27 Federal Cost; 1 form; $375 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 23c–2 under the Investment Company Act of 1940 is an exemptive rule which permits closed-end investment companies to call or redeem securities of which the company is the issuer under the circumstances specified in the rule.

- Part 257 (17 C.F.R.) Appendix-Regulation to Govern the Preservation and Destruction of Books of Accounts and Other Records of Companies Which are Subject to Section 250.26

Other—see SF83 weekly
Businesses or other institutions
Holding companies subject to the act
SIC: 491 492
Other advancement and regulation of Commerce: 1 response; 1 hour; $0 Federal Cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

17 C.F.R. Part 257 Appendix, adopted December 4, 1959, and last amended June 20, 1975, governs the preservation and destruction of books and records of registered holding companies subject to rule 26 under the Holding Company Act.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt (OO4A2)—202–389–2146

Revisions

- Education Plan (Chapter 35, Title 38, U.S.C.)

22–5490A

On occasion
Individuals or households
Sons and daughters of veterans and servicepersons
Veterans education, training, and rehabilitation: 2,000 responses; 333 hours; $7,922 Federal Cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

No educational benefits may be paid unless a completed application form and an education plan have been received (Title 38, U.S.C. 1720). The information requested on the form is necessary to determine the applicant's eligibility for dependents educational assistance.

Nathaniel Scurry,

Chief, Reports Management.

[FR Doc 81–36765 Filed 12–23–81; 8:45 am]

BILLING CODE 3110–01–M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Receipt of Fish and Wildlife Program Recommendations

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council.

ACTION: Notice.

The Pacific Northest Electric Power Planning and Conservation Act of 1980, Pub. L. 96–501, provided for the establishment of the Pacific Northwest Electric Power and Conservation Planning Council and directed the Council to develop and adopt a program to protect, mitigate, and enhance fish and wildlife, including related spawning grounds and habitat, on the Columbia River and its tributaries. Pursuant to Section 4 of the Act, the Council requested Federal and State fish and wildlife agencies, appropriate Indian tribes, water management agencies, regional electric power-producing agencies, Bonneville Power Administration customers, and members of the public to submit recomendations for such a program by November 15, 1981, The Council received more than 2,200 pages of recommendations and supporting documents in response to its request. Those recommendations are on file in the Council office at Suite 200, 700 S.W. Taylor Street, Portland, Oregon 97205. However, because of the volume of the recommendations and supporting documents, copies will not be available to the public before January 10, 1982. Forms for requesting copies are available at the Council office, at the address given above, or by telephoning Torian Donohoe, Associate Director of Public Involvement, at (503) 222–5161.

Further notice will be published in the **Federal Register** when copies of the recommendations and supporting documents are available for public distribution. The same notice will open a public comment period; establish a deadline for submitting written comemnts; specify dates, times and places for public hearings on the recommendations; and further describe Council procedures for development of a fish and wildlife program.

FOR FURTHER INFORMATION CONTACT:
Torian Donohoe, (503) 222–5161.

Edward Sheets,

Executive Director, Pacific Northwest Electric Power and Conservation Planning Council.

[FR Doc. 81–36823 Filed 12–23–81; 8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22320; (70–6572)]

Columbia Gas System, Inc., et al.; Supplemental Notice Correcting Error in Return Date

December 15, 1981.

In the matter of the Columbia Gas System, Inc., et al., 20 Montchanin Road, Wilmington, Delaware 19807.

On December 2, 1981, this Commission issued a notice of the filing of the application-declaration in this proceeding and described the proposed transactions, which involve intrasystem financing and the issuance and sale of commercial paper and/or notes to banks by the holding company. The notice incorrectly gave a return date of December 31, 1981, by which comments or requests for a hearing should be filed. Such date should have been December 28, 1981.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by December 28, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–36807 Filed 12–23–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 22318; (70–6596)]

Consolidated Natural Gas Co., et al.; Proposal To Make Revolving Credit Advances by Parent to Subsidiaries

December 15, 1981.

In the matter of Consolidated Natural Gas Company, 100 Broadway, New York, New York 10005; CNG Coal Company, CNG Producing Company, CNG Research Company, Consolidated Gas Supply Corporation, Consolidated Natural Gas Service Company, Inc., Consolidated System LNG Company, The East Ohio Gas Company, The Peoples Natural Gas Company, The River Gas Company, and West Ohio Gas Company.

Consolidated Natural Gas Company ("Consolidated"), a registered holding company and its subsidiaries named above, have filed a post-effective amendment to the application-declaration in this proceeding pursuant to sections 12(b) and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 thereunder.

On June 15, 1981, the Commission issued an order (HCAR No. 22087) authorizing among other things, the issuance and sale to Consolidated of an aggregate of $113,000,000 of nonnegotiable, long-term notes, $83,000,000 by Consolidated Gas Supply Corporation ("Supply Corporation"), $27,000,000 by CNG Producing Company ("Producing Company"), $1,500,000 by West Ohio Gas Company ("West Ohio"), $1,000,000 by The River Gas Company ("River"), and $500,000 by Consolidated Natural Gas Service Company, Inc. ("Service Company"). Such notes were to bear interest at a rate predicated on and substantially equal to the effective cost of money to Consolidated through the sale of debentures in 1981. In the event Consolidated did not sell debentures in 1981, the notes were to bear interest at 13%, a rate predicated on and substantially equal to the effective cost of money to Consolidated through the sale, in October 1980, of its 12¼% Debentures Due October 1, 2000. That Commission order also authorized Consolidated to make, from time to time

up to May 31, 1982, open account advances for gas inventory financing and working capital. Such advances would be repaid within a year of the first advance to a subsidiary company. Principal amounts authorized were $50,000,000 for Producing Company and $100,000,000 for Supply Corporation. Due to capital market conditions, it now appears Consolidated will not sell debentures in 1981.

Therefore, Consolidated now proposes to make, from time to time up to May 31, 1982, revolving credit advances, which are the subject of the proceeding in File 70-6674, to provide financing to Supply Corporation and Producing Company for capital budget expenditures related to plant construction and for general corporate purposes. Such advances will be made up to $55,000,000 for Producing Company and $45,000,000 for Supply Corporation.

Consolidated also seeks authorization for open account advances for gas inventory financing, temporary financing of construction and working capital requirements. These advances will not exceed $1,000,000 for Service Company, $138,000,000 for Supply Corporation and $77,000,000 for Producing Company.

Total current subsidiary open account advances authorization will consequently increase from $279,500,000 to $345,500,000. However, advances will continue not to exceed the current authorized amount of $225,000,000 at any one time. Such advances may be made, repaid and remade as requested by the treasurer of such subsidiary company, upon letter agreement by each subsidiary company. Such open account advances will be repaid on or before the date not more than one year from the date of the first advance to such subsidiary company with interest at substantially the same effective rate of interest as the related gas inventory bank loan and sale of commercial paper or backup bank borrowings for commercial paper by Consolidated. If there is not outstanding short-term debt, the interest rate would be the prime commercial rate of interest in effect from time to time at The Chase Manhattan Bank, N.A.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by January 7, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-36666 Filed 12-23-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22319 (70-6674)]

Consolidated Natural Gas Co.; Proposed Long-Term Bank Financing by Holding Company; Intrasystem Financing

December 15, 1981.

Consolidated Natural Gas Company ("Consolidated"), 100 Broadway, New York, New York 10005, a registered holding company, has filed an application-declaration pursuant to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act").

By supplemental order dated August 23, 1979 (HCAR No. 21198), the Commission authorized Consolidated to borrow up to $75,000,000 pursuant to a Credit Agreement with The Chase Manhattan Bank, N.A. ("Chase"), acting for itself and as agent for various other banks. Consolidated now proposes to terminate the aforementioned Credit Agreement and in lieu thereof to enter into a similar new Credit Agreement with Chase acting for itself and as agent for various other banks for a maximum of $100,000,000.

Under the terms of the new Credit Agreement, the bank loans will be in the form of revolving credits, commencing on December 15, 1981, or as soon thereafter as Commission approval is received, and may be converted to three-year loans on December 31, 1986. During the revolving credit period, each bank will make loans to Consolidated from time to time to and including December 30, 1986, up to the maximum of such bank's commitment under the Credit Agreement. During such period, Consolidated may borrow, pay or prepay and reborrow up to each bank's commitment. In accord with the terms of the Credit Agreement, Consolidated will have the right at any time, upon notice to Chase, as Agent, to terminate entirely or reduce the aggregate commitment of the banks.

Each loan during the revolving credit period will be evidenced by a Revolving Credit note. At the option of Consolidated, the interest rate will be (1) the prime commercial rate of interest in effect from time to time at Chase, at its principal office in New York City, (2) the London Interbank Offered Rate ("LIBOR") as quoted by the London Office of Chase plus an increment of three-eights of one percent (0.375%) or, (3) the average of the bid rates quoted in the secondary market for Certificates of Deposit of Chase as quoted from time to time by two recognized dealers ("CD Rate") plus an increment of one-half of one percent (0.500%) or, (4) at a Composite Rate determined by negotiations between the individual participating banks and Consolidated. (While each bank is bound by its individual rate as accepted by Consolidated, Consolidated will compute the weighted average of the accepted rates and refer to this computed rate as the Composite Rate.)

The LIBOR and CD Rate will be adjusted, if applicable, by dividing the rate then effective by such factor as will satisfy reserve requirements of Chase and the banks as set forth by regulation of the Board of Governors of the Federal Reserve System or other costs stipulated by the Board of Governors. Additionally, the CD Rate will be adjusted to reflect the cost of required deposit insurance.

Except for the Composite Rate, the rate of interest as quoted by Chase will include all costs and the above-mentioned increments. Interest will be payable quarterly in arrears on March 31, June 30, September 30 and December 31 or as specified or at prepayment date, as the case may be. A commitment fee of ⅛ of 1% per annum will be charged on the unused portion of the revolving credit commitment commencing on the effective date of the Credit Agreement.

Each bank would agree to make a three-year loan to Consolidated on December 31, 1986 ("Conversion Date"), in an amount not exceeding such bank's commitment on the date of such loan. Each term loan would be evidenced by Consolidated's Term Note, which would mature as to principal in six equal semi-annual installments, commencing June 30, 1987. In no event will the final maturity be later than December 31, 1989. Interest on each Term Note will be computed, at the option of Consolidated, as follows: (1) Prime commercial lending rate in effect from time to time at Chase at its principal office in New York City plus an additional one-eighth of one percent (0.125%), (2) LIBOR adjusted

rate as quoted by the London Office of Chase plus one-half of one percent (0.500%), (3) the average of the bid rates quoted in the secondary market for Certificates of Deposit of Chase as quoted from time to time by two recognized dealers (CD Rate) plus six-tenths of one percent (0.600%), or (4) at a Composite Rate hereinabove described in connection with the Revolving Credit.

During the revolving credit period under Consolidated's Credit Agreement with the banks, Consolidated will make loans to subsidiary companies for general corporate purposes. These will be in the form of revolving credit advances, upon letter agreement or note, payable to Consolidated on or before December 30, 1986. Following the conversion by Consolidated of its revolving credit into term loans under the Credit Agreement, such revolving credit advances to subsidiary companies shall be converted into Term Notes of such subsidiary companies with maturities substantially the same as Consolidated's related term loans under the Credit Agreement. Said revolving credit advances and Term Notes will bear interest at a rate predicated on and substantially equal to the effective cost of money to Consolidated under the Credit Agreement.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment on or request a hearing should submit their views in writing by January 7, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-36697 Filed 12-23-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-5865]

Gerber Scientific, Inc., Common Stock, $1 Par Value; Application To Withdraw From Listing and Registration

December 17, 1981.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of Gerber Scientific, Inc. ("Company") is listed and registered on the Amex. Pursuant to a Registration Statement on Form 8-A which became effective on September 30, 1980, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the common stock on the Amex and the NYSE.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before January 11, 1982, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-36696 Filed 12-23-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22323; (70-6198)]

Kentucky Power Co. and Indiana and Michigan Electric Co.; Proposed Acquisition of Share of Power Plant by Affiliate and Financing for Acquisition

December 17, 1981.

Kentucky Power Company ("KPCo"), 1701 Central Avenue, P.O. Box 1428, Ashland, Kentucky 41101, and Indiana & Michigan Electric Company ("I&M"), One Summit Square, P.O. Box 60, Fort Wayne, Indiana 46801, electric utility subsidiaries of American Electric Power Company ("AEP"), a registered holding company, have filed an application-declaration and amendments thereto with this Commission pursuant to sections 6(a), 7, 9(a)(1), 10 and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43, 45 and 50(a)(2) thereunder.

KPCo proposes to acquire a 15% undivided interest in the Rockport Plant currently under construction by I&M. KPCo also proposes to borrow up to $150,000,000 under a Revolving Credit Agreement for the purpose, among other things, of financing in part 15% of the construction costs of the Rockport Plant.

KPCo now owns and operates one generating station, the Big Sandy Plant located at Louisa, Kentucky, which consists of two coal-fired steam electric generating units with a net dependable capability of 1,060,000 kilowatts. KPCo serves approximately 140,000 retail customers in a 5,700 square-mile area in the eastern section of Kentucky with an estimated population of 357,000.

The Rockport Plant, located along the Ohio River in Spencer County near the Town of Rockport, Indiana, is currently under construction by I&M and will consist of two coal-fired generating units, each of 1,300,000 kilowatt capacity. The completed cost of the Rockport Plant is now estimated to be approximately $2,080,000,000, based upon projected commercial operation of Unit No. 1 in late 1984 and Unit No. 2 in late 1986.

KPCo estimates the peak demand in the winter of 1984-1985 would exceed its generating capacity by 200,000 kilowatts. I&M needs a substantial portion of the Rockport Plant to satisfy its projected load requirements. However, the proposed 15% participation by KPCo would be acceptable to I&M and would help to reduce the amount of additional capital which I&M would need to raise during the construction period.

It is anticipated that, prior to the commencement of commercial operation of Unit No. 1, KPCo and I&M will enter into an operating agreement pursuant to

which I&M will operate the Rockport Plant. Accordingly, KPCo proposes to enter into a Joint Ownership Agreement with I&M pursuant to which KPCo will acquire from I&M, and I&M will transfer to KPCo, a 15% undivided interest as tenant in common in the two Rockport Plant generating units (exclusive of related transmission facilities which will be owned by I&M). I&M will be obligated to convey such undivided interest to KPCo by Warranty Deed. KPCo's 15% undivided interest in the Rockport Plant would entitle KPCo to 15% of its generating capacity, or 390,000 kilowatts. Under the Joint Ownership Agreement, KPCo's acquisition of an undivided interest in Rockport Plant would be structured as a "buy-in"; that is, KPCo would be obligated to pay, commencing on the date of closing, all unpaid invoices from suppliers of materials, equipment and labor for construction of the Rockport Plant, and would continue to pay all such costs and expenses until such time as KPCo's investment in the Rockport Plant is equivalent to 15% of the total investment by KPCo and I&M. Thereafter, both KPCo and I&M will furnish funds for the completion of the Rockport Plant in proportion to their respective undivided interests. It is estimated that, at December 31, 1981, I&M's investment in the Rockport Plant will be approximately $770,000,000. KPCo's cost for a 15% undivided interest, assuming a purchase as of that date, would be approximately $115,000,000. KPCo's total cost for a 15% undivided interest in the completed Rockport Plant is estimated at $311,625,000.

KPCo expects to finance its proposed acquisition of a 15% interest in the Rockport Plant partially through cash available in its treasury and generated through internal sources, partially through common equity investments in it by AEP, and partially through bank borrowings made under a Revolving Credit Agreement. Under the Revolving Credit Agreement, KPCo proposes to borrow up to $150,000,000 from time to time through December 31, 1987, from a group of six banks ("Banks").

Borrowings made by KPCo under the Revolving Credit Agreement shall be evidenced by the promissory notes ("Notes") of KPCo, each of which shall be dated as of the date of borrowing and payable not less than 90 days from the date of borrowing nor later than December 31, 1987. Each borrowing evidenced by KPCo's Notes shall be made ratably from the Banks in proportion to their respective commitments. Each Note shall bear interest on the unpaid principal amount thereof, payable quarterly on the last day of each March, June, September and December, at the maturity thereof, and after maturity on demand. Interest prior to maturity shall be payable at a fluctuating rate per annum equal at all times to the prime commercial lending rate of Manufacturers Hanover Trust Company from time to time; and from maturity at a fluctuating rate per annum equal at all times to the sum of (i) 1% plus (ii) the announced prime commercial lending rate of Manufacturers Hanover Trust then in effect for 90-day unsecured domestic loans. KPCo may prepay any Notes, in whole or in part from time to time, without premium or penalty, and may terminate in whole or reduce in part the unused commitments of the Banks. Any prepayment or reduction in commitments shall be made ratably among the Banks.

KPCo will pay to each of the Banks a quarterly commitment fee computed at the rate of ⅜ of 1% per annum on the daily average unused amount of the commitment of each Bank, if any, from the date of the Revolving Credit Agreement to the date of expiration or termination of each commitment. KPCo will not be required to pay any other fees or charges to the Banks, or to maintain compensating balances, in connection with the borrowings under the Revolving Credit Agreement.

The proceeds from the Notes proposed to be issued by KPCo, together with other funds which may become available to KPCo, are proposed to be used to acquire the 15% interest in the Rockport Plant, in connection with KPCo's construction program, for working capital and other corporate purposes and to reimburse its treasury for money expended for such purposes.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by January 11, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-36600 Filed 12-23-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18343; (SR-MCC-81-9)]

Midwest Clearing Corp. ("MCC"); Order Approving Proposed Rule Change

December 17, 1981.

On October 14, 1981, MCC filed with the Commission pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), (the "Act") and Rule 19b-4 thereunder, a proposed rule change authorizing MCC to (i) modify the amounts of cash and securities which participants must contribute to MCC's participants' fund and (ii) modify the manner in which interest earned on the participants' fund is allocated among the participants and MCC.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 18185 October 19, 1981) and by publication in the **Federal Register** (46 FR 56096, November 13, 1981). No letters of comment were received.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and in particular, the requirements of section 17A of the Act.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-36603 Filed 12-23-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18344; (SR-MSE-81-10)]

Midwest Stock Exchange, Inc.; Order Approving Proposed Rule Change

December 17, 1981.

On October 28, 1981, the Midwest Stock Exchange, Inc. ("MSE"), 120 South LaSalle Street, Chicago, Illinois 60603, filed with the Commission, pursuant to

section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) of the ("Act") and Rule 19b–4 thereunder, copies of a proposed rule change which permits any dispute with respect to transactions effected on the MSE trading floor between members or their nominees, which is not otherwise required to be brought before the MSE's Committee on Floor Procedure, to be settled by the MSE's Committee on Floor Procedure if both parties to such dispute agree to be bound by the decision of that Committee. If the parties to the dispute decline to accept this procedure, resolution would be by the existing arbitration procedures.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34–18247, November 6, 1981) and by publication in the **Federal Register** (46 FR 56097, November 13, 1981). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–[illegible] Filed 12–23–81; 8:45 am]

BILLING CODE [illegible]

[Release No. 18345; (SR–NYSE–81–24)]

New York Stock Exchange, Inc.; Order Approving Proposed Rule Change

December 17, 1981.

The New York Stock Exchange, Inc., 11 Wall Street, New York, New York 10005, submitted on November 3, 1981, copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b–4 thereunder, to increase, effective January 1, 1982, its equity listing fees.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 18243, November 5, 1981) and by publication in the **Federal Register** (46 FR 56097, November 13, 1981). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of section 6 of the Act, and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–[illegible] Filed 12–23–81; 8:45 am]

BILLING CODE [illegible]

[Release No. 12109; (812–4848)]

Northwestern Mutual Life Insurance Co., et al.; Order Granting Exemptions

December 15, 1981.

The Northwestern Mutual Life Insurance Company ("NML"), NML Equity Services, Inc. ("Equity"), and NML Variable Annuity Account I ("Account I"), 720 East Wisconsin Avenue, Milwaukee, Wisconsin 53202, filed an application on March 18, 1981, and an amendment thereto on October 9, 1981, for an order of the Commission pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for exemptions from sections 2(a)(32), 2(a)(35), 22(c), 26(a), 26(a)(2), 27(c)(1), 27(c)(2), and 27(d) of the Act and Rule 22c–1 thereunder to the extent necessary to permit the offering of variable annuity contracts providing for contingent deferred sales charges and other charges and to permit NML to perform custodian functions with respect to Account I. Account I is a unit investment trust registered under the Act. NML and Equity are the co-depositors of Account I, and Equity will serve as the underwriter of the variable annuity contracts issued in connection with Account I.

On November 10, 1981, a notice was issued (Investment Company Act Release No. 12032) of the filing of the application and the amendment thereto. The notice gave interested persons an opportunity to request a hearing and stated that an order disposing of the application would be issued as of course unless a hearing should be ordered. No request for a hearing has been filed, and the Commission has not ordered a hearing.

The matter has been considered and it is found that the granting of the application is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Accordingly,

It is ordered, pursuant to section 6(c) of the Act, that the requested exemptions from sections 2(a)(32), 2(a)(35), 22(c), 26(a), 26(a)(2), 27(c)(1), 27(c)(2), and 27(d) of the Act and Rule 22c–1 thereunder be, and hereby are, granted effective forthwith.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–[illegible] Filed 12–23–81; 8:45 am]

BILLING CODE [illegible]

[Release No. 34–18341; File No. SR–BSECC–81–5]

Self-Regulatory Organizations; Proposed Change By Boston Stock Exchange Clearing Corp.

In the matter of an extension of the temporary 15% increase in Boston Stock Exchange Clearing Corporation billings to members. Comments requested on or before January 14, 1982.

Pursuant to Section 19(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 10, 1981, the Boston Stock Exchange Clearing Corporation filed with the Securities and Exchange Commission the proposed change as described in Item I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

On May 5, 1981, approval was granted by the Securities and Exchange Commission to allow the Boston Stock Exchange Clearing Corporation to impose a temporary 15% increase on all Clearing Corporation billings to members effective for the period May 1, 1981 through September 30, 1981. Approval was subsequently granted to extend the increase through December 31, 1981. It is not proposed to continue the temporary 15% increase through March 31, 1982.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places set forth in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Basis for, the Proposed Rule Change.

(a) The 15% increase on all Clearing Corporation billings to members was previously approved for the period May 1 through September 30, 1981 and subsequently extended through December 31, 1981. This increase was necessitated by increased costs in communications, data processing, leasehold and personnel expenses. The Committee appointed to complete a detailed study of all income and expenses of the Exchange has not completed its recommendations. The Board of Directors voted to extend the 15% increase through March 31, 1982.

(b) The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 and the rules and regulations thereunder applying to the Boston Stock Exchange Clearing Corporation because it continues the equitable allocation of fees charged to all participants. The proposed rule change will be implemented consistently with the safeguarding of securities and funds in its custody or control or for which it is responsible because it would insure an efficient system for the settlement of trades and the safekeeping of assets.

(B) Self-Regulatory Organization's Statement on Burden on Competition.

No burden on competition is perceived by adoption of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others.

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934. At any time within 60 days of the filing of such rule change the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed change that are filed with the Commission, and all written communications relating to the proposed change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before January 14, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 16, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-36682 Filed 12-23-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-18340; File No. SR-MSTC-81-6]

Self-Regulatory Organizations; Proposed Rule Change by Midwest Securities Trust Co.

In the matter of contributions of Participants to Participants Fund. Comments requested on or before January 14, 1982.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 4, 1981, the Midwest Securities Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Sections 6 and 7 of Rule 8 of the Midwest Securities Trust Company Rules are hereby amended as follows:

Additions Italicized—[Deletions Bracketed]

Contributions of Participants to Participants Fund

Sec. 6. Each Depository Participant shall be required to contribute to the Participants Fund. The contribution of each Depository Participant shall be fixed by the Corporation, *in accordance with a formula, based upon the Participant's usage of the Corporation's facilities*, at the time such Participant's application for membership is approved. [and] *The contribution of a Participant to the Participants Fund* may thereafter from time to time be increased or reduced by the Corporation. The minimum *cash* contribution shall be [four] *five* thousand dollars. Contributions to the Participants Fund *in excess of the minimum cash contribution* may be either in cash or in unmatured negotiable debt securities which are direct obligations of, or obligations guaranteed as to principal and interest, by the United States government, and which mature one year or less from the date of issue. [; provided, however, that not less than 10% of each Participant's contribution shall be made in cash.] Securities contributed to the Participants Fund shall be valued at the lesser of the par value thereof or 100% of the current market value thereof. Cash contributions to the Participants Fund shall be paid to the Corporation. Contributions in the form of securities shall be made by depositing the securities with a bank or trust company approved by the Corporation, and delivering to the Corporation a depository receipt therefor, in such form as the Corporation shall prescribe. Any interest or gain on securities deposited by a Participant with an approved bank or trust company pursuant to this Section shall accrue to the Participant.

Investing of Participants Fund

Sec. 7. Cash contained in the Participants Fund may from time to time be partially or wholly invested by the Corporation for its account in securities

issued or guaranteed by the United States, certificates of deposit and commercial paper in the first, second or third ratings of any nationally known statistical service, and to the extent not so invested shall be deposited by the Corporation in its name in a special bank account or accounts in such depository or depositories as may be selected by the Corporation. Any interest received from such investments or deposits *of the required minimum cash contribution* shall accrue to the Corporation. *Interest received from investments or deposits of cash contributions which are in excess of the minimum cash contribution shall accrue to the Participant.* Securities in which the Participants Fund is invested may be deposited by the Corporation with regulatory authorities to the extent that such deposits may be required by law.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.*

The proposed changes in the Depository Participants Fund rules are necessary to establish a more equitable allocation of Depository Corporation liability among the Participants. The minimum contribution must now be made entirely in cash and is required of all Participants. In section 7 of Rule 8 the benefit of investment of the excess of the minimum cash contribution will now accrue to the Participant rather than to the Corporation. This will offset the increased cost to the Participant of having to deposit a larger minimum contribution in cash. The increase in the amount of the minimum cash contribution from $4,000 to $5,000 is necessitated because of greater potential exposure to the Trust Company due to increased activity.

The proposed rule change is consistent with section 17A of the Exchange Act in that it provides for increased safeguarding of securities and funds necessary to the protection of investors and provides for the equitable allocation of charges among participants.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.*

The Midwest Securities Trust Company does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.*

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the date of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before January 14, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 16, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–36001 Filed 12–23–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–18342; File No. SR–NESDTC–81–5]

Self-Regulatory Organizations; Proposed Change by New England Securities Depository Trust Co.

In the matter of an extension of the 15% increase in New England Securities Depository Trust Company billings to participants. Comments requested on or before January 14, 1982.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 10, 1981, the New England Securities Depository Trust Company filed with the Securities and Exchange Commission the proposed change as described in Items, I, II and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

On May 5, 1981, approval was granted by the Securities and Exchange Commission to allow the New England Securities Depository Trust Company to impose a temporary 15% increase on all Depository billings to participants effective for the period May 1, 1981 through September 30, 1981. Approval was subsequently granted to extend the increase through December 31, 1981. It is now proposed to continue the temporary 15% increase through March 31, 1982.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places set forth in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Basis for, the Proposed Rule Change.*

(a) The 15% increase on all Depository billings to participants was previously approved for the period May 1 through September 30, 1981 and subsequently extended through December 31, 1981. This increase was necessitated by increased costs in communications, data processing, leasehold and personnel expenses. The Committee appointed to complete a detailed study of all income and expenses of the Exchange has not completed its recommendations. The Board of Directors voted to extend the 15% increase through March 31, 1982.

(b) The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 and the rules and regulations thereunder applying to the New England Securities Depository Trust Company because it represents an equitable allocation of reasonable fees and other charges among its participants. It would also insure prompt and accurate clearance and settlement of security transactions and fosters cooperation and coordination among others engaged in the clearance and settlement of security transactions by making the Depository more competitive.

(b) *Self-Regulatory Organization's Statement on Burden on Competition.* No burden on competition is perceived by adoption of the proposed rule change.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.*

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Securities Exchange Act of 1934. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed change that are filed with the Commission, and all written communications relating to the proposed change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before January 14, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 10, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-36884 Filed 12-23-81; 8:45 am]

BILLING CODE 8010-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Public Comments; Certain Steel Rod Treating Apparatus

The United States International Trade Commission (the Commission) has found a violation of section 337 of the Tariff Act of 1930 in the importation into, or the sale in, the United States of steel rod treating apparatus, and components thereof, which were found to infringe U.S. Letters Patent No. 3,390,871, thereby causing substantial injury to an efficiently and economically operated domestic industry. The Commission issued an order excluding the articles in question produced by the respondents from importation into the United States.

Under section 337(g), the President may disapprove the determination of the Commission for policy reasons within sixty days of the date following receipt of the determination and record. Disapproval by the President would cause the determination and order of the Commission to be without force or effect. The President also may approve the determination expressly, making it final on the date the Commission receives notice, or he may take no action, allowing the order to become final following the sixty day period provided for review.

Interested parties are invited to submit comments concerning foreign or domestic policy issues which should be considered by the President in making his decision regarding the case. Parties submitting comments regarding domestic policy issues should refer to the portion of the Commission record in which information or comment concerning that issue was presented. If no presentation of the domestic policy issue being raised was made to the Commission, the interested party should include justification for having failed to make such a presentation. The Trade Representative will be reluctant to review comments concerning domestic policy issues not included in the Commission's proceeding, absent adequate justification for the failure of the interested party to present the issue before the Commission. Because foreign policy issues are considered only during the Presidential review, interested parties need not refer to the Commission record to submit comments based upon foreign policy.

Comments submitted should not be longer than 15 double spaced, letter sized pages, including attachments. The original and 19 copies of the submission should be delivered no later than close of business Friday, January 8, 1982, to the Secretary, Trade Policy Staff Committee, 600 17th St., N.W., Washington, D.C. 20506. Copies of comments received will be made available to other interested parties and additional comments will be accepted through the close of business, Friday, January 15, 1982. For further information, call Alice Zalik 295-3432.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 81-36870 Filed 12-23-81; 8:45 am]

BILLING CODE 3195-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Indemnification of Contractors who Participate in the Federal Aviation Administration's Computer Replacement Program

On December 7, 1981, the Secretary of Transportation authorized the Federal Aviation Administration to include in forthcoming Air Traffic Computer Replacement contracts a clause under which the United States will indemnify or "hold harmless" contractors and subcontractors for losses arising out of "the use, operation, malfunction, or failure of any hardware or software" provided under such contracts. The authority for this action is derived from Pub. L. 85-804 and Executive Order 10789, as amended. Such indemnities will extent only to losses which exceed $500,000,000 per accident or occurrence, and only for the amount or amounts by which such recoveries exceed $500,000,000. The determination of the

Secretary of Transportation is, in part, set forth below:

"The Federal Aviation Administrator has requested authority to include a provision in the Federal Aviation Administration's (FAA) En Route Air Traffic Computer Replacement contracts which would indemnify, or "hold harmless", contractors who furnish hardware or software for losses in excess of $500 million per single occurrence. My authority to provide such extraordinary relief is found in Public Law 85–804 which is implemented by Executive Order 10789 as amended.

"Under FAA's En Route Traffic Computer Replacement Program, equipment will be developed to update the present air traffic system. This operational system will be the primary tool used by the air traffic controller to perform a widespread and continuous safety function. This system will have automated control decisional functional capability so that in response to projected increasing congestion in the national airspace system, the potential for human error will be minimized or eliminated. The hardware and software developed for the program will be quite sophisticated, inasmuch as it will possess a fail safe capability, including self-test and evaluation capabilities. The replacement system will be capable of operating 24 hours a day and will possess technical characteristics, including reliability characteristics, which far exceed the technical requirements for hardware and software utilized in most commercial applications of computers. Statistically, there is a low probability of malfunction to the system; however, this cannot be reduced to zero. In the event that a malfunction leads to an accident, the potential claimants would be quite numerous, and the severity of potential damage could be catastrophic. While the risk of a catastrophic accident may be remote, if it occurs, it could be far in excess of the insurance coverage that reliably and reasonably could be obtained by manufactures in the marketplace for the life of the system.

"Under Public Law 85–804, authority, if in my judgment the national defense will be facilitated by the program, I am authorized to permit the FAA to provide for indemnification by the United States for claims or losses arising out of or resulting from risks that the contract defines as 'usually hazardous or nuclear in nature.' In addition to authorizing such indemnification, I am also authorized to permit indemnification for claims or losses arising out of or resulting from risks that subcontracts (or any tier) define as unusually hazardous or nuclear in nature. The use of an indemnification provision under Public Law 85–804, and the Executive Order, is an extraordinary contractual action and requires that in approving the use of indemnification and circumstances of its use, I take into account the availability, cost and terms of private insurance, self-insurance, other proof of financial responsibility and workmen's compensation insurance.

"I find it will facilitate the national defense if I exercise my authority under Public Law 85–805 and Executive Order 10789 to permit the Federal Aviation Administration to provide for the indemnification for contractors and subcontractors (of any tier) participating in the FAA En Route Air Traffic Control Computer Program under the following terms and conditions:

1. That each contract which provides for indemnification of a contractor shall be under the terms and conditions specified in Exhibit A.

2. That each subcontract (of any tier) may include the indemnification provision in Exhibit A upon the consent of the contracting officer. The procedures set forth in Exhibit B shall be accomplished before the contracting officer consents to the inclusion of the indemnification provision in Exhibit A in a subcontract.

3. That each contract containing the indemnification provision in Exhibit A require the contractor or subcontractor (of any tier) to maintain financial protection in the amount of at least $500 million per single occurrence for a malfunction of the software or hardware provided for under the contract. This financial protection may be obtained through a private insurance or through a self-insurance program."

Exhibits A and B will be made available to interested parties upon request. The risks for which indemnification is authorized are set forth in a standard form approved clause as follows:

For the purpose of this clause and to meet the requirement of Public Law 85–804 and Executive Over 10789, as amended, the risks for which indemnification is granted and provided herein are the risks, occurrence or series of incidents or occurences, causing personal injury or death, or loss of or damage to property, or loss of use of property, arising out of or resulting from the use, operation, malfunction, or failure of any hardware or software provided under this contract to the Government for its use in the FAA En Route Air Traffic Control Replacement System; *provided that*, payment shall be made under this clause only if total damage recoveries against the contractor arising out of the risks indemnified exceed $500,000,000 per accident or occurrence, and only for the amount or amounts by which such recoveries exceed $500,000,000.

As required by law, notice of this action has been provided to the Chairman, Committee on the Armed Services, United States Senate; and to the Chairman, Committee on the Armed Services, House of Representatives.

Dated: December 16, 1981.

J. E. Murdock III,

Chief Counsel.

[FR Doc. 81–36607 Filed 12–21–81; 9:06 am]

BILLING CODE 4910–13–M

Radio Technical Commission for Aeronautics (RTCA), Executive Committee; Meeting

Pursuant to section 10(a(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Executive Committee to be held on January 22, 1982 in RTCA Conference Room 267, 1717 H Street, N.W., Washington D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Meeting Held on November 18, 1981; (3) Chairman's Report on RTCA Administration and Activities; (4) Special Committee Activities Report for November and December, 1981; (5) Consideration of Establishing New Special Committees; (6) Report of Fiscal and Management Sub-Committee; (7) Mid-Year Review of RTCA Budget; and (8) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296–0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on December 16, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81–36382 Filed 12–23–81; 8:45 am]

BILLING CODE 4910–13–M

Radio Technical Commission for Aeronautics (RTCA), Special Committee 147—Traffic Alert and Collision Avoidance Systems; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 147 on Traffic Alert & Collision Avoidance Systems to be held on January 13–15, 1982 in Conference Rooms 9A–B–C, Federal Aviation Administration Building, 800 Independence Avenue, S.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Fourth Meeting Held on November 4–6, 1981; (3) Review and Discussion of Draft TCAS National Standard; (4) Working Groups meet in Separate Sessions; (5) Briefings and Discussions on Altimetry; (6) Briefing on Effects of Airplane Structure on TCAS II Type Antenna Patterns; (7) Review Draft Sections to Minimum Operational Performance

Standards Prepared by Working Groups; (8) Review Work Progress and Assignment of Tasks; and (9) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RICA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296–0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on December 16, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81–36383 Filed 12–23–81; 8:45 am]

BILLING CODE 4910–05–M

Rolls-Royce GEM Mk. 510 Model Turboshaft Engine Certification and Availability of Documents

Based on a review of the entire certification process, the Director of the Federal Aviation Administration (FAA) New England Region approved issuance of Type Certificate No. E14NE, as recommended by New England Region staff, under the terms of the Bilateral Airworthiness Agreement between the United States of America and the United Kingdom of Great Britain and Northern Ireland.

A copy of the "Decision Basis for Type Certification of Rolls-Royce, Ltd., GEM Mk. 510 Model Turboshaft Engine," is on file in the FAA Rules Docket. The bulk of the "Decision Basis" reviews the purpose, structure, conduct, and significant highlights of the certification program wherein Rolls-Royce, Ltd., demonstrated compliance with the requirements of the issue of a United States Type Certificate for an imported product.

The text and appendices of the "Decision Basis" include delineation of a specific legal compliance required by each rule and a summary of the method by which compliance was established for each requirement.

Detailed appendices and attachments include: (1) The Bilateral Airworthiness Agreement between United States and United Kingdom; (2) United Kingdom Civil Aviation Authority (CAA) Engine Type Certificate Data Sheet No. 3010; and (3) United States FAA Type Certificate No. E14NE and the Type Certificate Data Sheet. The report is available for examination and copying at the Rules Docket, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803. Copies of the report may be obtained from the Office of the Director, FAA New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

Issued in Burlington, Mass., on November 23, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 81–36630 Filed 12–23–81; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Impact Statement; Chautauqua County, N.Y.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Chautauqua County, New York.

FOR FURTHER INFORMATION CONTACT: Roger H. Edwards, Director, Facilities Design Division, New York State Department of Transportation, State Campus, 1220 Washington Avenue, Albany, New York 12232, Telephone: (518) 457–6452, or Victor E. Taylor, Division Administrator, Federal Highway Administration, New York Division, Leo W. O'Brien Federal Building, 9th Floor, Clinton Avenue and North Pearl Street, Albany, New York 12207, Telephone: (518) 472–3616.

SUPPLEMENTARY INFORMATION: The New York State Department of Transportation in cooperation with the Federal Highway Administration, will be preparing an Environmental Impact Statement on a proposal (Project Identification No. 5289.00, 5289.01 and 5289.02) to solve the transportation problems in a corridor bounded by the NY 394–NY 474 junction on the west, Prendergast Avenue on the east, Chautauqua Lake on the north and Baker Street on the south. The corridor traverses parts of the Town of Busti, Town of Ellicott and the City of Jamestown, all of the Village of Lakewood and Village of Celoron, in the County of Chautauqua.

All reasonable and feasible alternatives within the defined corridor for the proposed project will be considered, along with the no build alternative. The study will consist of capacity-related and demand-responsive solutions to include the location of, and variations in, horizontal and vertical alignment, typical roadway section, geometric design, implementation of ride-sharing programs, increasing bus ridership and bicycle/pedestrian facilities.

The original studies conducted under the requirements of the National Environmental Policy Act began in 1971. The scoping process for the proposed project has been going on since 1978, when public informational meetings were conducted to determine the public's response for the proposed project need and corridor transportation problems. This began the design phase of developing highway design alternatives with coordination of interested public and private agencies, organizations and individuals, and significant issues to the proposed project have been identified. Therefore, a formal scoping meeting is not planned.

Agencies, organization and individuals interested in submitting comments or questions should contact D. H. Ketchum, Regional Director, New York State Department of Transportation, Region #5, General William J. Donovan State Office Building, 125 Main Street, Buffalo, New York 14203.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the NYSDOT or FHWA at the address provided above.

Issued on December 9, 1981.

Victor E. Taylor,

Division Administrator, Albany, New York.

[FR Doc. 81–36415 Filed 12–23–81; 8:45 am]

BILLING CODE 4910–22–M

Environmental Impact Statement; Knox and Blount Counties, Tenn.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed project in Knox and Blount counties in Tennessee.

FOR FURTHER INFORMATION CONTACT: Mr. E. G. Oakley, Division Administrator, Federal Highway Administration, Federal Building-U.S. Courthouse, 801 Broadway, Suite A–926, Nashville, Tennessee 37203, telephone (615) 251–5394.

SUPPLEMENTARY INFORMATION: Beginning on Interstate 40/75 west of Knoxville, Tennessee, in Knox County,

the proposed project would extend Pellissippi Parkway through west Knox County across the Tennessee River (Fort Loudon Lake) to north Blount County. The proposed project would end at State Route 73 (U.S. 129-Alcoa Highway) north of Maryville in Blount County. This 6-to 20-mile extension is proposed to improve both local and through travel between west Knox County and north Blount County. Alternatives initially identified for study include the following: a "no-action" alternative; an upgrading of the existing road system; a mass transit alternative; and two alternatives requiring construction on a new location. During the scoping process, several other alternatives were suggested. All alternatives will be reviewed to identify the reasonable alternatives for consideration in the environmental impact statement.

On January 9, 1981, information on the proposed project was mailed to approximately two hundred public agencies, local governments, and neighborhood groups with a request for their comments. Two public meetings were held to receive additional comments: one in west Knox County on January 21, 1981, and one in north Blount County on January 22, 1981. Meetings were held with the staffs of the local planning agencies in both Knox and Blount Counties on October 27, 1981. A report summarizing all the comments received during the scoping process is being prepared for distribution.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally-assisted programs and projects apply to this program)

Dated: December 11, 1981.

Edward G. Oakley,

Division Administrator, Tennessee Division, Nashville, Tenn.

[FR Doc. 81-36409 Filed 12-23-81; 8:45 am]
BILLING CODE 4910-22-M

Urban Mass Transportation Administration

New Bus Equipment Introduction Program

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Announcement of New Bus Equipment Introduction Program.

SUMMARY: On December 24, 1981, the Urban Mass Transportation Administrator, Arthur E. Teele, Jr. announced the selection of four transit operators to test and evaluate innovative bus design features on 30 articulated and small size buses under the Department of Transportation's New Bus Equipment Introduction (NBEI) program. Because of the high level of interest expressed in this program from across the country, the Urban Mass Transportation Administration (UMTA) is reannouncing the program to solicit additional expressions of interest in order to achieve a wider geographical distribution of projects. This program has been established by UMTA to test various bus design features in order to assess the extent to which they improve fuel efficiency, accessibility and reliability, and reduce maintenance cost. Consideration will be given to innovative features in standard, articulated, and small size buses. A limited number of projects will be selected to evaluate the most promising innovative features. Project selection will be based on the desirability of the proposed bus features, climate, user population, overall efficiency, labor productivity, and maintenance effectiveness of properties, as well as ability of grantees to provide local share for the program.

DATES: Transit operators interested in participating in the program should send a "letter of interest" to the UMTA Associate Administrator for Technology Development and Development by February 5, 1982. Those transit properties that formally submitted a "letter of interest" to UMTA expressing a desire to be included in this program may submit a new "letter of interest."

FOR FURTHER INFORMATION CONTACT: John Marino, Director, Office of Bus and Paratransit Technology, UTD-20, Urban Mass Transportation Administration, 400 7th Street, SW., Washington, D.C. 20590; Telephone (202) 426-4035.

SUPPLEMENTARY INFORMATION: The goals of the program are to provide:

- An introduction into public transportation service of innovative and improved products that emphasize fuel economy, accessibility and lower costs of operation and maintenance;
- An opportunity for transit operators and the general public to form a greater consensus on the features required to provide more useful, efficient and suitable buses;
- An opportunity for bus manufacturers, transit operators and the public to assess the marketability and acceptance of those design features selected for evaluation; and
- Actual cost data and operational experience as a basis for evaluation of various bus features, prior to the introduction of such features in widespread service.

The NBEI program is to be funded through local public agencies from a set-aside within UMTA's Capital Assistance program which will provide 80 percent of the capital costs required to implement the program. Buses procured under this program will be in addition to any other grants for bus purchase which might otherwise be made to the area. Therefore, Federal grants under this program will be supplementary to other capital assistance grants. Local participation for the remaining costs must be provided by or through the sponsoring public agency. The program is expected to be conducted over a period of up to two years. Additionally, UMTA will provide financial support for test plan preparation, data collection and analysis, evaluation, documentation and dissemination of information resulting from the program.

This program is designed to test and evaluate innovative features that are incorporated on existing production vehicles. It is anticipated that no fewer than five and no more than 20 buses of any one type will be purchased by any one public agency. It is UMTA's intent to ensure compliance with all Federal requirements (e.g., Buy America, EPA, NHTSA, etc.) in carrying out this program.

The "letters of interest" should provide the following information:

1. The design features of interest, expected benefit, number of each type of vehicle desired and willingness to buy with UMTA funding assistance existing production buses with innovative features not available at present (no brand names should be identified);

2. Adequacy of financial resources to fund the local share of the capital costs of the project and operating costs;

3. Willingness to operate these buses in passenger service and to collect or allow for the collection of operating and maintenance data for a period of 12 to 24 months;

4. Brief description of the existing local operating and maintenance record-keeping system and information on overall efficiency, labor productivity and maintenance effectiveness of the bus transit system;

5. Total number and types of buses presently used (including number and types of buses with lifts) in the service area and specifically on routes proposed for test equipment; and

6. Ability and willingness to participate in multiple awards and to enter into a consortium with other grantees. Information should be provided regarding local and/or state regulations that may restrict

procurement options as mentioned above.

The proposals should provide sufficient data to permit evaluation of the merits of the project. Based on its review of the information submitted, UMTA will select a number of additional projects depending on availability of FY 1982 and FY 1983 funds.

Issued: December 17, 1981.

Arthur E. Teele, Jr.,

Administrator, Urban Mass Transportation Administration.

[FR Doc. 81-36713 Filed 12-23-81; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF THE TREASURY

Customs Service

Tubular Textile Braided Lead Lines; Change of Practice Considered; Extension of Time for Public Comment

AGENCY: Customs Service, Treasury.

ACTION: Proposed change of practice; notice of extension of time for comments.

SUMMARY: This notice extends the period of time within which interested members of the public may submit comments with respect to a proposed change of practice relating to tubular textile braided lead lines. A document inviting the public to comment on this proposal was published in the **Federal Register** on October 21, 1981 (46 FR 51698). Comments were to have been received on or before December 21, 1981. A request has been received to extend the period of time for the submission of comments. This notice extends the period of time to January 21, 1982.

DATE: Comments must be received on or before January 21, 1982.

ADDRESS: Written comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Phil Robins, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20299 (202-556-8181).

Dated: December 18, 1981.

Donald W. Lewis,

Director, Office of Regulations and Rulings.

[FR Doc. 81-36709 Filed 12-23-81; 8:45 am]

BILLING CODE 4820-02-M

Internal Revenue Service

Commissioner's Advisory Group; Open Meeting

There will be a meeting of the Commissioner's Advisory Group on January 11, 12 and 13, 1982, in Room 3313 of the Internal Revenue Service Building. The building is located at 1111 Constitution Ave., NW., Washington, D.C. The meeting will begin at 10:00 A.M. on January 11 and 12, and at 9:30 A.M. on January 13. The agenda will include the following topics:

Monday, January 11, 1982

Organization of the IRS.

Tuesday, January 12, 1982

Recent Changes in the Handling of Tax Shelter Cases.

Current Status of Partnership Audit Program.

Tax Protestors—Status of IRS Program to Identify and Deal with Tax Protestor Activities As Well As Dealing with False Withholding Certificates.

Reassessment of the Large Case Examination Program.

Wednesday, January 13, 1982

Tax Administration Consequences of the Economic Recovery Act.

Prospects for Annual or Semi-Annual Filing of Forms 941.

The Service's Approach to Dealing with the Accounts Receivable Inventory.

The meeting, which will be open to the public, will be in a room that accommodates approximately 50 people. After the Committee members finish discussing the items on the agenda, there may be time for statements by non-members. If you want to make a statement at the meeting, or if you would like the Committee to consider a written statement, please call or write to James Lantonio, Assistant to the Deputy Commissioner, 1111 Constitution Avenue, NW., Washington, DC 20224.

Roscoe L. Egger, Jr.,

Commissioner.

December 21, 1981.

[FR Doc. 81-36814 Filed 12-22-81; 9:30 am]

BILLING CODE 4830-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 247
Thursday, December 24, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 46, No. 236, Wednesday, December 9, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11 a.m., Thursday, December 24, 1981.

CHANGES IN THE MEETING: Cancelled.

[S–1919–81 Filed 12–22–81; 11:20 am]

BILLING CODE 6351–01–M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Commission Meeting, 9:30 a.m., Thursday, November 12, 1981.

LOCATION: Third floor hearing room, 1111 18th Street, NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Urea-Formaldehyde Foam Insulation: Request for Comments on Selected Issues*
   The Commission will consider a draft Federal Register document which will seek public comment on new data and analyses that have been prepared by the staff or others since CPSC published a proposed ban of urea-formaldehyde foam insulation in February, 1981. The studies concern technical, health risk and economic information.
2. *Briefing on Lead in Gift Wrap Paper: Status of Voluntary Activity*
   The staff will brief the Commission on the voluntary action program of the Gift Wrappings and Tyings Association to limit the use of lead products in gift wrap paper. Under the program, developed in consulation with CPSC staff, participating gift wrap manufacturers will ask their suppliers to certify lead content in pigments they purchase, and will have independent laboratories test inks and papers for lead content.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Suite 300, 1111 18th Street, NW., Washington, DC 20207; telephone (301) 492–6800.

[S–1920–81 Filed 12–22–81; 12:15 pm]

BILLING CODE 6355–01–M

3

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Commission Meeting, 10 a.m., Tuesday, November 24, 1981.

LOCATION: Third floor hearing room, 1111 18th Street, NW., Washington, D.C.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED:

1. *Enforcement Matter OS# 1061*
   The Commission will consider issues related to an enforcement matter.
2. *Enforcement Matter OS# 1065*
   The Commission will consider issues related to an enforcement matter.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts; Deputy Secretary, Office of the Secretary, Suite 300, 1111 18th Street, NW., Washington, D.C. 20207; telephone (301) 492–6800.

[S–1921–81 Filed 12–22–81; 12:16 pm]

BILLING CODE 6355–01–M

4

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Commission Meeting, 9:30 a.m., Wednesday, December 16, 1981.

LOCATION: Third floor hearing room, 1111 18th Street., NW., Washington, D.C.

STATUS: Open to public.

MATTERS TO BE CONSIDERED:

1. *Unvented Gas-Fired Space Heaters, Petition CP 82-1*
   The Commission will consider petition CP 82–1 from the Gas Appliance Manufacturers Association requesting revocation of a standard on unvented gas-fired space heaters. The briefing on this matter was held on December 10, 1981.
2. *Toy Chests*
   The staff will brief the Commission on issues related to the safety of toy chests.

STATUS: Closed to the public.

3. *Enforcement Matter (OS# 1069)*
   The Commission will consider issues related to enforcement matter OS# 1069.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Suite 300, 1111 18th Street., NW., Washington, D.C. 20207; telephone (301) 492–6800.

[S–1922–81 Filed 12–22–81; 12:17 pm]

BILLING CODE 6355–01–M

5

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Commission Meeting, 10 a.m., Thursday, December 17, 1981.

LOCATION: Room 456, Westwood Towers, Bethesda, Maryland.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *FY 82 Operating Plan Review*
   The staff will review with the Commissioners issues related to the Operating Plan for fiscal year 1981.
2. FY 82 Priorities
   The staff will review with the Commissioners issues related to the Commission's priorities for fiscal year 1982.
3. *Solid Fuel—Related Fire Hazards*
   The staff will brief the Commission on a final report addressing hazards associated with solid fuel devices and systems.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Suite 300, 1111 18th Street, NW., Washington, DC 20207; telephone (301) 492–6800.

[S–1923–81 Filed 12–22–81; 8:45 am]

BILLING CODE 6355–01–M

6

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Commission Meeting, 9:30 a.m., Monday, December 21, 1981.

LOCATION: Third floor hearing room, 1111 18th Street, NW., Washington, DC.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED:

1. *Section 15 Matters: Status Report*
   The staff will brief the Commission on recent activities under Section 15 of the Consumer Product Safety Act.
2. *Enforcement Matter (OS# 1078)*
   The staff will brief the Commission on issues related to an enforcement matter.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Suite 300, 1111 18th Street, NW., Washington, DC 20207; telephone (301) 492–6800.

[S–1936–81 Filed 12–22–81; 12:10 pm]
BILLING CODE 6355–01–M

7

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

TIME AND DATE: 9:30 a.m., Tuesday, January 12, 1982.

PLACE: Commission Conference Room, No. 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

AGENDA: The agenda for the above meeting will be announced in the near future.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634–1356.

This notice issued December 22, 1981.

[S–1923–81 Filed 12–23–81; 2:14 pm]
BILLING CODE 4870–06–M

8

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 9:30 a.m. on Friday, December 18, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to (1) approve the application of The Buffalo Savings Bank, Buffalo, New York, for consent to merge, under its charter and title, with Union Dime Savings Bank, New York (Manhattan), New York, and to establish the main office and eight branches of Union Dime Savings Bank as branches of the resultant bank, and (2) provide financial assistance to the resulting bank, pursuant to section 13(e) of the Federal Deposit Insurance Act, in order to prevent the probable failure of Union Dime Savings Bank.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Paul M. Homan, acting in the place and stead of director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: December 18, 1981.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Assistant Executive Secretary.

[S–1918–81 Filed 12–23–81; 10:56 am]
BILLING CODE 6714–01–M

9

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, December 21, 1981, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Memorandum re: Budget of Liquidation Expenses for Budget Year 1982.

Memorandum and Resolution re: Accrual Accounting Requirements for Commercial and Mutual Savings Banks.

By the same majority vote, the Board further determined that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,032–NR—United States National Bank, San Diego, California

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: December 21, 1981.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Assistant Executive Secretary.

[S–1926–81 Filed 12–23–81; 3:33 pm]
BILLING CODE 6714–01–M

10

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsecton (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, December 21, 1981, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Curency), that Corporaton business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Memorandum and Resolution re: Metropolitan Savings Bank, New York (Brooklyn), New York, regarding the appointment of two directors of Ralph C. Sutro Company.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsection (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(9)(B)).

Dated: December 21, 1981.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Assistant Executive Secretary.

[S–1927–81 Filed 12–22–81; 3:34 pm]
BILLING CODE 6714–01–M

11

NATIONAL MEDIATION BOARD

TIME AND DATE: 2 p.m., Monday, January 11, 1982.

PLACE: Board Hearing Room, eighth floor, 1425 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of Board actions taken by notation voting during the month of December, 1981.

2. Other priority matters which may come before the Board for which notice will be given at earliest practicable time.

3. Staff report on proposed amendments to the NMB's Representation Manual, including analysis of public comments. Board consideration and/or action on staff recommendations.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Secretary (202) 523–5920.

Dated: December 21, 1981.

[S–1917–81 Filed 12–22–81; 10:31 am]

BILLING CODE 7550–01–M

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federal register

Thursday
December 24, 1981

Part II

Environmental Protection Agency

Averaging of Particulate Emissions From 1985 and Later Model Year Diesel-Fueled Light-Duty Vehicles and Light-Duty Trucks; Proposed Rulemaking

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 85 and 86

[AMS-FRL 1941-5]

Averaging of Particulate Emissions from 1985 and Later Model Year Diesel-Fueled Light-Duty Vehicles and Light-Duty Trucks

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes a program which would permit manufacturers of light-duty diesel vehicles (LDDVs) and light-duty diesel trucks (LDDTs) to average the particulate emissions of their diesel vehicles. This rulemaking comes as a part of the Agency's recently announced effort to ease the regulatory burden on the automotive industry. Implementation of the program proposed here should allow the makers of LDDVs and LDDTs to meet the 1985 particulate standards with less emission control hardware. EPA estimates that implementation of this proposal would save $188–$376 million over a five-year period. At the same time, the Agency does not expect this averaging program to cause any appreciable loss of air quality benefits. In addition, this notice proposes to delete light-duty truck high-altitude regulations which are unrelated to the averaging program and which had been erroneously added to Part 86 during a previous rulemaking. Please note that EPA specifically requests comment on a number of items near the end of this preamble. The Agency encourages all individuals and organizations which are interested in this rulemaking to participate in the public hearing and/or submit their comments to the docket.

DATES: EPA will hold a public hearing on this notice on February 2, 1982. The hearing will convene at 9:00 a.m. and adjourn at 5:00 p.m., or at a later time if necessary to complete the business of the hearing. Comments will be accepted to the docket for a period of 30 days following the close of the hearing, and should be submitted on or before March 4, 1982.

ADDRESSES: The hearing will take place in the conference room at the EPA Motor Vehicle Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, MI 48105.

Written comments, other than those submitted directly at the hearing, should be submitted (preferably 4 copies) to: Central Docket Section (A–130), Environmental Protection Agency, Attn: Docket No. A–81–31, 401 M St. SW., Washington, D.C. 20460.

Docket No. A–81–31 is located in the U.S. EPA, Central Docket Section, West Tower Lobby, Gallery I, 401 M St. SW., Washington, D.C. The docket may be inspected between 8 a.m. and 4 p.m. on weekdays.

FOR FURTHER INFORMATION CONTACT: Jeff Alson, Emission Control Technology Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105, Telephone: (313) 668–4317.

SUPPLEMENTARY INFORMATION:

I. Background

The program proposed in this notice has its origins in the development of the light-duty diesel particulate standards, published on March 5, 1980 (45 FR 14496). During the comment period on those standards, General Motors and Volkswagen submitted proposals for particulate averaging schemes. GM's proposal was a "corporate" average particulate standard (CAPS) in which a manufacturer could balance diesel particulate emissions with gasoline-fueled vehicle particulate emissions. VW's proposal was a diesel only average standard, similar to the one proposed here.

EPA considered the GM and VW proposals, but chose not to adopt them in the final rule. GM's CAPS proposal, the Agency concluded, would be highly favorable to a manufacturer which produced many gasoline-fueled engines (which emit very low levels of particulate). It would be able to offset the emissions of many or all of its diesels with its gasoline-fueled vehicles, perhaps avoiding any diesel particulate control at all. Such a program, on the one hand, would be of little use to a manufacturer making mostly diesels since there would not be nearly as much opportunity for averaging. Further, when a manufacturer making a large number of gasoline-fueled vehicles is also a major producer of diesels—as GM itself is becoming—a CAPS program would work against the need for particulate control since a large segment of the new diesels in the country could be produced with little or no particulate control.

Although Volkswagen's diesel average particulate standard (DAPS) proposal was very sketchy, the Agency believes that a DAPS program might avoid many of the problems of CAPS and seriously considered the concept. The final decision to reject a DAPS approach as a part of the original light-duty diesel particulate rulemaking was based on a number of factors, including its uncertain benefits and its probable complexity (see 45 FR 14502). These factors will certainly remain issues in this rulemaking.

Today, however, there are other factors to consider as well. The industry is now facing a very different economic climate than it was during the original particulate rulemaking. It is likely now that even a limited amount of additional flexibility might be useful to the industry (although EPA actually expects the increased flexibility offered by the proposed program to be substantial). Likewise, the complexity of a DAPS type program may well be more acceptable now to both industry and the Agency if it indeed results in increased compliance flexibility. It is in light of these new considerations that the Agency has initiated this rulemaking.

EPA, in a separate action, is considering major revisions of its new vehicle compliance program (see 46 FR 33365, June 29, 1981), including averaging concepts broader than the program proposed here. This proposal, in contrast, is designed to address certain immediate aspects of compliance with the particulate standards and to be compatible with the Agency's existing compliance programs. At the same time, as the Agency considers major revisions of its compliance program, this averaging program could be incorporated into any revisions ultimately adopted. Thus, the program proposed here can fit into a general EPA move toward averaging, yet it does not in itself complete that move.

Why is the Agency not proposing an overall averaging program at this time? Time considerations, as well as a concern that elements in a broader averaging program may require supporting statutory changes, are the primary reasons. This program is designed to provide quick relief to light-duty diesel manufacturers as the 1985 compliance deadline approaches. Any broad revamping of the compliance program would take considerably more time for Agency preparation and adequate public participation. Thus EPA has limited the scope of this proposal to light-duty particulate averaging.

The Agency is taking this opportunity to propose corrections to the current regulations which are unrelated to the particulate averaging program. During a previous rulemaking (45 FR 63734, September 25, 1980) paragraphs affecting light-duty truck high-altitude regulations were erroneously added to Part 86. These regulations are proposed to be deleted below. Because these changes are being made to correct a previous error and are consistent with

actions already taken, no further analysis of the change is necessary.

II. Description of the Proposed Program

This section outlines a specific proposal for a light-duty vehicle and light-duty truck particulate averaging program. This program would allow manufacturers to meet the 1985 and later light-duty diesel vehicle (LDDV) and light-duty diesel truck (LDDT) particulate standards of 0.20 g/mi and 0.26 g/mi, respectively, by averaging the emissions of their diesel engine families. This proposal would allow averaging of LDDV or LDDT families separately and would also allow families from the two vehicle classes to be averaged together.

Under the proposed program the manufacturer would establish individual particulate emission limits for each engine family included in the particular averaging program. These limits would be set such that when they were weighted by their respective family production and averaged together, the manufacturer's resulting diesel average particulate level would be equal to or below the applicable level standard.

This is not the only way to construct an averaging program. In fact, during the original particulate rulemaking, Agency consideration of how an averaging program might work resulted in the suggestion that it might be more appropriate to focus on corporation-wide compliance (more along the lines of the Corporate Average Fuel Economy program) rather than engine family compliance. While such a program would probably give manufacturers even greater flexibilty, it would necessarily require changes in EPA's existing compliance program, a task which is outside the scope of this proposal, as discussed earlier.

Therefore, the proposed program really involves two independent levels of compliance. On one level, a manufacturer would establish for each of its LDDV and LDDT families an emission limit (as distinguished from an emission standard) against which the emissions of each member of the family could be compared. Secondly, the production-weighted average of the family levels would have to be equal to or less than the applicable particulate standard (0.20 g/mi for LDDVs, 0.26 g/mi for LDDTs, or some composite level if both LDDVs and LDDTs are averaged together). The following paragraphs discuss these two aspects of compliance.

A. Compliance with the Family Particulate Emission Limits

Under the proposed program, each manufacturer would set a particulate emission limit for each of its diesel families accurate to the nearest one hundredth gram-per-mile of particulate. The limits would have exactly the same relationship to their respective engine families as an emission *standard* currently has to *all* families. Certification, SEA, and recall, which today generally work on an engine family basis, would not need to change in any major way. The engine criteria which now distinguish one engine familiy from another would also stay the same. In this way the proposal avoids the need to design a new compliance scheme to make sure that cars and light trucks meet their assigned limits. At the same time, the proposal is compatible with the streamlined certification which EPA began implementing beginning with the 1980 model year.

It is important to note that just as in the case of current emission standards it would be the family emission limit that EPA could enforce, not the actual levels which a certification or SEA test vehicle attained. Therefore, it is the family limits and not engine test data (from certification or assembly-line audit testing) that would be used in the calculation of compliance with the applicable particulate standard (see Part B. below).

There is a problem that arises in an averaging program which results from allowing some families to certify above the promulgated standard. The problem is that these higher emitters might become concentrated in a certain geographic area, perhaps causing localized adverse air quality effects (for example, if the high emitters became a large portion of a city's taxi fleet). To the extent that this is a valid concern—and EPA requests specific comments in this area later in this preamble—some sort of limitation on how high an individual family emission limit can go seems prudent. Of course there is actually something of a limit built into averaging because no manufacturer will have an unlimited range of vehicle emission levels and production volumes with which to work. But these built-in limits nevertheless will vary widely among manufacturers, and it may be appropriate to establish general numerical limitations on the family emission limits.

In determining whether to establish a family limit ceiling, EPA needs to resolve two issues. First, at what point does the ceiling level begin to restrict the economic gains from averaging. Second, what localized concentration problems are likely to arise in the absence of a ceiling. Concerning the first item, a factor or two above the standard for the ceiling (0.4 g/mi) might not be restrictive because of the inherent limits facing a manufacturer in developing the necessary offsetting low emission credits. A possible exception, however, might arise if the ceiling were to be set at the level of the 1982 particulate standard of 0.6 g/mi, allowing some manufacturers which certified vehicles close to that standard in 1984 to carry over their certification to 1985 without altering the engines. However, EPA does not know whether this option would actually be exercised, and the Agency is concerned about what adverse local air quality effects a ceiling that high might create. On both of these points, EPA hopes to obtain detailed information during the comment period. At this time EPA believes it is reasonable to propose a ceiling on the family emission limits, and is considering alternative ceiling levels of 0.4 and 0.6 g/mi. Pending final resolution of these questions, we are proposing a 0.4 g/mi ceiling level.

EPA is also concerned about potential "localized" health effects which could arise from allowing manufacturers to average particulate emission levels of vehicles designed for marketing only in areas covered by Federal, low-altitude emission standards with vehicles designed for marketing only in areas covered by California emission standards or only in areas covered by Federal, high-altitude Standards. EPA is contemplating not permitting averaging of particulate emission levels between vehicles designed for marketing under a set of standards associated with only one of these different geographical regions with vehicles designed for marketing under a different set of "regional" standards on the basis of the following considerations:

—Emissions from vehicles marketed exclusively in one of these geographical regions do not generally mingle with emissions from cars marketed exclusively in other regions, and thus do not greatly influence the air quality in those other regions, and

—Averaging between vehicles designed for different regional standards could permit a manufacturer to "decontrol" all vehicles specially designed for marketing in one region (e.g., by omitting trap-oxidizers) if it can achieve "extra" control on other vehicles using different emission control system designs marketed in a different region under a different set of standards; thus, the adverse effects of the extra emissions from the decontrolled vehicles in the first region would not be offset by any vehicles in that region subject to extra control.

We are requesting specific comments on whether allowing averaging between vehicles designed for marketing under standards associated with different geographical regions is appropriate, and if not, how EPA should calculate separate averages for different regions.

The proposal would require the manufacturer to place a label on the engine (or make an addition to the existing label) recording what the applicable emission limit was for that family at the time the car or truck was produced. In this way EPA can assure that every individual engine can be easily associated with its proper emission limit throughout its life, even if the emission limit is changed part way through the production year (as is discussed below).

In summary, compliance with the family limits in this proposal would be measured and enforced in a manner very similar to the way compliance with any emission standard is judged today. Essentially the same compliance structure now in place would work. The ceiling levels and the labeling requirements, on the other hand, are new provisions which result from the special aspects of this type of averaging program.

B. Compliance with the 1985 Particulate Standards

There is a second, more general aspect to compliance under the proposed program. This is the means by which the manufacturer can demonstrate compliance, on average, with applicable particulate standards. Unlike compliance with the family limits, which can operate with today's compliance apparatus, compliance with the applicable particulate standard requires a new perspective. The key parameters become engine family production and family emission limits.

Under the averaging system proposed here, manufacturers would set their family emission limits such that when weighted by the respective production figures to compute a production-weighted average, the limits would average to a level which is less than or equal to the applicable particulate standard. If a manufacturer includes both LDDV and LDDT engine families, their emission limits could be averaged together in computing compliance with the applicable standard.

The calculation of a manufacturer's production-weighted average emission level would be fairly straightforward. If the averaging is to be done only among vehicles of the same class (*i.e.*, only among LDDVs or LDDTs), then each family's production would be multiplied by that family's emission limit. When the sum of these values was divided by the total diesels produced, the company's diesel average particulate level would result. This number could be directly compared to the applicable standard (LDDV or LDDT).

If the averaging is to be done among *both* LDDVs and LDDTs, the separate standards for the two classes must be synthesized into a single, composite standard. The following expression illustrates how a production-weighted standard would be computed for each manufacturer.

$$\frac{x(0.20)+y(0.26)}{(x+y)} = \text{Mfr. Composite Particulate Std.}$$

Where x represents total LDDV sales and y represents total LDDT sales.

This production-weighted composite standard would become the measure of compliance when both classes were to be averaged together. The calculation of the company's average particulate level would remain the same as is described above (*i.e.*, each family limit weighted by its production and averaged).

Under the proposed program, each manufacturer would have complete flexibility in deciding how to apply averaging to its light-duty diesel fleet, or whether to average at all. EPA would grant a certificate of conformity to each family that demonstrated compliance with its family emission limit. The certificate would contain the provision that its validity was conditional in whole or in part on the manufacturer meeting the applicable particulate standard at the end of the model year. During production, a manufacturer would have full responsibility for taking whatever action was necessary to ensure that its diesel production met the applicable standard at the end of the production year. This might involve recertifying some families to new emission family limits or adjusting production targets in response to new production patterns. In any event, it would only be after production was complete that EPA would enter the process in order to verify that the family limits, weighted by the year's production, showed compliance with the applicable particulate standard(s).

There are a number of ways in which a manufacturer could manipulate its diesel fleet to assure compliance with the applicable particulate standard by the end of the production year. The possibility will exist, as it does today, for a manufacturer to change the engine operating characteristics or hardware in such a way as to create a new engine family (and, under averaging, to establish a new family emission limit). Beyond that, EPA is introducing the additional flexibility of creating a new family limit without making any changes to the engine. (This option might become useful to a manufacturer which found that the production emission levels of a family were sufficiently below the family's emission limit that it could lower the limit without physically changing the vehicle.) To change a family limit the manufacturer would have to demonstrate compliance based upon its existing certification data and any existing Selective Enforcement Audit test data. If a family limit were changed, EPA would issue a new certificate covering subsequent production of the vehicle, and each vehicle produced thereafter would need a revised label recording its new family emission limit.

Revised certificates could not apply retroactively. First of all, this would create problems with the vehicle labeling requirements. A retroactive change in the family emission limit would mean that the labels which had been placed on the affected vehicles would no longer be correct. Accurate labeling is, of course, very important for the in-use aspects of EPA enforcement programs. In addition, retroactivity could create a "loophole" for abuse of the averaging program. Knowing that it could retroactively adjust the family emission limit for a family found out of compliance during the production year could lead a manufacturer to set a family emission limit which was artificially low. Since only a portion of a manufacturer's fleet would normally be audited by EPA, such a maneuver might well go undetected. If it were discovered, there would be no loss to the manufacturer other than the need to adjust the family limit upwards.

As far as the proposed regulations are concerned, there would be no limit on the number of times that a manufacturer could seek new certificates for its families. The only limit would be the practical one of EPA's ability to process the requests, which the Agency does not anticipate to be a major obstacle.

EPA would not verify the manufacturer's compliance with the standard until the end of the model year. Nevertheless, the sanctions provided by the Clean Air Act should insure that a company which chooses to average its diesel particulate emission levels and which produces each of its engine families in compliance with its respective limits also maintain family production volumes such that the production-weighted average of the manufacturer's family limits indeed

meets the standard at year's end. Section 205 of the Act establishes a penalty of up to $10,000 for selling a vehicle not covered by a certificate of conformity. Since failing to comply with the promulgated standard because of an incorrect production volume mix will mean that the diesel fleet (or some portion of it) failed to satisfy conditions in its certificate(s), this would place the manufacturer in violation of Section 205. As is the case today, the threat of paying up to $10,000 per vehicle not covered by a certificate should assure that each manufacturer which uses averaging will make every effort to comply with the average particulate standard at the end of the production year.

Under the conditions included in the certificate covering a manufacturer's diesel engine families, a manufacturer most likely will not be liable for introducing all of its diesel vehicles into commerce without their being covered by a certificate. Instead, the manufacturer only would be potentially liable for civil penalties for those vehicles which cause the manufacturer's production-weighted family limit average to exceed the particulate standard.

For example, suppose a manufacturer initially plans to produce 100,000 light-duty diesel vehicles subject to 0.18 g/mi engine family limit, 50,000 vehicles subject to 0.22 g/mi family limit, and 25,000 vehicles subject to a 0.24 g/mi family limit. This would place the manufacturer's production-weighted family limit average precisely at the 0.20 g/mi particulate standard. Then suppose that at the end of the production year, each engine family meets its limit, but the manufacturer produced 60,000 vehicles subject to the 0.22 g/mi limit instead of the 50,000 it orignially had projected. In that case the manufacturer's production-weighted family limit average would exceed the particulate standard. As a result, the manufacturer could be liable for introducing into commerce 5,000 vehicles not covered by a certificate, since if it had produced 5,000 fewer vehicles in its highest emitting family (subject to the 0.24 g/mi limit) its production-weighted family limit average would precisely meet the 0.20 g/mi standard.

Of course, in exercising its authority under Section 205, the Agency would have discretion in choosing which remedies and/or penalties to pursue. EPA could accomplish this by initiating a consent decree action under that section. In recommending penalties, if any, in a Court proceeding, the Agency could consider such factors as : (1) The degree of contravention of the standard; (2) the number of vehicles which cause the failure to achieve the particulate standard; and (3) the degree to which a recall would be successful, considering vehicle owner response rate, in lowering the particulate levels of the engine families involved to such a degree that the manufacturer's production-weighted average (adjusted for the results of the recall), would comply with the particulate standard.

EPA has devised the averaging program to provide a clear structure around which to build a meaningful and manageable particulate averaging program. The Agency expects and hopes that the industry and the general public will play a large role in helping to refine the details of the proposed program by suggesting additions and improvements.

III. Effects on Manufacturers' Flexibility

Unlike most EPA regulatory efforts, which result in improved air quality, the benefits of this rulemaking will be measured in terms of increased industry flexibility and hence reductions in compliance costs. The goal is a well-designed particulate averaging program which will result in real capital cost savings for light-duty diesel manufacturers without significantly reducing the air quality improvements which will be achieved by the 1985 particulate standards. For this goal to be realized, EPA has to make sure that the averaging program will open up new options in design and/or marketing which can lower costs.

EPA believes this proposed program will indeed introduce new flexibility—and the accompanying cost savings—into particulate emission control efforts. What follows is a brief analysis of the kinds of hardware reductions and subequent cost savings that EPA expects would result from this proposed averaging program. This analysis is not intended to be an extensive study of the issues but rather a "first pass" at a quantitative investigation of the benefits of the proposed program. EPA will rely heavily on industry and public input in making a final, detailed analysis of the issues.

A. Effect on Required Control Technology

In the original light-duty particulate rulemaking (referenced above), EPA projected that nearly all 1985 LDDVs and LDDTs would need to be equipped with trap-oxidizers in order to meet the 1985 particulate standards. (According to that original analysis, only VW Rabbits, which were estimated to make up six percent of all diesels, could avoid traps.) That assessment can be tempered somewhat today since more small and lower particulate emitting engines are emerging. Nevertheless, the use of traps will be so widespread that if the averaging program can make it possible for some manufacturers to reduce the number of traps that their diesel fleets require (or to use less expensive traps), real savings in hardware costs will be available.

At least four companies should benefit from particulate averaging—Volkswagen, General Motors, Ford, and Daimler-Benz. That is, there is strong evidence that these four will be marketing more than one engine family *and* will have at least one family capable of emitting below the promulgated standard (either with or without a trap). As diesel production becomes more widespread, other manufacturers will be able to take advantage of averaging. Before looking in more detail at the four manufacturers, it will be helpful to outline how EPA believes they could use averaging to limit the number of required traps.

The analysis assumes a hypothetical scenario where a manufacturer has one family of engines (call it "A") which emits particulate matter at around 0.5 g/mi, another family ("B") which emits around 0.35 g/mi, and two small engine families ("C" & "D") which emit at about 0.25 and 0.18 g/mi (all are engine-out emissions). To avoid unnecessary complications, the analysis assumes further that all four families are passenger cars. Whether or not the manufacturer chose to average the emissions from these families, family A would clearly need to be equipped with traps since these vehicles would otherwise exceed the 0.4 g/mi ceiling. Families B and C would definitely need traps in the absence of averaging. However, these families are close enough to the standard to benefit from an averaging program. Family D, while not requiring traps in any case, could play a role in helping to offset the higher emissions of families B and C in an averaging program.

Under an averaging program, the manufacturer could choose to put traps on the vehicles in family B, an approach which would result in emissions well below the 0.20 g/mi standard (even with traps no more efficient than today's prototypes). Depending on the sales distribution among the families, the low emissions of family B (with traps) along with those of family D might allow the vehicles from family C to be sold without traps. An alternative scenario might be to equip family C with traps (or conceivably even family D) in order to

have families with such low emissions that traps could be avoided on family B.

This simple example, of course, only touches on the range of options which a manufacturer might have. For example, the families could be subdivided into smaller families with and without traps. In addition, if one also considers that traps will surely vary in size and durability—and thus cost—still another level of options emerges. Thus in the example above, it might be possbile to put a cheaper trap on family A if there are enough vehicles in low particulate families to offset slightly higher emissions in family A. Finally, a manufacturer producing one or more light-duty diesel trucks would have the additional flexibility of averaging them in with its diesel passenger cars. The reader should bear in mind all of these potential degrees of freedom when the discussion below examines the way several manufacturers' 1985 diesel fleets are shaping up.

It should be clear that any analysis of how averaging would change the light-duty diesel industry's need for trap-oxidizers in 1985 and beyond cannot be precise at this time. First of all, the diesel passenger car and light truck market is expected to be a very volatile market in the 1980's, with many new and modified designs and various estimates of diesel market penetration. Second, even with some knowledge of each manufacturer's general plans, EPA is not in a position to project accurately individual family production or emission levels in 1985. Further, manufacturers would have several options in applying averaging to any given situation. The following examination, then, is in two parts. First, it establishes that at least four specific manufacturers will be able to make use of averaging in 1985. Then it will move to an industry-wide perspective to look at how the overall need for particulate traps is likely to be affected. The difficutly in making accurate assessments of this sort illustrates the importance of comprehensive input from the industry during the comment period.

1. *1985 Light-Duty Diesel Outlook—Four Companies.* Volkswagen is a prime candidate to make use of the proposed program. Its past experience and continued research with diesel technology make it certain that 1985 will see Volkswagen producing a subtantial number and variety of diesel cars and trucks. It already makes small diesels which emit particulate at very low levels. (VW's Rabbit is one current LDDV which is likely to meet 0.20 g/mi without using a particulate trap in 1985.) In addition, its diesel sales have been rapidly expanding.

Currently VW is producing three LDDV engine families and one LDDT family. EPA expects VW to continue making its small 1.6-liter engines and selling them in increasing numbers. At the same time, it is reasonable to expect that VW's aggressive diesel development program will result in its introducing one or more small new engines by 1985, such as a supercharged three-cylinder diesel which has been publicly discussed (Automotive News, June 29, 1981). VW's other engine families, the Audi and the VW light-duty truck, will probably continue to be the heavier emitters of particulate, with engine-out (non-trap) emissions in the 0.3–0.4 g/mi range. By 1985, the 1.6-liter engine as it is used in LDDVs may emit 0.15–0.20 g/mi, and if a still smaller engine is introduced, its particulate emissions may be even less. By any assessment, Volkswagen will be in an excellent position to make use of particulate averaging to avoid the use of particulate traps on some or all of the Audi vehicles and the 1.6-liter engine trucks.

General Motors (GM) has been marketing LDDVs since 1978 and LDDTs since 1979. Until recently, all of GM's diesels had been the relatively large and high particulate emitting 5.7-liter and 4.3-liter (now discontinued) engines. In 1981 GM certified the 1.8-liter Isuzu diesel engine which is available in its Chevette. This engine appears to be a relatively low particulate emitter and could thus provide GM with flexibility in an averaging program. By the late 1980's, however, GM's ambitious diesel program will likely be much farther along, with company estimates of diesel penetration ranging as high as 40 percent of total GM production by the end of the decade (WARD's Engine Update, June 15, 1981). By 1984 GM is expected to have a full line of additional diesel engines, with public discussion centering on a small 4-cylinder diesel engine, an approximately 2.5-liter V–5 diesel engine, a series of V–6 diesel engines (including, at minimum, 3.2-liter and 4.3-liter versions), and a 6.2-liter V–8 diesel engine designed specifically for light-duty trucks (WARD's Engine Update, August 15, 1980 and Automotive News, October 6, 1980). The smaller of these engines, along with the Isuzu engine, will likely be low particulate emitters and will put GM in an excellent position to take advantage of an averaging scheme because the many "clean" vehicles could perhaps offset a sizable number of non-trap vehicles. Since some of these new engines will probably be offered in light trucks as well as passenger cars GM would have additional flexibility. It seems clear that GM will become a primary beneficiary of the averaging program.

Ford does not today market any light-duty diesels, but is clearly moving in that direction. It plans to offer several imported diesel engines in the next few years. Ford's current plans call for having 2.4-liter, six-cylinder BMW-Steyr turbocharged diesel engines available for luxury cars by 1983 or 1984 followed by a more advanced four-cylinder turbocharged diesel engine from the same company for mid-size and full-size cars in 1985 or 1986. In addition, Toyo Kogyo will likely supply Ford with a small four-cylinder diesel for LDDTs by 1983 and a smaller four-cylinder diesel for LDDVs by 1984 (Automotive News, October 6, 1980 and May 18, 1981). Judging from their size, many or all of these engines ought to have particulate emissions well below the standard when equipped with traps, and the smallest of them might meet the standard without aftertreatment, even at a 1.0 g/mi NO_x level. (See the EPA Technical Report "Ford-EPA 1981 Light Duty Vehicle Diesel Correlation," No. EPA–AA–EOD–81–3, available in the docket, for the results of a Ford/EPA correlation test program using 2.0 and 2.2-liter Toyo Kogyo diesels.) Thus, even if it does not produce any diesels of its own, Ford should be able to make use of averaging.

Finally, Daimler-Benz should also be able to apply diesel averaging to its 1985 fleet. That company continues to expand US sales of its several diesel engine families. Although its sales are relatively small and any savings from averaging will not be a large fraction of total industry savings, Daimler-Benz should nonetheless find averaging a useful compliance tool.

It seems clear, then, that at least these four companies will be able to benefit from an averaging program. It is almost certain that several other manufacturers will benefit from an averaging program, though specific analysis of their post-1985 positions is now difficult because of uncertainty over marketing plans. Peugeot and Volvo presently sell LDDVs in this country but their U.S. diesel sales are such a small percentage of their worldwide diesel sales that their flexibility under averaging will be more a function of whether they attempt to expand U.S. diesel sales. Several large automobile manufacturers, such as Chrysler, Datsun, and Isuzu, presently sell no (or very few) diesel vehicles in the U.S. but may seriously enter the diesel market by 1985. Any manufacturer selling large numbers of

LDDVs or LDDTs would benefit from the averaging program, since even if the manufacturer had only one basic engine it could be divided into two (or more) engine families, with differing control hardware (for example, one family with a trap-oxidizer and one without). Therefore, it is apparent that particulate averaging would benefit almost every (and probably all) LDDV and LDDT manufacturers.

2. *Potential Industry-Wide Reductions in Trap Usage.* The following projection of how many less traps the light-duty diesel industry will use under an averaging program will rely on the sales projections developed in the final particulate rulemaking ("Regulatory Analysis of the Light-Duty Diesel Particulate Regulations for 1982 and Later Model Year Vehicles," February 20, 1980). The serious economic difficulties which the motor vehicle industry has encountered since EPA performed that analysis will certainly affect future light-duty diesel production. However, EPA believes the original projections of the general trends over the 1985 and later timeframe are still reasonably accurate. To the extent that EPA receives comprehensive data and projections from the manufacturers, the Agency will be able to update the analysis for the final rule.

In the original rulemaking EPA projected that 1.842 million light-duty diesels would be sold in 1985 ("Summary and Analysis of Comments on the Notice of Proposed Rulemaking for the Control of Light-Duty Diesel Particulate Emissions From 1981 and Later Model-Year Vehicles," Table V–5, p. 74). This figure did not include VW Rabbits, so the number should be adjusted upward to 1.931 million to add them (using the same basic data from the original analysis).

This projected 1985 fleet can be subdivided into four categories based on their non-trap particulate levels. EPA expects that some 70 percent of the light-duty diesels by that time will have engine-out emission levels very close to or below the 0.2 g/mi standard (and perhaps an even greater percentage if the NOx standard is greater than 1.0 g/mi). Of this 70 percent, it seems likely that more than half will be below the standard without traps. (This estimate differs from that in the original analysis which assumed only VW Rabbits would emit below 0.20 g/mi in 1985. The emergence of several other low particulate engines and prototypes, as discussed in the previous section, warrants today's more optimistic assessment.) This analysis will use a fraction of 40 precent below the standard and 30 percent slightly above (between 0.20 and 0.25 g/mi).

The remainder of the diesel fleet, including most light-duty trucks (which only have to meet a standard of 0.26 g/mi), will be made up of vehicles which have engine-out emissions above and below the ceiling of 0.4 g/mi. The vehicles which have engine-out emission levels around the ceiling will need traps. EPA estimates that these vehicles will make up 10 percent of the 1985 diesel fleet. This leaves 20 percent which would be in the 0.25 to 0.40 g/mi range, below the ceiling but needing traps in the absence of an averaging program.

According to this breakdown, 50 percent of the light-duty diesels in 1985 would have non-trap emissions between the standard and the ceiling and thus would require traps without averaging but might be able to be sold without traps if averaging is implemented. Applying this to the estimated total sales figure results in 966,000 vehicles which would be candidates to benefit from averaging.

The final step is to determine how many of these potential vehicles might be sold without traps under averaging. Here, estimating that averaging would allow the industry to avoid traps on between 25 and 50 percent of these vehicles, between 241,000 and 482,000 vehicles which otherwise would need traps could avoid them through averaging.

B. Resulting Cost Savings

It is possible to associate an average cost per trap with these figures and estimate a range of cost savings to the industry. In the cost analysis for the original particulate rulemaking, EPA used a range of costs for traps and their associated hardware which was based on engine size as well as production volume of the company. The analysis here is much more rudimentary because of its preliminary nature. In addition, EPA has assumed here a different fleet composition, one based on newer information about emerging low particulate engines. Hence, the cost estimates here should not be directly compared with the original cost numbers but rather should be taken as a rough but current projection of the economic benefits of the proposed averaging program.

In the original rulemaking, the sales-weighted cost for traps was given at $147–$174 in 1979 dollars. Based upon a midpoint estimate of $160 (1979 dollars) as a representative trap cost, this becomes $187 in 1981 dollars. For a range of 241,000 to 482,000 traps "saved" in 1985, there should be cost savings for that year of $45.1 million to $90.1 million (1981 dollars).

Now, in looking at total savings over the 1985–89 period, the analysis will assume that each year's cost savings will be the same (although as manufacturers gain experience with averaging and as they shift further toward smaller vehicles their savings might actually increase year by year). Expanding the 1985 savings to correspond to the full 5-year period, the total aggregate savings from this proposal should be $188 million to $376 million (1981 dollars, present value in 1985). This number may be taken as EPA's preliminary estimate of the benefits of the proposed averaging program.

It is important to note that there may be other costs or cost savings associated with particulate averaging (such as increased testing costs or savings in control technology other than traps). However, these effects should be small in comparison to the savings in particulate traps, and this analysis does not attempt to quantify them.

IV. Effect on Competition

The effect of averaging on competition between manufacturers has been a prime concern of EPA in evaluating various approaches to averaging. There are a number of ways in which the ability to make use of averaging's flexibilities varies from manufacturer to manufacturer. For example, a manufacturer producing only one basic engine line might certify that engine in two families, one with trap-oxidizers and one without (presuming that the basic engine could not meet the standard without control). This would reduce the number of traps which that manufacturer would need to use. However, that manufacturer would still have to sell some of its vehicles with trap-oxidizers. On the other hand, a manufacturer with several engine lines might be able to market a directly competing family with no trap-oxidizers at all. This could be done by equipping one of its other families with trap-oxidizers to meet the applicable standard. It could also be done if the second manufacturer had an engine family already below the standard available to use in averaging. Thus, through averaging the vehicles of the first manufacturer could be placed at a significant disadvantage compared to vehicles from the second manufacturer. Clearly then, the number of engine lines a manufacturer has will affect its ability to benefit from averaging.

There are other characteristics which affect a manufacturer's ability to use

averaging. Sales volume can be important. A manufacturer with high sales volume might be able to offset high particulate emissions from a relatively low sales family with lower emissions from a high sales family. Manufacturers with a wide range of engine sizes or vehicle weights could use their smaller, lighter (and presumably cleaner) vehicles to offset their larger, heavier vehicles. This would put them at an advantage compared to manufacturers producing only larger, heavier vehicles and therefore having nothing to average them with.

The nature of averaging, then, favors those manufacturers with broad product lines and high sales volumes. On the other hand, this particular averaging proposal is of limited scope, and thereby avoids some possible competitive impacts. The average together of gasoline-fueled and diesel engines, a possibility for gaseous emissions, does not enter into this program since gasoline-fueled engines are not subject to the particulate standards. The averaging together of light-duty vehicles and light-duty trucks is allowed in this program, but in such a way that the tendency for LDDVs to have lower emissions than LDDTs is compensated for in the determination of the composite particulate standard. Thus, there should be no competitive advantage for a manufacturer simply because it produces more or less of a certain class of vehicles.

Overall, EPA believes that the competitive impact of this averaging proposal will not place any manufacturer at a significant disadvantage. However, the potential for affecting the competitive environment does exist, and EPA invites comment on this important issue.

V. Effect on Air Quality

EPA specifically designed the proposed averaging program to increase compliance flexibility while retaining essentially all of the air quality benefits of the original particulate rulemaking. Thus there should not be any widespread air quality effects—positive or negative—if the program is implemented.

It might appear that with the reduced use of traps under averaging, air quality would surely be harmed. However, EPA believes that with or without averaging, the overall "average" emission level would be close to the standard. In a nonaveraging situation where trap-oxidizers were being applied, few vehicles would emit far below the standard because of the increased cost of traps designed to exceed the control requirements—most vehicles would be built to emit as close to the standard as possible. There would be a more varied mix of vehicles under averaging, with some emitting well below the standard and some above. However, these emissions would still average out to a level near the standard. Hence, the averaging approach should be able to lower the cost of control without significantly affecting the overall average level of emissions.

As was pointed out earlier, however, averaging could result in localized problems if vehicles with very little particulate control became a major portion of, say, a city's taxi fleet. This was the primary reason for including an upper limit for the emissions of any individual engine family. EPA remains concerned about this kind of effect even with a ceiling of 0.4 g/mi and invites commenters to address this issue.

VI. Authority

These regulations are proposed under sections 202, 203, 205, 206, and 301 of the Clean Air Act. This NPRM represents the Agency's first proposal of an averaging program for mobile sources. EPA believes that its broad authority to promulgate regulations covering how manufacturers must demonstrate compliance with Section 202 standards provides authority for these regulations.

Although it appears that Congress did not specifically contemplate an averaging program when it enacted the Clean Air Act, it gave the Agency wide discretion, within the certification framework, to design a compliance program. The proposed regulations are consistent with the certification scheme, and do not conflict with other mobile source statutory provisions. Finally, the program is consistent with Congress' goal to reduce total suspended particulate levels, since averaging should change neither the promulgated standards nor the total fleet emissions under those standards.

VII. Specific Requests for Comments

EPA hopes a wide range of parties will comment on this important rulemaking. Outlined below are a series of items which the Agency would like addressed in comments. While EPA would appreciate comments identified according to items in this request, the outline is not meant to limit comment in any way, and the Agency welcomes comments on other issues as well.

It is EPA's intention to assure all interested parties an opportunity to study all information which may become the basis for final action in this proceeding. Accordingly, EPA will not consider in this rulemaking any material which cannot be made available to the public. Parties who wish to submit information in response to this Notice of Proposed Rulemaking are cautioned that EPA will not consider, but will return to the commenter, any comments which are claimed to be confidential.

A. Comments on the Design of the Program

1. Please discuss each of the following issues, considering the rationale as stated earlier in the preamble. Please be as specific as you can in your comments and suggested remedies.

a. EPA has based the averaging proposal on engine family compliance, as well as company-wide compliance. Please evaluate these key aspects of the program.

b. EPA has proposed an upper limit on the emissions of any LDDV or LDDT family of 0.4 g/mi but EPA is also considering a ceiling of 0.6 g/mi as well as no ceiling at all.

i. Will the 0.4 g/mi limit allow sufficient flexibility in the application of averaging?

ii. If you support a higher upper limit or no limit at all, what would be the effect on the localized emissions of Question D.2?

iii. Would a high upper limit or no limit at all benefit companies with broad product lines or high sales volumes more so than smaller companies?

c. Please comment on the following points relating to averaging particulate emission levels of vehicles designed only for marketing under standards applicable in one geographical region with vehicles designed only for marketing under standards applicable in a different geographical region:

i. How significant a risk would allowing this kind of averaging present to air quality within a given region?

ii. If EPA prohibits this kind of averaging, would EPA create any difficulties for achieving compliance? If so, what are these difficulties?

iii. If EPA does not permit this kind of averaging, what vehicles should EPA include in determining separate averages for different regions? How should EPA treat vehicles which are designed to meet standards in more than one of these regions—should EPA include them in the averages associated with individual regions, or should EPA include them in a separate averaging determination? What are the advantages/disadvantages to the different types of treatment?

d. As discussed earlier in this preamble, an averaging program like the one proposed here could disproportionately benefit companies with broad product lines or higher sales

volumes, improving their competitive position. Do you believe that would be a problem? If so, can you suggest ways in which the averaging program could be improved to minimize the effects on the competitive environment?

e. Please comment on the proposal to allow manufacturers to combine LDDTs with LDDVs in determining compliance. Include an analysis of any anti-competitive effects you find in this option.

f. Please comment on the Agency's assessment of the statutory authority for the proposed program.

g. What other specific or general comments do you have about the proposed program? Where you find problems, it would be helpful to include clear suggestions for how you would remedy them.

B. Comments Relating to Technology

1. Light-duty diesel manufacturers: How many light-duty diesel engines families do you expect to market in 1985?

a. For each family, please list approximate engine sizes, particulate levels, and projected sales. Use best judgments when actual information is not available.

b. If you cannot project to 1985, please answer this question for an earlier model year.

C. Comments Relating to Costs

1. Please estimate the cost to the consumer of 1985 particulate traps, in 1981 dollars. If there is likely to be a range of costs due to size differences, etc., please estimate those costs as well, including your basis.

2. Other than allowing different patterns of trap usage in the fleets, will the proposed averaging program result in any other cost savings or additional costs, as compared with the existing compliance program for particulate emissions? Please quantify as much as you can any such costs or savings.

D. Comments Relating to Air Quality

1. Do you agree with the judgment that the proposed averaging program will result in little or no degradation in air quality, relative to the existing compliance program?

2. Please comment on the possibility of a localized ambient particulate problem resulting from an averaging program (*e.g.*, is it a likely problem; how great or small would the effect be; can you suggest a remedy; etc.).

Administrative Designation

Under Executive Order 12291 EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it involves no negative cost impacts and has no significant adverse effect on competition, productivity, investment, employment, or innovation.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection in the docket cited at the beginning of this preamble.

Effect on Small Entities

Section 605 of the Regulatory Flexibility Act requires that the Administrator certify regulations that do not have a significant impact on a substantial number of small entities. I certify that this regulation indeed does not have any significant impact on small entities. Few, if any, small entities market diesel engines which are the subject of these regulations. Therefore, no small entities should see any significant impact.

Impacts of Reporting Requirements

The information collection requirements in this proposed rule will be submitted to the Office of Management and Budget (OMB) for clearance under the Paperwork Reduction Act of 1980. The information requirements or recordkeeping in this proposed rule will not take place until it has been cleared by OMB. If OMB approves, the information collection requirements will take effect as set forth in this proposal rule. If not, EPA will revise the information requirements (and this rule, if appropriate) to comply with OMB's determination.

Dated: November 20, 1981.

Anne M. Gorsuch,

Administrator.

PART 85—CONTROL OF AIR POLLUTION FROM MOTOR VEHICLE AND MOTOR VEHICLE ENGINES

For the reasons set forth in the preamble, Part 85 of Chapter I, Title 40 of the Code of Federal Regulations is proposed to be amended as follows:

§§ 85.1503, 85.1504, 85.1505, 85.1602, 85.1608, 85.1803 and 85.1805 [Amended]

By adding the words "(or family particulate emission limits, as defined in Part 86)" after the word "standard" or "standards" in:

a. Section 85.1503, introductory paragraph;

b. Section 85.1504, introductory paragraph;

c. Section 85.1504(a);

d. Section 85.1504(a)(1);

e. Section 85.1504(b);

f. Section 85.1505(a);

g. Section 85.1602(a)(1);

h. Section 85.1608(b), second sentence;

i. Section 85.1803(a), first sentence;

j. Section 85.1805(a)(1), first and second sentences.

§ 85.1602 [Amended]

2. By adding the words "(or family particulate emission limit, as defined in Part 86)" after the word "standard" in:

a. Section 85.1602(b).

Note.—As an aid for the reader in understanding the proposed rule changes for light-duty vehicle and truck particulate regulations below, the amendatory language for each section identifies those paragraphs which are proposed to be added or for which significant changes are being proposed. However, minor changes which do not affect the meaning of a section, such as the addition of the phrase "or family particulate emission limit(s)" when the word "standard(s)" is used, or an updating of a section reference, number, are not specifically identified in the section headings (though the affected paragraphs are rewritten). In addition, the amendatory language identifies paragraphs affecting light-duty truck high-altitude regulations which are proposed to be completely or partially deleted and which were erroneously added to Part 86 during a previous rulemaking.

PART 86—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLES ENGINES: CERTIFICATION AND TEST PROCEDURES

For the reasons set out in the preamble, Part 86 of Chapter I of Title 40 of the Code of Federal Regulations is proposed to be amended as follows:

1. Section 86.085–2 is proposed to be added to read as follows:

§ 86.085–2 Definitions.

The definitions in § 86.084–2 remain effective. The definitions listed in this section apply beginning with the 1985 model year.

"Composite particulate standard", for a manufacturer which elects to average Diesel light-duty vehicles and Diesel light-duty trucks together in the particulate averaging program, means that standard calculated according to the following equation and rounded to the nearest hundredth gram-per-mile:

$$\frac{(PROD_{LDV})\,(STD_{LDV}) + (PROD_{LDT})\,(STD_{LDT})}{(PROD_{LDV} + PROD_{LDT})} = \text{Manufacturer Composite Particulate Standard}$$

where:

$PROD_{LDV}$ represents the manufacturer's total Diesel light-duty vehicle production for a given model year.

STD_{LDV} represents the light-duty vehicle particulate standard.

$PROD_{LDT}$ represents the manufacturer's total Diesel light-duty truck production for a given model year.

STD_{LDT} represents the light-duty truck particulate standard.

"Family particulate emission limit" means the particulate emission level to which an engine family is certified in the particulate averaging program, expressed to an accuracy of one hundredth gram-per-mile.

"Production-weighted average" means the manufacturer's production-weighted average particulate emission level, for certification purposes, of all of its Diesel engine families included in the particulate averaging program. It is calculated at the end of the model year by multiplying each family particulate emission limit by its respective production, summing these terms, and dividing the sum by the total production of the affected families.

2. Section 86.085–8 is proposed to be amended by revising paragraph (a)(1)(iv) to read as follows:

§ 86.085–8 Emission standards for 1985 light-duty vehicles.

(a)(1) * * *

(iv) *Particulate emissions* (Diesels only). 0.20 gram per vehicle mile (0.124 gram per vehicle kilometer). A manufacturer may elect to include all or some of its Diesel light-duty vehicles in the particulate averaging program. If the manufacturer elects to average Diesel light-duty vehicles and Diesel light-duty trucks together in the particulate averaging program, its composite particulate standard applies to its entire Diesel light-duty vehicle and Diesel light-duty truck fleet and is calculated as defined in § 86.085–2. Under the particulate averaging program, the maximum allowable particulate emission level for Diesel light-duty vehicles is 0.40 gram per vehicle mile (0.248 gram per vehicle kilometer).

* * * * *

3. Section 86.085–9 is proposed to be amended by removing paragraphs (d) and (e) and by revising paragraph (a)(1)(iv) to read as follows:

§ 86.085–9 Emission standards for 1985 light-duty trucks.

(a)(1) * * *

(iv) *Particulate emissions.* (Diesels only). 0.26 gram per vehicle mile (0.162 gram per vehicle kilometer). A manufacturer may elect to include all or some of its Diesel light-trucks in the particulate averaging program. If the manufacturer elects to average both Diesel light-duty vehicles and Diesel light-duty trucks together in the particulate average program, its composite particulate standard applies to its entire Diesel light-duty vehicle and Diesel light-duty truck fleet and is calculated as defined in § 86.085–2. Under the particulate averaging program, the maximum allowable particulate emission level for Diesel light-duty trucks is 0.04 gram per vehicle mile (0.248 gram per vehicle kilometer).

* * * * *

4. Section 86.085–21, which differs from § 86.084–21 only in that paragraphs (a) and (c) are revised and paragraph (b)(7) is introduced, is proposed to be added to read as follows:

§ 86.085–21 Application for certification.

(a) A separate application for a certificate of conformity shall be made for each set of standards (or family particulate emission limit as appropriate) and each class of new motor vehicles or new motor vehicle engines. Such applicaton shall be made to the Administrator by the manufacturer and shall be updated and corrected by amendment.

(b) The application shall be in writing, signed by an authorized representative of the manufacturer, and shall include the following:

(1)(i) Identification and description of the vehicles (or engines) covered by the application and a description of their engine (vehicle only), emission control system and fuel system components. This shall include a detailed description of each auxiliary emission control device (AECD) to be installed in or on any certification test vehicle (or certification test engine).

(ii)(A) The manufacturer shall provide to the Administrator in the preliminary application for certification:

(*1*) A list of those parameters which are physically capable of being adjusted (including those adjustable parameters for which access is difficult) and that, if adjusted to settings other than the manufacturer's recommended setting, may affect emissions;

(*2*) A specification of the manufacturer's intended physically adjustable range of each such parameter, and the production tolerances of the limits or stops used to establish the physically adjustable range;

(*3*) A description of the limits or stops used to establish the manufacturer's intended physically adjustable range of each adjustable parameter, or any other means used to inhibit adjustment;

(*4*) The nominal or recommended setting, and the associated production tolerances, for each such parameter.

(B) The manufacturer may provide, in the preliminary application for certification, information relating to why certain parameters are not expected to be adjusted in actual use and to why the physical limits or stops used to establish the physically adjustable range of each parameter, or any other means used to inhibit adjustment, are expected to be effective in preventing adjustment of parameters on in-use vehicles to settings outside the manufacturer's intended physically adjustable ranges. This may include results of any tests to determine the difficulty of gaining access to an adjustment or exceeding a limit as intended or recommended by the manufacturer.

(C) The Administrator may require to be provided detailed drawings and descriptions of the various emission related components, and/or hardware samples of such components, for the purpose of making his determination of which vehicle or engine parameters will be subject to adjustment for new certification and Selective Enforcement Audit testing and of the physically adjustable range for each such vehicle or engine parameter.

(2) Projected U.S. sales data sufficient to enable the Administrator to select a test fleet representative of the vehicles (or engines) for which certification is requested.

(3) A description of the test equipment and fuel proposed to be used.

(4)(i) A description of the test procedures to be used to establish the evaporative emission deterioration factors required to be determined and supplied in § 86.084–23(b)(2).

(ii)(A) A description of the test procedures to be used to establish the durability data or the exhaust emission deterioration factors required to be determined and supplied in § 86.084–23(b)(1).

(B)(*1*) A statement of the useful life of use of each light-duty truck engine family and heavy-duty engine family up to engine retirement or rebuild (whichever occurs first) as determined by the manufacturer on the basis of the following:

(*i*) For existing engine families, survey information on in-service vehicles (or engines) or;

(*ii*) For new engine families, durability testing of prototype vehicles (or engines) or a combination of benchtype component life evaluations and survey information on similar previous vehicles (or engines).

(*2*) The manufacturer shall not determine an engine family's useful life to be less than the basic period of the mechanical warranty on the engine

assembly. This useful life shall be expressed as a period of engine or vehicle operation or as an equivalent vehicle mileage (or both) and shall be consistent with the rebuild criteria specified in paragraph (b)(4)(ii)(C) of this section. The manufacturer shall include in the application the data or information on which it based its determination of the useful life.

(C) For each light-duty truck engine family and heavy-duty engine family, a statement of the criteria which are to be used in determining the need for engine rebuild and their critical values, including the following:

(*1*) The minimum cylinder compression for any one cylinder and for any two cylinders, in pounds per square inch (or kilopascals). Compression shall be measured without the addition of oil or another fluid into the cylinder.

(*2*) The maximum rate of engine lubricant oil usage by the engine, in quarts per 1,000 miles (or quarts per 30 hours).

(*3*) The maximum mass of foreign metal in the crankcase, in grams per quart of crankcase oil.

(*4*) Any other measurable indicator(s) of engine condition approved by the Administrator and the critical value(s) which signal(s) the need for a rebuild.

(*5*) A statement of recommended maintenance and procedures necessary to assure that the vehicle (or engines) covered by a certificate of conformity in operation conform to the regulations, and a description of the program for training of personnel for such maintenance, and the equipment required.

(*6*) At the option of the manufacturer, the proposed composition of the emission-data test fleet or (where applicable) the durability-data test fleet.

(*7*) If the manufacturer elects to participate in the particulate averaging program for Diesel light-duty vehicles and/or Diesel light-duty trucks, the application must list the family particulate emission limit and the anticipated production volume of the family for the model year.

(i) The manufacturer chooses the level of the family particulate emission limits, accurate to one hundredth of a gram-per-mile. Under particulate averaging, family particulate emission limits may not exceed 0.40 gram per vehicle mile (0.248 gram per vehicle kilometer).

(ii) The manufacturer may at any time during production elect to change the level of any family particulate emission limit(s) by submitting the new limit(s) to the Administrator and by demonstrating compliance with the limit(s) as described in §§ 86.085–28(a)(5) and 86.085–28(b)(5).

(c) Complete copies of the application and of any amendments thereto, as well as any changes described in § 86.085–21(b)(7)(ii), and of all notifications under §§ 86.079–32, 86.079–33, and 86.079–34 shall be submitted in such multiple copies as the Administrator may require.

(d) Incomplete light-duty trucks shall have a maximum completed curb weight and maximum completed frontal area specified by the manufacturer.

5. Section 86.085–23, which differs from § 86.084–23 only in that paragraph (c) is revised and paragraph (f) is introduced, is proposed to be added to read as follows:

§ 86.085–23 Required data.

(a) The manufacturer shall perform the tests required by the applicable test procedures, and submit to the Administrator the following information: *Provided, however,* That:

(1) If requested by the manufacturer, the Administrator may waive any requirement of this section for testing of vehicles (or engines) for which emission data are available, or will be made available, under the provisions of § 86.085–29, or

(2) If requested by the manufacturer, the Administrator may waive any requirement of this section for testing of vehicles at zero kilometers of operation.

(b)(1)(i) Exhaust emission durability data on such light-duty vehicles tested in accordance with applicable test procedures and in such numbers as specified, which will show the performance of the systems installed on or incorporated in the vehicle for extended mileage, as well as a record of all pertinent maintenance performed on the test vehicles.

(ii) Exhaust emission deterioration factors for light-duty trucks and heavy-duty engines and all test data that are derived from the testing described under § 86.085–21(b)(4)(ii)(A) as well as a record of all pertinent maintenance. Such testing shall be designed and conducted in accordance with good engineering practice to assure that the engines covered by a certificate issued under § 86.085–30 will meet the emission standards (or family particulate emission limits as appropriate) in §§ 86.085–09, 86.084–10, or § 86.085–11 as appropriate, in actual use for the useful life of the engine.

(2) Evaporative emission deterioration factors for each evaporative emission family-evaporative emission control system combination and all test data that are derived from testing described under § 86.085–21(b)(4)(i) designed and conducted in accordance with good engineering practice to assure that the vehicles covered by a certificate issued under § 86.085–30 will meet the evaporative emission standards in §86.085–8 or § 86.085–9, as appropriate, for the useful life of the vehicle.

(3) [Reserved]

(4) [Reserved]

(c) Emission data.

(1) Certification engines. Emission data on such engines tested in accordance with applicable emission test procedures and in such numbers as specified, which will show their emissions after 125 hours of operation. A zero-hour test may be performed after the engine has been approved by the Administrator to begin service accumulation.

(d) A statement that the vehicles (or engines) for which certification is requested conform to the requirements in § 86.078–5(b), and that the descriptions of tests performed to ascertain compliance with the general standards in § 86.078–5(b), and the data derived from such tests, are available to the Administrator upon request.

(e)(1) A statement that the test vehicles (or test engines) with respect to which data are submitted to demonstrate compliance with the applicable standards (or family particulate emission limits) of this subpart are in all material respects as described in the manufacturer's application for certification, have been tested in accordance with the applicable test procedures utilizing the fuels and equipment described in the application for certification and that on the basis of such tests the vehicles (or engines) conform to the requirements of this part. If such statements cannot be made with respect to any vehicle (or engine) tested, the vehicle (or engine) shall be identified, and all pertinent data relating thereto shall be supplied to the Administrator. If, on the basis of the data supplied and any additional data as required by the Administrator, the Administrator determines that the test vehicle (or test engine) was not as described in the application for certification or was not tested in accordance with the applicable test procedures utilizing the fuels and equipment as described in the application for certification, the Administrator may make the determination that the vehicle (or engine) does not meet the applicable standards (or family particulate emission limits). The provisions of § 86.085–30(b) shall then be followed.

(2) For evaporative emission durability, or light-duty truck or heavy-duty engine exhaust emission durability,

a statement of compliance with paragraph (b)(2) or (b)(1)(ii) of this section, as applicable.

(f) Additionally, for manufacturers participating in the particulate averaging program:

(1) In the application for certification, a statement that the vehicles for which certification is requested will not, to the best of the manufacturer's belief, when included in the manufacturers' production-weighted average emission level, cause the applicable particulate standard(s) to be exceeded.

(2) No longer than 90 days after the end of a given model year of production, the number of vehicles produced in each engine family at each certified family particulate emission limit, along with the resulting production-weighted average particulate emission level.

6. Section 86.085–28 is proposed to be amended by revising paragraphs (a)(2), (a)(3), (a)(4)(iii), (a)(4)(iv), (b)(2), (b)(3), (b)(4)(i), (b)(4)(iv), and (b)(7) and by adding paragraphs (a)(5), (a)(6), and (b)(5) to read as follows:

§ 86.085–28 Compliance with emission standards.

(a) * * *

(2) The applicable exhaust and fuel evaporative emission standards (and family particulate emission limits, as appropriate) of this subpart apply to the emissions of vehicles for their useful life.

(3) Since it is expected that emission control efficiency will change with mileage accumulation on the vehicle, the emission level of a vehicle which has accumulated 50,000 miles will be used as the basis for determining compliance with the standards (or family particulate emission limits, as appropriate).

(4) The procedure for determining compliance of a new motor vehicle with exhaust emission standards (or family particulate emission limits, as appropriate) is as follows:

* * * * *

(iii) The emissions to compare with the standard (or family particulate emission limit, as appropriate) shall be the adjusted emissions of paragraphs (a)(4)(ii)(A) and (B) of this section for each emission-data vehicle. Before any emission value is compared with the standard (or family particulate emission limit, as appropriate), it shall be rounded, in accordance with ASTM E 29–67, to two significant figures. The rounded emission values may not exceed the standard (or family particulate emission limit, as appropriate).

(iv) Every test vehicle of an engine family must comply with the exhaust emission standards (or family particulate emission limits, as appropriate), as determined in paragraph (a)(4)(iii) of this section, before any vehicle in that family may be certified.

* * * * *

(5) If a manufacturer chooses to change the level of any family particulate emission limit(s) in the particulate averaging program, compliance with the new limit(s) must be shown using the existing certification data for that engine family, any Selective Enforcement Audit data, and any emissions data EPA has accumulated for purposes of determining compliance under § 207(c) of the Act.

(6) If a manufacturer chooses to participate in the particulate averaging program, the production-weighted average of the family particulate emission limits of all affected engine families must comply with the particulate standards in §§ 86.085–8(a)(1)(iv) and 86.085–9(a)(1)(iv), as appropriate, at the end of the production year.

(b) * * *

(2) The exhaust and fuel evaporative emission standards (and the family particulate emission limits, as appropriate) of § 86.085–9 apply to the emissions of vehicles for their useful life.

(3) Since emission control efficiency generally decreases with the accumulation of mileage on the vehicle, deterioration factors will be used in combination with emission-data vehicle test results as the basis for determining compliance with the standards (or family particulate emission limits, as appropriate).

(4)(i) Paragraph (b)(4) of this section describes the procedure for determining compliance of a new vehicle with exhaust emission standards (or family particulate emission limits, as appropriate), based on deterioration factors supplied by the manufacturer.

* * * * *

(iv) The emission values to compare with the standards (or family particulate emission limits, as appropriate) shall be the adjusted emission values of paragraph (b)(4)(iii) of this section rounded to two significant figures in accordance with ASTM E 29–67 for each emission-data engine.

(5)(i) Paragraph (b)(5) of this section applies only to manufacturers which elect to participate in the particulate averaging program.

(ii) If a manufacturer chooses to change the level of any family particulate emission limit(s), compliance with the new limit(s) must be shown using the existing certification data for that engine family, any Selective Enforcement Audit data, and any emissions data EPA has accumulated for purposes of determining compliance under section 207(c) of the Act.

(iii) The production-weighted average of the family particulate emission limits of all affected engine families must comply with the particulate standards in §§ 86.085–8(a)(1)(iv) and 86.085–9(a)(1)(iv), as appropriate, at the end of the production year.

* * * * *

(7) Every test vehicle of an engine family must comply with all applicable standards (and family particulate emission limits, as appropriate), as determined in paragraph (b)(4)(iv) and paragraph (b)(6) of this section, before any vehicle in that family will be certified.

* * * * *

7. Section 86.085–29, which differs from § 86.084–29 only in that paragraph (a)(3) is revised, is proposed to be added to read as follows:

§ 86.085–29 Testing by the Administrator.

(a)(1) Paragraph (a) of this section applies to light-duty vehicles and light-duty trucks.

(2) The Administrator may require that any one or more of the test vehicles be submitted to him, at such place or places as he may designate, for the purposes of conducting emissions tests. The Administrator may specify that he will conduct such testing at the manufacturer's facility, in which case instrumentation and equipment specified by the Administrator shall be made available by the manufacturer for test operations. Any testing conducted at a manufacturer's facility pursuant to this paragraph shall be scheduled by the manufacturer as promptly as possible.

(3)(i) Whenever the Administrator conducts a test on a test vehicle, the results of that test shall, unless subsequently invalidated by the Administrator, comprise the official data for the vehicle at the prescribed test point and the manufacturer's data for that prescribed test point shall not be used in determining compliance with emission standards (or family particulate emission limits as appropriate).

(ii) Whenever the Administrator does not conduct a test on a test vehicle at a test point, the manufacturer's test data will be accepted as the official data for that point: *Provided,* That if the Administrator makes a determination based on testing under paragraph (a)(2) of this section, that there is a lack of correlation between the manufacturer's test equipment and the test equipment used by the Administrator, no

manufacturer's test data will be accepted for purposes of certification until the reasons for the lack of correlation are determined and the validity of the data is established by the manufacturer: *And further provided,* That if the Administrator has reasonable basis to believe that any test data submitted by the manufacturer is not accurate or has been obtained in violation of any provisions of this part, the Administrator may refuse to accept that data as the official data pending retesting or submission or further information. If the manufacturer conducts more than one test on a vehicle, as authorized under § 86.084–26 (a)(3)(i) or (b)(4)(i), the data from the last test in that series of tests on that vehicle, will constitute the official data.

(iii)(A)(*1*) The Administrator may adjust or cause to be adjusted any adjustable parameter of an emission data vehicle or engine which the Administrator has determined to be subject to adjustment for certification and Selective Enforcement Audit testing in accordance with § 86.084–22(e)(1), to any setting within the physically adjustable range of that parameter, as determined by the Administrator in accordance with § 86.084–22(e)(3)(i), prior to the performance of any tests to determine whether such vehicle or engine conforms to applicable emission standards (or family particulate emission limits, as appropriate), including tests performed by the manufacturer under § 86.085–23(c)(1). However, if the idle speed parameter is one which the Administrator has determined to be subject to adjustment, the Administrator shall not adjust it to a setting which causes a higher engine idle speed than would have been possible within the physically adjustable range of the idle speed parameter on the vehicle before it accumulated any mileage, all other parameters being adjusted identically for the purpose of comparison. The Administrator, in making or specifying such adjustments, will consider the effect of the deviation from the manufacturer's recommended setting on emissions performance characteristics as well as the likelihood that similar settings will occur on in-use light-duty vehicles or light-duty trucks. In determining likelihood, the Administrator will consider factors such as, but not limited to, the effect of the adjustment on vehicle performance characteristics and surveillance information from similar in-use vehicles.

(*2*) For those vehicles or engine parameters which the Administrator has not determined to be subject to adjustment during certification and Selective Enforcement Audit testing in accordance with § 86.084–22(e)(1), the emission-data vehicle presented to the Administrator for testing shall be calibrated within the production tolerances applicable to the manufacturer's specifications to be shown on the vehicle label (see § 86.085–35 (a)(1)(iii)(D) or (a)(2)(iii)D)) as specified in the application for certification. If the Administrator determines that a vehicle is not within such tolerances, the vehicle will be adjusted, at the facility designated by the Administrator, prior to the test and an engineering report shall be submitted to the Administrator describing the corrective action taken. Based on the engineering report, the Administrator will determine if the vehicle will be used as an emission-data vehicle.

(B) If the Administrator determines that the test data developed on an emission-data vehicle under paragraph (a)(3)(i) of this section would cause that vehicle to fail due to excessive 4,000 mile emissions or by application of the appropriate deterioration factor, then the following procedure shall be observed:

(*1*) The manufacturer may request a retest. Before the retest, those vehicle or engine parameters which the Administrator has not determined to be subject to adjustment for certification and Selective Enforcement Audit testing in accordance with § 86.084–22(e)(1) may be readjusted to manufacturer's specification, if these adjustments were made incorrectly prior to the first test. The Administrator may adjust or cause to be adjusted any parameter which the Administrator has determined to be subject to adjustment to any setting within the physically adjustable range of that parameter, as determined by the Administrator in accordance with § 86.084–22(e)(3)(i). However, if the idle speed parameter is one which the Administrator has determined to be subject to adjustment, the Administrator shall not adjust it to a setting which causes a higher engine idle speed than would have been possible within the physically adjustable range of the idle speed parameter on the vehicle before it accumulated any mileage, all other parameters being adjusted identically for the purpose of comparison. Other maintenance or repairs may be performed in accordance with § 86.084–25. All work on the vehicle shall be done at such location and under such conditions as the Administrator may prescribe.

(*2*) The vehicle will be retested by the Administrator and the results of this test shall comprise the official data for the emission-data vehicle.

(iv) If sufficient durability data are not available at the time of any emission test conducted under paragraph (a)(2) of this section to enable the Administrator to determine whether an emission-data vehicle would fail, the manufacturer may request a retest in accordance with the provisions of paragraphs (a)(3)(iii)(A) and (B) of this section. If the manufacturer does not promptly make such request, she shall be deemed to have waived the right to a retest. A request for retest must be made before the manufacturer removes the vehicle from the test premises.

(b)(1) Paragraph (b) of this section applies to heavy-duty engines.

(2) The Administrator may require that any one or more of the test engines be submitted to her, at such place or places as she may designate, for the purposes of conducting emissions tests. The Administrator may specify that she will conduct such testing at the manufacturer's facility, in which case instrumentation and equipment specified by the Administrator shall be made available by the manufacturer for test operations. Any testing conducted at a manufacturer's facility pursuant to this paragraph shall be scheduled by the manufacturer as promptly as possible.

(3)(i) Whenever the Administrator conducts a test on a test engine the results of that test, unless subsequently invalidated by the Administrator, shall comprise the official data for the engine at that prescribed test point and the manufacturer's data for that prescribed test point shall not be used in determining compliance with emission standards.

(ii) Whenever the Administrator does not conduct a test on a test engine at a test point, the manufacturer's test data will be accepted as the official data for that test point: *Provided,* That if the Administrator makes a determination based on testing under paragraph (b)(2) of this section, that there is a lack of correlation between the manufacturer's test equipment and the test equipment used by the Administrator, no manufacturer's test data will be accepted for purposes of certification until the reasons for the lack of correlation are determined and the validity of the data is established by the manufacturer: *And further provided,* That if the Administrator has reasonable basis to believe that any test data submitted by the manufacturer is not accurate or has been obtained in violation of any provision of this part, the Administrator may refuse to accept that data as the official data pending

retesting or submission of further information.

(iii)(A)(*1*) The Administrator may adjust or cause to be adjusted any adjustable parameter of an emission-data engine which the Administrator has determined to be subject to adjustment for certification testing in accordance with § 86.084–22(e)(1), to any setting within the physically adjustable range of that parameter, as determined by the Administrator in accordance with § 86.084–22(e)(3)(i), prior to the performance of any tests to determine whether such engine conforms to applicable emission standards, including tests performed by the manufacturer under § 86.085–23(c)(2). However, if the idle speed parameter is one which the Administrator has determined to be subject to adjustment, the Administrator shall not adjust it to a setting which causes a higher engine idle speed than would have been possible within the physically adjustable range of the idle speed parameter on the engine before it accumulated any dynamometer service, all other parameters being identically adjusted for the purpose of the comparison. The Administrator, in making or specifying such adjustments, may consider the effect of the deviation from the manufacturer's recommended setting on emissions performance characteristics as well as the likelihood that similar settings will occure on in-use heavy-duty engines. In determining likelihood, the Administrator may consider factors such as, but not limited to, the effect of the adjustment on engine performance characteristics and surveillance information from similar in-use engines.

(*2*) For those engine parameters which the Administrator has not determined to be subject to adjustment for certification testing in accordance with § 86.084–22(e)(1), the emission-data engine presented to the Administrator for testing shall be calibrated within the production tolerances applicable to the manufacturer's specifications to be shown on the engine label (see § 86.085–35(a)(3)(iii)) as specified in the application for certification. If the Administrator determines that an engine is not within such tolerances, the engine shall be adjusted at the facility designated by the Administrator prior to the test and an engineering report shall be submitted to the Administrator describing the corrective action taken. Based on the engineering report, the Administrator will determine if the engine shall be used as an emission-data engine.

(B) If the Administrator determines that the test data developed under paragraph (b)(3)(iii)(A) of this section would cause the emission-data engine to fail due to excessive 125-hour emission values or by the application of the appropriate deterioration factor, then the following procedure shall be observed:

(*1*) The manufacturer may request a retest. Before the retest, those engine parameters which the Administrator has not determined to be subject to adjustment for certification testing in accordance with § 86.084–22(e)(1) may be readjusted to the manufacturer's specifications, if these adjustments were made incorrectly prior to the first test. The Administrator may adjust or cause to be adjusted any parameter which the Administrator has determined to be subject to adjustment in accordance with § 86.084–22(e)(3)(i). However, if the idle speed parameter is one which the Administrator has determined to be subject to adjustment, the Administrator shall not adjust it to a setting which causes a higher engine idle speed than would have been possible within the physically adjustable range of the idle speed parameter on the engine before it accumulated any dynamometer service, all other parameters being identically adjusted for the purpose of the comparison. Other maintenance or repairs may be performed in accordance with § 86.084–25. All work on the vehicle shall be done at such location and under such conditions as the Administrator may prescribe.

(*2*) The engine will be retested by the Administrator and the results of this test shall comprise the official data for the emission-data engine.

(iv) If sufficient durability data are not available at the time of any emission test conducted under paragraph (b)(2) of this section to enable the Administrator to determine whether an emission-data engine would fail, the manufacturer may request a retest in accordance with the provisions of paragraph (b)(3)(iii)(B) (*1*) and (*2*) of this section. If the manufacturer does not promptly make such request, he shall be deemed to have waived the right to a retest. A request for retest must be made before the manufacturer removes the engine from the test premises.

8. Section 86.085–30, which differs from § 86.084–30 only in that paragraphs (a)(1) and (a)(3) are revised, paragraphs (a)(4), (a)(5), and (a)(6) are removed and reserved, paragraph (a) is introduced, and paragraphs (b)(1)(i)(D), (b)(1)(i)(E), (b)(1)(ii)(D), and (b)(1)(ii)(E) are removed, is proposed to be added to read as follows:

§ 86.085–30 Certification.

(a)(1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 86.078–7(c), and any other pertinent data or information, the Administrator determines that a test vehicle(s) (or test engine(s) meet(s) the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such vehicle(s) (or engine(s)) except in cases covered by paragraph (c) of this section.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle (or new motor vehicle engine) covered by the certificate will meet the requirements of the Act and of this part. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicles (or new motor vehicle engines) which conform, in all material respects, to the design specifications that applied to those vehicles (or engines) described in the application for certification and which are produced during the——model year production period of the said manufacturer, as defined in 40 CFR 86.085–2.

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 86.078–7(c), 86.606, and 86.1006 and authorized in a warrant or court order. Failure to comply with the requirements of such a warrant or court order may lead to revocation or suspension of this certificate as specified in 40 CFR 86.085–30 (c), (d), or (e). It is also a term of this certificate that this certificate may be revoked, suspended, or voided for the other reasons stated in § 86.085–30 (c), (d), or (e).

(3) Each such certificate will certify compliance with no more than one set of standards (or one family particulate emission limit, as appropriate). One certificate will be issued for each engine family except:

(i) For gasoline-fueled light-duty vehicles and light-duty trucks, one certificate will be issued for each engine family-evaporative emission family combination.

(ii) For Diesel light-duty vehicles and light-duty trucks included in the particulate averaging program, the manufacturer may at any time during production elect to change the level of any family particulate emission limit by demonstrating compliance with the new limit as described in §§ 86.085–28(a)(5) and 86.085–28(b)(5). New certificates issued under this paragraph will be applicable only for vehicles produced subsequent to the date of issuance.

(4) [Reserved]
(5) [Reserved]
(6) [Reserved]

(7) Certificates issued for light-duty vehicles or light-duty trucks certified with catalytic converters shall be subject to the following term in addition to the term in paragraph (a)(2) of this section: "Catalyst-equipped vehicles, otherwise covered by this certificate, which are driven outside the United States, Canada, and Mexico will be presumed to have been operated on leaded gasoline resulting in deactivation of the catalysts. If these vehicles are imported or offered for the importation without retrofit of the catalyst, they will be considered not to be within the coverage of this certificate unless included in a catalyst control program operated by a manufacturer or a United States Government Agency and approved by the Administrator."

(8) Certificates issued for incomplete light-duty trucks shall be subject to the following term in addition to the term in paragraph (a)(2) of this section: "For incomplete light-duty trucks, this certificate covers only those new motor vehicles which when completed by having the primary load-carrying device or container attached, conform to the maximum curb weight and frontal area limitations described in the application for certification as required in 40 CFR 86.085–21 (d)."

(9) Certificates issued for heavy-duty engines shall be subject to the following term in addition to the term in paragraph (a)(2) of this section: "For heavy-duty engines, this certificate covers only those new motor vehicle engines installed in heavy-duty vehicles which conform to the minimum gross vehicle weight rating, curb weight, or frontal area limitations for heavy-duty vehicles described in 40 CFR 86.085–2."

(10) Certificates issued for Diesel light-duty vehicles and Diesel light-duty trucks which are a part of the particulate averaging program will be subject to the following term in addition to the term of paragraph (a)(2) of this section: "It is an express condition of this certificate that the manufacturer's production-weighted average of the particulate emission limits of all participating engine families not exceed the applicable particulate standard(s) at the end of the model year, as determined in accordance with 40 CFR Part 86. The certificate is void *ab initio* for those vehicles causing any exceedance of the particulate standard(s)."

(b)(1) The Administrator will determine whether a vehicle (or engine) covered by the application complies with applicable standards (or family particulate emission limits, as appropriate) by observing the following relationships:

(i) *Light-duty vehicle.* (A) The durability-data vehicle(s) selected under § 86.084–24(c)(1)(i) shall represent all vehicles of the same engine-system combination.

(B) The emission-data vehicle(s) selected under § 86.084–24(b)(1) (ii) through (b)(1)(iv) shall represent all vehicles of the same engine-system combination as applicable.

(C) The emission-data vehicle(s) selected under § 86.084–24(b)(1) (vii)(A) and (b)(1)(vii)(B) shall represent all vehicles of the same evaporative control system within the evaporative family.

(ii) *Light-duty trucks.* (A) [Reserved]

(B) The emission-data vehicle(s) selected under § 86.084–24(b)(1) (ii), shall represent all vehicles of the same engine-system combination as applicable.

(C) The emission-data vehicle(s) selected under § 86.084–24(b)(1) (vii)(A) and (b)(1)(vii)(B) shall represent all vehicles of the same evaporative control system within the evaporative family.

(iii) *Heavy-duty engines.* (A) A gasoline-fueled emission-data test engine selected under § 86.084–24(b)(2)(ii) and (iv) shall represent all engines in the same family of the same engine displacement-exhaust emission control system combination.

(B) A gasoline-fueled emission-data test engine selected under § 86.084–24(b)(2)(iii) shall represent all engines in the same engine family of the same engine displacement-exhaust emission control system combination.

(C) A diesel emission-data test engine selected under § 86.084–24 (b)(3)(ii) shall represent all engines in the same engine-system combination.

(D) A diesel emission-data test engine selected under § 86.084–24 (b)(3)(iii) shall represent all engines of that emission control system at the rated fuel delivery of the test engine.

(E) [Reserved]

(2) The Administrator will proceed as in paragraph (a) of this section with respect to the vehicles (or engines) belonging to an engine family or engine family-evaporative emission family combination (as applicable), all of which comply with all applicable standards (or family particulate emission limits, as appropriate).

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 86.085–29, data or information derived from any inspection carried out under § 86.078–7(c) or any other pertinent data or information, the Administrator determines that one or more test vehicles (or test engines) of the certification test fleet do not meet applicable standards (or family particulate emission limits, as appropriate), she will notify the manufacturer in writing, setting forth the basis for her determination. Within 30 days following receipt of the notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determination and data in support of such objections. If, after a review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, she shall provide the manufacturer a hearing in accordance with § 86.078–6 with respect to such issue.

(4) For light-duty vehicles and light-duty trucks the manufacturer may, at its option, proceed with any of the following alternatives with respect to an emission-data vehicle determined not in compliance with all applicable standards (and family particulate emission limits, as appropriate) for which it was tested:

(i) Request a hearing under § 86.078–6; or

(ii) Remove the vehicle configuration (or evaporative vehicle configuration, as applicable) which failed, from his application;

(A) If the failed vehicle was tested for compliance with exhaust emission standards (or a family particulate emission limit, as appropriate) only: The Administrator may select, in place of the failed vehicle, in accordance with the selection criteria employed in selecting the failed vehicle, a new emission-data vehicle to be tested for exhaust emission compliance only.

(B) If the failed vehicle was tested for compliance with both exhaust and evaporative emission standards: The Administrator may select, in place of the failed vehicle, in accordance with the selection criteria employed in selecting the failed vehicle, a new emission-data vehicle which will be tested for compliance with both exhaust and evaporative emission standards. If one vehicle cannot be selected in accordance with the selection criteria employed in selecting the failed vehicle, then two vehicles may be selected (i.e., one vehicle to satisfy the exhaust emission vehicle selection criteria and one vehicle to satisfy the evaporative emission vehicle selection criteria). The

vehicle selected to satisfy the exhaust emission vehicle selection criteria will be tested for compliance with exhaust emission standards only. The vehicle selected to satisfy the evaporative emission vehicle selection criteria will be tested for compliance with both exhaust and evaporative emission standards; or

(iii) Remove the vehicle configuration (or evaporative vehicle configuration, as applicable) which failed from the application and add a vehicle configuration(s) (or evaporative vehicle configuration(s), as applicable) not previously listed. The Administrator may require, if applicable, that the failed vehicle be modified to the new engine code (or evaporative emission code, as applicable) and demonstrate by testing that it meets applicable standards (or the family particulate emission limit, as appropriate) for which it was originally tested. In addition, the Administrator may select, in accordance with the vehicle selection criteria given in § 86.084–24(b), a new emission-data vehicle or vehicles. The vehicles selected to satisfy the exhaust emission vehicle selection criteria will be tested for compliance with exhaust emission standards (or family particulate emission limits, as appropriate) only. The vehicles selected to satisfy the evaporative emission vehicle selection criteria will be tested for compliance with both exhaust and evaporative emission standards; or

(iv) Correct a component or system malfunction and show that with a correctly functioning system or component the failed vehicle meets applicable standards (or the family particulate emission limit, as appropriate) for which it was originally tested. The Administrator may require a new emission-data vehicle, of identical vehicle configuration (or evaporative vehicle configuration, as applicable) to the failed vehicle, to be operated and tested for compliance with the applicable standards (or the family particulate emission limit, as appropriate) for which the failed vehicle was originally tested.

(5) For heavy-duty engines the manufacturer may, at his option, proceed with any of the following alternatives with respect to any engine family represented by a test engine(s) determined not in compliance with applicable standards:

(i) Request a hearing under § 86.078–6; or

(ii) Delete from the application for certification the engines represented by the failing test engine. (Engines so deleted may be included in a later request for certification under § 86.079–32.) The Administrator will then select in place of each failing engine an alternate engine chosen in accordance with selection criteria employed in selecting the engine that failed; or

(iii) Modify the test engine and demonstrate by testing that it meets applicable standards. Another engine which is in all material respects the same as the first engine, as modified, shall then be operated and tested in accordance with applicable test procedures.

(6) If the manufacturer does not request a hearing or present the required data under paragraphs (b)(4) or (b)(5) (as applicable) of this section, the Administrator will deny certification.

(c)(1) Notwithstanding the fact that any certification vehicle(s) (or certification engine(s)) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such vehicle(s) (or engine(s)) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof;

(ii) The manufacturer renders inaccurate any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act, or of this part with respect to such vehicle (or engine);

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 86.078–7(c) to any facility or portion thereof which contains any of the following:

(A) The vehicle (or engine);

(B) Any components used or considered for use in its modification or buildup into a certification vehicle (or certification engine);

(C) Any production vehicle (or production engine) which is or will be claimed by the manufacturer to be covered by the certificate;

(D) Any step in the construction of a vehicle (or engine) described in paragraph (c)(1)(iii) of this section;

(E) Any records, documents, reports, or histories required by this part to be kept concerning any of the above;

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 86.078–7(c)) in examining any of the items listed in paragraph (c)(1)(iii) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraphs (c)(1) (i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administator's decision to issue a certificate of conformity, the Administrator may deem such certificate void *ab initio*.

(4) In any case in which certification of a vehicle (or engine) is proposed to be withheld, denied, revoked, or suspended under paragraph (c)(1)(iii) or (c)(1)(iv) of this section, and in which the Administrator has presented to the manufacturer reasonable evidence that a violation of § 86.078–7(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the vehicle (or engine) in question was not involved in the violation to a degree that would warrant withholding denial, revocation, or suspension of certification under either paragraph (c)(1)(iii) or (c)(1)(iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 86.078–6 hereof.

(ii) Extend no further than to forbid the introduction into commerce of vehicles (or engines) previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid *ab initio*.

(6) The manufacturer may request in the form and manner specified in paragraph (b)(3) of this section that any determination made by the Administrator under paragraph (c)(1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 86.078–6. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue, he will grant the request with respect to such issue.

(d)(1) *For light-duty vehicles.* Notwithstanding the fact that any vehicle configuration or engine family may be covered by a valid outstanding certificate of conformity, the Administrator may suspend such outstanding certificate of conformity in whole or in part with respect to such vehicle configuration or engine family if:

(i) The manufacturer refuses to comply with the provisions of a test order issued by the Administrator pursuant to § 86.603; or

(ii) The manufacturer refuses to comply with any of the requirements of § 86.603; or

(iii) The manufacturer submits false or incomplete information in any report or information provided pursuant to the requirements of § 86.609; or

(iv) The manufacturer renders inaccurate any test data which he submits pursuant to § 86.609; or

(v) Any EPA Enforcement Officer is denied access to a facility on the terms specified in § 86.606; or

(vi) Any EPA Enforcement Officer is denied the opportunity on the terms specified in § 86.606, to:

(A) Monitor vehicle selection pursuant to § 86.607, or

(B) Select vehicles for testing pursuant to § 86.607, or

(C) Monitor vehicle testing performed to satisfy any of the requirements of this part; or

(vii) Any EPA Enforcement Officer is denied "reasonable assistance" as defined in § 86.606 in examining any of the items listed in that section; or

(viii) The manufacturer refuses to comply with the requirements of §§ 86.604(a), 86.605, and 86.607, 86.608, 86.610, or 86.611.

(2) The sanction of suspending a certificate may not be imposed for the reasons in paragraphs (d)(1)(i), (ii), or (viii) of this section where such refusal is caused by conditions and circumstances outside the control of the manufacturer which renders it impossible to comply with those requirements. Such conditions and circumstances shall include, but not be limited to, any uncontrollable factors which results in the temporary unavailability of equipment and personnel needed to conduct the required tests, such as equipment breakdown or failure or illness of personnel, but shall not include failure of the manufacturer to adequately plan for and provide the equipment and personnel needed to conduct the tests. The manufacturer will bear the burden of establishing the presence of the conditions and circumstances required by this paragraph.

(3) The sanctions of suspending a certificate may be imposed for the reasons in paragraphs (d)(1)(iii), (iv), (v), (vi), or (vii) of this section only when the infraction is substantial.

(4) In any case in which a manufacturer knowingly submitted false or inaccurate information or knowingly rendered inaccurate any test data or committed any other fraudulent acts, and such acts contributed substantially to the Administrator's original decision not to suspend or revoke a certificate of conformity in whole or in part, the Administrator may deem such certificate void from the date of such fraudulent act.

(5) In any case in which certification of a vehicle is proposed to be suspended under paragraph (d)(1)(v), (d)(1)(vi), or (d)(1)(vii) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 86.606 in fact occurred, the manufacturer, if he wishes to contend that even though the violation occurred, the vehicle configuration or engine family in question was not involved in the violation to the degree that would warrant suspension of certification under either paragraph (d)(1)(v), (d)(1)(vi), or (d)(1)(vii) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(6) Any suspension of certification under paragraph (d)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 86.613 hereof, and

(ii) Not apply to vehicles no longer in the hands of the manufacturer.

(e) *For light-duty trucks and heavy-duty engines.* (1) Notwithstanding the fact that any vehicle configuration or engine family may be covered by a valid outstanding certificate of conformity, the Administrator may suspend such outstanding certificate of conformity in whole or in part with respect to such vehicle or engine configuration or engine family if:

(i) The manufacturer refuses to comply with the provisions of a test order issued by the Administrator pursuant to § 86.1003; or

(ii) The manufacturer refuses to comply with any of the requirements of § 86.1003; or

(iii) The manufacturer submits false or incomplete information in any report or information provided pursuant to the requirements of § 86.1009; or

(iv) The manufacturer renders inaccurate any test data submitted pursuant to § 86.1009; or

(v) Any EPA Enforcement Officer is denied the opportunity to conduct activities related to entry and access as authorized in § 86.1006 of this part and in a warrant or court order presented to the manufacturer or the party in charge of a facility in question; or

(vi) EPA Enforcement Officers are unable to conduct activities related to entry and access as authorized in § 86.1006 of this part because a manufacturer has located a facility in a foreign jurisdiction where local law prohibits those activities; or

(vii) The manufacturer refuses to or in fact does not comply with the requirements of §§ 86.1004(a), 86.1005, 86.1007, 86.1008, 86.1010, 86.1011, or 86.1013.

(2) The sanction of suspending a certificate may not be imposed for the reasons in paragraphs (e)(1)(i), (ii), or (vii) of this section where such refusal or denial is caused by conditions and circumstances outside the control of the manufacturer which renders it impossible to comply with those requirements. Such conditions and circumstances shall include, but are not limited to, any uncontrollable factors which result in the temporary unavailability of equipment and personnel needed to conduct the required tests, such as equipment breakdown or failure or illness of personnel, but shall not include failure of the manufacturers to adequately plan for and provide the equipment and personnel needed to conduct the tests. The manufacturer will bear the burden of establishing the presence of the conditions and circumstances required by this paragraph.

(3) The sanction of suspending a certificate may be imposed for the reasons outlined in paragraph (e)(1)(iii), (iv), or (v) of this section only when the infraction is substantial.

(4) In any case in which a manufacturer knowingly submitted false or inaccurate information or knowingly rendered inaccurate any test data or committed any other fraudulent acts, and such acts contributed substantially to the Administrator's original decision not to suspend or revoke a certificate of conformity in whole or in part, the Administrator may deem such certificate void from the date of such fraudulent act.

(5) In any case in which certification of a light-duty truck or heavy-duty engine is proposed to be suspended under paragraph (e)(1)(v) of this section and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 86.1006 in fact occurred, if the manufacturer wishes to contend that, although the violation occurred, the vehicle or engine configuration or engine family in question was not involved in the violation to a degree that would warrant suspension of certification under paragraph (e)(1)(v) of this section, he shall have the burden of establishing

that contention to the satisfaction of the Administrator.

(6) Any suspension of certification under paragraph (e)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 86.1014 and,

(ii) Not apply to vehicles or engines no longer in the hands of the manufacturer.

(7) Any voiding of a certificate of conformity under paragraph (e)(4) of this section shall be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 86.1014.

10. Section 86.085–35, which differs from § 86.084–35 only in that paragraphs (a)(1)(iii)(D), (a)(1)(iii)(F), (a)(2)(iii)(D), (a)(2)(iii)(g) are revised, is proposed to be added to read as follows:

§ 86.085–35 Labeling.

(a) The manufacturer of any motor vehicle (or motor vehicle engine) subject to the applicable emission standards (and family particulate emission limits, as appropriate) of this subpart, shall, at the time of manufacture, affix a permanent legible label, of the type and in the manner described below, containing the information hereinafter provided, to all production models of such vehicles (or engines) available for sale to the public and covered by a certificate of conformity under § 86.084–30(a).

(1) *Light-duty vehicles.* (i) A permanent, legible label shall be affixed in a readily visible position in the engine compartment.

(ii) The label shall be affixed by the vehicle manufacturer who has been issued the certificate of conformity for such vehicle, in such a manner that it cannot be removed without destroying or defacing the label. The label shall not be affixed to any equipment which is easily detached from such vehicle.

(iii) The label shall contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label:

(A) The label heading: Vehicle Emission Control Information;

(B) Full corporate name and trademark of manufacturer;

(C) Engine displacement (in cubic inches), engine, family identification and evaporative family identification;

(D) Engine tune-up specifications and adjustments, as recommended by the manufacturer in accordance with the applicable emission standards (or family particulate emission limit, as appropriate), including but not limited to idle speed(s), ignition timing, the idle air-fuel mixture setting procedure and value (e.g., idle CO, idle air-fuel ratio, idle speed drop), high idle speed, initial injection timing, and valve lash (as applicable), as well as other parameters deemed necessary by the manufacturer. These specifications should indicate the proper transmission position during tune-up and what accessories (e.g., air conditioner), if any, should be in operation.

(E) An unconditional statement of compliance with the appropriate model year U.S. Environmental Protection Agency regulations which apply to light-duty vehicles;

(F) For vehicles which are part of the particulate averaging program, the family particulate emission limit to which the vehicle is certified.

(2) *Light-duty trucks.* (i) A legible, permanent label shall be affixed in a readily visible position in the engine compartment.

(ii) The label shall be affixed by the vehicle manufacturer who has been issued the certificate of conformity for such vehicle, in such a manner that it cannot be removed without destroying or defacing the label. The label shall not be affixed to any equipment which is easily detached from such vehicle.

(iii) The label shall contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label.

(A) The label heading: Important Vehicle Information;

(B) Full corporate name and trademark of manufacturer;

(C) Engine displacement (in cubic inches), engine, family identification and evaporative family identification;

(D) Engine tune-up specifications and adjustments, as recommended by the manufacturer in accordance with the applicable emission standards (or family particulate emission limit, as appropriate), including but not limited to idle speed(s), ignition timing, the idle air-fuel mixture setting procedure and value (e.g., idle CO, idle air-fuel ratio, idle speed drop), high idle speed, initial injection timing, and valve lash (as applicable), as well as other parameters deemed necessary by the manufacturer. These specifications should indicate the proper transmission position during tune-up and what accessories (e.g., air conditioner), if any, should be in operation.

(E) The prominent statement: "(Manufacturer's corporate name) has determined this vehicle has an average useful life of ———— miles or —— hours of operation, whichever occurs first." The manufacturer may alter this statement only to express the useful life in terms other than miles or hours (e.g., years, or hours only).

(F) The subordinate addition to the statement in subparagraph (2)(iii)(E) of this paragraph: "This engine's actual life may vary depending on its service application. (For additional information see the owner's maintenance instructions.) This engine conforms to U.S. EPA regulations applicable to 19— Model Year New Heavy-Duty Engines for its useful life."

(G) For vehicles which are a part of the particulate averaging program, the family particulate emission limit to which the vehicle was certified.

(3) *Heavy-duty engines.* (i) A permanent legible label shall be affixed to the engine in a position in which it will be readily visible after installation in the vehicle.

(ii) The label shall be attached to an engine part necessary for normal engine operation and not normally requiring replacement during engine life.

(iii) The label shall contain the following information lettered in the English language in block letters and numerals which shall be of a color that contrasts with the background of the label:

(A) The label heading: IMPORTANT ENGINE INFORMATION;

(B) Full corporate name and trademark of manufacturer;

(C) Engine displacement (in cubic inches) and engine family and model designations;

(D) Date of engine manufacture (month and year);

(E) Engine specifications and adjustments as recommended by the manufacturer. These specifications should indicate the proper transmission position during tuneup and what accessories (e.g., air conditioner), if any, should be in operation;

(F) For gasoline-fueled engines the label should include the idle speed, ignition timing, and the idle air-fuel mixture setting procedure and value (e.g., idle CO, idle air-fuel ratio, idle speed drop), and valve lash.

(G) For diesel engines the label should include the advertised hp at rmp, fuel rate at advertised hp in mm3/stroke, valve lash, initial injection timing, and idle speed.

(H) The prominent statement: "(Manufacturer's corporate name) has determined that this engine has an average useful life of ———— miles or —— hours of operation, whichever occurs first." The manufacturer may alter this statement only to express the

useful life in terms other than miles or hours (e.g., years, or hours only).

(l) The subordinate addition to the statement in paragraph (a)(3)(iii)(H) of this section: "This engine's actual life may vary depending on its service application. (For additional information see the owner's maintenance instructions.) This engine conforms to U.S. EPA regulations applicable to 19— Model Year New Heavy-Duty Engines for its useful life."

(iv) The label may be made up of one or more pieces; *Provided,* That all pieces are permanently attached to the same engine or vehicle part as applicable.

(b) The provisions of this section shall not prevent a manufacturer from also reciting on the label that such vehicle (or engine) conforms to any applicable state emission standards for new motor vehicles (or new motor vehicle engines) or any other information that such manufacturer deems necessary for, or useful to, the proper operation and satisfactory maintenance of the vehicle (or engine).

(c)(1) The manufacturer of any light-duty vehicle or light-duty truck subject to the emission standards (or family particulate emission limits, as appropriate) of this subpart shall, in addition and subsequent to setting forth those statements on the label required by the Department of Transportation (DOT) pursuant to 49 CFR 567.4, set forth on the DOT label or on an additional label located in proximity to the DOT label and affixed as described in 40 CFR 567.4(b), the following information in the English language, lettered in block letters and numerals not less than three thirty-seconds of an inch high, of a color that contrasts with the background of the label:

(i) The Heading: "Vehicle Emission Control Information."

(ii)(A) *For light-duty vehicles,* the statement: "This Vehicle Conforms to U.S. EPA Regulations Applicable to 19— Model Year New Motor Vehicles."

(B) *For light-duty trucks,* the statement: "(Manufacturer's Corporate Name) Has Determined That This Vehicle Has An Average Useful Life Of ——— Miles Or —— Hours Of Operation, Whichever Occurs First. This Engine's Actual Life May Vary Depending On Its Service Application. (For additional information see the owner's maintenance instructions.) This Vehicle Conforms To U.S. EAP Regulations Applicable To 19—Model Year New Motor Vehicles, For Its Useful Life." The manufacturer may alter this statement only to express the useful life in terms other than miles or hours (e.g., years, or hours only).

(iii) One of the following statements, as applicable, in letters and numerals not less than six thirty-seconds of an inch high and of a color that contrasts with the background of the label:

(A) For all vehicles certified as non-catalyst-equipped: "NON-CATALYST"

(B) For all vehicles certified as catalyst-equipped which are included in a manufacturer's catalyst control program for which approval has been given by the Administrator: "CATALYST—APPROVED FOR IMPORT"

(C) For all vehicles certified as catalyst-equipped which are not included in a manufacturer's catalyst control program for which prior approval has been given by the Administrator: "CATALYST"

(2) In lieu of selecting either of the labeling options of paragraph (c)(1) of this section, the manufacturer may add the information required by paragraph (c)(1)(iii) of this section to the label required by paragraph (a) of this section. The required information will be set forth in the manner prescribed by paragraph (c)(1)(iii) of this section.

(d)(1) Incomplete light-duty trucks or incomplete heavy-duty vehicles optionally certified as light-duty trucks shall have the following prominent statement printed on the label required in paragraph (a)(2) of this section in lieu of the statement required by paragraph (a)(2)(iii)(E) of this section: "(Manufacturer's Corporate Name) has determined that this vehicle has an average useful life of ——— miles or hours of operation, whichever occurs first." The manufacturer may alter this statement only to express the useful life in terms other than miles or hours (e.g., years, or hours only).

(2) The subordinate addition to the statement in subparagraph (1) of this paragraph: "This vehicle's actual life may vary depending on its service application. (For additional information see the owner's maintenance instuctions.) This engine conforms to U.S. EPA regulations applicable to 19— Model Year New Heavy-Duty Engines when installed in a vehicle completed at a curb weight of more than 6,000 pounds or with a frontal area greater than 45 square feet for its useful life."

(e)(1) Incomplete heavy-duty vehicles having an 8,500-pound gross vehicle weight rating or less shall have the following prominent statement printed on the label required in paragraph (a)(3) of this section in lieu of the statement required by paragraph (a)(3)(iii)(H) of this section: "(Manufacturer's corporate name) has determined that this engine has an average useful life of ——— miles or —— hours of operation, whichever occurs first." The manufacturer may alter this statement only to express the useful life in terms other than miles or hours (e.g., years, or hours only).

(2) In addition, the label shall have the following subordinate statement in lieu of the statement required by paragraph (a)(3)(iii)(I) of this section: "This engine's actual life may vary depending on its service application. (For additional information see the owner's maintenance instructions.) This engine conforms to U.S. EPA regulations applicable to 19— Model Year New Heavy-Duty Engines when installed in a vehicle completed at a curb weight of more than 6,000 pounds or with a frontal area greater than 45 square feet for its useful life."

(f) The manufacturer of any incomplete vehicle shall notify the purchaser of such vehicle of any curb weight, frontal area, or gross vehicle weight rating limitations affecting the emission certificate applicable to that vehicle. This notification shall be transmitted in a manner consistent with National Highway Traffic Safety Administration safety notification requirements published in 49 CFR Part 56.

[FR Doc. 81-36707 Filed 12-23-81; 8:45 am]

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federal register

Thursday
December 24, 1981

Part III

Department of the Interior

Bureau of Land Management

National Petroleum Reserve—Alaska; First Oil and Gas Sale No. 821; Notice of Sale

4310-84

U.S. DEPARTMENT OF THE INTERIOR
Bureau of Land Management

National Petroleum Reserve-Alaska--
First Oil and Gas Sale No. 821;
Notice of Sale

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Sale

SUMMARY: The purpose of this notice is to announce that the first oil and gas competitive lease sale in the National Petroleum Reserve-Alaska will be held on January 27, 1982, instead of December 16, 1981, as previously announced by notice published at 46 F.R. 55426 (November 9, 1981). This notice supersedes the November 9, 1981, notice of sale, as well as the notice relating to the Department of Justice requirements for anti-trust review published at 46 F.R. 58369 (December 1, 1981), and is being published in conformance with 43 CFR 3131.4-1 which requires that a notice of sale be published in the Federal Register at least 30 days prior to the date of the sale.

FOR FURTHER INFORMATION CONTACT:

Marcia Rohn, Washington, D.C.
(202) 343-7753

Jerry Wickstrom, Anchorage, AK
(907) 271-3632

SUPPLEMENTARY INFORMATION: Notice is hereby given that at 11:00 a.m., a.s.t. January 27, 1982, certain lands within the National Petroleum Reserve in Alaska will be offered for competitive oil and gas lease sale by sealed bid of $25 per acre or more to the qualified bidder submitting the highest bonus bid in accordance with the provisions of the Department of the Interior Appropriations Act, Fiscal Year 1981 (Pub. L. 96-514). However, no bid will be accepted for less than fair market value as determined by the authorized officer.

The sealed bids will be opened, beginning at 11:00 a.m., a.s.t., January 27, 1982, in the Gold Room of the Travelers Inn, 813 Noble, Fairbanks, Alaska.

A lease issued as a result of this offering will be for a primary term of 10 years and will require payment of an annual rental of $3 per acre or fraction thereof and a royalty of 16-2/3 percent (1/6) to be paid on production saved, removed or sold.

LANDS OFFERED: The 59 tracts offered, containing approximately 1,516,257 acres, are described as follows:

Tract No.	Township/Range (Umiat Meridian)	Acreage
821-01	T. 11 N., R 1 E., Secs. 4 to 9, inclusive, Secs. 16 to 18, inclusive; T. 12 N., R. 1 E., all.	28,332
02	T. 11 N., R. 1 W., all.	22,798
03	T. 10 N., R. 1 W., all	22,896
04	T. 12 N., R. 2 W., all.	22,704
05	T. 11 N., R. 2 W., all.	22,800
06	T. 12 N., R. 3 W., all	22,704
07	T. 1 N., R. 2 W., all.	22,993
08	T. 2 S., R. 4 W., Sec. 1, $N\frac{1}{2}$, $N\frac{1}{2}S\frac{1}{2}$; Sec. 2, $NE\frac{1}{4}$, $W\frac{1}{2}$, $NE\frac{1}{4}SE\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$; Secs. 3 to 9, inclusive; Sec. 10, $NE\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}$, $NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$; Sec. 17, $NW\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}$; Sec. 18, $NE\frac{1}{4}$, $W\frac{1}{2}$, $NE\frac{1}{4}SE\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$.	24,488
09	T. 2 S., R. 5 W., Secs. 1 to 22, inclusive; Sec. 23, $NE\frac{1}{4}$, $NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$; Sec. 24, $N\frac{1}{2}NE\frac{1}{4}$, $NW\frac{1}{4}$;	
23	T. 2 N., R. 13 W., all.	22,901
24	T. 3 N., R. 14 W., all.	22,809

	T. 2 S., R. 5 W., Secs. 1 to 22, inclusive; Sec. 23, NE¼, N½NW¼, NE¼SW¼, W½SW¼, N½SE¼; Sec. 24, N½NE¼, NW¼; Sec. 27, NE¼NW¼, W½NW¼; Sec. 28, NE¼, W½, W½SE¼; Secs. 29 to 30, inclusive; Sec. 31, NE¼, W½, NE¼SE¼, W½SE¼; Sec. 32, N½NE¼, NW¼, NW¼SW¼.	
09	T. 2 N., R. 5 W., all.	22,901
10	T. 2 N., R. 6 W., all.	22,901
11	T. 1 N., R. 6 W., all.	22,993
12	T. 1 S., R. 6 W., all.	22,722
13	T. 2 S., R. 6 W., all.	22,813
14	T. 3 N., R. 7 W., all.	22,809
15	T. 1 N., R. 7 W., all.	22,993
16	T. 2 S., R. 7 W., all.	22,813
17	T. 3 N., R. 8 W., all.	22,809
18	T. 2 S., R. 8 W., Secs. 22 to 27, inclusive, Secs. 34 to 36, inclusive; T. 3 S., R. 8 W., Secs. 1 to 18, inclusive; T. 3 S., R. 9 W., all.	40,103
19	T. 3 N., R. 9 W., all.	22,809
20	T. 2 N. R. 10 W., all; T. 3 N., R. 10 W., Secs. 19 to 21, inclusive, Secs. 28 to 33, inclusive.	28,557
21	T. 2 N., R. 11 W., all; T. 3 N., R. 11 W., Secs. 19 to 36, inclusive.	34,317
22	T. 3 N., R. 12 W., Secs. 4 to 9, inclusive, Secs. 16 to 36, inclusive; T. 3 N., R. 13 W., all.	40,045
23	T. 2 N., R. 13 W., all.	22,901
24	T. 3 N., R. 14 W., all.	22,809
25	T. 2 N., R. 14 W., all.	22,901
26	T. 1 S., R. 15 W., all.	22,722
27	T. 1 N., R. 16 W., Secs. 19 to 36, inclusive; T. 1 S., R. 16 W., all.	34,230
28	T. 2 S., R. 16 W., all.	22,813
29	T. 1 N., R. 17 W., Secs. 19 to 36, inclusive; T. 1 S., R. 17 W., all.	34,146
30	T. 2 S., R. 17 W., all.	22,813
31	T. 5 N., R. 19 W., all.	22,993
32	T. 4 N., R. 19 W., all.	22,716
33	T. 4 N., R. 20 W., all; T. 5 N., R. 20 W., Secs. 19 to 36, inclusive	34,224
34	T. 4 N., R. 21 W., all; T. 5 N., R. 21 W., Secs. 22 to 27, inclusive, Secs. 34 to 36, inclusive.	28,476
35	T. 5 N., R. 25 W., all; T. 6 N., R. 25 W., Secs. 19 to 36, inclusive.	34,454
36	T. 5 N., R. 26 W., all; T. 6 N., R. 26 W., Secs. 19 to 36, inclusive.	34,454
37	T. 5 N., R. 27 W., Secs. 1 to 18, inclusive; T. 5 N., R. 28 W., Secs. 1 to 3, inclusive, Secs. 10 to 15, inclusive; T. 6 N., R. 27 W., Secs. 19 to 36, inclusive; T. 6 N., R. 28 W., Secs. 22 to 27, inclusive, Secs. 34 to 36, inclusive.	34,466

38	T. 7 S., R. 20 W., Secs. 19 to 36, inclusive; T. 8 S., R. 20 W., all.	34,460
39	T. 9 S., R. 19 W., Secs. 4 to 9, inclusive, Secs. 16 to 18, inclusive; T. 9 S., R. 20 W., all.	28,329
40	T. 8 S., R. 21 W., all.	22,996
41	T. 9 S., R. 21 W., all.	22,733
42	T. 10 S., R. 21 W., all.	22,820
43	T. 8 S., R. 22 W., all.	22,996
44	T. 9 S., R. 22 W., all.	22,733
45	T. 10 S., R. 22 W., all.	22,820
46	T. 11 S., R. 22 W., all.	22,908
47	T. 8 S., R. 23 W., all.	22,996
48	T. 9 S., R. 23 W., all.	22,733
49	T. 10 S., R. 23 W., all.	22,820
50	T. 11 S., R. 23 W., all.	22,908
51	T. 7 S., R. 24 W., all.	22,906
52	T. 8 S., R. 24 W., all.	22,996
53	T. 9 S., R. 24 W., all.	22,733
54	T. 7 S., R. 25 W., Secs. 1 to 3, inclusive, Secs. 10 to 15, inclusive, Secs. 19 to 36, inclusive. T. 7 S., R. 26 W.; Secs. 19 to 36, inclusive.	28,688
55	T. 8 S., R. 25 W., all.	22,996
56	T. 7 S., R. 27 W., Secs. 19 to 36, inclusive; T. 8 S., R. 27 W., all.	34,460
57	T. 7 S., R. 28 W., all.	22,906
58	T. 8 S., R. 28 W., all.	22,996
59	T. 7 S., R. 29 W., all.	22,906

WHERE AND WHEN TO SUBMIT BIDS: Sealed bids must be mailed to, and received in, the Alaska State Office or delivered in person to the Public Room, 1st floor of the Federal Building, 701 C Street, Anchorage, AK, by 1:00 p.m., a.s.t., January 25, 1982. Sealed bids may also be personally delivered between the hours 9:00 a.m., a.s.t., and 10:00 a.m., a.s.t., January 27, 1982, to the Rampart Room of the Travelers Inn.

Each bid must be accompanied by the following:

a. Bid deposit of one-fifth the amount of bid in U.S. currency, bank draft, certified or cashier's check, payable to the order of the Bureau of Land Management. This deposit will be forfeited if a bidder, after being awarded a lease, fails to execute the lease or otherwise comply with the applicable regulations (43 CFR 3132).

b. If the bidder is an individual, a statement of citizenship in accordance with 43 CFR 3132.4(a).

c. If the bidder is an association (including a partnership), a certified copy of its articles of association or a reference to the Bureau file containing such a copy as required by 43 CFR 3132.4(b).

d. If the bidder is a corporation, (1) a statement showing the State in which it is incorporated and that it is authorized to hold Federal oil and gas leases in NPR-A or a reference to the serial number and Bureau office where such statement is of record, and (2) evidence that the person who signed the bid has authority to bind the corporation. (See 43 CFR 3132.4(c))

e. A signed certificate to the effect that the bid was arrived at independently and was tendered without collusion with any other bidder. An Independent Price Determination Certificate is available for this certification.

f. Completed forms 1140-7 (Equal Opportunity Affirmative Action Program Representation) and 1140-8 (Equal Opportunity Compliance Report Certification).

ANTITRUST REVIEW INFORMATION REQUIRED BY THE DEPARTMENT OF JUSTICE

I. General Instructions

f. Completed forms 1140-7 (Equal Opportunity Affirmative Action Program Representation) and 1140-8 (Equal Opportunity Compliance Report Certification).

Bidders are warned against violation of Section 1860, Title 18, U.S. Code, prohibiting unlawful combination or intimidation of bidder. The government reserves the right to reject any and all bids.

The bid envelope must be plainly marked that it is NOT TO BE OPENED BEFORE THE DATE AND HOUR OF THE BID OPENING, SHOW THE TRACT NUMBER, NAME OF THE COMPANY WITH AN (1) FOR AN INDIVIDUAL BID OR (1) FOR JOINT BID.

No bids received after 10:00 a.m., a.s.t., January 27, 1982, will be considered. Bids may not be modified or withdrawn unless the modifications or withdrawals are received prior to the time herein stated. Deposits shall be refunded to unsuccessful bidders. PAYMENT AND ADDITIONAL REQUIREMENTS: If a bid is accepted, two (2) copies of the lease form will be sent to the successful bidder, who will be required, not later than the 15th day after receipt, to execute both copies and return them, together with the first year's rental and the balance of the bonus bid.

The successful bidder is responsible for filing either a $100,000 corporate surety bond for a single lease or provide a NPR-A-wide $300,000 bond prior to lease issuance. In accordance with 43 CFR 3134.1(a) the bonds required by this section are in addition to any other bonds the successful bidder may have filed or be required to file under subparts 3104 and 3318 of this title.

ANTITRUST REVIEW INFORMATION REQUIRED BY THE DEPARTMENT OF JUSTICE

I. General Instructions

1. Pursuant to 43 CFR 3130.1, successful bidders for petroleum leases to be issued by the Department of the Interior in the National Petroleum Reserve in Alaska ("NPR-A") are required to submit certain information to the Department of Justice before a lease can be awarded to a successful bidder. The information is to be submitted to the Department of Justice through the Department of the Interior, Bureau of Land Management. If the submitting company wishes all or part of the information to remain confidential it should submit such information in a sealed envelope stamped confidential, which will then be transmitted to the Department of Justice unopened by the Department of the Interior.

2. The required information must be submitted by the successful bidder on a given tract. If the successful bidder bids successfully on more than one tract, the required information need be submitted only once.

3. The thirty-day antitrust review period commences upon receipt of this information by the Department of Justice. To expedite such a review, a bidder may elect to submit all of the required information in advance of the opening of the bids.

4. Definitions: For purposes of this request, the following definitions apply:

"Affiliate" of the company means any person, association, or corporation which controls, is controlled by, or is under common control with the submitting company.

"Control" includes having or acquiring effective power or influence to determine the policies, business practices, or decision-making processes of another person, association or corporation, whether exercised directly or through ownership of stock or assets, representation on the board of directors or election of one or more officers. Control shall be presumed to exist whenever any person, association or corporation owns ten (10) percent or more of the outstanding voting securities of another person, association or corporation.

"Submitting company" means a successful bidder for a lease on a given tract. If the successful bidder is a partnership, association or joint venture of more than one company, the partnership, association or joint venture and each member thereof is considered a submitting company.

II. Information Required

The following information must be submitted:

1. The name of all companies which own or control the submitting company and a statement of the extent and manner of such ownership or control.

2. The submitting company's most recent estimate of its proven crude oil reserves in the Petroleum Administration for Defense District (PADD) V, and the date on which this estimate was made. If possible, the estimate should include recoveries based upon the use of secondary and tertiary techniques made possible by recent crude oil price increases and the decontrol of domestic oil. If such recovery techniques are factored into the estimate, this should be so indicated, and if not, explained why not. Estimates should include reserves owned or leased by the submitting company or any affiliate. In the case of joint ventures, reserves should be prorated according to the shares of the joint venture. If affiliate data are used, indicate the sources of that data.

3. For each submitting company whose response to requirement 2 is 500 million barrels or more, its estimate of annual production for each of the next ten years (1982-1991) from proven reserves within PADD V of the submitting company and any affiliates.

SPECIAL STIPULATIONS: The following special stipulations will be attached to, and made a part of, the leases issued as a result of this offering:

1. All Tracts

(a) Prior to entry upon the lands for purposes of conducting geophysical operations, the Lessee will be required to obtain a geophysical exploration permit approved by the Authorized Officer (BLM). Such geophysical exploration permit shall provide for such conditions, restrictions, and prohibitions as the Authorized Officer (BLM) deems necessary or appropriate to mitigate reasonably foreseable and significant adverse effects upon the surface resources. Upon promulgation of regulations governing the permitting of geophysical operations, those regulations shall apply to this lease and supersede the other provisions of this stipulation.

(b) In any Application for Permit to Drill submitted under 30 CFR 221, the Lessee shall include a proposed environmental training program for all personnel involved in exploration or development activities (including personnel of the Lessee's contractors and subcontractors) for review and approval by the Deputy Conservation

3. Tracts 1 through 6

(a) Exploration, drilling, and other development activities

training program for all personnel involved in exploration or development activities (including personnel of the Lessee's contractors and subcontractors) for review and approval by the Deputy Conservation Manager (DCM), Onshore Field Operations, Alaska Region, USGS in consultation with the Fairbanks District Manager, BLM. The program shall be designed to inform each project employee of the specific types of environmental, social, and cultural concerns which relate to that individual's job. The program shall be formulated and conducted by qualified instructors experienced in pertinent fields of study. They shall use methods to assure that personnel are instructed in recognition of and proper handling of archaeological, geological, and biological resources and the policy and techniques for non-harrassment of wildlife resources. The program shall be designed to increase the sensitivity and understanding of personnel to local community values, customs, and lifestyles. Information on local subsistence activities should be included in order to minimize potential conflicts. The Lessee also shall submit for review and approval a continuing technical environmental briefing program for supervisory and managerial personnel of the Lessee and its agents, contractors, and subcontractors.

2. Tracts 1, 2, 3

No activities, construction, or facilities will be authorized within 200 meters of Fish Creek unless the operator determines to the satisfaction of the DCM, Onshore Field Operations, USGS that such activities, construction or facilities will not interefere with continued subsistence use of Fish Creek.

3. Tracts 1 through 6

(a) Exploration, drilling, and other development activities may not be allowed during critical periods between May 20 and August 25 in order to protect important waterfowl nesting, molting, and staging habitat. The DCM, with the concurrence of the Fairbanks District Manager, BLM, is responsible for notifying the Lessee or Operator of the critical periods during which exceptions are required. The DCM with the concurrence of the Fairbanks District Manager, BLM, may grant exceptions when it can be shown that activities will be conducted in such a manner as to have negligible adverse effects on waterfowl, or are not being conducted in proximity to important waterfowl habitat. These limitations will not apply to maintenance and operation of producing wells. Exceptions in any year may be specifically authorized in writing by the DCM, Onshore Field Operations, Alaska, USGS, with the concurrence of the Fairbanks District Manager, BLM. Exceptions will be based upon an evaluation of location, timing, intensity, and density of proposed operations as well as the anticipated cumulative effects of multi-company activities.

(b) Exploration, drilling, and other development activities may not be allowed between May 15 and July 15 in an area used for caribou calving in order to protect important seasonal caribou calving habitat. The DCM, with the concurrence of the Fairbanks District Manager, BLM, is responsible for notifying the Lessee or operator of the critical periods during which exceptions are required. The DCM, with the concurrence of the Fairbanks District Manager, BLM, may grant exceptions when it can be shown that activities are

not likely to have an adverse effect on calving or migrating caribou. Exceptions will be based upon the location, timing, intensity, and density of the proposed operation as well as the anticipated cumulative impacts of multi-company activities. These limitations will not apply to maintenance and operations of producing wells. Exceptions in any year may be specifically authorized in writing by the DCM, Onshore Field Operations, Alaska Region, USGS, with the concurrence of the Fairbanks District Manager, BLM.

4. Tracts 22 through 59

Exploration, drilling, and other development activities may not be allowed within active caribou migration routes between August 15 and September 15 in order to protect important migration routes. The DCM, with the concurrence of the Fairbanks District Manager is responsible for notifying the Lessee or operator of the critical periods during which exceptions are required. No activities which would unduly hinder normal caribou movements will be permitted. The DCM, with the concurrence of Fairbanks District Manager, may grant exceptions when it can be shown that activities will not likely have an adverse effect upon caribou during post-calving migrations. Exceptions will be based upon an evaluation of the location, timing, intensity, and density of proposed operations as well as the anticipated cumulative impacts of multi-company activities.

These limitations will not apply to maintenance and operation of producing wells. Exceptions in any year may be specifically authorized in writing by the DCM, Onshore Field Operations, Alaska Region, USGS, with the concurrence of the Fairbanks District Manager, BLM.

5. Tracts 7 through 21 and 38 through 59

Exploration, drilling and other development activities will be limited as follows in order to protect important seasonal wildlife habitat (endangered raptor nesting sites):

* All construction and ground level activity will be prohibited within one mile of nesting sites from April 15 through August 31.

* Aircraft shall maintain 1500' altitude above the nest sites and one mile horizontal distance from nest sites from April 15 - August 31 unless doing so would endanger human life or safe flying practices.

* Proposed drill pads, permanent airstrips, camps, roads, or pipelines will not be permitted within one mile of any nesting site.

* Blasting or other significant construction noise within two miles of nest sites will be prohibited between April 15 and August 31 unless specifically authorized by BLM after consultation with the U.S. Fish and Wildlife Service (FWS).

* Material sites, disposal sites, water reservoirs, drill pads, or other land uses that would significantly alter ponds, lakes, wetlands or shrub riparian habitat would be prohibited within one mile of nest site. Such activity within fifteen miles of habitat identified as peregrine falcon nesting and/or hunting areas by BLM, in consultation with FWS must be specifically authorized by the DCM, Onshore Field Operations, Alaska Region, USGS with the concurrence of the Fairbanks District Manager, and the Regional Director, FWS and will be allowed only after a complete analysis of impacts to hunting habitat.

Exceptions to these limitations in endangered species (peregrine) habitat hunting areas may be specifically authorized in writing by the

If the site specific information shows that a special subsistence resource may be adversely affected by any lease operations, the Lessee

Exceptions to these limitations in endangered species (peregrine) habitat hunting areas may be specifically authorized in writing by the DCM, Onshore Field Operations, Alaska Region, USGS, with the concurrence of the Fairbanks District Manager, BLM, and the Regional Director, FWS.

6. Tracts 01-03, 31-34 and 54-59

If the DCM, Onshore Field Operations, Alaska Region, USGS find areas of special subsistence interest within the lease area containing harvestable resources of such essential value (even though unquantifiable) to the Inupiat or other North Slope residents who have customarily and traditionally had a subsistence lifestyle that no measureable damage, harm to the harvestable resources or restriction of access would be acceptable, then he shall notify the Lessee in writing that the Lessee shall comply with the following requirements: Prior to any drilling or construction or placement of any exploration or development structure on lease areas, including pipeline and facility placement, (hereafter referred to as "operation"), the Lessee shall gather site specific information using a research design approved by BLM's Authorized Officer (the DCM will transmit the research design to BLM's AO for his or her approval). The research shall identify:

* active subsistence hunting, fishing, trapping or gathering sites;

* routes of access to the subsistence sites traditionally used by subsistence hunters, trappers, fishermen and gatherers;

* areas of high densities of harvestable resources; and

* wildlife migration routes of the harvestable resources within, from, and onto the lease area.

If the site specific information shows that a special subsistence resource may be adversely affected by any lease operations, the Lessee shall either: (1) relocate the site of such operations to minimize adverse effects on the harvestable resource and/or relocate the site of such operations to avoid occupancy of any active subsistence site (including a 200 meter buffer area around such subsistence sites) and/or conduct such operations and design production, processing, and transportation facilities to assure continued access of the subsistence user to the subsistence sites and to areas where the harvestable resources are of known high density; or (2) establish to the satisfaction of the DCM that such operations will not have a significant adverse effect upon the harvestable resources, the subsistence sites, and/or subsistence users' access to the subsistence sites or harvestable resources.

7. Tracts 46 and 55

Exploration, construction, drilling and other development activities will not be allowed in the vicinity of Tukuto Lake and Larger Swayback Lake as determined by the DCM, with the concurrence of the Fairbanks District Manager, BLM to protect important archaeological resources.

Exceptions may be specifically authorized in writing by the DCM, Onshore Field Operations, Alaska Region, USGS with the concurrence of the Fairbanks District Manager, BLM.

ADDITIONAL SALE INFORMATION: A detailed statement of the terms and conditions of the lease offering, the forms discussed above and the bid format may be obtained from the Alaska State Office, Bureau of Land Management, 701 C Street, Box 70, Anchorage, AK. 99513, or from the Fairbanks District Office, Bureau of Land Management, P.O. Box 1150, Fairbanks, AK. 99707

Robert F. Burford, Director

DEC 18 1981

[FR Doc. 81-36615 Filed 12-23-81; 8:45 am]
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federal register

Thursday
December 24, 1981

Part IV

Department of Transportation

Federal Aviation Administration

Cross-Country Experience Requirements for Pilot Certification

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 61 and 141

[Docket No. 21371; Notice No. 81-16]

Cross-Country Experience Requirements for Pilot Certification

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to amend the cross-country aeronautical experience requirements for private and commercial pilot applicants. The amendment would modify the minimum leg length and specify the minimum distance that must be traveled from the point of origin on the extended cross-country flight for private and commercial pilot certificate trainees. This proposal responds to recognized needs for greater flexibility in the flight training environment while maintaining the overall flight time requirements.

DATES: Comments must be received on or before February 22, 1982.

ADDRESS: Comments on the proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 21371, 800 Independence Avenue, SW., Washington, D.C. 20591, or delivered in duplicate to: Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591. Comments delivered must be marked: Docket No. 21371. Comments may be inspected at Room 916 weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph A. Sirkis, Regulatory Projects Branch (AVS-24), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of this proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 21371." The postcard will be dated, time stamped, and returned to the commenter. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for the comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on the mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

This notice is in response to a petition for rulemaking from Southlake Aviation Inc. which requests relief from the extended cross-country experience requirements contained in § 61.109(b)(2) for private pilot applicants. A summary of the petition was published in the **Federal Register** on May 7, 1981 (46 FR 25466). No comments were received. The FAA has determined that the petition has merit. It has also determined that similar relief should be extended to private pilot applicants training under Part 141 and to commercial pilot applicants training under Parts 61 and 141.

Part 61 of the Federal Aviation Regulations, Certification: Pilots and Flight Instructors, was revised by Amendment 61-60 effective November 1, 1973. The purpose of the amendment, as is pertinent to this notice, was to upgrade pilot training requirements to reflect the increasing complexity of the modern aircraft and its operating environment. Likewise, Part 141 was revised by Amendment 141-13 effective November 1, 1974, to upgrade the training provided by FAA-certificated pilot schools to assure a level of training equivalent to that required by revised Part 61.

In revised Parts 61 and 141, the minimum cross-country experience requirements were significantly upgraded to ensure that applicants for private and commercial pilot certificates receive operational training and experience while under the supervision of a qualified instructor. By requiring the additional experience, the public is ensured a higher degree of safety because pilots with a low level of experience are required to complete extensive cross-country flights before their certification. The increased cross-country requirements represented an effort to increase basic pilot knowledge and experience, the lack of which was considered a frequent cause of en route accidents.

Revised Parts 61 and 141 require, as is pertinent to this notice, that applicants for private pilots certificates fly at least one extended solo cross-country flight during their training. The flight must include landings at three points, each of which is more than 100 nautical miles (nm) from each of the other two points. Similarly, commercial pilot applicants must fly an extended cross-country consisting of a flight with landings at three points, each of which is more than 200 nm (100 nm in Hawaii) from the other two points. The distances between the points must be straight-line distances.

The FAA has received a number of petitions for exemption in which the public has sought relief from the 100 and 200 nm leg requirements. The petitioners contend that the minimum leg lengths do not allow flight instructors and schools adequate flexibility in selecting routes for the extended cross-country flight. Students frequently overfly larger airports with air traffic control facilities and land at much smaller uncontrolled airports a few miles farther from their departure point to meet the requirement that a landing be accomplished at a point more than 100 or 200 nm from the last takeoff. This can result in students missing valuable exposure to larger terminal airport environments. Furthermore, in many areas of the country terrain features, such as mountains and large bodies of water, restrict in a practical sense where trainees can go on the extended cross-country. Instructors must also take into account a student's experience level, as well as the performance capability of the airplane to be used, in determining where the student should be authorized to go.

Discussion of the Proposed Rule

The FAA has determined that the concerns expressed by the public regarding the 100 and 200 nm leg segments have merit. Although the reasons for adopting the revised pilot certification requirements remain unchanged, the goal of upgrading the competency of newly certificated pilots and enhancing the safety of air commerce can be met in another manner as regards the extended cross-country requirements.

These proposed amendments would provide greater flexibility to instructors and pilot schools in determining where to send students on cross-country flights. So that students would not gain the required cross-country experience with repeated trips over the same routes of short length, the amendments would impose a minimum distance for the farthest landing on the extended cross-country (100 nm for private pilot applicants and 250 nm for commercial pilot applicants). They would reduce the minimum required distances between each of three points on extended cross-country flights so that instructors can dispatch students on practical cross-country flights after considering the terrain over which the student will be flying, availability of navigation facilities, complexity of terminal areas along the route, local weather characteristics, etc.

Safety would be maintained by reducing the minimum distances between landing points on the extended cross-country training flights. Instructors would be able to send students on flights which will offer as much or more exposure to the operational environment as is now gained under the current rule. Additionally, students will not feel as pressured to complete a particular nonstop leg to meet the minimum experience requirements for a pilot certificate when prudent practice would dictate landing short of the original destination. The proposed amendment requires a landing at a point which is a specified distance from the original departure point. This will ensure that students are exposed to realistic cross-country flying conditions over terrain with which they are not intimately familiar. The current requirement contained in §§ 61.109(b)(2). 61.129(b)(3)(ii), and Part 141, Appendix A, paragraph 4.(b)(1) that a landing must be made more than 50 nm from the point of departure for a cross-country flight to be credited towards meeting the aeronautical experience requirements for a pilot certificate or rating will remain unchanged. This requirement has been included in the proposed amendment to Part 141, Appendix D, paragraph 3.(c)(2) to make it consistent with the minimum cross-country experience requirements for commercial pilot certification as stated in § 61.129(b)(3)(ii). It also reflects the current practice as regards certificated pilot schools.

This proposal responds to an industry petition for rule change so that pilots will be better trained. The FAA has determined through a preliminary cost impact assessment that the proposed regulation involves no additional costs. Furthermore, its provision allowing a more flexible route for the extended cross-country flight requirement can provide economic relief to trainees in the form of fuel savings gained through the availability of more airports that can be efficiently utilized for cross-country training purposes. Because industry petitioned for this proposed rule change and because the total nautical miles presently required for the extended cross-country flight would not be increased for the private pilot applicant and would be reduced for the commercial pilot applicant, the benefits of granting the relief should outweigh any direct costs associated with changing the present regulation. The FAA invites further comment on this matter.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Parts 61 and 141 of the Federal Aviation Regulations (14 CFR Parts 61 and 141) as follows:

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

1. By amending § 61.109(b) by removing the dash after the introduction and substituting a colon; removing the semicolon after paragraph (b)(1) and substituting a period; and revising paragraph (b)(2) to read as follows:

§ 61.109 Airplane rating: Aeronautical experience.

* * * * *

(b) * * *

(2) Ten hours of cross-country flights, each flight with a landing at a point more than 50 nautical miles from the original departure point. One flight must be of at least 300 nautical miles with landings at a miminim of three points, one of which is at least 100 nautical miles from the original departure point.

* * * * *

2. By amending § 61.129 by removing the dash after the introduction to paragraph (b)(3) and substituting a colon; removing the semicolon after paragraph (b)(3)(i) and substituting a period; and revising paragraph (b)(3)(ii) to read as follows:

§ 61.129 Airplane rating: Aeronautical experience.

* * * * *

(b) * * *

(3) * * *

(ii) 50 hours of cross-country flights, each flight with a landing at a point more than 50 nautical miles from the original departure point. One flight must have landings at a minimum of three points, one of which is at least 150 nautical miles from the original departure point of the flight is conducted in Hawaii, or at least 250 nautical miles from the original departure point if it is conducted elsewhere.

* * * * *

PART 141—PILOT SCHOOLS

3. By amending paragraph 4 of Appendix A by removing the dash after the introduction to paragraph 4 and substituting a colon; by removing the semicolon and the word "and" at the end of paragraph 4.(a) and substituting a period, and by revising paragraph 4.(b)(1) to read as follows:

Appendix A—Private Pilot Certification Course (Airplanes)

* * * * *

4. * * *

(b) * * *

(1) Ten hours of cross-country flights, each flight with a landing at a point more than 50 nautical miles from the original departure point. One flight must be of at least 300 nautical miles with landings at a minimum of three points, one of which is at least 100 nautical miles from the original departure point.

* * * * *

4. By amending Appendix D, by revising paragraph 3(c)(2) to read as follows:

Appendix D—Commercial Pilot Certification Course (Airplanes)

* * * * *

3. * * *

(c) * * *

(2) At least 40 hours of solo cross-country flights, each flight with a landing at a point more than 50 nautical miles from the original departure point. One flight must have landings at a minimum of three points, one of which is at least 150 nautical miles from the original departure point if the flight is conducted in Hawaii, or at least 250 nautical miles from the original departure point if it is conducted elsewhere.

* * * * *

(Sections 313(a), 601, 602, and 607 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1422, and 1427), and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—Since this proposal reduces the burden on pilots obtaining required cross-country experience by providing more flexibility in the selection of landing points, the FAA has determined that this document involves a proposed regulation which is not major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). For the same reason, it is certified that under the criteria of the Regulatory Flexibility Act this proposed regulation will not have a significant economic impact on a substantial number of small entities. A copy of the draft regulatory evaluation for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, D.C., on December 1, 1981.

Kenneth S. Hunt,

Director of Flight Operations.

[FR Doc. 81-36883 Filed 12-23-81; 8:45 am]

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
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DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Last Listing December 22, 1981

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

S. 1096 / Pub. L. 97–96 National Aeronautics and Space Administration Authorization Act, 1982 (Dec. 21, 1981; 95 Stat. 1207) Price: $1.75.

H.R. 4845 / Pub. L. 97–97 To designate the building known as the Lincoln Federal Building and Courthouse in Lincoln, Nebraska, as the "Robert V. Denney Federal Building and Courthouse" (Dec. 21, 1981; 95 Stat. 1212) Price: $1.50.

S. 884 / Pub. L. 97–98 "Agriculture and Food Act of 1981" (Dec. 22, 1981; 95 Stat. 1213) Price: $4.75.

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62741, 62745 **Import fees on certain sugars, sirups and molasses** Proclamations (2 documents)

62647 **Credit Unions** NCUA amends rules on premature withdrawal penalties for certain IRA/Keogh accounts.

62663 NCUA proposes to deregulate share, share draft and share certificate accounts.

62693 **Banks, Banking** FDIC issues policy statement on bank capital adequacy.

62710 **Occupational Safety and Health** HHS/CDC requests information on occupational safety hazard exposures and protection of workers engaged in oil and gas well drilling.

62716 Interior/GS proposes to amend personel safety standard for oil and gas drilling in hydrogen sulfide-prone areas of the outer continental shelf.

62669 **Freight Forwarders** FMC proposes rules on licensing of independent ocean freight forwarders.

62651 **Air Pollution Control** EPA interprets rules on new source restrictions for nonattainment areas.

62664 **Highway Safety** DOT/FHWA withdraws advance notice of proposed rulemaking on traffic control devices for railroad-highway crossings.

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Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

62689 **Hazardous Waste** EPA announces availablity of panel discussion summaries on hazardous waste land disposal.

62667 **Maritime Carriers** FMC proposes rule on publications and filing of tariffs by common carriers in foreign service of United States.

62674 **Census** Commerce/Census changes procedures for computing poverty statistics.

62703 **Business and Industry** FTC adopts final confidentiality procedures for certain line of business reports.

62708 FTC modifies quarterly financial reports program confidentiality procedures.

62670 **Procurement** OMB announces availability of draft Federal Acquisition Regulation.

62738 **Minimum Wages** Labor/ESA/W&H publishes minimum wages for Federal and federally assisted construction. (Part II of this issue)

Privacy Act Documents

62768 FHLBB
62768 Panama Canal Commission. (Part III of this issue)

62734 **Sunshine Act Meetings**

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62724 Washington, D.C. (open), 1–14 and 1–15–82

FEDERAL COMMUNICATIONS COMMISSION
62689 Radio Broadcasting Advisory Committee, Washington, D.C. (open), 1–7–82

HISTORIC PRESERVATION ADVISORY COUNCIL
62672 Hickory Hill Public Housing Project, Petersburg, Va., place and time to be announced

INTERIOR DEPARTMENT
Land Management Bureau—
62712 Prineville District Grazing Advisory Board, Prineville, Oreg. (open), 1–28–82
62715 Riley Grazing Management Plan, Oreg., Burns, Oreg. (open), 1–19–82
62711 Safford District Grazing Advisory Board, Safford, Ariz. (open), 1–29–82
62711 Uinta-Southwestern Utah Regional Coal Team, Salt Lake City, Utah; 1–26–82

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62724 Reactor Safeguards Advisory Committee, Washington, D.C. (partially open), 1–7 through 1–9–82
62725 Reactor Safeguards Advisory Committee, Advanced Reactors Subcommittee, Argonne, Ill. (partially open), 1–21 and 1–22–82
62726 Reactor Safeguards Advisory Committee, Fluid Dynamics Subcommittee, Los Angeles, Calif. (partially open), 1–22–82

PRESIDENT'S COMMISSION FOR STUDY OF ETHICAL PROBLEMS IN MEDICINE AND BIOMEDICAL AND BEHAVIORAL RESEARCH
62727 Washington, D.C. (open), 1–8 and 1–9–82

TRANSPORTATION DEPARTMENT
Coast Guard—
62732 New York Vessel Traffic Service Advisory Committee, New York, N.Y. (open), 1–27–82
Office of Secretary—
62732 Minority Business Resource Center Advisory Committee, San Francisco, Calif. (open), 1–18–82; relocated to Washington, D.C.

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62587 Management Advisory Group to Construction Grants Program, Washington, D.C. (open), changed from 12–1 through 12–3–81 to 1–12 through 1–14–82

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Federal Register
Vol. 46, No. 248
Monday, December 28, 1981

Presidential Documents

Title 3—

The President

Proclamation 4887 of December 23, 1981

Import Fees on Certain Sugars, Sirups and Molasses

By the President of the United States of America

A Proclamation

1. The Secretary of Agriculture has advised me that he has reason to believe that certain sugars, sirups and molasses derived from sugarcane or sugar beets, classified under items 155.20 and 155.30, of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), are being, or are practically certain to be, imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or to materially interfere with the price support operations being conducted by the Department of Agriculture for sugarcane and sugar beets.

2. I agree that there is reason for such belief by the Secretary of Agriculture, and, therefore, I am requesting the United States International Trade Commission to make an immediate investigation with respect to this matter pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), and to report its findings and recommendations to me as soon as possible.

3. The Secretary of Agriculture has also determined and reported to me with regard to such sugars, sirups and molasses that a condition exists which requires emergency treatment and that the import fees hereinafter proclaimed should be imposed without awaiting the report and recommendations of the United States International Trade Commission.

4. I find and declare that the imposition of import fees hereinafter proclaimed, without awaiting the recommendations of the United States International Trade Commission with respect to such action, is necessary in order that the entry, or withdrawal from warehouse, for consumption of certain sugars, sirups and molasses described below by value, use and physical description and classified under TSUS items 155.20 and 155.30 will not render or tend to render ineffective, or materially interfere with, the price support operations being conducted by the Department of Agriculture for sugarcane or sugar beets.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by the authority vested in me by section 22 of the Agricultural Adjustment Act, as amended, and the Statutes of the United States including Section 301 of Title 3 of the United States Code, do hereby proclaim that Part 3 of the Appendix to the Tariff Schedules of the United States is amended as follows:

1. Headnote 4 is continued in effect and amended, effective 12:01 a.m. (Eastern Standard Time) December 24, 1981, by changing paragraph (c) to read as follows:

(c)(i) The quarterly adjusted fee provided for in items 956.05 and 957.15 shall be the amount of the fee for item 956.15 plus .15 times the amount by which the applicable market stabilization price exceeds the 20 day average of the daily spot (world) price quotations for raw sugar as calculated in paragraph (ii) hereof.

(ii) The quarterly adjusted fee provided for in item 956.15 shall be the amount by which the average of the daily spot (world) price quotations for raw sugar for the 20 consecutive market days immediately preceding the 20th day of the

month preceding the calendar quarter during which the fee shall be applicable (as reported by the New York Coffee, Sugar and Cocoa Exchange or, if such quotations are not being reported, by the International Sugar Organization), expressed in United States cents per pound, Caribbean ports, in bulk, adjusted to a United States delivered basis by adding applicable duty and attributed costs, is less than the applicable market stabilization price: *Provided,* That whenever the average of such daily spot price quotations for 10 consecutive market days within any calendar quarter, adjusted to a United States delivered basis as provided herein, plus the fee then in effect (1) exceeds the market stabilization price by more than one cent, the fee then in effect shall be decreased by one cent, or (2) is less than the market stabilization price by more than one cent, the fee then in effect shall be increased by one cent: *Provided further,* That the fee may not be greater than 50 per centum of the average of such daily spot price quotations for raw sugar.

(iii) The market stabilization price for the first, second, and third calendar quarters of 1982 shall be 19.0800 cents per pound. The market stabilization price that shall be applicable to each subsequent fiscal year shall be determined and announced by the Secretary of Agriculture (hereafter the "Secretary") in accordance with this headnote no later than 30 days prior to the beginning of the fiscal year for which such market stabilization price shall be applicable. The market stabilization price shall be equal to the sum of: (1) the price support level for the applicable fiscal year, expressed in cents per pound of raw cane sugar; (2) adjusted average transportation costs; (3) interest costs, if applicable; (4) an amount adequate to compensate for the estimated value of duty reductions to be granted under the Generalized System of Preferences on imported raw cane sugar, as determined by the Secretary and (5) 0.2 cents. The adjusted average transportation costs shall be the weighted average cost of handling and transporting domestically produced raw cane sugar from Florida to Atlantic Coast ports north of Cape Hatteras, as determined by the Secretary. Interest costs shall be the amount of interest that would be required to be paid by a recipient of a price support loan for raw cane sugar upon repayment of the loan at full maturity. Interest costs shall only be applicable if a price support loan recipient is not required to pay interest upon forfeiture of the loan collateral.

(iv) Attributed costs for the first, second, and third calendar quarters of 1982 shall be 1.5032 cents per pound of imported raw cane sugar. The attributed costs that shall be applicable to each subsequent fiscal year shall be determined and announced by the Secretary in accordance with this headnote no later than 30 days prior to the beginning of the fiscal year for which such attributed costs shall be applicable. Attributed costs shall be equal to the sum of the costs, as estimated by the Secretary, of freight, insurance, stevedoring, financing, weighing, sampling, and International Sugar Agreement fees which are attributable to the importation of raw cane sugar from Caribbean ports.

(v) The Secretary shall determine the amount of the quarterly fees in accordance with this headnote and shall announce such fees not later than the 25th day of the month preceding the calendar quarter during which the fees shall be applicable. The Secretary shall certify the amount of such fees to the Secretary of the Treasury and file notice thereof with the **Federal Register** prior to the beginning of the calendar quarter during which the fees shall be applicable. The Secretary shall determine and announce any adjustment in the fees made within a calendar quarter in accordance with the first proviso of paragraph (ii) hereof, shall certify such adjusted fees to the Secretary of the Treasury, and shall file notice thereof with the **Federal Register** within 3 market days of the fulfillment of that proviso.

(vi) If an adjustment is made in the fee in accordance with the first proviso of paragraph (ii) hereof, any subsequent adjustment made within that quarter shall only be made on the basis of the average adjusted spot price for any 10 consecutive market day period following the effective date of the immediately preceding fee adjustment. No adjustment shall be made in any fee in accord-

ance with the first proviso of paragraph (ii) hereof during the last fifteen market days of a calendar quarter.

(vii) Any adjustment made in a fee during a quarter in accordance with the first proviso of paragraph (ii) hereof shall be effective only with respect to sugar entered or withdrawn from warehouse for consumption after 12:01 a.m. (local time at point of entry) on the day following the filing of notice thereof with the **Federal Register**: *Provided,* That such adjusted fee shall not apply to sugar exported (as defined in section 152.1 of the Customs Regulations) on a through bill of lading to the United States from the country of origin before such time.

2. Items 956.05, 956.15 and 957.15 are continued in effect and amended to read as follows:

Item	Articles	Rates of Duty (Section 22 Fees)
	Sugars, sirups and molasses derived from sugarcane or sugar beets, except those entered pursuant to a license issued by the Secretary of Agriculture in accordance with headnote 4(a):	
	Principally of crystalline structure or in dry amorphous form, provided for in item 155.20, part 10A, schedule 1:	
956.05	Not to be further refined or improved in quality	3.1104 per lb. adjusted quarterly beginning January 1, 1982, in accordance with headnote 4(c), but not in excess of 50% ad val.
956.15	To be further refined or improved in quality	2.1418 per lb., adjusted quarterly beginning January 1, 1982, in accordance with headnote 4(c), but not in excess of 50% ad val.
957.15	Not principally of crystalline structure and not in dry amorphous form, containing soluble nonsugar solids (excluding any foreign substance that may have been added or developed in the product) equal to 6% or less by weight of the total soluble solids, provided for in item 155.30, part 10A, schedule 1	3.1104 per lb. of total sugars, adjusted quarterly beginning January 1, 1982, in accordance with headnote 4(c), but not in excess of 50% ad val.

3. The provisions of this proclamation shall terminate upon the filing of a notice in the **Federal Register** by the Secretary of Agriculture that the Department of Agriculture is no longer conducting a price support program for sugar beets and sugarcane.

4. The provisions of paragraph (c)(v) of Headnote 4 of Part 3 of the Appendix to the TSUS, as added herein, requiring the determination and announcement by the Secretary of Agriculture not later than the 25th day of the month preceding the calendar quarter during which the fees shall be applicable, shall not apply to the fees to become effective January 1, 1982.

5. The provisions of Proclamation 4631 of December 28, 1978 are hereby terminated, except with respect to those articles which are exempted from the provisions of this proclamation under paragraph 6 below.

6. This proclamation shall be effective as of 12:01 a.m. (Eastern Standard Time) on the day following its signing. However, the provisions of this proclamation shall not apply to articles entered, or withdrawn from warehouse, for consumption prior to January 1, 1982, which are imported to fulfill forward contracts that were entered into prior to June 1, 1981 between (a) an exporter and an end user of such articles; or (b) an importer, broker, or operator and an end user of such articles.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of December, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 81-37104
Filed 12-23-81; 5:01 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 4888 of December 23, 1981

Modification of Tariffs on Certain Sugars, Sirups and Molasses

By the President of the United States of America

A Proclamation

1. Headnote 2 of Subpart A of Part 10 of Schedule 1 of the Tariff Schedules of the United States, hereinafter referred to as the "TSUS", provides, in relevant part, as follows:

"(i) . . . if the President finds that a particular rate not lower than such January 1, 1968, rate, limited by a particular quota, may be established for any articles provided for in item 155.20 or 155.30, which will give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade, he shall proclaim such particular rate and such quota limitation, . . .

"(ii) . . . any rate and quota limitation so established shall be modified if the President finds and proclaims that such modification is required or appropriate to give effect to the above considerations; . . ."

2. Headnote 2 was added to the TSUS by Proclamation No. 3822 of December 16, 1967 (82 Stat. 1455) to carry out a provision in the Geneva (1967) Protocol of the General Agreement on Tariffs and Trade (Note 1 of Unit A, Chapter 10, Part I of Schedule XX; 19 U.S.T., Part II, 1282). The Geneva Protocol is a trade agreement that was entered into and proclaimed pursuant to section 201(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)). Section 201(a) of the Trade Expansion Act authorizes the President to proclaim the modification or continuance of any existing duty or other import restriction or such additional import restrictions as he determines to be required or appropriate to carry out any trade agreement entered into under the authority of that Act.

3. I find that the modifications hereinafter proclaimed of the rates of duty applicable to items 155.20 and 155.30 of the TSUS are appropriate to carry out a trade agreement and give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by the authority vested in me by the Constitution and statutes, including section 201 of the Trade Expansion Act of 1962, and pursuant to General Headnote 4 and Headnote 2 of Subpart A of Part 10 of Schedule 1 of the TSUS, do hereby proclaim until otherwise superseded by law:

A. The rates of duty in rate columns 1 and 2 for items 155.20 and 155.30 of Subpart A of Part 10 of Schedule 1 of the TSUS are modified and the following rates are established:

155.20	2.98125¢ per lb. less 0.0421875¢ per lb. for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 1.9265625¢ per lb.
155.30	dutiable on total sugars at the rate per lb. applicable under Item 155.20 to sugar testing 100 degrees.

B. Those parts of Proclamation 4334 of November 16, 1974, Proclamation 4463 of September 21, 1976, Proclamation 4466 of October 4, 1976, Proclamation 4539 of November 11, 1977, and Proclamation 4720 of February 1, 1980, which are inconsistent with the provisions of paragraph (A) above are hereby terminated.

C. The provisions of this Proclamation shall apply to articles entered, or withdrawn from warehouse, for consumption after 12:01 a.m. (Eastern Standard Time) on the day following the date of this Proclamation. However, the provisions of this proclamation shall not apply to articles entered, or withdrawn from warehouse, for consumption prior to January 1, 1982 which are imported to fulfill forward contracts that were entered into prior to June 1, 1981 between: (a) an exporter and an end user of such articles; or (b) an importer, broker, or operator and an end user of such articles.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of December, in the year of our Lord nineteen hundred and eighty-one and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 81-37104
Filed 12-23-81; 5:02 pm]
Billing code 3195-01-M

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DEPART

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8 CFR Pa

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AGENCY: I
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Rules and Regulations

Federal Register
Vol. 46, No. 248
Monday, December 28, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Addition of Air Canada, Canadian Pacific Airlines, Northwest Airlines, Inc., Pacific Western Airlines, Republic Airlines, Wardair Canada (1975) Ltd., and Western Air Lines, Inc.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds seven airlines to the listing of carriers which have entered into agreements with the Service for the preinspection of their passengers and crews at locations outside the United States.

DATES: Effective date of agreement with Wardair Canada (1975) Ltd. at Calgary: September 28, 1981. Effective date of agreements for preinspection at Edmonton: Air Canada— September 14, 1979, Canadian Pacific Airlines—November 18, 1981, Northwest Airlines, Inc.—November 18, 1981, Pacific Western Airlines—November 18, 1981, Republic Airlines—November 18, 1981, Wardair Canada (1975) Ltd.—September 28, 1981, Western Air Lines, Inc.—November 10, 1979.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions, Officer, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 238.4 is published pursuant to 5 U.S.C. 552. The Commissioner of Immigration and Naturalization entered into agreements with the following carriers to guarantee the preinspection of their passengers and crews as provided by section 238(b) of the Immigration and Nationality Act, as amended (8 U.S.C.1228(b):

Effective

At Calary, Alberta, Canada: Wardair Canada (1975) Ltd., September 28, 1981
At Edmonton, Alberta, Canada: Air Canada, September 14, 1979; Canadian Pacific Airlines, Inc., November 18, 1981; Northwest Airlines, November 18, 1981; Pacific Western Airlines, November 18, 1981; Republic Airlines, November 18, 1981; Wardair Canada (1975) Ltd., September 28, 1981; Western Air Lines, Inc., November 10, 1979.

Preinspection outside the United States facilitates processing passengers and crews upon arrival at a U.S. port of entry and is a convenience to the traveling public.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delay effective date is unnecessary because the amendment merely adds air carriers to the listing and is editorial in nature.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

Accordingly, 8 CFR Part 238 is amended as follows:

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.4 [Amended]

In § 238.4 Preinspection outside the United States, the listing of transportation lines is amended by:

1. Adding in alphabetical sequence, "Wardair Canada (1975) Ltd." under "AT CALGARY".

2. Adding a new heading, "AT EDMONTON" between "AT CALGARY" and "AT FREEPORT" as follows:

At Edmonton

Air Canada, Canadian Pacific Airlines, Northwest Airlines, Inc., Pacific Western Airlines, Republic Airlines, Wardair Canada (1975) Ltd., Western Air Lines, Inc.

* * * * *

(Secs. 103, 66 Stat. 173 (8 U.S.C. 1103); 238, 66 Stat. 202 (8 U.S.C. 1228))

Dated: December 21, 1981.
Doris M. Meissner,
Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-36886 Filed 12-24-81; 8:45 am]
BILLING CODE 4410-10-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Share, Share Draft and Share Certificate Accounts

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: This rule provides Federal credit unions the discretion to determine whether or not to permit an exception to premature withdrawal penalties for IRA/Keogh certificate holders who have attained the age of 59½ years or more. The current exception to the premature withdrawal penalty for these certificate holders is mandatory.

Recently, some Federal credit unions have reported problems with the mandatory exception to premature withdrawal penalties for IRA/Keogh certificate holders who have attained the age of 59½ years or more. On January 1, 1982, the eligibility requirements for IRA/Keogh accounts will be expanded to include most all credit union members. Since many credit unions will be offering IRA/Keogh programs to their members, the potential number of credit union members that could take advantage of the exception to the premature withdrawal penalty will increase. As a result, credit unions could experience significant increases in dividend and operating expense.

EFFECTIVE DATE: December 17, 1981.

FOR FURTHER INFORMATION CONTACT: Randall J. Miller, Acting Director, Office of Policy Analysis (202) 357–1090.

SUPPLEMENTARY INFORMATION: Part 701 of the NCUA Rules and Regulations specifies certain mandatory exceptions to the required penalties for premature withdrawal of funds from share certificate accounts. Premature withdrawal penalties may not be applied if:

(1) The withdrawal is made subsequent to the death of any owner of the share, share draft, or share

certificate account or is made pursuant to Article III, Section 5(e) of the Federal Credit Union Bylaws;

(2) The share or share certificate account is part of a pension plan which qualifies or qualified for specific tax treatment under Section 401(d) or 408 of the Internal Revenue Code and withdrawal is made following the participant's death or disability (as determined under 26 U.S.C. 72(m)(7)) or upon attaining not less than 59½ years of age; or

(3) Such withdrawal is made as a result of the voluntary or involuntary liquidation of the Federal credit union issuing the account.

Recently, some Federal credit unions have reported problems with the mandatory exception to premature withdrawal penalties for IRA/Keogh certificate holders who have attained the age of 59½ years or more. Many of these individuals are still employed. They are taking advantage of the mandatory exception to the withdrawal penalty and rolling over their money market certificates and share certificates every time the dividend rate payable on these certificates increases. This churning of certificates increases dividend expense and operating expense for credit unions.

On January 1, 1982, the eligibility requirements for IRA/Keogh accounts will be expanded to include most all credit union members. Since many credit unions will be offering IRA/Keogh programs to their members, the potential number of credit union members that could take advantage of the exception to the premature withdrawal penalty will increase. As a result, credit unions could experience significant increases in dividend and operating expense.

Federal credit unions have had no recourse against IRA/Keogh certificate holders who have attained the age of 59½ or more, since the exception to the premature withdrawal penalty that applies to these individuals is mandatory. The DIDC rule governing this exception to the premature withdrawal penalty is not mandatory. The NCUA Board has accordingly amended its rules in order to allow Federal credit unions to determine whether or not to permit an exception to premature withdrawal penalties for IRA/Keogh certificate holders who have attained the age of 59½ or more. This amendment is prospective only, i.e., it may be applied only with respect to certificates issued or renewed after its effective date. Further, Federal credit unions which choose to reserve the discretion authorized by this rule should revise their contracts and related forms as necessary and appropriate.

Regulatory Flexibility Analysis

The rule will not have a significant economic impact on a substantial number of small credit unions. The rule provides additional flexibility in determining whether or not to impose a premature withdrawal penalty. Therefore, a regulatory flexibility analysis is not required, 5 U.S.C. 605(b).

Rulemaking Procedures

The NCUA Board for good cause (as described below), finds that public comment on this amendment is impracticable and contrary to the public interest. Federal credit unions would be placed in a position of substantial competitive disadvantage if their planning operations (for their IRA/Keogh account programs) were delayed beyond January 1, 1981 due to any uncertainty created by the solicitation of public comments prior to the issuance of this amendment. With the increase in IRA/Keogh accounts projected after January 1, 1981, some Federal credit unions may find it necessary to protect themselves from increased expenses by imposing the penalty authorized by this amendment. These credit unions would (if public comment were solicited) delay their entry into the expanded market until a final rule authorizing the penalty provision was adopted. A significant delay may prevent these credit unions from successfully competing for the funds of the expanded number of persons who will become eligible for IRA/Keogh accounts after January 1, 1981. A Federal credit union is a cooperative financial institution democratically controlled by its members, including those persons holding IRA/Keogh accounts in that credit union. Therefore, those persons affected by this amendment will have the opportunity, through the election of the credit union's board of directors, to participate in the decision of their credit union to exercise the authority permitted by this amendment. For these reasons, this amendment is adopted without opportunity for public comment, 5 U.S.C. 553(b)(B). For the same reasons and because the amendments relieve a restriction, this amendment is made effective in less than 30 days, 5 U.S.C. 553(d) (1) and (3).

Dated: December 21, 1981.

(12 U.S.C. 1757(6) and 1766(a))

Rosemary Brady,

Secretary of the NCUA Board.

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

1. Accordingly, 12 CFR 701.35(f) is revised to read as follows:

§ 701.35 Share, share draft and share certificate accounts.

* * * * *

(f) *Exceptions to the Penalties.* (1) Penalties shall not be applied if: (i) The withdrawal is made subsequent to the death of any owner of the share, share draft or share certificate account or is made pursuant to Article III, Section 5(e) of the Federal Credit Union Bylaws;

(ii) Such withdrawal is made as a result of the voluntary or involuntary liquidation of the Federal credit union issuing the account.

(2) Penalties need not be applied if the share or share certificate account is part of a pension plan which qualifies or qualified for specific tax treatment under section 401(d) or 408 of the Internal Revenue Code and withdrawal is made following the participant's disability (as determined under 26 U.S.C. 72(m)(7)) or upon attaining not less than 59½ years of age.

[FR Doc. 81-38064 Filed 12-24-81; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 43e

Preparation Of A Roll Of Mohave Descendants Enrolled As Members Of The Colorado River Indian Tribes

AGENCY: Bureau of Indian Affairs.

ACTION: Final rule.

SUMMARY: The Bureau of Indian Affairs is adding a new part to its regulations to establish procedures to govern the preparation of a roll of Mohave descendants enrolled as members of the Colorado River Indian Tribes. The roll to be prepared will serve as a basis for the distribution of a portion of Mohave judgment funds awarded in Indian Claims Commission Dockets Nos. 283 and 295.

EFFECTIVE DATE: December 28, 1981.

FOR FURTHER INFORMATION CONTACT: Sharlot Johnson, Branch of Tribal Operations, Phoenix Area Office, Bureau of Indian Affairs, 3030 N. Central Avenue, Suite 705, Phoenix, Arizona

85011, telephone number (602) 241–2314, FTS: 261–2314.

SUPPLEMENTARY INFORMATION: Proposed regulations for the preparation of a roll of lineal descendants of the aboriginal Mohave Tribe, who are members of the Colorado River Indian Tribes, who did not share in the funds distributed by the Chemehuevi Distribution Act of September 25, 1970 (84 Stat. 868), were published for comment in the **Federal Register** on October 14, 1981 (46 FR 50565). The roll to be prepared will be used to distribute a portion of the funds derived from an award to the "Mohave Indians who are members of the Colorado River Indian Tribes," and the "Mohave Tribe of Indians of Arizona, California, and Nevada" by the Indian Claims Commission in Dockets Nos. 283 and 295. Funds to satisy the award were appropriated by Congress and a plan for the use and distribution of the funds was prepared pursuant to the Judgment Funds Distribution Act of October 19, 1973 (87 Stat. 466), and became effective on April 12, 1976.

In order to provide notice to all potentially eligible participants, the regulations provide for the Superintendent to mail a notice to each enrolled member of the Tribes at his/her last known address advising him/her of the preparation of the roll of Mohave descendants and the procedures to be followed. A listing of the names of persons who are included on the proposed roll will be placed on public display throughout the local community and the service area of the Phoenix Area Office and Sacramento Area Office to afford interested persons the opportunity to view the list and appeal the omission of any name from the proposed roll. In accordance with the provisions specified in the regulations, persons who believe they meet the qualifications for enrollment, but whose names are not included on the proposed roll, may appeal the omission of their names and submit information or evidence for consideration to support their claim to eligibility. Appeals must be in writing and must be received by the Superintendent no later than the close of business on the thirtieth (30th) day after the listing of the names of persons included on the proposed roll is placed on public display.

No comments or suggestions were received with regard to the actual text of the regulations and the only changes being made to the regulations are to correct certain typesetting errors: in § 43e.3(d) it should be the *"Chemehuevi* Distribution Act;" in § 43e.12 the text should read that the "Secretary shall *consider* the record;" and in § 43e.14 it should be that to *"facilitate* the work of the Superintendent." A written request was received, however, from the Chairman of the Tribal Council of the Colorado River Indian Tribes urging that the final rule become effective on the date of publication in the **Federal Register.** Persons who will be affected by this rule are enrolled members of the Colorado River Indian Tribes. The regulations provide for the Superintendent to mail notices to enrolled members at their last known address advising them of the preparation of the roll and the relevant procedures to be followed. Deferring the effective date would only delay direct notification to affected individuals. Consequently, we find good cause exists for dispensing with the 30-day deferred effective date under the exception provided in subsection (d)(3) of 5 U.S.C. 533.

The authority to issue these rules and regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9); and 87 Stat. 466. This final rule is published in exercise of rulemaking authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM8.

The primary authors of this document are: Mitchell L. Bush, Jr., Chief, Branch of Tribal Enrollment Services, and Kathleen L. Slover, Branch of Tribal Enrollment Services, Division of Tribal Government Services, Bureau of Indian Affairs, telephone number: (703) 235–8323.

The Department of the Interior has determined that this document is not a major rule under the criteria established by Executive Order 12291 and does not have a significant economic effect on a substantial number of small entities under the criteria established by the Regulatory Flexibility Act.

Subchapter F of Chapter I of Title 25 of the Code of Federal Regulations is amended by the addition of a new part 43e to read as set forth below.

Kenneth L. Payton,

Acting Deputy Assistant Secretary—Indian Affairs (Operations).

PART 43e—PREPARATION OF A ROLL OF MOHAVE DESCENDANTS ENROLLED AS MEMBERS OF THE COLORADO RIVER INDIAN TRIBES

Sec.

43e.1 Definitions.
43e.2 Purpose.
43e.3 Qualifications for enrollment.
43e.4 Notice.
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43e.6 Appeals.
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43e.9 Notification and action by the Tribes.
43e.10 Action by the Superintendent.
43e.11 Action by the Director.
43e.12 Decision of the Secretary on appeals.
43e.13 Preparation, certification, and approval of roll.
43e.14 Special instructions.

Authority: 5 U.S.C. sec. 1301, R. S. secs. 463 and 465; 25 U.S.C. secs 2 and 9, and 87 Stat. 466.

§ 43e.1 Definitions.

As used in these regulations:

(a) "Secretary" means the Secretary of the Interior or his/her authorized representative.

(b) "Assistant Secretary" means the Assistant Secretary for Indian Affairs or his/her authorized representative.

(c) "Director" means the Area Director, Phoenix Area Office, Bureau of Indian Affairs or the Area Director, Sacramento Area Office, Bureau of Indian Affairs or their authorized representatives.

(d) "Superintendent" means the Superintendent, Colorado River Agency, Bureau of Indian Affairs, or his/her authorized representative.

(e) "Staff Officer" means the Enrollment Officer or other person authorized to prepare the roll.

(f) "Plan" means the plan for the use and distribution of Mohave judgment funds awarded in Dockets Nos. 283 and 295 before the Indian Claims Commission, which was prepared pursuant to the Act of October 19, 1973 (87 Stat. 466), and became effective April 12, 1976.

(g) "Tribes" mean the Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California.

(h) "Tribal Council" means the governing body of the Colorado River Indian Tribes.

(i) "Living" means born on or prior to and living on the date specified.

(j) "Lineal Descendants" mean those persons who are related by direct descent from the ancestor through whom eligibility is claimed, namely the children, grandchildren, etc. It does not include collateral relatives such as brothers, sisters, nieces, nephews, cousins, etc.

(k) "Sponsor" means parents, recognized guardian, next friend, next of kin, spouse, executor or administrator of estate, the Superintendent, or other person who files an appeal on behalf of another person.

§ 43e.2 Purpose.

The regulations in this part are to govern the compilation of a roll of certain members of the Colorado River Indian Tribes who are lineal descendants of the aboriginal Mohave Tribe eligible to share in the distribution of judgment funds awarded the Mohave Indians by the Indian Claims Commission in Dockets Nos. 283 and 295.

§ 43e.3 Qualifications for enrollment.

The roll shall contain the names of persons who meet the following requirements:

(a) They were living on April 12, 1976;

(b) They are enrolled members of the Colorado River Indian Tribes and their name appears on the approved membership roll prepared by the Tribes as of April 12, 1976;

(c) They are lineal descendants of a Mohave Indian; and

(d) They did not share in the funds distributed by the Chemehuevi Distribution Act of September 25, 1970 (84 Stat. 686).

§ 43e.4 Notice.

The Superintendent shall mail a notice to each person whose name appears on the approved membership roll as of April 12, 1976, of the Colorado River Indian Tribes advising him/her of the preparation of the roll of Mohave descendants and the relevant procedures to be followed.

§ 43e.5 Preparation of a proposed roll and display of a listing of names included thereon.

The Superintendent shall prepare, with the assistance of the Tribes, a proposed roll of persons who meet the requirements specified in § 43e.3. The proposed roll shall contain for each person a roll number, name, sex, date of birth, date of death if applicable, and name and relationship to the Mohave ancestor through whom eligibility was established. A listing of only the names of the persons included on the proposed roll shall be placed on public display for 30 days at the Colorado River Agency, local community buildings, local post office, Phoenix Area Office, and other Agency offices under the jurisdiction of the Director and the Sacramento Area Office and other Agency offices under the jurisdiction of the Director. The listing shall indicate prominently the deadline for filing appeals contesting the omission of a name, as well as the name, address, and telephone number of a person who may be contacted for further information.

§ 43e.6 Appeals.

Persons who believe they meet the qualifications specified in the plan and the regulations in this Part and whose names are not included on the proposed roll may file or have filed by a sponsor an appeal with the Secretary contesting the omission of their names in accordance with the procedures provided in this Part.

§ 43e.7 Filing appeals and the deadline.

(a) The appeal shall be in writing and addressed to the Secretary but filed with the Superintendent, Colorado River Agency, Bureau of Indian Affairs, Parker, Arizona 85344.

(b) The appeal must be received by the Superintendent no later than the close of business on the thirtieth (30th) day after the listing of the names of persons included on the proposed roll is placed on public display as provided for in § 43e.4. If the appeal deadline falls on a Saturday, Sunday, legal holiday or other nonbusiness day, the deadline will be the next working day thereafter.

§ 43e.8 Supporting evidence and burden of proof.

(a) The appeal should be accompanied by any supporting evidence relied upon as a basis for the appeal, including copies of Bureau or tribal records having a direct bearing on the appellant's contentions. The appellant may furnish affidavits from persons having personal knowledge of the facts at issue. Criminal penalties are provided by statute for knowingly filing false information in such statements (18 U.S.C. 1001).

(b) The appellant may request additional time to submit supporting evidence. A time period considered reasonable for such submissions may be granted by the official receiving the appeal.

(c) The burden of proof for establishing the improper omission of any name from the proposed roll is on the appellant.

§ 43e.9 Notification and action by the Tribes.

(a) The Superintendent shall notify the Tribal Council of the receipt of an appeal and shall give the Tribal Council the opportunity to examine the appeal and to present such evidence as it may consider pertinent.

(b) The Tribal Council shall have not more than 15 days from receipt of notification of the appeal in which to present, in writing, such statements as it may deem pertinent supported by tribal records which have a bearing on the case, along with the complete enrollment file on the appellant, to the Superintendent.

§ 43e.10 Action by the Superintendent.

The Superintendent shall consider each appeal. If after review of the evidence the Superintendent determines that the omission of any name is improper and eligibility has been established, the appellant shall be so notified in writing and the name entered on the roll. If the Superintendent determines that the omission of any name is proper and eligibility has not been established, the appellant shall be so notified in writing and the appeal together with the complete record and the recommendation of the Superintendent shall be forwarded to the Director.

§ 43e.11 Action by the Director.

The Director shall consider each appeal. If after a review of the evidence the Director determines that the omission of any name is improper and eligibility has been established, the appellant shall be so notified in writing and the Superintendent directed to enter the name on the roll. If the Director determines that the omission of the name is proper and eligibility has not been established, the appellant shall be so notified in writing and the appeal together with the complete record and the recommendation of the Director shall be forwarded to the Secretary for final determination.

§ 43e.12 Decision of the Secretary on appeals.

The Secretary shall consider the record as presented, together with any additional information he/she may consider pertinent. Any such additional information shall be specifically identified in the decision. The decision of the Secretary on an appeal shall be final and conclusive and written notice of the decision shall be given the appellant. When so directed by the Secretary, the Assistant Secretary shall cause to be entered on the roll the name of any person whose appeal has been sustained.

§ 43e.13 Preparation, certification, and approval of the roll.

(a) The staff officer shall prepare a minimum of 5 copies of the roll of those persons determined to be eligible for enrollment, including those who established their eligibility by appeal. The completed roll shall contain, for each person, a roll number, name, sex, date of birth, date of death if applicable, and name and relationship to the Mohave ancestor through whom eligibility was established.

(b) A certificate shall be attached to the roll by the Superintendent certifying that to the best of his/her knowledge the roll contains only the names of those persons who were determined to meet the requirements for enrollment. The Director shall approve the roll.

§ 43e.14 Special Instructions.

To facilitate the work of the Superintendent, the Assistant Secretary may issue special instructions not inconsistent with the regulations in this Part.

[FR Doc. 81-36915 Filed 12-24-81; 8:45 am]
BILLING CODE 4310-02-M

ENVIRONMENTAL PROTECTION AGENCY

[AD-FRL 1998-2]

40 CFR Part 52

Approval and Promulgation of Implementation Plans; Statutory Restriction on New Sources Under Certain Circumstances for Nonattainment Areas

AGENCY: Environmental Protection Agency.

ACTION: Interpretive rule.

SUMMARY: On August 7, 1980, EPA promulgated regulations for state new source review programs in areas which have not attained the National Ambient Air Quality Standards (nonattainment areas). At that time, EPA announced that if revisions to such a state program were not approved by EPA by November 7, 1981, the construction moratorium authorized by section 110(a)(2)(I) of the Clean Air Act would take effect in each nonattainment area in each such state. As discussed below, EPA has now concluded as a matter of law that the moratorium did not take effect on November 7, 1981 in any state lacking a new source review program approved as conforming to EPA's August 7, 1980 rulemaking.

DATES: This interpretive rule is effective retroactive to November 7, 1981 and will remain in effect until superseded by future action by EPA.

FOR FURTHER INFORMATION CONTACT: Kirt Cox, Standards Implementation Branch (MD-15), Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711 (919) 541-5591.

SUPPLEMENTARY INFORMATION: The Clean Air Act was amended in 1977 to include Part D, which specifies special requirements for State Implementation Plans (SIPs) for nonattainment areas. At the same time, section 110 of the Act was amended to require a moratorium on construction of major new and modified sources if a SIP does not meet the requirements of part D after July 1, 1979. Section 110(a)(2)(I).

EPA first issued criteria for state new source review programs in nonattainment areas on April 4, 1979. *See* 44 FR 20372. However, in *Alabama Power Co.* v. *Costle*, 636 F.2d 323 (D.C. Cir. 1979), the United States Court of Appeals for the District of Columbia Circuit struck down several analogous provisions in the Agency's regulations for the Prevention of Significant Deterioration (PSD) program. On August 7, 1980, EPA promulgated conforming revisions to its PSD regulations, and complementary revisions to its nonattainment rules. 45 FR 52676. In the "implementation" part of the August 7 promulgation, EPA announced that "[i]f a state does not submit any necessary revisions to its plan within nine months after the date this notice appears in the **Federal Register**, the construction moratorium will go into effect 15 months after this date * * * (*i.e.*, by November 7, 1981) in all nonattainment areas in that state." 45 FR 52687.

EPA has concluded that it was incorrect on August 7, 1980, to the extent that it indicated that the moratorium would take effect automatically on November 7, 1981, if a state failed to submit SIP revisions in response to the August 7 promulgation, or submitted revisions which EPA had not yet approved. EPA has now concluded that it must conduct an evaluation of a state plan and determine that it is deficient before any moratorium related to the August 7 rulemaking could come into effect. EPA believes that the need to make such an evaluation arises because under section 110(a)(2)(I), all states with EPA-approved (or conditionally approved) Part D plans are states with respect to which the construction moratorium simply does not apply, unless there is some determination by EPA that the SIP no longer satisifies Part D.[1] However, in light of the August 7 promulgation, EPA believes that it had a duty to analyze each SIP, after May 7, 1980 (the date SIP revisions were due), in order to determine whether the SIP continued to meet the requirements of Part D of the Act.[2]

EPA has concluded, however, that no analysis is appropriate at this time. First, EPA has promulgated a final rule which substantially amends one of the central provisions of the August 7 regulations—the definition of "source" in nonattainment areas. 46 FR 50766 (October 14, 1981). That same rule also deletes the requirement that reconstructed facilities be treated as new sources for the purposes of nonattainment new source review. *Id.* Second, the August 7 regulations are now the subject of litigation in the United States Court of Appeals for the District of Columbia Circuit (*Chemical Manufacturers Association* v. *Gorsuch*, No. 79-1112 and consolidated cases). EPA is currently engaged in settlement negotiations with the petitioners in this case. EPA anticipates that these negotiations will result in substantial amendments to the August 7 rules. In view of these facts, EPA believes that it is inappropriate to analyze the SIPs at this time to determine whether they satisfy the August 7 promulgation.

It should be noted, however, that today's action is not intended to affect the status of any construction moratorium currently in effect in any nonattainment area.

EPA finds that it has good cause not to take notice and comment on this interpretive rule. The conclusions reached by the Agency are legal in nature, so that notice and comment are unnecessary.

EPA further finds that it has good cause to make this notice immediately effective, because it removes a restriction. *See* 5 U.S.C. 553(d)(1).

The Administrator has determined that this interpretive rule is a nationally-applicable final action and is based on determinations of nationwide scope and effect. Under section 307(b) of the Clean Air Act, petitions for review of this action must be filed in the United States Court of Appeals for the District of Columbia Circuit by February 26, 1982.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it imposes no new requirements. In fact, by lifting a restriction, it removes regulatory requirements.

This action was submitted to the Office of Management and Budget for

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[1] The moratorium must also take effect if EPA or the State conclude that the State is not implementing its Part D plan. Section 173(4).

[2] In this regard, it should be pointed out that EPA acknowledged in the August 7 promulgation that some States might not need to revise their SIPs in response to the August 7 promulgation:

"States need not adopt verbatim the definitions in section 51.18(j)(1), but they must demonstrate that any different definitions they retain or adopt have the effect of being at least as stringent as those set out in § 51.18(j)(1). If a state plan currently includes definitions or regulatory provisions which are more stringent than the nonattainment definitions and other provisions contained in these rules, the state has the choice of retaining its current regulations or revising them so as to conform to EPA's rules." 45 FR 52687.

review as required by Executive Order 12291.

(Secs.) 110(a)(2)(I), 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7410(a)(2)(I), 7601(a))

Dated: December 18, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-36916 Filed 12-24-81; 8:45 am]

BILLING CODE 6560-29-M

FEDERAL MARITIME COMMISSION

46 CFR Parts 510, 522, 523, 524, 534, 536, 540, 542, 547 and 551

OMB Clearance Information

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: Rules are amended to reflect OMB clearance and to inform recipients of information collection requests whether compliance with such request is voluntary or mandatory, as well as the specific benefits they are intended to obtain. The amendment is necessary to comply with Paperwork Reduction Act of 1980 requirements.

EFFECTIVE DATE: December 28, 1981.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, D.C. 20573 (202) 523-5725.

SUPPLEMENTARY INFORMATION: 44 U.S.C. 3504 requires the Office of Management and Budget to review and approve information collection requests proposed by agencies and to insure that the requests display OMB control numbers. Such requests must also contain information informing recipients why the information is collected, how it is to be used and the compulsory nature of the requirement, i.e., whether it is voluntary, mandatory, or required to obtain a benefit. Therefore, the following CFR parts of Title 46 are amended to reflect OMB requirements. Corrections of erroneous and superfluous statutory authorities have also been made.

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

1. The Authority citation for Part 510 is revised to read as follows:

Authority: Secs. 16, 18, 21, 43 and 44, Shipping Act, 1916; 46 U.S.C. 815, 817, 820, 841a and 841b.

2. Add the following paragraph immediately after the Authority citation:

Note.—Approved for use through August 31, 1984. OMB No. 3072-0018.

§ 510.1 [Amended]

3. Number the paragraph presently appearing under § 510.1 as (a). Add a new paragraph (b) to read as follows:

* * * * *

(b) Information obtained under this part is used to determine the qualifications of freight forwarders and their compliance with shipping statutes and regulations. Failure to follow the provisions of this part may result in denial, revocation or suspension of a license for freight forwarding. Persons operating without the proper license may be subject to civil penalties not to exceed $5,000 for each such violation; for other violations of the provisions of this part, the civil penalties range from $1,000 to $25,000 for each violation (46 U.S.C. 815, 831a).

PART 522—FILING OF AGREEMENTS BETWEEN COMMON CARRIERS OF FREIGHT BY WATER IN THE FOREIGN COMMERCE OF THE UNITED STATES

1. The Authority citation for Part 522 is revised to read as follows:

Authority: Secs. 15 and 43 of the Shipping Act, 1916; 46 U.S.C. 814 and 841a.

2. Add the following paragraph immediately after the Authority citation:

Note.—Approved for use through September 30, 1984. OMB No. 3072-0040.

§ 522.1 [Amended]

3. a. Number the paragraph presently appearing under § 522.1 as paragraph (a).

b. Add a new paragraph (b) to read as follows:

* * * * *

(b) Adherence with the statute and rules of the Commission is mandatory, and persons operating under agreements without prior Commission approval may be liable to penalties and damages for violations of the anti-trust laws of the United States and may be subject to civil penalties of up to $1,000 for each day of such default (46 U.S.C. 814) and/or disapproval of agreements.

PART 523—ADMISSION, WITHDRAWAL AND EXPULSION PROVISIONS OF STEAMSHIP CONFERENCE AGREEMENTS

1. The Authority citation for Part 523 is revised to read as follows:

Authority: Secs. 15 and 43, Shipping Act, 1916; 46 U.S.C. 814 and 817.

2. Add the following paragraph immediately after the Authority citation:

Note.—Approved for use through November 30, 1983. OMB No. 3072-0030.

3. Add a new paragraph (c) to § 523.1 to read as follows:

§ 523.1 Statement of policy.

* * * * *

(c) Conference agreements that do not comply with this part may be disapproved, canceled or modified (46 U.S.C 814). Violations of the provisions of this part may also subject the conference members to a civil penalty of up to $1,000 for each violation (46 U.S.C 831(c)).

PART 524—EXEMPTION OF CERTAIN AGREEMENTS FROM THE REQUIREMENTS OF SECTION 15, SHIPPING ACT, 1916

1. The Authority citation for Part 524 is revised to read as follows:

Authority: Secs. 15, 35 and 43, Shipping Act, 1916; 46 U.S.C. 814, 833a and 841a.

2. Add the following paragraph immediately after the Authority citation:

Note.—Approved for use through October 31, 1984. OMB No. 3072-0039.

§ 524.1 [Amended]

3. a. Number the paragraph presently appearing under § 524.1 as (a).

b. Add a new paragraph (b) to read as follows:

* * * * *

(b) Compliance is mandatory and failure to meet these filing requirements will result in the party desiring exemption remaining bound by the approval requirements of section 15 of the Shipping Act, 1916. (46 U.S.C. 833a)

PART 534—GREEN HIDE WEIGHING PRACTICES

1. Remove the Authority language appearing at the end of §§ 534.1 and 534.2, respectively, place it immediately after the section number listing and revise it to read as follows:

Authority: Secs. 16, 17, and 43; Shipping Act, 1916; 46 U.S.C. 815, 816 and 841a.

2. Add the following paragraph immediately after the Authority citation:

Note.—Approved for use through September 30, 1984. OMB No. 3072-0037.

3. Number the paragraph presently appearing under § 543.1 as (a). Add a new paragraph (b) to read as follows:

§ 534.1 General weighing provisions.

* * * * *

(b) Compliance is mandatory and tariffs containing commodity rates on green hides that do not comply with this part may be rejected. Continued use of a tariff not in compliance with the provisions of this part is unlawful and subject to a civil penalty of not more than $5,000 for each day the violation continues. (46 U.S.C. 817(b)(4), (b)(6).)

PART 536—PUBLISHING AND FILING TARIFFS BY COMMON CARRIERS IN THE FOREIGN COMMERCE OF THE UNITED STATES

1. The Authority citation for Part 536 reads as follows:

Authority: Secs. 14b, 15, 16, 17, 18(b), 18(c), 21 and 43 of the Shipping Act, 1916 (46 U.S.C 813a, 814, 815, 816, 817(b), 817(c), 820 and 841a).

2. Remove paragraph 2 of the Authority citation containing GAO clearance information and substitute the following language therefor:

Note.—Approved for use through October 31, 1984. OMB No. 3072–0009.

3. Add a new paragraph (c) to § 536.0 to read as follows:

§ 536.0 Scope.

* * * * *

(c) Compliance with this part is mandatory, and any tariff submitted for filing which fails to meet criteria specified in this part is subject to rejection. Upon rejection it shall be void, and its use unlawful. Operating without an effective tariff on file with the Commission or changing rates not in conformance with such a tariff is unlawful and subject to a civil penalty of not more than $5,000 for each day the violation continues (46 U.S.C. 817(b)(4), (b)(6)).

PART 540—SECURITY FOR THE PROTECTION OF THE PUBLIC

1. The Authority citations for Part 540 are revised to read as follows:

Subpart A—Proof of Financial Responsibility, Bonding and Certification of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation

Authority: Sec. 3, Pub. L. 89–777, 80 Stat. 1357; (46 U.S.C. 817e).

Subpart B—Proof of Financial Responsibility, Bonding and Certification of Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages

Authority: Sec. 2, Pub. L. 89–777, 80 Stat. 1356; (46 U.S.C. 817d).

Subpart C—Assessment, Remission, and Mitigation of Civil Penalties

Authority: Secs. 2 and 3, Pub. L. 89–777, 80 Stat. 1356–1358; (46 U.S.C. 817d and 817e).

2. Add the following paragraph immediately after the Authority citation in Subpart A and in Subpart B:

Note.—Approved for use through October 31, 1984. OMB No. 3072–0011.

3. Remove the Note paragraph regarding OMB approval that presently appears at the end of § 540.9(k) in Subpart A.

4. Number the paragraph presently appearing under § 540.1 as (a). Add a new paragraph (b) to read as follows:

§ 540.1 Scope

* * * * *

(b) Failure to comply with this part may result in denial of an application for a certificate. Vessels operating without the proper certificate may be denied clearance and their owners may also be subject to a civil penalty of not more than $5,000 in addition to a civil penalty of $200 for each passage sold, such penalties to be assessed by the Federal Martime Commission (46 U.S.C. 91, 817d and 817e).

5. Remove the Note paragraph regarding GAO approval that presently appears at the end of Subpart C, Appendix B.

PART 542—FINANCIAL RESPONSIBILITY FOR WATER POLLUTION

1. The Authority citation for Part 542 reads as follows:

Authority: Sec. 311(p) of the Federal Water Pollution Control Act (33 U.S.C. 1321(p), 86 Stat. 862), as amended by the Clean Water Act of 1977 (Pub. L. 95–217, 91 Stat. 1566), and section 3 of Executive Order 11735 (38 FR 21243, 1973).

2. Remove paragraph 2 of the Authority citation containing GAO clearance information and substitute the following language therefor:

Note.—Approved for use through July 31, 1984. OMB No. 3072–0019.

3. Add a new paragraph (d) to § 542.1 to read as follows:

§ 542.1 Scope.

* * * * *

(d) Failure to follow the provisions of this Part may result in denial of a certificate, and consequently, denial of clearance of a vessel, denial of entry to any port or place in the United States, or its navigable waters, and/or detention of a vessel, as specified in § 542.14. Failure to comply may also subject the vessel operator to a fine of not more than $10,000 for each failure to comply (33 U.S.C. 1321(p), 46 U.S.C. 91).

PART 547—PROCEDURES FOR ENVIRONMENTAL POLICY ANALYSIS

1. The Authority citation for Part 547 is revised to read as follows:

Authority: Sec. 43 of the Shipping Act, 1916 (46 U.S.C. 841a), sec. 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(b)).

2. Add the following paragraph immediately after the Authority citation:

Note.—Approved for use through August 31, 1984. OMB No. 3072–0035.

3. Add a new paragraph (c) to § 547.1 to read as follows:

§ 547.1 Purpose and scope.

* * * * *

(c) Information obtained under this part is used by the Commission to assess potential environmental impacts of proposed Federal Maritime Commission actions. Compliance is voluntary but may be made mandatory by Commission order to produce the information under section 21 of the Shipping Act, 1916 (46 U.S.C. 820). Penalty for non-compliance with a section 21 order is $100 a day for each day of default; penalty for falsification of such a report is a fine up to $1,000 or imprisonment up to one year, or both.

PART 551—TRUCK DETENTION AT THE PORT OF NEW YORK

1. The Authority citation for Part 551 is revised to read as follows:

Authority: Secs. 17 and 43 Shipping Act, 1916; (46 U.S.C. 816 and 841a).

2. Remove paragraph 2 of the Authority citation containing GAO clearance information and substitute the following language therefor:

Note.—Approved for use through September 30, 1984. OMB No. 3072–0010.

3. Add a new paragraph (m) to § 551.1 to read as follows:

§ 551.1 General provisions.

* * * * *

(m) Compliance is mandatory and failure of terminal operators or motor carriers to follow the provisions of this part may result in the assessment of penalties as specified in § 551.7.

Effective Date

Notice, public procedure and delayed effective date are not necessary for the promulgation of this amendment because of its nonsubstantive nature. Accordingly, this amendment shall be effective December 28, 1981.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-36948 Filed 12-24-81; 8:45 am]

BILLING CODE 6735-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR 1056

[Ex Parte MC-19 Sub No. 36]

Household Goods Carriers Operational Practices

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Modification of Form OCP-100; Confirmation of Date by Which Compliance With Final Operational Rules Must Be Achieved.

SUMMARY: The Commission is making minor modifications to Form OCP-100, Your Rights and Responsibilities When You Move, to reflect changes in the way consumers of household goods transportation services may contact the Commission for advice and assistance. All motor common carriers of household goods are notified that compliance with the new operational rules, including furnishing Form OCP-100 as amended herein, is required as of the date shown below.

DATE: Effective Compliance Date: February 1, 1982.

FOR FURTHER INFORMATION CONTACT: Ray G. Atherton, Jr., (202) 275-7844; or Patricia M. Schulze, (202) 275-7841.

SUPPLEMENTARY INFORMATION: The Commission adopted final operational household goods rules on March 11, 1981, (46 FR 16200), to become effective on June 9, 1981. The effective date was stayed pending judicial review. On December 9, 1981, the U.S. Court of Appeals for the Seventh Circuit upheld the Commission's final operational rules decision and dissolved the stay. The Court noted that the Commission should allow household goods carriers a reasonable interval before instituting actions for noncompliance with the new rules, particularly those relating to printed documents required to be furnished shippers.

Form OCP-100, Your Rights and Responsibilities When You Move, is a document required by the new rules (§ 1056.2(a)(1)) to be furnished to individual prospective shippers. In the 10 month period between adoption of the rules and the court's decision upholding them, the method by which the Commission receives complaints and inquiries from the public has been altered. Form OCP-100, as adopted, contains Commission contact information which is no longer current. To update the contact information, For OCP-100 is amended and reproduced in its entirety as set forth in Appendix A below. These documents reflect only a change in Commission practice and, as such, do not encompass any substantive regulatory change.

An effective compliance date of February 1, 1982, is set in recognition of the Court's admonition that a reasonable time be allowed for carriers to achieve compliance.

By the Commission: J. Warren McFarland, Director, Office of Compliance and Consumer Assistance.

Agatha L. Mergenovich,

Secretary.

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YOUR RIGHTS AND RESPONSIBILITIES

APPENDIX A

BILLING CODE

APPENDIX A

BILLING CODE 7035-01-C

COVER - DIMENSIONS OPTIONAL PROVIDING LENGTH X WIDTH EQUALS OR EXCEEDS 36 SQUARE INCHES. COLOR OPTIONAL. NO PRINTING EXCEPT AS BELOW

YOUR RIGHTS AND RESPONSIBILITIES

WHEN YOU MOVE

Prepared By The

INTERSTATE COMMERCE COMMISSION

OFFICE OF COMPLIANCE AND CONSUMER ASSISTANCE

Furnished By

Your Mover

NOTE: The name of the carrier distributing the publication may be substituted for "Your Mover"

Publication OCP-100

YOUR RIGHTS AND RESPONSIBILITIES

WHEN YOU MOVE

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Introduction

The Interstate Commerce Commission (ICC) regulations protect consumers on interstate moves and define the rights and responsibilities of consumers and movers.

The mover gives you this pamphlet to provide information about your rights and responsibilities as a shipper of household goods. You should talk to your mover if you have further questions. The mover will also furnish you with a pamphlet describing its procedure for handling your questions and complaints. The pamphlet includes a telephone number you can call to obtain additional information about your move.

If, after discussing your move with the mover, you still need information or assistance, you may obtain help from an Interstate Commerce Commission office. Local offices are maintained in at least one major city in each state (except Delaware and Hawaii). Regional offices are located in the following cities: Boston, MA; Philadelphia, PA; Atlanta, GA; Chicago, IL; Ft. Worth, TX; and San Francisco, CA. Telephone numbers for these offices may be found in the telephone directory under the heading UNITED STATES GOVERNMENT. In the Washington, D.C. area call 275–0660.

Moving Service Questionnaire

Included with this pamphlet is a brief questionnaire which we ask you to complete and mail, postage free, to the Interstate Commerce Commission. The information which you provide will help the Commission to further assist consumers.

Please answer every question. The name and ICC number of the moving company is found at the top of the bill of lading. The shipment registration or identification number is found on the order for service and the bill of lading of your shipment.

The Service Questionnaire is not a complaint or inquiry form. If you have a complaint or inquiry concerning the mover's services contact the Interstate Commerce Commission offices referred to on page 1 of this publication.

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Exp. 5/31/83

INTERSTATE COMMERCE COMMISSION MOVING SERVICE QUESTIONNAIRE

OMB No. 3120-0057
Exp. 5/31/83

INTERSTATE COMMERCE COMMISSION MOVING SERVICE QUESTIONNAIRE
(Not a Complaint Form)

1. Name of the moving company _____
2. Mover's ICC number _____
3. Your shipment registration or identification number _____
4. Moved from _____ (State) Moved to _____ (State)
5. Date your shipment was picked up _____ (Date) delivered _____ (Date)
6. Did you receive an estimate ☐ Yes ☐ No
7. Was the estimate binding? ☐ Yes ☐ No
8. Were the final charges the estimated charges? (Check One) ☐ More ☐ Less ☐ The Same As
9. Was your shipment picked up the agreed pickup date? (Check One) ☐ Before ☐ On ☐ After
10. Was your shipment delivered the agreed delivery date? ☐ Before ☐ On ☐ After
11. Have you or do you intend to file a claim with the mover for property loss or damage in excess of $100? ☐ Yes ☐ No
12. Would you use the same mover again? ☐ Yes ☐ No
13. Was the *Your Rights and Responsibilities When you Move* booklet helpful to you in your move? ☐ Yes ☐ No

Please show return address in upper left corner of reverse side of this card.

NOTE: THIS QUESTIONNAIRE WILL BE PRINTED ON A PREPAID POST CARD ADDRESSED TO THE INTERSTATE COMMERCE COMMISSION, OFFICE OF COMPLIANCE AND CONSUMER ASSISTANCE, WASHINGTON, D.C. 20423. THIS CARD IS TO BE INSERTED IN THE BOOKLET AND SHOULD BE PERFORATED TO PERMIT EASY REMOVAL. THE CARRIER'S NAME AND ICC NO. MAY BE PRE-PRINTED ON THE QUESTIONNAIRE

BILLING CODE 7035-01-C

BUSINESS REPLY MAIL
FIRST CLASS PERMIT NO 12815 WASH DC

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Office of Compliance and
Consumer Assistance
Washington, D.C. 20423

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IN THE
UNITED STATES

Estimates

Although the ICC cannot require that moving companies give estimates most movers do provide estimates when requested. There are two types of estimates binding and non-binding.

Binding Estimates

The mover may charge you for providing a binding estimate.

Binding estimates must clearly describe the shipment and all services provided.

When you receive a binding estimate, you can not be required to pay any more than the amount of the estimate. To be effective, a binding estimate must be in writing and a copy given to you before you move. A copy of the binding estimate must also be attached to the bill of lading.

If you agree to a binding estimate, you are responsible for paying the charges by cash, certified check, or money order at time of delivery unless the mover agrees before you move to extend credit or to accept payment by charge card. If you are unable to pay the amount required at the time the shipment is delivered, the mover may place your shipment in storage at your expense until the charges are paid.

Non-Binding Estimates of Approximate Cost

The mover is not permitted to charge for giving a non-binding estimate.

A non-binding estimate does not bind the mover. When you receive a non-binding estimate there is no guarantee that the final cost will not be more than the estimate.

Non-binding estimates must be in writing and clearly describe the shipment and all services provided. Any time a mover provides such an estimate it is required that the amount of the charges estimated must be entered on the order for service and bill of lading relating to your shipment. If you are given a non-binding estimate, do not sign or accept the order for service or bill of lading unless the amount estimated is entered on each form when prepared by the mover.

If you are given a non-binding estimate, the mover cannot require you to pay more than the amount of the original estimate plus 10 percent, at time of delivery. You will then have at least 30 days after the date of delivery to pay any remaining charges.

If you request the mover to provide more services than those included in the estimate, the mover may demand full payment for those added services at time of delivery.

Order for Service

Moving companies are required to prepare an order for service on every shipment transported for an individual shipper. You are entitled to a copy of the order for service when it is prepared.

The order for service is not a contract. Should your move be cancelled or delayed or if you decide not to use the services of the mover, you should promptly cancel the move.

Should there be any change in the dates on which you and the mover agreed that your shipment will be picked up and delivered, or any change in the non-binding estimate, the mover may prepare a written change to the order for service. The written change should be attached to the order for service.

Bill of Lading Contract

The bill of lading is the *contract* between you and the mover. The mover is required by law to prepare a bill of lading for every shipment it transports. The information on a bill of lading is required to be the same information shown on the order for service. The driver who loads your shipment must give you a copy of the bill of lading before loading your furniture. You must also sign the bill of lading.

It is your responsibility to read the bill of lading before you sign it. If you do not agree with something on the bill of lading *do not sign* it until you are satisfied that the bill of lading shows what service you want.

The bill of lading requires the mover to provide the service you have requested, and you must pay the mover the charges for the service.

The bill of lading is an important document. Do not lose or misplace your copy. Have it available until your shipment is delivered, all charges are paid and all claims, if any, are settled.

Inventory

At the time the mover's driver loads your shipment he or she, although not required to do so, usually inventories your shipment listing any damage or unusual wear. The purpose of this is to make a record of the condition of each item. If the driver does not make an inventory you should make one yourself.

After completing the inventory, the driver will usually sign each page and ask you to sign each page. It is important before signing that you make sure that the inventory lists every item in your shipment and that the entries regarding the condition of each item are correct. You have the right to note any disagreement. When your shipment is delivered if an item is missing or damaged, your ability to recover from the mover for any loss or damage may depend on the notations made.

The driver will give you a copy of each page of the inventory. Attach the complete inventory to your copy of the bill of lading. It is your receipt for the goods.

At the time your shipment is delivered, it is your responsibility to check the items delivered against the items listed on your inventory. The driver usually places a small numbered tag on each item as the inventory is prepared. The numbers should correspond to the numbered items on the inventory form and facilitate checking off the items as they are brought into your new residence. Check each item for damage that did not exist when the shipment was loaded. If new damage is discovered, make a record of it in the space provided on the inventory form. Be sure to call the damage to the attention of the driver and request that a record of the damage be made on the driver's copy of the inventory.

After the complete shipment is unloaded, the driver will request that you sign the driver's copy of the inventory to show that you received the items listed. Do not sign the inventory until you have assured yourself that it is accurate and that proper notations have been entered on the form regarding any missing or damaged items. When you sign the inventory at the time of unloading, you are giving the driver a receipt for your goods.

Shipments Subject to Minimum Weight or Volume Charges

Movers usually have a minimum weight or volume charge for transporting a shipment. Usually the minimum is the charge for transporting a shipment of at least 500 pounds.

If your shipment appears to weigh less than the mover's minimum weight, the mover is required to advise you on the order for service of the minimum cost before agreeing to transport the shipment. Should the mover fail to advise you of the minimum charges and your shipment is less than the minimum weight, the final charges must be based on the actual weight instead of the minimum weight.

Determining the Weight of Your Shipment

If charges are to based upon weight of the shipment, the mover is required to weigh the shipment. Unless your shipment weighs less than 1,000 pounds and can be weighed on a warehouse platform scale, the mover is required to

determine the weight of your shipment by one of the following processes.

Origin Weighing—If your shipment is weighed in the city or area from which you are moving, the driver is required to weigh the truck on which the shipment is to be transported before coming to your residence. This is called the *tare weight.* At the time of this first weighing the truck may already be partially loaded with one or more other shipments. This will not affect the weight of your shipment. The truck should also contain pads, dollies, handtrucks, ramps, and other equipment normally used in the transportation of household goods shipments.

After loading, the truck will be weighed again to obtain the loaded weight, called the *gross weight.* The net weight of your shipment is then obtained by subtracting the tare weight from the gross weight.

Destination Weighing—The mover is also permitted to determine the weight of your shipment at the destination at the time of unloading. The fact that a shipment is weighed at the destination instead of at the origin will not affect the accuracy of the weight of your shipment. *The most important difference is that the mover will not be able to determine the exact charges on your shipment before it is unloaded.*

Destination weighing is done in reverse to origin weighing. After arriving in the city or area to which you are moving, the driver will weigh the truck, with your shipment loaded on it to obtain the gross weight before coming to your new residence to unload. After unloading your shipment, the driver will again weigh the truck to obtain the tare weight. The net weight of your shipment will then be obtained by subtracting the tare weight from the gross weight.

Each time a weighing is performed the driver is required to obtain a weight ticket showing the date and place of weighing and the weight obtained. The ticket must also have your name and shipment number entered on it along with the I.D. numbers of the truck. The ticket must be signed by the person who performed the weighing. If both the empty (tare) and loaded (gross) weighings are performed on the same scale, the record of both weighings may be entered on one weight ticket.

At the time the mover gives you the freight bill to collect the charges, a copy of every weight ticket relating to your shipment must accompany your copy of the freight bill.

You have the right to observe every weighing. The mover is required to inform you of the specific location of each scale that will be used and to allow you a reasonable opportunity to be present. If you desire to observe either or both of the weighings, you should tell the mover at the time the order for service is prepared or, in any event, before the day of your move. This will enable the mover to contact you before the weighing to advise you of the location of the scale.

Reweighing of Shipments

If your shipment is weighed at origin and you agree with the mover that you will pay the charges at time of delivery, the mover is required to give you written notice of the weight and charges on your shipment before commencing to unload at your destination residence. If you believe that the weight is not accurate, you have the right to request that the shipment be reweighed before unloading.

The mover is not permitted to charge for the reweighing. If the weight of your shipment at the time of the reweigh is different from the weight determined at origin, the mover must recompute the charges based on the reweigh weight.

Before requesting a reweigh, you may find it to your advantage to estimate the weight of your shipment using the following method:

(1) Count the number of items in your shipment. Usually there will be either 30 or 40 items listed on each page of the inventory. For example, if there are 30 items per page and your inventory consists of four complete pages and a fifth page with 15 items listed, the total number of items will be 135. *If an automobile is listed on the inventory do not include that item in the count of the total items.*

(2) Subtract the weight of any automobile included in your shipment from the total weight of the shipment. If the automobile was not weighed separately, its weight can be found on its title or license receipt.

(3) Divide the number of items in your shipment into the weight. If the average weight resulting from this exercise ranges between 35 and 45 pounds per article, it is unlikely that a reweigh will prove beneficial to you and could result in your payment of higher charges.

Experience has shown that the average shipment of household goods will weigh about 40 pounds per item. If a shipment contains a large number of heavy items, such as cartons of books, boxes of tools or heavier than average furniture, the average weight per item may be 45 pounds or more.

Picking Up and Delivering Shipments on the Agreed Dates

Agree with your mover on set times for pickup and delivery. You and your mover must reach an agreement as to when your shipment is to be picked up and delivered. It is your responsibility to determine on what date, or between what dates, you need to have the shipment picked up and on what date or between what dates, you require delivery. It is the mover's responsibility to tell you if the service can be provided on or between those dates or, if not, on what other dates the service can be provided.

In the process of reaching an agreement with a mover, it may be necessary for you to alter your moving and travel plans if no mover can provide service on the specific dates you desire.

Do not agree to have your shipment picked up or delivered "as soon as possible." The dates or periods of time you and the mover agree on should be definite.

Once an agreement is reached on the dates service is to be provided, the mover is required to enter those dates on the order for service. Do not sign or accept an order for service that does not have the agreed dates for service entered on the form. Do not sign or accept an order for service which has dates for the pickup or delivery entered on it which are different from those dates to which you have agreed. The dates you have agreed upon must also be entered on the bill of lading and become part of your contract with the mover.

Once your goods are loaded, the mover is contractually bound to provide the service described in the bill of lading. The only defense for not providing the service on the dates called for in the contract is the "defense of force majeure." This is a legal term which means that if circumstances which could not have been foreseen and which are beyond the control of the mover prevent the performance of the service as agreed to in the bill of lading, the mover is not responsible for damages resulting from the non-performance.

If, after an order for service is prepared, the mover is unable to make pickup or delivery on the agreed upon dates, the mover is required to notify you by telephone, telegram or in person about the delay. The mover must at that time tell you when your shipment can be picked up or delivered. If for any reason you are unable or unwilling to accept pickup or delivery on the dates named by the mover, you should attempt to reach agreement with the mover on alternate dates.

The establishment of a delayed pickup or delivery date does not relieve the mover from liability for damages resulting from the failure to provide

service as agreed. However, when you are notified of alternate delivery dates it is your responsibility to be available to accept delivery on the dates specified. If you are not available and willing to accept delivery, the mover has the right to place your shipment in storage at your expense or hold the shipment on its truck and assess additional charges.

If after the pickup of your shipment, *you* request the mover to change the delivery date, most movers will agree to do so providing your request will not result in unreasonable delay to their equipment or interfere with another customer's move. However, the mover is not required to consent to amended delivery dates and has the right to place your shipment in storage at your expense if you are unwilling or unable to accept delivery on the date agreed to in the bill of lading.

If the mover fails to pick up and deliver your shipment on the date entered on the bill of lading and you have expenses you otherwise would not have had, you may be able to recover those expenses from the mover. This is what is called an inconvenience or delay claim. Should a mover refuse to honor such a claim and you continue to believe that you are entitled to be paid damages, you may sue the mover. *The Interstate Commerce Commission has no authority to order the mover to pay such claims.*

While it is hoped that your shipment will not be delayed, you should consider this possibility and find out before you agree for a mover to transport your shipment what payment you can expect if the service is delayed through the fault of the mover.

Space Reservations, Expedited Service, Exclusive Use of a Vehicle and Guaranteed Pickup and Delivery

It is customary for movers to offer price and service options.

The total cost of your move may be increased if you want additional or special service. Before you agree to have your shipment moved under a bill of lading providing special service, you should have a clear understanding with the mover what the additional cost will be. You should always consider that you may find other movers who can provide the service you require without requiring that you pay the additional charges.

One service option is a *space reservation.* If you agree to have your shipment transported under a space reservation agreement, you are required to pay for a minimum number of cubic feet of space in the moving van regardless of how much space in the van is actually occupied by your shipment.

Another service option is *expedited service* to aid shippers who must have their shipments transported on or between specific dates which the mover could not ordinarily agree to do in its normal operations.

Another customary service option is *exclusive use of a vehicle.* If for any reason you desire or require that your shipment be moved by itself on the mover's truck or trailer, most movers will provide such service.

Still another service option is *guaranteed service on or between agreed dates.* If you take this service option you enter into an agreement with the mover that provides for your shipment to be picked up, transported to destination and delivered on specific guaranteed dates. If the mover fails to provide the service as agreed, you are entitled to be compensated at a predetermined amount or a daily rate (per diem) regardless of the expense you actually might have incurred as result of the mover's failure to perform.

Before requesting or agreeing to any of these price and service options, be sure to ask the mover's representatives about the final costs you will be required to pay and consider all possible alternatives if you feel that the charges will be more than you are willing to pay.

Notification of Charges

You must advise the mover at the time you make the arrangements for the move if you wish to be notified of the weight or volume and charges on your shipment. You are required to give the mover a telephone number or address at which the notification will be received.

The mover must notify you of the charges at least one 24-hour weekday prior to the delivery, unless the shipment is to be delivered the day after pickup. The 24-hour requirement does not apply when you obtain an estimate of the costs prior to the move or when the shipment is to be weighed at the destination.

Receipt for Delivery of the Shipment

At the time of delivery the mover expects you to sign a receipt for your shipment. This is usually accomplished by having you sign each page of the mover's copy of the inventory.

Movers are prohibited from having you to sign a receipt which relieves the mover from all liability for loss or damage to the shipment. Do not sign any receipt which does not provide that you are signing for your shipment *in apparent good condition except as noted on the shipping documents.*

The Mover's Liability for Loss or Damage

All moving companies are required to assume liability for the value of goods which they transport. However, there are different levels of liability, and consumers should be aware of the amount of protection provided and the charges for each plan.

First, unless you make specific arrangements otherwise, the mover is required to assume liability for the entire shipment at an amount equal to $1.25 per pound times the weight of your shipment. For example, if your shipment weighs 4000 pounds, the mover will be liable to you for loss or damage up to $5000. Though you have made no specific arrangements for this plan, the mover is entitled to charge you $5.00 for each $1000 of liability beyond the "released value" (which will be discussed below) of your shipment. Under this arrangement, if you shipped a 10 pound painting valued at $1000 in your 4000 pound shipment, you could collect for the full value of the painting if it was lost or damaged. Under this plan, your valuables are somewhat protected, but you pay for it.

Next, if the value of your shipment exceeds $1.25 per pound, you may obtain additional liability protection from the mover. You do this by declaring a specific dollar value for your shipment. The amount you declare must exceed $1.25 per pound times the weight of the shipment. If you declare that your 4000 pound shipment is worth $10,000, the mover will charge you $5.00 for each $1000 of declared value, which in this case would result in a charge of $50.00. If you ship articles that are usually expensive, such as art or antiques, be sure to declare its full value. You must do this in writing.

The least amount of liability a mover can assume when transporting your goods is the "released value" referred to above. Movers publish what are known as released value rates. Under such rates, the mover assumes liability for not more than 60 cents per pound, per article. Under this arrangement, if that 10 pound painting which was described in the previous example were lost or damaged, and you had agreed to a released value shipment, the mover would be liable for not more than $6.00. Obviously, the consumer should think carefully before agreeing to such an agreement. There is no extra charge for this minimal protection, but you must sign a specific statement on the bill of lading agreeing to it. Remember that unless you do sign such an agreement,

the mover is liable for $1.25 per pound, and can charge you for it.

The mover pays for loss or damage in each of the three forms of liability described above. These are not insurance agreements. An additional option for the consumer is to agree to the released value transportation and obtain insurance directly from the moving company or from an insurance company. Your regular insurance company should be able to quote you a rate for your move. Some consumers have found this to be an inexpensive and satisfying alternative.

Your mover can sell you or procure for you liability insurance in the amount you require if you release your shipment for transportation at a value of 60 cents per pound per article. In the event of loss or damage which is the responsibility of the mover, the mover would be liable only for an amount not exceeding 60 cents per pound per article and the balance of the loss would be recoverable from the insurance company up to the amount of insurance purchased. The mover's representative can advise you of the availability of such liability insurance and the cost per $1,000 of coverage.

If you purchase liability insurance from or through the mover, it is required that the mover issue a policy or other written record of the purchase and to provide you with a copy of the policy or other document at the time of purchase. If the mover fails to comply with this requirement, it becomes fully liable for any claim for loss or damage attributed to its negligence.

Complaints and Inquiries About the Mover's Service

All movers are expected to respond promptly to complaints or inquiries from their customers. Should you have a complaint or question about your move, you should first attempt to obtain a satisfactory response from the mover's local agent, the sales representative who handled the arrangements for your move, or the driver assigned to your shipment.

If for any reason you are unable to obtain a satisfactory response from one of these persons, you should then contact the mover's principal office. When you make such a call be sure to have available your copies of all the documents relating to the move. Particularly important is the number assigned to your shipment by the mover.

If you do not receive a satisfactory answer, you may contact the Interstate Commerce Commission's offices as discussed on page 1. Anytime you contact the Commission regarding your shipment, please have available the name of the mover and the number assigned to your shipment.

All interstate moving companies are required to maintain a complaint and inquiry procedure to assist their customers. At the time you make the arrangements for your move, you should ask the mover's representative for a description of the mover's procedure, the telephone number to be used to contact the carrier and whether the mover will pay for such telephone calls.

Payment of the Transportation Charges

At the time of payment of the transportation charges, the mover is required to give you a freight bill identifying the service provided and the charge for each service. It is customary for most movers to use a copy of the bill of lading as a freight bill; however, some movers use an entirely separate document for this purpose.

Except in those instances where a shipment is moving on a binding estimate, the freight bill must specifically identify each service performed, the rate per unit for each service, and the total charges for each service. *Do not accept or pay a freight bill which does not contain this information.*

If your shipment was transported on a collect on delivery basis (COD), you will be expected to pay the total charges appearing on the freight bill at the time of delivery unless the mover provided a non-binding estimate of approximate cost and the total charges *for the services included in the estimate* exceed 110 percent of the estimated charges.

It is customary for movers to provide in their tariffs that freight charges must be paid in cash, by certified check, or money order. When this requirement exists, the mover will not accept personal checks. At the time you make arrangements for your move, you should ask the mover about the form of payment that is acceptable.

Some movers permit payment of freight charges by use of a charge card. However, do not assume that because you have a nationally recognized charge or credit card that it will be acceptable for payment. Ask the mover at the time the arrangements are made.

If you do not pay the transportation charges at the time of delivery the mover has the right under the bill of lading to refuse to give you your goods. The mover may place them in storage at your expense until the charges are paid.

If, before payment of the transportation charges, you discover an error in the charges, you should attempt to correct the error with the driver, the mover's local agent, or by contacting the mover's main office. If an error is discovered after payment, you should write the mover (the address will be on the freight bill) explaining the error and request a refund.

Movers customarily check all shipment files and freight bills after a move has been completed to make sure the charges were accurate. If an overcharge is found you will be notified and a refund made. If an undercharge occurred you will be billed for the additional charges due.

Payment of the Transportation Charges on Shipments Transported on Two or More Vehicles

Although all movers try to move each shipment on one truck it becomes necessary at times to divide a shipment among two or more trucks. This frequently occurs when an automobile is included in the shipment and it is transported on a vehicle specially designed to transport automobiles. When this occurs your transportation charges are the same as if the entire shipment moved on one truck.

If your shipment is divided for transportation on two or more trucks you are not required to pay the *total* charges until all portions of the shipment have been delivered. However, as each portion of the shipment is delivered, the mover can require payment for that portion.

Movers are also permitted, but not required, to delay the collection of all the charges until the entire shipment is delivered. At the time you make the arrangements for your move, you should ask the mover about its policies in this respect.

Payment of Transportation Charges on Shipments Lost or Destroyed in Transit

Movers customarily make every effort to assure that while your shipment is in their possession for transportation, no items are lost, damaged or destroyed. However, despite the precautions taken, articles are sometimes lost or destroyed during the move.

In addition to any money you may recover from the mover to compensate for lost or destroyed articles, you are also entitled to recover the transportation charges represented by the portion of the shipment lost or destroyed.

Should your entire shipment be lost or destroyed while in the mover's possession, the mover cannot require you to pay any of the charges except the amount you have paid or agreed to pay for added liability protection. The fact that you do not pay any transportation charges does not affect any right you may have to recover reimbursement for

the lost or destroyed articles providing you pay the charges for added liability protection.

Filing of Claims for Loss and Damage or Delay

Dispute Resolution Programs

Should your move result in the loss or damage to any of your property you have the right to file a claim with the mover to recover money for such loss or damage.

You have nine months following either the date of delivery or the date on which the shipment should have been delivered to file a claim. However, you should file a claim as soon as possible. If you fail to file a claim within 120 days following delivery and later bring a legal action against the mover to recover the damages, you may not be able to recover your attorney fees even though you win the court action.

The Interstate Commerce Commission cannot resolve loss and damage claims. If you cannot settle a claim with the mover, you may file a civil action to recover in court. If the mover participates in a dispute resolution program, you may find submitting your claim to arbitration under such a program a less expensive and more convenient way to seek recovery. Movers which participate in a dispute resolution program are required to advise all shippers of the existence and details of the program before they accept a shipment to be transported. If the mover does not provide information about a dispute resolution program at the time an order for service is prepared, you should ask whether the mover participates in such a program.

In Conclusion

Should you have any questions about your move which are not answered in this pamphlet, do not hesitate to ask the mover's representative who handled the arrangements for your move, the driver who transports your shipment or the mover's main office for additional information.

For further advice or assistance, contact the Interstate Commerce Commission as discussed on page 1.

Points To Remember

- Movers may give binding estimates.
- Non-binding estimates may not be accurate; actual charges may often exceed the estimate.
- Specify pick up and delivery dates in the *order for service.*
- The *bill of lading* is your contract with the mover . . . read it carefully . . . if you have any questions ask your mover or call the I.C.C.
- Be sure that you understand the extent of your mover's liability for loss and damage.
- You have the right to be present each time your shipment is weighed.
- You may request a reweigh of your shipment.
- If your have moved on a non-binding estimate, you should have enough cash or a certified check to pay the estimated cost of your move plus 10 percent more at time of delivery.

[FR Doc. 81-36931 Filed 12-24-81; 8:45 am]
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Proposed Rules

Federal Register
Vol. 46, No. 248
Monday, December 28, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Request for Comments on Proposal to Deregulate Share, Share Draft, and Share Certificate Accounts

AGENCY: National Credit Union Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Subsequent to the passage of the Depository Institutions Deregulation and Monetary Control Act of 1980, there have been numerous amendments to § 701.35 of the NCUA Rules and Regulations. This Section governs generally the terms and conditions, including dividend rates payable, on share, share draft, and share certificate accounts. At the present time, the various amendments to § 701.35 provide Federal credit unions the opportunity to offer short- and long-term accounts paying dividends competitive with market rates of interest. Therefore, as a practical matter, Federal credit unions are deregulated under the present regulation. Consequently, the NCUA Board is soliciting comment on a proposal to deregulate § 701.35 by permitting Federal credit unions to offer accounts subject to terms and conditions determined by a credit union's Board of Directors.

DATES: Comments must be received on or before February 1, 1982.

ADDRESS: Send comments to Regulatory Development Coodinator, Robert Monheit, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: Randall J. Miller, Acting Director, Office of Policy Analysis, Telephone (202) 357–1090, or Robert Fenner, Deputy General Counsel, Telephone (202) 357–1030.

SUPPLEMENTARY INFORMATION: In March 1980, the Depository Institutions Deregulation and Monetary Control Act (Pub. L. 96–221) was enacted. Title II, the Depository Institution Deregulation Act, directed the NCUA Board to provide for the removal of dividend rate ceiling restrictions on or before March, 1986. Subsequent to the passage of the Act, the NCUA Board approved several amendments to § 701.35 of the NCUA rules and regulations. This Section governs the terms and conditions, including maximum dividend rates payable, on credit union share accounts.

The Current Regulation

The current rule defines the various types of accounts that may be offered (§ 701.35(a)) and requires that certain procedures be followed in the issuance of such accounts (§ 701.35(b)). Section 701.35(c) establishes the requirements for share drafts, including requirements of written operational specifications, written account agreements, truncation of drafts, retention of drafts or photo copies, and surety bond coverage. Section 701.35(d) addresses general provisions relating to the qualifying period, renewal, and cancellation of share certificate accounts. Penalties for early withdrawal from share certificate and exceptions to such penalties are contained in § 701.35 (e) and (f). Variable dividends are authorized by § 701.35(g). The dividend structure and ceilings on different types of share, share certificate, and share draft accounts are provided in § 701.35(h). Advertising and disclosure requirements are contained in § 701.35 (k) and (l) respectively.

A Deregulation Proposal

The NCUA Board desires to solicit public comment on a proposal to deregulate § 701.35 of the NCUA Rules and Regulations. The deregulation proposal would place the responsibility for determining the terms and conditions governing accounts with a Federal credit union's board of directors. For example, a board of directors would be responsible for determining the classes of accounts to be offered, maturities, dividend rates, minimum denominations, premature withdrawal penalty provisions, and any other terms or conditions governing the account.

In addition, the NCUA Board would like to receive comments on whether the operational constraints and advertising and disclosure provisions in the current regulations should be amended.

Dated: December 18, 1981.

Rosemary Brady,

Secretary of the Board.

[FR Doc. 81–36855 Filed 12–24–81; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 11

[Docket No. 22471; Petition Notice No. 81–16]

Petition of United Air Lines, Inc. for Rulemaking; Rescind the High Density Traffic Airports Rule

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Publication of petition for rulemaking for change in certain FAA regulations.

SUMMARY: This notice publishes for public comment a summary of the petition of United Air Lines, Inc. The summary was provided by United Air Lines. The petitioner requests that a regulation be issued rescinding the High Density Traffic Airports Rule, Part 93, Subpart K of the Federal Aviation Regulations, insofar as it applies to Chicago's O'Hare International Airport. Comments are also invited on United's petition in connection with the applicability of the rule at Kennedy International and LaGuardia Airports. Although this notice sets forth a summary of the petition as received, its publication does not represent any agency position on the merits of the petition. This notice does not propose any amendment of current rules or any change in policy or procedures. After consideration of the available data and comments received in response to this notice, the FAA will determine whether it should proceed to rulemaking or other proceedings based on the United Air Lines petition. If rulemaking is appropriate, a notice of proposed rulemaking containing regulatory proposals will be issued.

DATES: Comments must be received on or before February 26, 1982.

ADDRESS: Send comments on this petition in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204),

Docket No. 22471, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:
Edward P. Faberman, Acting Deputy Chief Counsel, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, SW, Room 900E, Washington, D.C. 20591, Telephone (202) 426–3775.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to submit such written data, views, or arguments on the petition as they may desire. Communications should identify the docket or petition notice number and be submitted in duplicate to the address indicated above. All communications received on or before the closing date will be considered before taking action on the petition. All comments submitted will be available for examination in the FAA docket. Persons wishing the FAA to acknowledge receipt of comments received in response to this notice should submit a self-addressed, stamped postcard which states "Comments to Docket No. 22471." The postcard will be date and time stamped and returned to the commenter.

Background

Since April 27, 1969, O'Hare Airport has been operated under a special air traffic rule known as the "High Density" rule (14 CFR 93.121 et seq.). The rule was adopted in response to serious airspace and airport congestion. It was intended to provide relief from excessive delays at certain major terminals including O'Hare, Kennedy International and LaGuardia Airports. The rule limits the hourly number of allocated IFR (instrument flight rules) operations (takeoffs and landings) that may be reserved for the specified classes of users for those airports as follows:

Class of user	John F. Kennedy Airport[1]	LaGuardia Airport	O'Hare[1] Airport
Air carriers except air taxis	70	48	115
Scheduled air taxis	5	5	10
Other	5	5	10

[1] The allocation of IFR reservation for air carrier except air taxis at the John F. Kennedy Airport is 60 IFR reservations per hour from 5:00 p.m. to 8:00 p.m. These limitations only apply to Kennedy and O'Hare Airports during the hours from 3:00 p.m. to 7:59 p.m., local time

Summary of the Petition

Accordingly, the Federal Aviation Administration publishes a summary of the petition for rulemaking of United Air Lines, Inc. dated December 7, 1981, and invites comments on the petition. This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulation (14 CFR Part 11).

Issued in Washington, D.C. on December 21, 1981.

Edward P. Faberman,

Acting Deputy Chief Counsel.

Summary of Petition for Rulemaking of United Air Lines, Inc.

Pursuant to § 11.25 of the Federal Aviation Regulations United Air Lines, Inc. hereby submits a summary of a petition for rulemaking which is being filed concurrently herewith:

United Air Lines, Inc. ("United") petitions the Administrator of the Federal Aviation Administration ("FAA") to promulgate a regulation which rescinds the High Density Traffic Airports Rule, Part 93, subpart K of the FAR's (14 CFR § 93.121, *et seq.*) insofar as it applies to Chicago's O'Hare International Airport. In support of its petition, United states as follows:

The High Density or slots limitations at O'Hare were implemented by the FAA in 1968 in order to combat terminal groundside congestion problems. 33 FR 17896. The FAA specifically indicated that the slot limits were temporary and were to be removed as soon as possible. 34 FR 2603. In spite of the fact that the congestion problem at O'Hare which formed the basis for the rule has long since been corrected, the slot limits have remained in effect.

Developments in the air traffic control system and at O'Hare airport have made the slot limits there obsolete. The FAA, since 1968, has substantially improved and expanded its procedures for air traffic control, particularly in the development and implementation of flow control procedures. Similarly, O'Hare is not physically the same airport as it was in 1968 when the quotas were implemented. Notably, a sixth air carrier runway was constructed in 1971, as well as new Instrument Landing Systems, high speed turnoffs and arrival holding areas which all have served to enhance the capacity of the airport.

Retention of the slot limits at O'Hare is inconsistent with the national air transportation policy of deregulation. The slot limits constitute serious barriers to competition at O'Hare and the three other slot-controlled U.S. airports. At all of the other 637 U.S. air carrier cities these barriers do not exist. Thus the slots rule has created a serious disadvantage for the City of Chicago, its passengers, shippers and air carriers in the highly competitive environment of deregulation.

Elimination of the slots rule will not have an adverse impact on the environment. There is very little relationship between slots and noise impact, since human noise response is a function of the cumulative amount of noise energy that an individual listener is exposed to, rather than to the number of occurrences which produce noise. Moreover, due to the high gate utilization rates at O'Hare, the elimination of the rule will result in only minimal increases in actual operations levels at the airport.

For these reasons, United petitions the FAA to rescind the High Density Rule at O'Hare insofar as it applies at that point.

[FR Doc. 81–36828 Filed 12–24–81; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

23 CFR Parts 625, 646, and 655

[FHWA Docket 80–11]

National Standards for Traffic Control Devices; Manual on Uniform Traffic Control Devices; Railroad-Highway Projects

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Withdrawal of advance notice of proposed rulemaking.

SUMMARY: The purpose of this notice is to announce that the Federal Highway Administration is closing Docket 80–11 without further action and does not intend to institute additional rulemaking proceedings at this time on the subjects of criteria for the selection of specific highway traffic control systems at railroad-highway crossings and the use of flashing light signals without the use of automatic gates. FHWA is taking this action on the basis of the negative response received to the proposals set forth in the advance notice of proposed rulemaking.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert B. Helland, Office of Traffic Operations, (202) 426–0411, or Mr. Thomas P. Holian, Office of the Chief Counsel, (202) 426–0761, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: On June 6, 1980, the Federal Highway Administration issued an advance notice of proposed rulemaking (ANPRM) published in the **Federal Register** on June 12, 1980 (45 FR 40062), inviting interested persons to comment on revising Part VIII of the Manual on Uniform Traffic Control Devices (MUTCD) to (1) Include national criteria for the selection of specific highway traffic control systems at railroad-highway crossings and (2) to eliminate the use of flashing light signals without the use of automatic gates.

The advance notice of proposed rulemaking sets forth its subject matters as follows:

Item I. As a result of an advance notice of proposed rulemaking (ANPRM) published in the Federal Register on August 10, 1978 (FHWA Docket 78–13) the FHWA is

considering revising Part VIII of the Manual on Uniform Traffic Control Devices (MUTCD) to include national criteria for the selection of specific highway traffic control systems at railroad-highway crossings. Three alternative methods or options are presented for revising Part VIII as follows:

(a) The establishment of national criteria expressed as a baseline hazard index.

(b) The establishment of criteria for selecting specific traffic control systems at railroad-highway crossings based on a quantitative approach. This procedure would involve the computation of hazard index levels and their comparison to development threshold values.

(c) The establishment of criteria based on a descriptive approach. This method would include a listing of descriptive factors which would be utilized in the selection of highway traffic control systems for installation at railroad-highway crossings.

Item II. The FHWA is also considering the desirability of revising Part VIII of the MUTCD to eliminate the use of flashing light signals without the use of automatic gates.

A total of 85 written responses to this advance notice were received. Forty-one responses were received from State highway and transportation departments; 16 from local/county governments; six from State public utility/service commissions; four from railroads; three from other Federal agencies; and 15 from other organizations and individuals.

The overwhelming majority of responses received addressing Item I were negative. Commenters generally opposed the establishment of mandatory national criteria and responded negatively to each of the three alternatives offered in Item I. Commenters argued that any such national criteria, if established, should be identified as good practice and not made mandatory. Many commenters indicated that national criteria should be used to identify certain classes of crossings which should be evaluated by local diagnostic teams, with the final decision on improvements to be made at a specific crossing resting with the local diagnostic team.

Sixty of the 81 commenters responding to Item II opposed this proposed revision to the MUTCD. Ten other respondents provided "qualified no" responses. Generally the commenters argued that the practice of installing automatic gates where there are flashing light signals should be encouraged; however, they believe that there are a number of situations in which gate installation would be inappropriate or impractical. Consequently, these commenters urged that installation of gates not be mandated in all instances when flashing lights are used.

On the basis of the negative response received to the proposals set forth in the advance notice of proposed rulemaking, the FHWA is withdrawing FHWA Docket 80–11.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under the regulatory policies and procedures of the Department of Transportation. Withdrawal of this advance notice of proposed rulemaking will not have a significant economic effect inasmuch as no costs will be associated with this action. Accordingly, a full regulatory evaluation is not required. Under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant economic impact on a substantial number of small entities.

In consideration of the foregoing, the advance notice of proposed rulemaking published in the **Federal Register** on June 12, 1980 (45 FR 40062), and circulated as advance notice 80–11, is hereby withdrawn.

This withdrawal is issued under the authority of 23 U.S.C. 109 (b) and (d), 315, and 402(a), and the delegation of authority in 49 CFR 1.48(b).

Issued on December 17, 1981.

R. A. Barnhart,

Federal Highway Administrator.

[FR Doc. 81–36063 Filed 12–24–81; 8:45 am]

BILLING CODE 4910–22–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–5–FRL 2001–4]

Michigan; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: On June 26, 1981 and on August 24, 1981, the State of Michigan submitted Consent Orders No. 12–1981 and APC 19–1981 for the Dow Chemical Company (DOW) as revisions to the Michigan State Implementation Plan (SIP). Consent Order APC No. 19–1981 provides for control of sulfur dioxide (SO_2) and total suspended particulates (TSP) emissions from the company's West Side and South Side power plants in Midland County, Michigan. All particulate emission sources at Dow must comply with various parts of Michigan's SIP between July 21, 1981 and December 31, 1985. Consent Order 12–1981 establishes a schedule for installation of TSP control devices and sets October 1, 1982 as the compliance date for TSP emissions from the liquid waste incinerator in Dow's Building 830. The purpose of today's action is to solicit public comment on the Consent Orders and on EPA's proposed approval of these orders as SIP revisions.

DATE: Comments on this SIP revision must be received by no later than January 27, 1982.

ADDRESSES: Copies of these SIP revisions are available for review at the following addresses:

Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48917

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

FOR FURTHER INFORMATION CONTACT: Toni Lesser, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6037.

SUPPLEMENTARY INFORMATION: On April 25, 1979, the State of Michigan submitted a SIP revision to comply with the requirements of the 1977 amendments to the Clean Air Act (Act). The strategy developed by the State of Michigan to ensure attainment of both the primary and secondary national ambient air quality standards (NAAQS's) for TSP requires reasonably available contol technology on the traditional point and fugitive sources of TSP and, where necessary, additional controls on those traditional sources which have been identified as causing or contributing to the TSP problems in nonattainment areas. The additional control requirements are to be contained in enforceable abatement orders. Part of Michigan's submittal included a commitment to develop these abatement orders for the sources contributing to TSP problems in certain nonattainment areas. For Midland County, the State committed to the following schedule (Air Quality Implementation Plan, Table 2.14, p. 2–53) for identifying the sources contributing to the TSP problem and for developing abatement orders for these sources:

(a) Completion of additional studies in Midland County by October 30, 1980;

(b) Development of enforceable control orders or additional emission limits by October 30, 1981; and

(c) Final attainment of the secondary NAAQS for TSP by October 1984.

The Dow Chemical Company is located in an area of Midland County which was designed as nonattainment for the secondary TSP and for the primary SO_2 NAAQS's. The following is a synopsis of EPA's review of Consent Orders #12–1981 and APC #19–1981 for the Dow Chemical Company which were submitted as SIP revisions pursuant to Michigan's earlier commitment.

Consent Order No. 12–1981

On June 28, 1981, the State of Michigan submitted to EPA Consent Order #12–1981. The Consent Order provides a schedule for installation of air pollution control devices and/or other equipment to control particulate emissions from the liquid waste incinerator in Building 830 at Dow's Midland plant. The schedule establishes a final particulate emissions compliance date of October 1, 1982. By that time, particulate emissions from the incinerator must not exceed 0.1 pounds of particulate matter per every 1000 pounds of exhaust gases, corrected to 50% excess air. This emission limitation is the same as specified for liquid waste incinerators in Table 31 of Michigan R336.1331.

According to Michigan R336.1331, compliance with this emission limitation must be as expeditious as practicable, but not later than December 31, 1982. On May 6, 1980 (45 FR 29790), USEPA approved the compliance date of December 31, 1982 for the attainment of TSP NAAQS in all nonattainment areas.

USEPA has reviewed Consent Order #12–1981 and conluded that its provisions will not interfere with attainment and maintenance of the Primary TSP standards and will, in fact, contribute to the State's goal of attainment and maintenance of the secondary TSP standard as expeditiously as practicable and prior to Michigan's federally approved secondary attainment date of October 1, 1984.

Consent Order APC No. 19–1981

On August 24, 1981, the State of Michigan submitted Consent Order APC #19–1981 to EPA. The Order contains an alternative control strategy for particulate emissions from Dow's West Side and South Side power plants. On October 16, 1981, the State of Michigan submitted a letter to EPA clarifying that only paragraphs A(3), B,C,D, and E on pages 1 through 6 of the Consent Order for the specific sections summarized below are intended for EPA's proposed rulemaking action.

Control Program

The Dow Chemical Company in Midland operates Boilers 14, 15, 16, 17, and 18 at the South Side power plant and Boilers 9, 12,13, 19, and 20 at the West Side power plant. The TSP and SO_2 emission rates have been in excess of those allowed by the federally approved Michigan Rules 336.1301, 336.1331, and 336.1401. These regulations require Dow's coal/oil fired boilers to meet the following emission limitations:

(a) Visible emission limits (R336.1301);

(b) A boiler-specific TSP emission limitation between 0.20 and 0.27 lbs/1000 lbs of exhaust gases at 50% excess air depending on the capacity of the boiler; (R336.1331); and

(c) A plantwide 1% fuel sulfur content limitation.

To comply with Michigan's rules, Dow originally intended to purchase its steam and electrical power needs from the Midland Nuclear Power Plant to be built by the Consumers Power Company. By this strategy, Dow would have been able to discontinue operation of the West Side and South Side power plants, except during periods of service interruptions at the nuclear plant, and thereby almost totally eliminate TSP and SO_2 emissions from its plants. However, a series of delays in construction of the nearby nuclear plant and litigation with EPA and the State of Michigan have prompted Dow to develop an alternative control strategy. Dow's program now includes the following elements:

(a) Restricting the use of coal to Boilers 13–17 and 20 only;

(b) Switching to low sulfur, low ash coal at both plants;

(c) Constructing a common stack with a baghouse for particulate control at the South Side power plant; and

(d) Complying with Michigan TSP SIP at the West Side power plant by December 31, 1985.

Paragraph A(3) of Consent Order APC #19–1981 states that the Michigan Department of Natural Resources and Dow have agreed, that between September 1, 1981 and December 31, 1982, Dow shall not burn coal or oil in more than three boilers at the South Side power plant unless the sulfur content of the fuel is less than 0.9 percent by weight. This is more restrictive than the 1.0 percent sulfur content limitation contained in Michigan's October 16, 1981 letter states that emission limitations for particulate matter and continuous emission monitoring requirements submitted as revisions to the existing SIP are contained in paragraphs B,C,D, and E of the Consent Order. All particulate emission sources at Dow must comply with Michigan's revised SIP by December 31, 1985.

Order APC #19–1981 establishes the following provisions:

(1) A date of December 31, 1982 for compliance with the opacity and TSP rules at the South Side plant (R336.1301 and R336.1331, respectively). In the interim (September 1, 1981 to December 31, 1982), Dow shall install "air pollution control device(s) and/or other equipment" at the South Side plant and the plant must meet:

(a) A TSP emission limit of 0.62 lbs/1000 lbs of exhaust gases;

(b) A 24-hour and 30-day rolling average ash content of 7 percent and 5 percent respectively; and

(c) No specific visible emission limit (compliance determined by the ash content of th coal burned).

(2) A date of December 31, 1985 for compliance with the opacity and TSP rules at the West Side plant. In the interim (September 1, 1981 to December 31, 1985), the West Side plant must meet:

(a) A TSP limit of 0.47 lbs/1000 of exhaust gases at Boiler 13;

(b) A TSP limit of 0.55 lbs/1000 lbs of exhaust gases at Boiler 20;

(c) A 24-hour and 30-day rolling average ash content of 7 percent and 5 percent respectively; and

(d) No specific visible emission limits (compliance determined by the ash content of the coal burned).

The Consent Order also contains provisions which:

Specify the procedures to be followed for determining compliance with the sulfur and particulate limitations (contained in Appendices A and B of the Consent Order);

Prohibit coal from being burned in Boilers 9, 12, 18, and 19 after the effective date of the Consent Order; and

Require installation of continuous opacity monitors at the South Side plant's new stack by December 31, 1982 and at the West Side plant stacks serving Boilers 13 and 20 by December 31, 1985, if these boilers are to remain in operation.

On September 28, 1981, the United States District Court for the Eastern District of Michigan, in the case of the *United States of America* v. *Dow Chemical Company* (Civil Action No. 80–40423, E. D. Michigan, July 20, 1981), signed a consent decree which will impose an abatement program on Dow. The decree contemplates that Dow will petition for a modification to the decree to be consistent with the particulate emission limits contained in Consent

Order APC #19–1981. Other than this potential modification, EPA's approval of Michigan's Consent Order will not in any way alter Dow's requirement to comply with all terms of the final consent decree. In addition, the consent decree provides a schedule for completion of a good engineering practice stack and a baghouse for the coal boilers at the South Side plant. These specific measures are referred to only as "air pollution control device(s) and/or other equipment" in the consent order.

Attainment Demonstration

On July 6, 1981, Dow submitted to the State results from an air quality modeling analysis using the Industrial Source Complex rural, short-term model. The analysis demonstrates that the interim particulate emission limits at the South Side and West Side plants' coal-fired boilers will not cause or contribute to a violation of the primary TSP NAAQS. The Consent Order APC #19–1981 requires incremental TSP reductions. First, low ash coal is to replace high ash coal at all coal-fired boilers by September 1, 1981. Second, after December 31, 1982, a baghouse and a new common stack at the South Side plant will reduce plantwide TSP emissions to 36% of the interim (September 1, 1981 to December 31, 1982) levels. In addition, a new taller stack, combining the flues presently vented to the existing two stacks, will result in better dispersion and less ambient impact from the South Side plant. Accordingly, Dow will not cause or contribute to a violation of the secondary NAAQS for TSP by the October 1, 1984 attainment date.

Michigan's Consent Order and the judicial consent decree specify the visible emission limitations to be met by the South Side and West Side plants by December 31, 1982 and December 31, 1985, respectively. Appendix B of the judicial consent decree requires coal sampling which will be used to determine compliance with the interim particulate emission limits.

EPA has reviewed Consent Order APC #19–1981 and has concluded that the Order will provide for maintenance of the primary NAAQS for TSP and for the attainment and maintenance of the secondary standard for TSP as expeditiously as practicable and within the State's commitment of attainment by October 1, 1984. The Order will result in substantial enforceable reductions in particulate emissions over present actual emissions and is consistent with the provisions contained in the consent decree issued in the *United States of America* v. *Dow Chemical Company* [illegible].

EPA proposes to approve Consent Order #12–1981 and the parts of APC #19–1981 submitted as revisions to Michigan's SIP. Interested indivuduals are advised that a 30-day public comment period is being provided on this notice of proposed rulemaking. It is requested that, where possible, comments be submitted in triplicate. All comments received will be available for inspection during normal business hours at the Region V Office listed at the front of this notice.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator certified on January 27, 1981, (46 FR 8709) that approvals of SIPs under sections 110 or 172 of the Clean Air Act would not have a significant economic impact on a substantial number of small entities. Today's action proposes to approve a State action for a site-specific source under Sections 110 and 172 of the Act. It imposes no requirements beyoud those which the State and the Federal district court have already imposed on Dow and affects only that company.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirements of a Regulatory Impact Analysis. Today's action does not constitute a major regulation since it approves provisions which the State adopted and submitted to EPA. EPA is not imposing any requirements which are different from those already required by the State.

(Secs. 110 and 172 of the Clean Air Act)

Dated: November 13, 1981.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 81–36917 Filed 12–24–81; 8:45 am]

BILLING CODE 6560–38–M

FEDERAL MARITIME COMMISSION

46 CFR 510

[General Order 4, Revised; Amdt. 1; Docket No. 81–76]

Licensing of Independent Ocean Freight Forwarders

AGENCY: Federal Maritime Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35) amends sections 1 and 44 of the Shipping Act, 1916 to remove restrictions against affiliations between an independent ocean freight forwarder and a person who is a shipper or consignee or a seller or purchaser of shipments to foreign countries via oceangoing common carriers. This proposed rulemaking would amend the Commission's rules in General Order 4, Revised (46 CFR 510) to comport with the new statute.

DATES: Comments (original and 15 copies) on or before February 1, 1982.

ADDRESS: Send comments to Francis C. Hurney at the address listed below.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, D.C. 20573, (202) 523–5725.

SUPPLEMENTARY INFORMATION: The Federal Maritime Commission's rules governing the licensing and operation of independent ocean freight forwarders are contained at 46 CFR 510[1] and are commonly known as General Order 4, Revised. The definition of the term "independent ocean freight forwarder" ("forwarder") and the conditions under which forwarders are licensed to operate are based on and subject to sections 1 and 44 of the Shipping Act, 1916 ("the Act"). As a result of recent statutory amendments to sections 1 and 44 of the Act,[2] which remove the restrictions against affiliations between forwarders and persons such as export shippers who use oceangoing common carriers, the Commission now proposes revisions to General Order 4, Revised, for the purpose of bringing those rules into conformity with the amendments to the Act.

Section 1 of the Act has been amended to define a forwarder as follows:

> The term "independent ocean freight forwarder" means a person that is carrying on the business of forwarding for a consideration who is not a shipper, consignee, seller, or purchaser of shipments to foriegn countries.

Previously, the definition read:

> An "independent ocean freight forwarder" is a person carrying on the business of forwarding for a consideration who is not a shipper or consignee or a seller or purchaser of shipments to foreign countries, *nor has any beneficial interest therein, nor directly or indirectly controls or is controlled by such shipper or consignee or by any person having such a beneficial interest.* (emphasis added.)

Section 44 of the Act has been amended by adding new subsection (f):

> (f) A forwarder may not receive compensation from a common carrier with respect to any shipment in which the forwarder has a beneficial interest or with

[1] See 46 FR 24565, May 1, 1981.

[2] See section 1608 of Pub. L. 97–35, the Omnibus Budget Reconciliation Act of 1981.

respect to any shipment in which any holding company, subsidiary, affiliate, officer, director, agent, or executive of such forwarder has a beneficial interest.

The statutory amendments further provide that the above-quoted changes to sections 1 and 44 of the Act will remain in effect until December 31, 1983, after which time the definition of an "independent ocean freight forwarder" will revert back to that in effect prior to August 13, 1961, the date of the enactment of the amendments.

The following five revisions to General Order 4, Revised, are being proposed. Additions are enclosed in arrows (► ◄), and deletions are enclosed in brackets ([ ]):

(1) Section 510.2(j), which defines an independent ocean freight forwarder, would be amended by deleting the references to the no longer prohibited status of having beneficial interests in ocean shipments and/or having shipper or consignee affiliates. The Commission proposes to amend section 510.2(j) to read:

"Independent ocean freight forwarder" refers to a person performing freight forwarding services for a consideration, either monetary or otherwise, who is not a shipper or consignee or seller or purchaser of property in commerce from the United States [and who has no beneficial interest therein, nor directly or indirectly controls or is controlled by such shipper or consignee or by any person having such a beneficial interest].

(2) Section 510.12, which describes a class of persons not eligible for a forwarder's license, would be amended by deleting the references to the no longer disqualifying status of having beneficial interests in ocean shipments and/or having shipper or consignee affiliations. The Commission proposes to amend § 510.12 to read:

No person is eligible for a license who is a shipper, consignee, seller, or purchaser of shipments in commerce from the United States [, or who has any beneficial interest therein, or who directly or indirectly controls or is controlled by such shipper, consignee, seller, or purchaser of shipments or by any person having a beneficial interest in such shipment]

(3) Section 510.32(a), which bars a forwarder from having a no longer prohibited beneficial interest in ocean shipments, would be amended by deleting the reference to such beneficial interest. The amended § 510.32(a) would read:

[*Beneficial interest.*]
►*Prohibition.*◄ No licensee shall act in the capacity of a shipper, consignee, seller, or purchaser of any shipment in commerce from the United States [, nor have any beneficial interest in such a shipment].

(4) Section 510.33(c), which sets forth the certification required to be made by a forwarder in order to obtain compensation from an oceangoing common carrier under subsection 44(e) of the Act, would be broadened for the sole purpose of reflecting new subsection 44(f) of the Act. The amended § 510.33(c) would read.

Form of certificate. Prior to receipt of compensation, the licensee shall file with the carrier, in addition to the anti-rebate certification required by § 510.31(h) of this part, a signed certification as set forth below on one copy of the relevant ocean bill of lading which indicates performance of at least two of the listed services in addition to arranging for space:

The undersigned herby certifies ►that neither it nor any holding company, subsidiary, affiliate, officer, director, agent or executive of the undersigned has a beneficial interest in this shipment;◄ that it is the holder of valid FMC License No.——, issued by the Federal Maritime Commission and has, in addition to soliciting and securing the cargo specified herein or booking or otherwise arranging for space for such cargo, performed at least two (2) of the following services, as indicated:

(1) Coordinated the movement of the cargo to shipside.

(2) Prepared and processed the ocean bill of lading.

(3) Prepared and processed dock receipts or delivery orders.

(4) Prepared and processed consular documents or export declarations.

(5) Paid the ocean freight charges.

A copy of such certificate shall be retained by the licensee pursuant to § 510.34 of this part.

(5) New paragraph (h) would be added to § 510.33. That new paragraph would be the above-quoted new subsection 44(f) of the Act, with two technical modifications necessary to conform the statutory language to the definitions in Part 510. First, the word "freight" would be inserted before the words "forwarder may not receive", and, second, the word "oceangoing" would be inserted before the words "common carrier". Those two modifications clarify, but do not alter in any manner, the meaning of the statutory language.

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Commission certifies that the revisions proposed herein would not, if promulgated, have a significant economic impact on a substantial number of small entities. The proposals do not require additional reports or records, and are based entirely on changes to the underlying law. Any economic impact which might occur would occur as a direct result of the changes to the law, regardless of whether the proposed revisions are adopted or not. Nor are there any rules which the Commission could promulgate that would prevent such occurrence.

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Therefore, pursuant to sections 18, 21, 43, and 44 of the Shipping Act, 1916 (46 U.S.C. 817, 820, 841a and 841b), and 5 U.S.C. 553, the following provisions of Title 46 of the Code of Federal Regulations are proposed to be amended to read as follows:

1. Section 510.2 is amended by revising paragraph (j) to read as follows:

§ 510.2 Definitions.

* * * * *

(j) "Independent ocean freight forwarder" refers to a person performing freight forwarding services for a consideration, either monetary or otherwise, who is not a shipper or consignee or seller or purchaser of property in commerce from the United States.

* * * * *

2. Section 510.12 is revised to read as follows:

§ 510.12 Persons not eligible.

No person is eligible for a license who is a shipper, consignee, seller, or purchaser of shipments in commerce from the United States.

3. Section 510.32(a) is revised to read as follows:

§ 510.32 Forwarder and principal; fees.

(a) *Prohibition.* No licensee shall act in the capacity of a shipper, consignee, seller, or purchaser of any shipment in commerce from the United States.

* * * * *

4. Section 510.33 is amended by revising paragraph (c) and by adding paragraph (h) to read as follows:

§ 510.33 Forwarder and carrier; compensation.

* * * * *

(c) *Form of certification.* Prior to receipt of compensation, the licensee shall file with the carrier, in addition to the anti-rebate certification required by § 510.31(h) of this part, a signed certification as set forth below on one copy of the relevant ocean bill of lading which indicates performance of at least two of the listed services in addition to arranging for space:

The undersigned hereby certifies that neither it nor any holding company, subsidiary, affiliate, officer, director, agent or executive of the undersigned has a beneficial interest in this shipment; that it is the holder of valid FMC License No. ——, issued by the Federal Maritime Commission and has, in addition to soliciting and securing the cargo specified herein or booking or otherwise arranging for space for such specified herein or booking or otherwise arranging for space for such cargo, performed at least two (2) of the following services, as indicated:

(1) Coordinated the movement of the cargo to shipside.

(2) Prepared and processed the ocean bill of lading.

(3) Prepared and processed dock receipts or delivery orders.

(4) Prepared and processed consular documents or export declarations.

(5) Paid the ocean freight charges.

A copy of such certificate shall be retained by the licensee pursuant to § 510.34 of this part.

* * * * *

(h) A freight forwarder may not receive compensation from an ocean-going common carrier with respect to any shipment in which the forwarder has a beneficial interest or with respect to any shipment in which any holding company, subsidiary, affiliate, officer, director, agent, or executive of such forwarder has a beneficial interest.

By the Commission

Francis C. Hurney,

Secretary.

[FR Doc. 81-38869 Filed 12-24-81; 8:45 am]

BILLING CODE 6730-81-M

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46 CFR Part 536

[General Order 13, Admt. No. 10, Docket No. 80-56]

Publishing and Filing Tariffs by Common Carriers in the Foreign Commerce of the United States; Prohibition of Filing Temporary Amendments

AGENCY: Federal Maritime Commission.

ACTION: Proposed rule.

SUMMARY: The Commission herewith grants, in part, the petitions for reconsideration for the limited purposes of allowing public scrutiny on those issues which petitioners are of the opinion were not specific enough to allow for meaningful public comment.

Further, the Commission herewith proposes to amend its regulations to permit the receipt of permanent tariff amendments before and after the Commission's normal business hours, including weekends and holidays. It is proposed that tariffs would be receipted before and after its normal business by establishing a mail drop in the lobby of 1100 L Street, NW., with the utilization of a time clock stamp. This change in regulation will benefit the carriers and conferences of carriers enabling them to satisfy the commercial needs in filing any tariff amendment that might be deemed to be time sensitive.

DATE: Comments due on or before February 15, 1982.

ADDRESS: Send comments to Francis C. Hurney at the address below.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Room 11101, Washington, D.C. 20573 (202) 523-5725.

SUPPLEMENTARY INFORMATION: The Commission published its final rule in this proceeding July 7, 1981 (46 FR 35092) with an effective date of September 8, 1981. The final rule removes from the Commission's tariff filing regulations the practice of allowing the filing of temporary amendments to tariffs published by carriers and conferences of carriers in the foreign commerce of the United States.

The effective date of the Commission's final rule in this proceeding was stayed September 3, 1981 (46 FR 44190) pending a staff analysis and recommendation on allegations made by petitioners [1] that the final rule of the Commission was based upon issues, conclusions and material assumed facts not set forth in the Notice of Proposed Rulemaking (45 FR 58385 Sept. 3, 1980). The petitioners allege that they were not permitted the opportunity to comment on the issues relied on by the Commission in reaching its decision in this proceeding as provided for under the Commission's rules of practice and procedure.

While the Commission's line of rationale set forth in the Notice of Proposed Rulemaking seems to support the conclusion reached in this proceeding, in order to ensure that the amendment of the Commission's tariff filing regulations receives public scrutiny, we have chosen to publish this notice. The purpose of this notice is to allow all interested parties the opportunity to comment on the issues raised by petitioners which might not have been set forth with the specificity to alert public comment thereon.

In our order of July 7, 1981, we stated that the Commission's regulations would be amended to the extent that it would prohibit the acceptance of any type of temporary tariff amendment. We reached the decision to remove the previous regulation, because, in our opinion, the convenience of such filings is outweighed by the benefits accruing from their discontinuance which will eliminate an unreasonable paperwork burden for the Commission and simplify the use of foreign commerce tariffs by shippers, carriers, and other interested persons.

Petitioners now allege that the basis upon which we reached our decision was not published for their comment in the Notice of Proposed Rulemaking. Stated in brief language our decision to abolish temporary amendments is based on the fact that temporary tariff filings result in an unreasonable administrative burden which occurs in processing temporary tariff filings into the Commission's tariff library.

A comprehensive explanation of our rationale used in arriving at our decision to abolish the privilege of accepting temporary amendments to tariffs begins with the reasons the Commission considered when it originally established its regulations in 1965 under its General Order 13.

Those reasons, summarized in the Commission's decision in this matter (46 FR 35094) were, that:

(1) temporary filings constituted a very small portion of all tariff filings; (2) temporary filings were almost always reductions and therefore, in the shipper's benefit; (3) temporary filings would not impose unmanageable burdens on the Commission's staff; and (4) the carrier industry was very desirous of the opportunity to fully utilize this method of amending tariffs.

It should not be difficult to understand that the reasons used for the promulgation of the temporary tariff filing regulations are no longer considered valid for their retention. Since the time when temporary filings were few in number and did not constitute a major labor intensive operation, they have now reached unmanageable proportions. The statistics to substantiate the increase in temporary amendments were previously published in 46 FR 35094 on July 7, 1981. As far as the needs of carriers to effectuate any quick changes for the public benefit are concerned, we are firmly convinced that the steamship industry will be able to satisfy such needs. However, in order to ease the problem of accommodating any

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[1] North Europe-United States Pacific Freight Conference; Japan/Korea-Atlantic and Gulf Freight Conference, et al., except for United States Lines; Greece/U.S. Atlantic Rate Agreement, et al., The South Atlantic-North Europe Rate Agreement, North Atlantic Continental Freight Conference, North Atlantic Baltic Freight Conference, North Atlantic French Atlantic Freight Conference and the North Atlantic United Kingdom Freight Conference enjoin the petition for stay and reconsideration filed by Greece/U.S. Atlantic Rate Agreement, et al.

necessary rapid tariff changes, we are herewith proposing to permit the receipt of permanent tariff filings outside of the Commission's normal hours of business.

The present budget constraints of the U.S. Government are commonly understood by all of us. Such constraints translate into passing on, where possible, the expense of certain technically oriented functions to the beneficiaries of the system. In this issue, we are of the opinion that the discontinuance of temporary filings will diminish the cost to the taxpayer, while on the other hand, amending our regulations to allow for the receipt of permanent tariff filings at the Commission's facilities in Washington, D.C., before and after the Commission's normal business hours to permit immediate changes in tariff material will serve any industry needs that might exist.

Commentators have critized the Commission because in their opinion, we have not explained the need for the review of temporary tariff amendments, which as we have related, is a labor intensive operation. We are surprised at this comment since the industry is well aware of what is necessary to establish clear, concise and statutorily sound tariff amendments. Temporary tariff amendments do not meet this test in many instances.

On the one hand, commentators describe public interest as requiring immediate changes in rates while on the other hand they do not want the Commission's staff to "spend any time reviewing" the same amendment which was necessary to meet their responsibility under public interest standards; we disagree with the conclusion of the commentators.

Commentators have additionally requested that a joint industry/agency working committee be established to formulate and present further recommendations in this matter, while the committee approach might be of value in regard to certain matters, since this proceeding has provided a forum, extending over a long period of time, indeed, continues to do so, we view the approach as unnecessary and therefore deny the request.

While our decision to eliminate the acceptance of temporary filings may be inconvenient to some interests, it is apparent that there are means by which tariff changes considered time sensitive can be transmitted to the Commission for immediate effectiveness. Alternatively, where it appears impossible to accomplish a tariff change by a means other than a temporary filing method, then upon a demonstration of good cause, waiver of the regulation, through the special permission process, is an option which the carriers and conferences might wish to consider. Although we are convinced that our goal in this matter is proper, additional time for comment on the issues in this proceeding is granted. The grant of time will allow for any additional input necessary to conclude this proceeding.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 533), and sections 18(b), 22 and 43 of the Shipping Act, 1916 (46 U.S.C. 817(b), 821 and 841(a)) the Commission proposes to eliminate its present regulations (46 CFR 536.10(c)) concerning temporary tariff filings; and further the Commission proposes to permit the filing of tariffs outside its normal business hours.

PART 536—PUBLISHING AND FILING TARIFFS BY COMMON CARRIERS IN THE FOREIGN COMMERCE OF THE UNITED STATES

Accordingly, the Commission proposes to amend its General Order 13, 46 CFR Part 536 as follows:

§ 536.10 [Amended]

Paragraph (c) of § 536.10 will be removed.

§ 536.3 [Amended]

Amend § 536.3 by redesignating paragraph (a) as paragraph (a)(1) and adding new paragraph (a)(2) to read as follows:

(a) * * *

(2) *Receipt of tariffs.* The Commission will provide for the receipt of tariffs filed under the requirements of 46 CFR Part 536 at all times, i.e., 24 hours a day, everyday of the year at its facilities located in Washington, D.C.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-36883 Filed 12-24-81; 8:45 am]

BILLING CODE 6730-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Parts 15, 22, and 43

Price Negotiation, Labor Standards for Contracts Involving Construction, and Contract Modifications

AGENCY: Office of Federal Procurement Policy, OMB.

ACTION: Notice of availability and request for comment on draft Federal acquisition regulations.

SUMMARY: The Office of Federal Procurement Policy is making available for public and Government agency review and comment a segment of the draft Federal Acquisition Regulation (FAR).[1] Availability of additional segments for comment will be announced on later dates. The FAR is being developed to replace the current system of procurement regulations.

DATE: Comments must be received on or before February 17, 1982.

ADDRESS: Obtain copies of the draft regulation from and submit comments to William Maraist, Assistant Administrator for Regulations, Office of Federal Procurement Policy, 726 Jackson Place, NW., Room 9025, Washington, D.C. 20503. Federal agency requests must be directed to the FAR Agency Contact Point (see **Federal Register**, Vol. 46, No. 50, March 16, 1981, p. 16818 for list).

FOR FURTHER INFORMATION CONTACT: William Maraist, (202) 395-3300.

SUPPLEMENTARY INFORMATION: The fundamental purposes of the FAR are to reduce proliferation of regulations; to eliminate conflicts and redundancies; and to provide an acquisition regulation that is simple, clear and understandable. The intent is not to create new policy. However, because new policies may arise concurrently with the FAR project, the notice of availability of draft regulations will summarize the section or part available for review and describe any new policies therein.

The following parts of the draft Federal Acquisition Regulation are available upon request for public and Government agency review and comment.

Part 15—Contracting by Negotiation

Subpart 15.8—Price Negotiation

This subpart prescribes the cost and price negotiation policies and procedures applicable to negotiated contracts. It applies to pricing of (a) prime contracts, (b) subcontracts subject to Government consent, and (c) contract modifications, including modifications to contracts awarded by formal advertising procedures.

Pub. L. 87-653 contains the statutory requirement for submission of cost or pricing data and provides the basis for audit requirements. Because of the statutory requirement and because of the similarity of the FPR guidance, the thresholds and requirements for cost of pricing data have not been changed in the proposed FAR coverage. The thresholds for audit have, however, been

[1] Filed as a part of original document.

changed to conform to those published in DAC 76-26, dated December 15, 1980. Although civil agencies are encouraged to use field pricing support when it is available, the FAR retains the option permitting civil agency contracting officers to request audits directly from the cognizant audit agency.

OFPP Policy Letter 80-7 of December 9, 1980, established a profit policy for Government-wide use, with an effective date of January 9, 1981. This policy, modified to conform to FAR numbering, format, and organizational conventions, will be published as a separate subpart 15.9.

A requirement has been added that a prenegotiation objectives memorandum shall be prepared whenever a proposed contract or modification involves significant price negotiation. Although neither the DAR nor the FPR has a similar requirement, most agency implementing regulations have required some form of written prenegotiation objective in this situation. The proposed FAR coverage allows each agency to set specific thresholds for prenegotiation objectives memorandums on the basis of its own mission and available assets.

The proposed FAR defines forward pricing rate agreements and formally authorizes their use by civil agencies as well as by DOD.

The Department of Defense forms for offeror submission of cost or pricing data (DD 633) and for requesting exemption from submission of cost or pricing data (DD 633-7) have been standardized and are recommended for use by all Government agencies.

Part 22—Application of Labor Laws to Government Acquisitions

Subpart 22.4—Labor Standards for Contracts Involving Construction

This subpart provides the statutory basis for and sets forth labor standards requirements for contracts over $2,000 involving construction of public buildings and public works. It covers the Davis-Bacon Act, the Copeland Act, and the Contract Work Hours and Safety Standards Act.

Part 43—Contract Modifications

This part prescribes policies and procedures for preparing and processing contract modifications for all types of contracts including construction and architect-engineer contracts. It covers the various types of contract modifications, availability of funds, and change orders.

Dated: December 22, 1981.

M. F. Maraist,

Acting Associate Administrator for Regulatory Policies and Practices.

[FR Doc. 81-36833 Filed 12-24-81; 8:45 am]
BILLING CODE 3110-01-M

Notices

Federal Register
Vol. 46, No. 248
Monday, December 28, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Meeting; Hickory Hill Public Housing Project, Virginia

Notice is hereby given in accordance with § 800.6(d)(3) of the regulations of the Advisory Council on Historic Preservation, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that a panel of members of the Council will meet on January 8, 1982, to consider the proposed construction of the Hickory Hill Public Housing Project, Petersburg, Virginia. It has been determined that this undertaking, which is sponsored by the Department of Housing and Urban Development, will adversely affect the Petersburg National Battlefield Park, a property included in the National Register of Historic Places.

Pursuant to § 800.6(d)(2) of the Council's regulations, the Chairman of the Council decided on December 16, 1981, that a panel should consider this project in accordance with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. Sec. 470f, as amended).

The Council was established by the National Historic Preservation Act to advise the President and Congress on matters relating to historic preservation and to comment upon, Federal, federally assisted, and federally licensed undertakings having an effect upon properties listed in or eligible for inclusion in the National Register of Historic Places. The Council members are the Secretary of the Interior, the Architect of the Capitol, the Secretary of Agriculture, and the heads of four other Federal agencies appointed by the President, one Governor and one Mayor appointed by the President, the President of the National Conference of State Historic Preservation Officers, the Chairman of the National Trust for Historic Preservation, and seven private citizens appointed by the President.

The Council's regulations require that the panel be composed of five members, three from the private sector (with one chairing) and two Federal members. This panel will be chaired by Mr. Alexander Aldrich of Saratoga Springs, New York. The panel will meet in Petersburg, Virginia. Place and time have yet to be set and may be obtained from the Executive Director.

The panel will consider written and oral statements from concerned parties. Written statements should be submitted to the Executive Director of the Council by December 31, 1981. Persons wishing to make oral statements should notify the Executive Director by January 4, 1982. Additional information concerning the meeting or the submission of statements is available from the Executive Director, Advisory Council on Historic Preservation, Suite 430, 1522 K Street NW., Washington, D.C. 20005 (202–254–3967).

Dated: December 16, 1981.

Robert R. Garvey, Jr.,
Executive Director.

[FR Doc. 81–36809 Filed 12–24–81; 8:45 am]
BILLING CODE 4310–10–M

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Tri-State Generation and Transmission Association, Inc., and Colorado-Ute Electric Association, Inc.; Draft Environmental Impact Statement

The Rural Electrification Administration (REA) as lead Federal agency has prepared a Draft Environmental Impact Statement (DEIS) in accordance with the National Environmental Policy Act (NEPA) of 1969, in connection with potential financing assistance to Tri-State Generation and Transmission Association, Inc., (Tri-State), 12076 Grant Street, Thorton, Colorado 80241 and Colorado-Ute Electric Association, Inc., (Colorado-Ute) 845 South Townsend Avenue, Montrose, Colorado 81401. The Bureau of Land Management and the Forest Service have been cooperating agencies.

The construction of the proposed project consists of approximately 145 km (90 miles) of 345 kV transmission line between Hayden and Blue River in Colorado. Associated facilities include expansion of existing substation facilities at Hayden and construction of two new substations, one in Middle Park, near Kremmling and the other at Blue River, northwest of Dillon, Colorado.

Additional information on the proposed project may be obtained from Frank W. Bennett, Director, Power Supply Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 382–1400.

Persons wishing to comment on the environmental aspects of the proposed project and the DEIS are invited to respoond in writing within 45 days of U.S. Environmental Protection Agency's notice of availability of the DEIS. Comments are invited from the public and from Federal, State and local agencies with respect of any environmental aspect of the project.

Copies of DEIS have been sent to various individuals and Federal, State and local agencies. Limited supplies of the DEIS are available upon request to Mr. Frank W. Bennett at the above address. The DEIS may be examined during regular business hours at the following locations and also at the public libraries of Northglenn (Adams County), Kremmling (Grand County), Steamboat Spring (Routt County) and Breckenridge (Summit County), Colorado.

Rural Electrification Administration, 14th & Independence Ave., SW., Washington, D.C. 20250.

, Tri-State Generation and Transmission Association, Inc., 12076 Grant Street, Thorton, Colorado 80241.

Colorado-Ute Electric Association, Inc., 845 South Townsend Avenue, Montrose, Colorado 81401.

All comments received within the 45-day period will be considered in the preparation of the Final Environmental Impact Statement. Final REA action will be taken only after REA has reached satisfactory conclusions with respect to the project's environmental effects and other procedural requirements.

This Federal assistance program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Administration Loans and Loan Guarantees.

Dated at Washington, D.C., this 17th day of December, 1981.

Harold V. Hunter,

Administrator.

[FR Doc. 81-36578 Filed 12-24-81; 8:45 am]

BILLING CODE 5410-15-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits; Week Ended December 18, 1981

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings (see 14 CFR 302.1701 et seq.).

Date filed	Docket No.	Description
Dec. 16, 1981	40310	Best Airlines, Inc., c/o William L. Howard, Suite 843, 1511 K Street, N.W., Washington, D.C. 20005. Application of Best Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests issuance of a certificate of public convenience and necessity which would authorize it to engage in scheduled air transportation of passengers and property between: The terminal point: Chicago, Illinois; the intermediate points: Detroit, Michigan, Cincinnati, Ohio, Cleveland, Ohio, Dayton, Ohio, Columbus, Ohio, Akron/Canton, Ohio, Youngstown, Ohio, Toledo, Ohio, Birmingham, Alabama, Memphis, Tennessee, Nashville, Tennessee, Charleston, West Virginia, Atlanta, Georgia, New Orleans, Louisiana, Miami, Florida, Tampa, Florida, Orlando, Florida, Indianapolis, Indiana, Evansville, Indiana, Fort Wayne, Indiana, South Bend, Indiana, Pittsburgh, Pennsylvania, Philadelphia, Pennsylvania, Baltimore, Maryland, Washington, D.C., Newark, New Jersey, and the terminal point: New York, New York. Conforming Applications, motions to modify scope, and Answers may be filed by January 13, 1982.
Dec. 16, 1981	40311	Taino Tours, S.A., c/o Ramon Anibal Paez, Ave. 27 de Febrero esquina Bohechio—Santo Domingo, Dominican Republic. Application of Taino Tours, S.A., pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations, requests a foreign air carrier permit authorizing the carriage of persons between: The Dominican Republic and the coterminal points New York, N.Y., San Juan, Puerto Rico; Miami, Fla. and Saint Thomas, V.I. Answers may be filed by January 13, 1982.
Dec. 17, 1981	40314	Aviacion Y Comercio, S.A., c/o Howard G. Feldman, O'Connor & Hannan, 1919 Pennsylvania Avenue, N.W., Washington, D.C. 20006. Application of Aviacion Y Comercio, S.A., pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations, requests amendment and reissuance of its foreign air carrier permit to engage in charter air transportation of passengers and their accompanying baggage and property between points in the United States and points in Spain and elsewhere as set forth in Exhibit 9 attached to this application, also elimination of the conditions appearing in ordering paragraph 3 of Order 77-1-67 and certain conditions contained in applicant's present permit. Answers may be filed by January 14, 1982.
Dec. 17, 1981	[illegible]	Alaska Airlines, Inc., Seattle-Tacoma International Airport, Seattle, Washington 98188. Application of Alaska Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests the Board to renew to the extent necessary on a permanent basis Alaska's permissive mail-only certificate authority at 136 Alaskan bush points listed on segment 3 of Alaska's [illegible]. Conforming Applications, motions to modify scope, and Answers may be filed by January 14, 1982.
Dec. 17, 1981	40316	Ceskoslovenske Aerolinie, 545 Fifth Avenue, New York, New York 10017 Application of Ceskoslovenske Aerolinie pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests the amendment and/or renewal of its Foreign Air Carrier Permit so as to permit it to continue on its Foreign Air Carrier Permit so as to permit it to continue its on-going operations in scheduled foreign air transportation between the United States of America and the Czechoslovak Socialist Republic. Answers may be filed by January 14, 1982.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-36923 Filed 12-24-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-12-104]

Fitness Determination of Sunbird, Inc., Order to Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-12-104, Order to Show Cause.

SUMMARY: The Board is proposing to find that Sunbird, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than January 5, 1982, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-12-104.

FOR FURTHER INFORMATION CONTACT: Jim Lawyer, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW, Washington, D.C. 20428 (202) 673-5088.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-12-104 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW, Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-12-104 to Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: December 17, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc.81-36922 Filed 12-24-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39969]

United Air Lines, Inc., Compliance With Part 252, Enforcement Proceeding; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to Judge Kane.

Dated at Washington, D.C., December 18, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-38821 Filed 12-24-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Change in Procedures for Computing Poverty Statistics

Notice is hereby given that the Bureau of the Census is implementing changes in the procedures used to compute poverty statistics. These technical changes in the official statistical definition of poverty were approved in June 1980 by the Statistical Policy Coordination Committee based on the recommendations of an interagency committee chaired by the Office of Federal Statistical Policy and Standards; this action was reviewed and approved in November 1981 by the Working Group on Economic Statistics of the Cabinet Council on Economic Affairs.

Poverty for statistical purposes is defined as the series of income cutoffs developed by the Social Security Administration in 1964 and revised by an interagency committee in 1969. (For detailed explanation of the current poverty definition, see *Current Population Reports*, Series P-60, No. 130.) The additional modifications being implemented are as follows:

1. The weighted average of the poverty thresholds for male- and female-headed nonfarm families by number of children will be employed for the tabulation of data for all nonfarm families of similar size and age composition, regardless of the sex of the family head.

2. Differences in the poverty thresholds for farm and nonfarm families will be eliminated through the use of nonfarm thresholds for all families and unrelated individuals.

3. The poverty matrix will be extended to families of nine or more persons from the current upper limit of seven or more persons.

The revised definition will be used in the poverty tabulations from the 1980 census and will be incorporated into the poverty statistics from the Current Population Survey beginning with estimates for 1981.

The revised poverty matrix for 1979 is presented below:

THRESHOLDS AT THE POVERTY LEVEL IN 1979 BY SIZE OF FAMILY AND NUMBER OF RELATED CHILDERN UNDER 18 YEARS OLD

Size of family unit	Related children under 18 years								
	None	1	2	3	4	5	6	7	8 or more
1 person (unrelated individual):									
Under 65 years	$3,774								
65 years and over	3,479								
2 persons:									
Head under 65 years	4,858	$5,000							
Head 65 years and over	4,385	4,981							
3 persons	5,674	5,839	$5,884						
4 persons	7,482	7,505	7,356	$7,362					
5 persons	9,023	9,154	8,971	8,857	$8,525				
6 persons	10,378	10,419	10,205	9,999	9,693	$9,512			
7 persons	11,941	12,016	11,759	11,580	11,246	10,857	$10,429		
8 persons	13,390	13,473	13,231	13,018	12,717	12,304	11,936	$11,835	
9 persons	16,065	16,144	15,929	15,749	15,453	15,046	14,677	14,566	$14,024

FOR FURTHER INFORMATION CONTACT:
Roger A. Herriot, Chief, Population Division, Bureau of the Census, Washington, D.C. 20233, (301) 763-7646.

Bruce Chapman,

Director, Bureau of the Census.

[FR Doc. 81-38861 Filed 12-24-81; 8:45 am]

BILLING CODE 3510-07-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council; Statement of Organization, Practices and Procedures

Pursuant to section 302(f)(6) of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), each Regional Fishery Management Council is responsible for determining its organization and prescribing its practices and procedures for carrying out its functions under the Act in accordance with such uniform standards as are prescribed by the Secretary of Commerce. Further, each Council must publish and make available to the public a statement of its organization, practices and procedures. The Mid-Atlantic Fishery Management Council has revised its Statement of Operating Practices and Procedures as originally published in 42 FR 30578 on June 15, 1977. The revised document is published below.

Dated: December 17, 1981.

William G. Gordon,

Assistant Administrator for Fisheries National Marine Fisheries Service.

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I. Name of Council. The name of the Council is the Mid-Atlantic Fishery Management Council (the Council).

II. Location of Offices. The Council's offices are presently located in the Federal Building, North and New Streets, Dover, Delaware 19901.

III. Legal Authority. The Mid-Atlantic Fishery Management Council was created by Section 302(a)(2) of the Fishery Conservation and Management Act of 1976 (the Act).

IV. Council Composition. The Mid-Atlantic Fishery Management Council has nineteen voting members and four non-voting members. Twelve voting members are appointed by the Secretary of Commerce and six of the voting members consist of the principle State officials (or the designee of the official) with marine fishery management responsibility and expertise in each of the member states as appointed by the Governor of the State. The one remaining voting member is the Regional Director of the National Marine Fisheries Service for the Northeast Region (or the designee of the Regional Director).

The non-voting members of the Council are:

A. The Regional Director of the United States Fish and Wildlife Service for the Northeast Region (or the designee of the Regional Director).

B. The Commander of the Coast Guard district for the Mid-Atlantic area (or the Commander's designee).

C. The Executive Director of the Atlantic States Marine Fisheries Commission (or the Executive Director's designee).

D. One representative of the Department of State designated for such purpose by the Secretary of State (or the representative's designee).

IV. Officers and Terms of Office.

A. General. A Chair and Vice Chair shall be elected annually by the voting members of the Council; each such officer shall serve for a period of one year and until a successor is elected and qualified. Officers may succeed themselves. A recording secretary may be appointed by the Chair for a term of one year. The Council may elect other officers as it deems necessary.

B. Authority of the Chair.

1. The Council Chair shall be the chief executive officer of the Council. Subject only to the authority of the Council, the Chair shall have general charge and supervision over, and responsibility for, the business and affairs of the Council. Unless otherwise directed by the Council, the Chair may enter into and execute in the name of the Council, contracts or other instruments in the regular course of business or contracts or other instruments not in the regular course of business which are authorized, either generally or specifically, by the Council. The Council Chair shall have the general powers and duties of management usually vested in the office of the Chair of the Board of a corporation.

2. The Council Chair shall have the authority to appoint and/or dissolve committees of Council members, name their officers and membership, and describe their functions, duties, and responsibilities consistent with the Charter of the Council, the Act, and other applicable law.

3. The Council Chair shall also have the full authority to call meetings as necessary for the conduct of the Council's business.

4. The Council Chair shall have the authority to authorize, approve, or disapprove reimbursement of travel expenses and/or compensation of any eligible members of the Council, its committees or subpanels except that proper notification, at the direction of the Chair, in the **Federal Register** of a regular meeting of the Council or one of its committees or subpanels shall constitute authorization for travel expenses and/or compensation to be paid to eligible members.

5. The Council Chair shall have the authority to authorize, approve, or disapprove all meetings of Council subpanels or committees.

6. Vice Chairman—In the event of the absence or inability of the Council Chair to serve or fulfill the Chair's obligations, the Council Vice Chair shall assume authority and duties of the Chair.

VI. Staff.

A. Composition. The voting members of the Council shall hire an Executive Director. The duties and functions of the Executive Director are:

1. Supervise, direct, and account for the administration and operation of the Council.

2. Retain, affix the salary of, and dismiss staff as necessary to accomplish the goals of the Council. The Executive Director shall prepare staff job descriptions, revise them as necessary, and review personnel duties to determine if they are consistent with job descriptions and Council guidelines.

3. Assign the duties of the staff as may be necessary to accomplish the goals of the Council.

4. Make and enter into any and all contracts, agreements, or stipulations, and retain, employ and contract for the services of private and public consultants, research and technical personnel, and procure by contract, consulting research, technical and other services and facilities, whenever the same shall be deemed necessary or desirable in the performance of the functions of the Council and whenever funds have been made available for such purposes. All legal procedures and applicable regulations shall be followed. The Council may establish a value above which the Council will approve contracts.

5. Maintain such facilities as may be required for the effective and efficient operation of the Council.

6. Prepare an annual budget for approval by the Council.

7. Prepare annual reports to the Council, and for the Council, to the Secretary of Commerce.

8. Coordinate efforts of the Council with other Councils and related Federal agencies.

9. The Executive Director may transfer funds between line items up to ten percent of the line except transfer between salary and non-salary items.

10. Prepare an Administrative, Operating, and Accounting Procedures Manual for the operation of the Council staff.

11. Prepare and submit a summary report of each Council meeting to the Secretary of Commerce.

12. Carry out other duties as may be assigned by the Council and/or the Council Chair.

B. Additional Staff (on a loan basis). The Council may request the head of any Federal agency to detail to the Council on a reimbursable basis, any personnel of such agency to assist the Council in the performance of its functions under the Act. The length of such details shall be mutually determined by the Council, the Federal employee and his or her agency. Federal employees so detailed retain all benefits, rights and status as they are entitled to in their regular employment. The Council may negotiate arrangements with State or local governments to utilize employees of those governments also.

C. Employment Practices.

1. Nondiscrimination. All activities of the Council must operate under a policy of equal employment opportunity. Council staff positions shall be filled solely on the basis of merit, fitness,

competence and qualifications. Employment actions shall be free from discrimination based on race, religion, color, national origin, sex, age, or physical handicap.

2. Salary and Wage Administration. In setting rates of pay for Council Staff, the principle of equal pay for equal work should be followed. Variations in basic rates of pay should be in proportion to substantial differences in the difficulty and responsibilities of the work performed.

3. The duties of any new position shall be contained in a brief description to be submitted to the NOAA Personnel Office servicing the NMFS Regional Office assigned to the Council prior to the submission of a budget in which the salary of that position is requested. The Council will be provided a salary range appropriate to the position. The Council may fill the position at any salary level within that range, except that, unless recruitment of exceptionally qualified employees is hampered, the policy of hiring at the beginning rate shall be recognized. The annual pay for any staff position may not exceed the equivalent of the top step of GS–15 of the Federal General Schedule at any time. After a position has been filled, the employee may be promoted annually and be recognized for superior performance within the specified salary ranges in accordance with the Council policies.

D. Relationship Between Council and Staff. Council members may submit requests for task performance by the Executive Director or the staff to the Council or the Chair for approval and transmittal. Only the Chair, or the Council acting at a duly constituted meeting, may direct task performance by, and exercise supervision over, the Executive Director. The members of the staff shall receive their direction and supervision solely from the Executive Director.

VII. Meetings and Hearings.

A. General. The Council will meet at the call of the Chair of the Council or upon request of a majority of the voting members.

B. Frequency and Duration. The Council will ordinarily meet in a plenary session once a month; but in consideration of the workload, the Chair will determine the actual frequency and duration of meetings.

C. Location. In addition to the requirement that Council meetings be held in the Mid-Atlantic area (unless it is a joint meeting with another Council), the meeting place will be of a capacity large enough to accommodate the anticipated public attendence and it should be reasonably accessible to those interested in attending. Statutory subgroups and subgroups consisting of Council members, as well as the full Council, will meet in particular areas of interest within the Council's area of authority, except Council subgroups may meet outside the Council's jurisdiction as necessary to conduct the business of the Council. Economy, time, and ease of travel should be considered in establishing locations for meetings but opportunity for concerned public attendance throughout the geographical area of authority shall be the prime consideration.

D. Agendas. Suggested agendas for all Council meetings will be drawn up by the Executive Director and approved by the Chair. The Chair will be assisted by the Vice Chair, the staff and the members of the Council who wish to contribute. A tentative agenda shall be distributed to Council members at least five calendar days before the subject meeting.

E. Minutes of Meetings. Detailed minutes of each meeting must be kept and their accuracy should be certified by the Chair after their adoption by the Council. Such minutes will include, to the extent possible, the following infomation:

1. The time and place of the meeting.
2. A list of Council or advisory panel members, staff and others present.
3. A complete and informative summary of matters discussed and conclusions reached
4. A listing with copies of all reports and papers received, or approved by the Council during the meeting.
5. Such accounting as is required by law of any portion of the meeting which was closed to the public.
6. The names and affiliation of members of the public who attend or the number or an estimate where a register is impractical, or the members of the public decline to be identified.
7. An explanation of the extent of public participation including a list of those presenting written or oral statements.
8. A copy of the agenda.
9. Copies of any written transcripts or any oral statements.
10. All meetings of the Council will be tape recorded. Actual tape recordings of such meetings, while not necessarily transcribed, will constitute an addendum to the official minutes. The original tape recordings shall be permanently preserved. They shall be kept in a place approved by the Council.

F. Conduct. General Rules of Procedure— Meetings shall be conducted in a manner to permit the greatest possible participation by all members of the Council. Notice of any meeting must appear in the **Federal Register**. Meetings may be closed to the public as necessary and in accordance with law and regulations.

Parlimentary procedures should be used as a guide, but need not be rigidly adhered to, at the Chair's prerogative. Decisions by consensus are premitted, except where the issue is Council approval of a Fishery Management Plan or amendment (including any proposed regulations) when a roll call vote is required.

Miscellaneous statutory requirements for meetings include:

1. A majority of the voting members of the Council shall constitute a quorum.
2. Where there is a vote, the majority of the voting members present and voting shall rule. The use of proxy is not permitted.
3. Voting members of the Council who dissent on any issue that is to be submitted to the Secretary are permitted to submit a statement of their reasons for dissent to the Secretary.

G. Hearings. The Chair will determine when hearings are appropriate and will designate one voting member of the Council to officiate at such hearings. A record of public attendance at hearings and of the comments made at hearings will be maintained at the Council office.

VIII. Advisory Panel and Scientific and Statistical Committee.

A. General. The Council will establish a Scientific and Statistical Committee and an Advisory Panel to assist the Council in carrying out the functions of the Act. The Council shall pay the actual expenses of the members of the Committee and Panel, in accordance with controlling law, except that expenses of Federal employees shall be paid at the discretion of the Council, while engaged in the performance of Council business. Persons shall be nominated for membership on the Committee and Panel by Council members and shall be appointed to the Committee and Panel by a majority vote of the Council.

B. Advisory Subpanels. By majority vote, the Council may create Advisory Subpanels and appoint members of the Advisory Panel to be members of such Subpanels. The name and function of each Subpanel will be determined by a majority vote of the Council. The Council Chair may designate a Chair for a Subpanel from among the members of the Subpanel.

The Subpanels shall meet in the area encompassed by the Council's constituent States as deemed necessary by the Council Chair except the subpanels may meet outside the Council's geographical area of jurisdiction on joint FMPs or when FMPs

affect persons outside the Council's geographical area of jurisdiction. No staff is assigned to Subpanels, but staff support may be requested from the Chair of the Council.

IX. Administrative Management System.

A. Administrative Control Procedures Regarding Conflict of Interest.

The Council is responsible for maintaining high standards of ethical conduct among themselves and its staff. Such standards will include but not be limited to the following:

1. No employee of the Council shall use his or her official authority or influence derived from his or her position with the Council for the purpose of interfering with or affecting the results of an election or nomination for any national, State, county or municipal elective office.

2. No employee of the Council will be deprived of employment position, work, compensation or benefit provided for or made possible by the Act on account of any political activity or lack of such activity in support of or in opposition to any candidate of any political party in any national, State, county or municipal election or on account of his or her political affiliation.

3. No Council member or employee shall pay, or offer, or promise, or solicit, or receive from any person, firm or corporation, either as a political contribution or a personal emolument, any money, or anything of value in consideration of either support, or the use of influence, or the promise of support, or influence in obtaining for any person any appointive office, or place of employment under the Council.

4. No Council member or employee of the Council shall use or allow the use of, for other than official purposes, any information obtained through or in connection with his or her Council employment which is not available to the general public.

5. No Council member or employee of the Council shall engage in conduct prejudicial to the interest of the Council.

6. No Council member or employee of the Council shall use Council property on other than official business. Such property shall be protected and preserved from improper or unauthorized operation or use.

B. Procurement Procedures. The procurement system of the Council will be the direct responsibility of the Executive Director. OMB Circular A-110 will be adhered to in procurement and a clear audit trail for all Council expenditures will be maintained.

C. Property Management System. It is the responsibility of the Executive Director to develop and implement property management procedures that ensure adequate control and protection of Council property at all times. Such procedures must include as a minimum:

1. A perpetual inventory system for all non-expendable items (office equipment, furniture, etc.).

2. Procedures for marking such items as Council property.

3. Provision or safeguarding sensitive items such as cameras, biological equipment, etc.

4. Procedures to be followed in disposing of surplus items.

5. A summary of all personnel authorized to have access to Council property (to include consultants, etc., if appropriate).

D. Accounting and Budgetary Control Procedures.

1. The Executive Director shall have the authority to adopt and install an accounting procedure consistent with and within Federal guidelines.

2. The Executive Director may contract with a Certified Public Accountant to assist in the establishment, operation, maintenance and control of such system.

3. The Council shall bond its employees in the amount of $50,000. The total funds, on deposit and cash on hand, shall not, at any time, exceed the amount of the bond unless specifically authorized by the Council.

4. Checks may be drawn on the sole signature of the Executive Director, the Deputy Executive Director or the Chair, except that the Council may set a level above which checks must be signed by the Executive Director of the Deputy Executive Director and also the Council Chair of the Vice Chair.

5. Year-end Expenditures and Carryovers. It shall be the policy of the Council not to expend funds at the end of a fiscal year in anticipation of needs which may arise in subsequent fiscal years.

E. Travel Reimbursement Procedures.

1. Council, Scientific and Statistical Committee, and Advisory Panel Members and Council staff shall be reimbursed for expenses in accordance with controlling law.

Official telephone calls, taxis, privately-owned vehicle mileage, parking, porters, etc., will be reimbursed in the amount of actual expenditure and are not included in meal and lodging limits.

All claims for reimbursement must be supported with receipts for all expenses other than meals except those expenses that individually amount to less than $15.

2. Permanent Change of Station Allowances. Allowances authorized and costs incurred because of a permanent change of station will be as authorized and approved by the Council Chair or his designee.

F. Standards for Compensation and Other Personnel Actions.

1. Compensation.

a. Pay Grades and Rates. Each position shall have assigned to it a pay grade for compensation purposes. The pay of employees shall be according to the published rates prescribed for the pay grades assigned by equivalent current GS ratings. A part-time employee working on a regular and continuous schedule of less than 37 and ½ hours per week shall be paid the hourly rate appropriate to the grade and step of the employee for the hours actually worked. Such schedule shall be established as the work situation requires, with the approval of the Executive Director.

Incremental Increases for Full Time Employees. All incremental increases shall be at the beginning of the new budget year. Those employees who have been employed six (6) months or longer shall be eligible for pay raise advancement. Those employees with less than six (6) months service shall not be eligible for pay raise advancement until the following budget year. A Council employee will normally have his pay rate advanced one increment in the pay grade upon completion of one year service, including six (6) consecutive months of satisfactory performance immediately prior to the effective date. These increments shall be made no more often than yearly until the employee has reached the maximum step for the grade of his position, except as provided in the following Section on "Pay for Exceptional Merit." An annual increment is not to be construed as an automatic "right", but rather as an adjunct to satisfactory service. A poor or unsatisfactory performance evaluation shall be the grounds for denial of the annual step increment.

Pay for Exceptional Merit. The most commendable and distinguished employees of the Council who have exhibited such competence and exemplary effort for a period of at least one year, may have their pay advanced two increments within the pay grade upon recommendation of the Executive Director and approval by the Council Chair. Such exceptional increment shall be recommended at the time a normal increment in pay is due and shall not be again recommended for at least one year.

b. Work Schedule and Overtime Pay. The standard work week for all full time employees shall be 37½ hours. The standard work day shall be 8:00 A.M. to

4:30 P.M. with a one hour lunch period. Deviation may be authorized by the Executive Director to meet operational needs. Cases of continuing or permanent schedule deviation shall be subject to the approval of the Executive Director or Council. Employees in supervisory, executive or professional positions shall not be eligible for overtime cash payments. However, they shall be eligible for compensatory leave at the rate of one hour leave for one hour's work. Compensatory leave must be taken within six (6) months of the date from which it was earned. Employees other than supervisory, administrators, executives or professionals shall be eligible for cash overtime payments at the rate of one hour's pay for each hour up to 40 hours per week or in excess of 7½ hours per day and one and one half hours worked in excess of 40 hours per week or in excess of 8 hours per day. Employees eligible for cash overtime may elect to receive compensatory time in lieu of cash overtime. Such requests must be in writing and approved by the Executive Director prior to the end of the pay period in which it is earned. Requests for compensatory time in lieu of cash overtime may not exceed 75 hours at any one time and must be taken within six (6) months of the time that it was earned.

2. Employee Benefits.

a. Paid Holidays. Paid holidays shall be official Federal holidays plus one holiday designated by the Executive Director.

b. Annual Leave. Employees of the Council shall be entitled to annual leave in accordance with the following schedule:

Up to 3 years of service: 13 days per year,

3 to 15 years of service: 20 days per year,

Over 15 years of service: 26 days per year.

Prior Federal, State or local government service will be credited for the purpose of determining leave accrual of individual employees.

Though accruing, employees shall not normally be granted paid annual leave until the completion of six (6) months of continuous service.

Employees may carry over up to 30 days unused annual leave from one year to the next. Amounts remaining above 30 days on the date that the employee began work for the Council will be forfeited.

Employees shall request annual leave as per the guidelines established by the Executive Director.

Lump sum reimbursements not to exceed 30 days (carryover plus current year earnings) of unused leave are authorized upon employee separation. In the case of the death of an employee, the employee's estate shall be paid in cash for any accumulated annual leave.

Employees working for the Council prior to the approval by the Council of this Statement of Operating Practices and Procedures will continue to be entitled to accrue annual leave at a rate of 20 days per year if they would accrue less than that under the policy set forth above; are entitled to carry over unused annual leave in excess of 30 days that they may have accrued as of the effective date of this Statement of Operating Practices and Procedures as published in the **Federal Register**, not to exceed 40 days, and are entitled to lump sum reimbursements not to exceed the sum of the carry over days they are entitled to plus any additional days they may have accrued during the current year.

c. Sick Leave. All employees except temporary, seasonal and emergency shall accrue paid sick leave credit at the rate of 13 days per year. Permanent part-time employees shall accrue on a pro rata basis. Sick leave credit may be accumulated without limit. Accrued sick leave shall be credited to the employees pension upon retirement or death. An employee eligible for sick leave with pay may use such sick leave for absence due to illness or death of a member of the employee's immediate family requiring the employee's personal presence. In addition, sick leave can be used for appointments with doctors, dentists, or other recognized medical practitioners, subject to prior approval of the Executive Director. An employee, at his option, may also use sick leave to provide full regular pay during periods when he is paid less than full pay under workmen's compensation provisions. Such leave shall be charged in proportion to the difference between workmen's compensation pay and full pay. Employees cannot take sick leave with pay in excess of the days actually accrued.

An employee needing sick leave shall inform his immediate supervisor of the fact and the reason in advance when possible, or otherwise as soon as practicable; failure to do so may be cause for denial of pay for the period of absence. Before approving pay for sick leave, the Executive Director may require either a medical practitioner's certificate or a written statement signed by the employee setting for the reason for the absence. In the case of an absence of more than three (3) consecutive days, a medical practitioner's certificate may be required as a condition of approval.

d. Administrative Leave. The Executive Director may grant any employee administrative leave for jury duty (no limit); inclement weather (at the discretion of the Executive Director); military duty (not to exceed 15 days each calendar year); military induction examination; and blood donation (up to 4 hours); and for such other reasons as the Executive Director may designate.

e. Personal Leave. Upon a permanent employee's written request the Executive Director may approve a leave without pay, not to exceed three (3) months. Such leave may be renewed for an additional period not to exceed three (3) months by formal action of the Executive Director and written approval by the Chair of the Council.

f. Maternity Leave. Maternity leave may be charged against any accumulated leave credits. After all leave credits are exhausted the employee may continue on maternity leave without pay for a period not to exceed 14 weeks after parturition.

Fringe Benefits. The conditions and benefits outlined in this section are not to be considered as part of any contract of employment but are those benefits which the Council considers to be consistent with the requirements of the Secretary of Commerce. Total benefits obtainable shall not exceed twenty (20) percent (exclusive of FICA) of employees gross salary.

a. Health Insurance. The Council will pay the basic rate for the employee and his family under the plan chosen, including the blood bank. Council members, retirees and surviving spouses of employees will be considered eligible to participate in group health benefits at their own expense and at no cost to the Council.

b. Retirement. The Council will pay ten (10) percent of an employee's salary into a deferred compensation plan. Said plan vesting 20 percent per annum so at the end of five (5) years of service vesting will be 100 percent. Vesting for any year's benefits will not occur until the completion of that year's employment. In the case of the death or disability of an employee, the employee or the employee's estate or beneficiary shall be paid in cash for 100% of the employee's deferred compensation plan.

c. Life Insurance. The Council will pay for coverage up to two times the employee's salary, non-contributory.

d. Long Term Disability Insurance. The staff is eligible for coverage by a disability plan similar to that provided by the Federal Government to its employees.

4. Staff Training. Costs of on the job training and part-time education, at an

undergraduate or postgraduate college level, related to the job requirements of bona fide employees, identified in a through e below are available.

a. Training materials;

b. Textbooks;

c. Fees charged by the educational institution;

d. Tuition charged by the educational institution, or in lieu of tuition, instructors' salaries and the related share of indirect cost of the educational institution to the extent that the sum thereof is not in excess of the tuition which would have been paid to the participating educational institution; and

e. Straight-time compensation of each employee for time spent attending classes during working hours not in excess of 156 hours per year where circumstances do not permit the operation of classes or attendance at classes after regular working hours.

Employees desiring Council support for training assignment or tuition aid shall submit a written request to the Executive Director outlining the details and justification of the proposed educational opportunity. Training must be authorized in advance in order to be reimbursed. The Chair approves requests for training which meet the criteria of the Council's training policy and is in the best interests of the Council. Reimbursement is made upon satisfactory completion of the course.

5. Personnel Policies.

a. Probation. All appointments shall be for a probationary period of six (6) months during which the individual's fitness for permanent appointment shall be evaluated. If the Executive Director deems it necessary, the probationary period may be extended for not more than two additional six month periods. In no case shall any probationary period be extended beyond eighteen (18) consecutive months. At any time during the probationary period, the Director may dismiss the employee for reasons of unsatisfactory service or conduct. The Executive Director shall notify the employee in writing of the action, giving the reasons.

b. Unauthorized Absences. Any absence from duty that is not in compliance with the various authorized leaves shall be considered an absence without leave and is cause for disciplinary action. No employee shall be absent from duty without authorization by a supervisor except in case of emergency illness, accident, or serious unforeseen circumstances. Such emergency conditions shall be brought to the attention of the supervisor as soon as practicable. Any employee who is absent from work without a valid leave of absence for three (3) consecutive working days, may be deemed to have abandoned the position and to have resigned from the staff unless proven to the satisfaction of the Executive Director that such absence was excusable. Nothing herein contained shall be construed as preventing the Director from taking disciplinary action against an employee under paragraph e of this section because of unauthorized absence.

c. Employee Inquiries, Requests, Suggestions and Grievances. Employees and their immediate supervisors should discuss and resolve all employee inquiries, requests and suggestions informally. It is the responsibility of each supervisor to conduct such discussions objectively and to initiate action to resolve problems. If, after such informal action, the problen is not resolved, a formal written grievance may be taken to the Executive Director. Should the employee not be satisfied with the Executive Director's resolution of the grievance, an appeal may be taken to the council.

d. Disability. Action may be initiated by the employee, the employee's legal representative or the supervisor, but in all cases, must be supported by medical evidence acceptable to the Executive Director and the Council.

e. Reprimand or Suspension Without Pay. In situations where a verbal warning has not resulted in the expected improvement, or where more severe action is warranted, the employee may be reprimanded in writing and a copy shall be placed in the employee's personnel folder. An employee may be suspended without pay by the Executive Director for reasons of misconduct, negligence, inefficiency, insubordination, disloyalty, unauthorized absence, or other justifiable reasons when alternate personnel action would not be appropriate. Suspensions without pay shall not exceed thirty (30) calendar days unless approved by the Council. In no case shall suspension with pay be utilized, but retroacative pay may be granted should the suspension subsequently prove unfounded.

f. Reasons for Disciplinary Action. Disciplinary action may be taken for any conduct not in keeping with reasonable standards, as determined by the Executive Director and/or Council.

g. Personnel Records. The Executive Director shall establish an appropriate system for filing personnel records. A master personnel record for each employee shall be established and maintained in the office of the Executive Director which shall include a copy of the application or resume of said Council employee and a copy of each personnel transaction. Supplementary records, verification of education and employment and any other pertinent information shall also be maintained by the Executive Director's office. Those records are of a confidential nature and shall be kept separately and inspected only with the approval of the Executive Director. Unauthorized disclosure of any portion of an employee's personnel record will be grounds for dismissal.

Employees shall have controlled access to their personnel records. After obtaining permission of the Executive Director, the employee shall be scheduled to examine his records under the supervision of those charged with maintaining such records.

h. Security Investigations. When it is anticipated that security classified information will be kept or handled in Council offices, certain employees shall be designated by the Executive Director to be permitted access to the information in accordance with Federal standards and must first receive appropriate security clearance from the Office of Investigations and Security of the Department of Commerce.

X. Amendments to Statement of Operating Practices and Procedures. This Statement of Operating Practices and Procedures may be amended from time to time by majority vote of the voting members present and voting provided notice of the specific proposed change has been sent in writing to all members of the Council at least ten (10) days in advance of the meeting in which the matter shall be presented. However, notice provisions of this section may be waived by Council if the proposed change is contained in a report of the Rules Committee which has been approved by a majority of the Rules Committee and adopted by the Council.

[FR Doc. 81-36870 Filed 12-24-81; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council; Statement of Organization, Practices and Procedures

Pursuant to Section 302(f)(6) of the Magnuson Fishery Conservation and Management Act (Public Law 94-265), each Regional Fishery Management Council is responsible for determining its organization and prescribing its practices and procedures for carrying out its functions under the Act in accordance with such uniform standards as are prescribed by the Secretary of Commerce. Further, each Council must publish and make available to the public a statement of its organization, practices and procedures. The Pacific Fishery

Management Council has revised its Statement of Operating Practices and Procedures as originally published in 42 FR 22672 on May 4, 1977. The revised document is published below.

Dated: December 17, 1981.

William G. Gordon,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

Pacific Fishery Management Council

Statement of Operating Practices and Procedures (SOPPs)

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Department of Commerce

National Oceanic and Atmospheric Administration, Pacific Fishery Management Council

Statement of Operating Practices and Procedures

The Pacific Fishery Management Council, created by section 302(a)(6) of the Magnuson Fishery Conservation and Management Act, hereby publishes a revised Statement of Operating Practices and Procedures (SOPP), as required by section 302(f)(6) of the Act. This revised SOPP for carrying out the Council's functions under the Act, was adopted by the Council during its public meeting held on March 18–19, 1981 in Renton, Washington. Copies may be obtained by writing the Executive Director, Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, OR 97201.

Purpose

The Council shall:

A. Prepare and submit to the Secretary of Commerce a fishery management plan with respect to each fishery in need of management within its geographical area of authority and, from time to time, such amendments to each such plan as are necessary;

B. Prepare comments on any application for foreign fishing transmitted to it by the Secretary of State, and any fishery management plan or amendment transmitted to it by the Secretary of Commerce;

C. Conduct public hearings, at approrpriate times and in appropriate locations in the geographic area concerned, so as to allow all interested persons an opportunity to be heard in the development of fishery management plans and amendments to such plans, and with respect to the administration and implementation of the provisions of this Act;

D. Submit to the Secretary of Commerce:

1. A report, before February 1 of each year, on the Council's activities during the immediately preceding calendar year.

2. A report, before December 1 of each year, providing information about the activities, status, and changes in the composition of advisory committees in existence during the preceding calendar year.

3. A report, before December 31 of each year, summarizing closed and partially closed meetings held during the preceding calendar year.

4. A report on financial status and a report on cash transactions, within 30 days after the completion of each quarter, beginning February 1 of each fiscal year.

5. Semi-Annual Performance Progress Reports, outlining the progress on fishery management plan development during the preceding six months, before April 30 and October 31 each year.

6. Any other relevant report which may be requested by the Secretary of Commerce.

E. Review on a continuing basis, and revise as appropriate, the assessments and specifications made with respect to the optimum yield from, and the total allowable level of foreign fishing in, each fishery under a PMP or FMP within its geographic area of authority.

F. Participate in the activities of the Salmon and Steelhead Advisory Commission as mandated by Public Law 96–561 of December 22, 1980 (Title I—Conservation and Enhancement of Salmon and Steelhead Resources); and

G. Conduct any other activities which are necessary and appropriate to the foregoing functions.

Council Composition

The Pacific Fishery Management Council shall consist of representatives of the States of California, Oregon, Washington, and Idaho, and shall have authority over the fisheries in the Pacific Ocean seaward of such coastal states. The Pacific Council shall have 13 voting members, including 8 appointed by the Secretary, at least one of whom shall be appointed from each state.

Voting Members

The voting members of the Council shall be:

A. The state officials with principal fishery management responsibility in the States of Washington, Oregon, Idaho, and California, or the designee of such officials;

B. The Regional Director of the Northwest Region of the National Marine Fisheries Service, or his designee, and

C. Eight appointed members from the states of Idaho, Washington, Oregon and California (at least one of whom shall be appointed from each state).

Non-Voting Members

The non-voting members of the Council shall be:

A. The Regional Director of the U.S. Fish and Wildlife Service, Northwest Region, or his designee;

B. The Commander, Pacific Area of the U.S. Coast Guard, or his designee;

C. The Executive Director of the Pacific Marine Fisheries Commission, or his designee;

D. A representative of the U.S. Department of State, or his designee;

E. A representative of the State of Alaska, or his designee.

Officers and Terms of Office

The Council officers shall be a Chairman and a Vice-Chairman, with a term of office of one year each.

Staff

Composition. The staff of the Council shall comprise an Executive Director, Administrative Officer, Operations Officer, Staff Officers, Executive Secretary, and such other staff as are necessary to carry out Council activities.

Function. The staff is responsible for administration and execution of Council operations. Functions include coordination of fishery management plan development; preparation of Council reports, statements, and correspondence; financial management, budget preparation, and procurement; record keeping; meeting logistics; and other administrative activities.

Employment Practices. The Council is an equal opportunity employer in full compliance with federal requirements for non-discrimination. Council staff positions are filled solely on the basis of merit, fitness, competence, and qualifications.

1. *Classification.* The duties of full-time and other-than-full-time personnel shall be contained in position descriptions to be submitted to NOAA. As a minimum, position descriptions will cover the specific technical and supervisory duties of the position, any special skills (e.g., word processor operator), and specific education and experience requirements. The Council will then be provided a salary range (usually equivalent to a GS grade) appropriate to the position and a determination of the applicability of the Fair Labor Standards Act. Each employee will be provided with a copy of his or her position description. Any significant change in the scope of duties will necessitate the reclassification of the position.

2. *Recruitment.* All personnel vacancies should be filled on a competitive basis, unless unusual circumstances clearly dictate otherwise. For this purpose, the Council may avail itself of the vacancy advertising system operated by NOAA or any other recruitment tool, including newspapers and local employment agencies.

3. *Leave.* Employees of the Council shall be granted paid leave for holidays, vacations or exigencies, sickness, and civic duties (jury, military reserve obligations) as determined by the Council. Accrued annual leave shall not exceed 26 days per year, accrued sick leave shall not exceed 13 days per year and paid holidays shall not exceed 10 days per year.

4. *Fringe Benefits.* The Council shall provide its employees the opportunity to participate in group health insurance, life insurance, and a retirement plan, and shall pay for a proportion of such plans. The total benefits, exclusive of social security, shall not exceed 20% of salary.

Standards of Conduct

The Council and its staff shall maintain high standards of ethical conduct. These standards include the following principles:

A. No employee of the Council shall use his or her official authority or act in the name of the Council for the purpose of influencing or affecting the result of an election to or a nomination for any national, state, county, or municipal elective office.

B. No employee of the Council shall be deprived of employment, position, work, compensation, or benefit provided for or made possible by the Act on account of any political activity or lack of such activity in support of or in opposition to any candidate or any political party in any national, state, county, or municipal election or on account of his or her political affiliation.

C. No Council member or employee shall pay, or offer, or promise, or solicit, or receive from any person, firm, or corporation, either as a political contribution or a personal emolument any money, or anything of value in consideration of either support, or the use of influence, or the promise of support, or influence in obtaining a Council decision or for any person, any appointive office, place or employment under the Council.

D. No employee of the Council or member of the Council, Scientific and Statistical Committee, and Plan Development or Management Teams shall have a direct or indirect financial interest that conflicts with the fair and impartial conduct of his or her Council duties.

E. No Council member or employee of the Council shall use or allow the use of, for other than official purposes, information obtained through or in connection with his or her Council employment which has not been made available to the general public.

F. No Council member or employee of the Council shall use Council property on other than official business. Such property shall be protected and preserved from improper or deleterious operation or use.

Standing Committees of Council Members

The Pacific Council has established three standing committees of Council members. The names and functions of the standing committees are outlined below.

Budget Committee

The Budget Committee, comprised of five members, shall be appointed by the Council Chairman and shall meet at least once a year to review the Council's budget proposal. Other meetings of the Budget Committee will be scheduled at the request of the Council Chairman or the majority of voting Council members and may be to discuss such subjects as personnel matters, programmatic contracts, etc. The terms of Committee members shall expire on October 1 of each year. Members of the Committee may be reappointed by the Council Chairman.

Foreign Fishing Committee. The Foreign Fishing Committee, comprised of five members, shall be appointed by the Council Chairman and shall meet as required to review foreign fishing permit applications. Meetings of the Foreign Fishing Committee will be scheduled at the request of the Council Chairman or the majority of voting Council members and may be to discuss such ancillary subjects as conditions for joint venture or foreign fishing permits, criteria for recommending rejection of such applications, etc. The terms of Committee members shall expire on October 1 of each year. Members of the Committee may be reappointed by the Council Chairman.

Inter-Council Salmon Coordinating Committee. The Inter-Council Salmon Coordinating Committee has been established to coordinate salmon plan development in the North Pacific and Pacific Council areas of jurisdiction. There shall be three representatives from each Council on the Committee. The Committee shall meet as required at the request of either Council Chairman. The terms of Pacific Council representatives on the Inter-Council Salmon Coordinating Committee shall expire on October 1 of each year. Members of the Committee may be reappointed by the Council Chairman.

In the event that additional standing committees are required, they will be submitted to the Assistant Administrator for Fisheries, NMFS, for approval in accordance with existing regulations.

Meetings

Frequency. The Council shall meet as often as is necessary to discharge its duties, but shall meet at least once in each quarter of the fiscal year.

Duration. Council meetings shall vary in duration according to workload.

Location. Council meetings shall occur throughout the area of jurisdiction of the Council. Criteria for selection of meeting locations shall include ease of transportation for both Council members and the public and the cost of holding such meetings. The Council shall endeavor to meet in the area in which persons reside who might be immediately affected by actions taken by the Council at that particular meeting.

Agenda or Order of Business. Notice of Council meetings with agenda will be published in the **Federal Register** at least 20 days prior to the meeting. The Council will also issue press releases to announce time, location and agenda for each meeting.

Minutes. Each Council meeting shall be recorded. Summary minutes shall be prepared for all open portions of Council meetings and will be made available to the public. In addition to the summary minutes, the Council shall widely distribute a newsletter summarizing Council action taken during each Council meeting.

General Rules of Procedure. The Council shall meet at the call of the Chairman or upon request of a majority of the voting members. Meetings shall be conducted according to *Robert's Rules of Order* and in a manner to permit the greates possible participation by all members of the Council and the public. Decisions by consensus are permitted except where the issue is Council approval or amendment of a Fishery Management Plan (including any proposed regulations), comments for the Secretary on foreign fishing applications, or management plans prepared by the Secretary. In these cases, a vote is required.

A. A majority of the voting members of the Council shall constitute a quorum for Council meetings, but one or more such members designated by the Council Chairman may hold hearings.

B. When there is a vote, the majority of the voting members present and voting shall rule. The use of proxy is not permitted.

C. The Council shall conduct all meetings and hearings within its geographic area of authority, except when interregional resources are concerned.

D. Voting members of the Council who dissent on any issue to be submitted to the Secretary are permitted to submit a statement of their reasons for dissent to the Secretary.

Authority of the Chair. The Chairman, or in his absence the Vice-Chairman, shall convene and preside over Council meetings. The Chairman may designate Council members to serve on such committees of Council members as are established. The Chairman may also designate Council members to officiate at public hearings. The Chairman will retain voting rights.

Hearings

The Council shall hold public hearings in order to provide the opportunity for all interested persons to be heard with respect to the development of fishery management plans or plan amendments, and with respect to the administration and implementation of the Act. The Council may use its judgment regarding when and where such hearings should be held, provided they are held in the particular geographic area concerned.

Conduct. When it is determined that a hearing is appropriate, the Chairman of the Council will designate at least one voting member of the Council to officiate. Conduct of the hearing, beyond the stipulation that all persons be afforded an opportunity to present their views and be given a chance for expression, is within the discretion of the hearing official under whatever instructions the Council may wish to provide.

Notice. Notice of each hearing will be published in the **Federal Register** at least 20 days prior to the hearing. Advance notice also should be given in the local media where the hearing is to take place. Publicity should be sufficient to assure that all interested parties are aware of the opportunity to make their views known.

Record. An accurate record of the participants and their views, obtained by use of a tape recording, typewritten transcript, or detailed minutes, shall be available to the Council and maintained as part of the Council's administrative record.

Scientific and Statistical Committee

The Pacific Council shall have a Scientific and Statistical Committee composed of scientists of national reputation from state and federal agencies, academic institutions, and other sources. Members shall represent a wide range of disciplines required for preparation and review of management plans. The Committee shall meet at the call of the Council Chairman, a majority of the voting members of the Council or the Executive Director. The Committee shall:

A. Identify scienific resources required for the development of management plans and amendments and recommend resources for Plan Development and Management Teams.

B. Provide a multidisciplinary review of management plans or amendments and advise the Council on their scientific content.

C. Assist the Council in the evaluation of such statistical, biological, economic, social, and other scientific information as is relevant to the Council's activities, and recommend methods and means for the development and collection of such information.

D. Recommend to the Council the composition of Plan Development and Management Teams and persons to serve on them.

Advisory Panel

The Pacific Council shall establish an Advisory Panel. The Advisory Panel shall consist of advisory subpanels, one for each fishery management plan being developed or monitored. Members of the subpanels shall be selected by the majority of voting Council members and shall serve for two-year terms. The Council Chairman shall appoint a Chairman for each advisory subpanel as well as a Chairman of the overall Advisory Panel. Advisory subpanels are accountable to and report to the Council, and shall meet with the approval of the Council Chairman or Executive Director.

Advisory subpanels shall have representation from user groups and interests concerned with management of the fishery for which a plan is being prepared or reviewed. The functions of the subpanels shall be to advise the Council as to fishery management problems, to provide input into fishery management planning efforts, and to advise the Council on the content and effects of managment plans and amendments.

Plan Development Teams (PDT)*Organization.* A planning team shall be established by the council for each management unit which will be the subject of a planning effort. Plan Development Teams shall be working teams of state, federal, and nongovernment specialists. The Plan Development Teams will report to the Council through the Executive Director.

Practices and Procedures. 1. *Work Plans/Scoping.* The Council staff shall be responsible for work plans and the scoping process, with assistance from the Teams, if it is determined that these activities are necesary.

2. *Teams' Responsibility in Drafing of Plans (FMPs).* The Teams are responsible for drafting the management plans and, in that capacity, make the decision with regard to what is included in the successive drafts to be presented to the Council. The SSC and Advisory Subpanels shall advise the Teams and the Council, but their advice is not binding on the Teams. The Council shall decide if the plan is to be modified and Teams shall comply with Council directives.

Plan Development Team members shall remain objective in the drafting of management plans. They should not be subject to pressure from their employers, rather they should be able to develop management plans independently without regard to agency policy. The Council should be assured that the product received from the Team represents the best objective, scientific appraisal of the fishery and the resource. Policy considerations are in the exclusive purview of the Council.

Plan Development Teams shall conduct their planning and evaluation effort in such a way as to satisfy the Magnuson Fishery Conservation and Management Act.

The Council shall seek strong commitments to plan development activities. Plan development should be high priority for all Team members. This time commitment may be formalized in a contract between the agency and the Council. Compensation for agency personnel should be arranged on a case-by-case basis.

Council staff members may be assigned to assist Plan Development Teams.

Plan Objectives. The Council shall adopt objectives as early as possible in the plan development process. The objectives shall be operational and as specific as possible.

4. *Alternative Management Measures.* The Teams shall develop and present all viable alternative management measures which would attain the objectives. It shall not be the Team's responsibility to recommend preferred options to the Council, unless such preferences can be made on technical grounds without regard to policy considerations or unless the Council solicits the Team's opinion. It is the duty of only the Council to narrow the list of options.

5. *Plan Drafts.* When Teams present successive drafts of management plans to the Council, they shall submit in writing to the Council a list of problems and alternative solutions which require resolution by the Council. The Council shall respond to each item, at that time if possible, and the Executive Director shall submit to the respective team(s) a written response from the Council as soon after the meeting as possible.

Upon completion of each draft of a plan, it shall be transmitted to the Council through the Executive Director. Copies will be transmitted to the Scientific and Statistical Committee and the appropriate Advisory Subpanel for review and comment to the Council. The Council shall evaluate these comments and, if necessary, refer the plan back to the Plan Development Team for further work.

6. *Attendant Documents.* The Teams shall have responsibility for drafting the plan, while the National Marine Fisheries Service and Council staff shall take the lead in preparing the Environmental Impact Statement (EIS), Regulatory Analysis (RA), and proposed regulations. The Teams, however, must assist in the preparation of these related documents to ensure that correct interpretations of the plan have been made. In some cases, individual team members may be assigned to these activities. Insofar as possible, preparation of the EIS, RA, and proposed regulations shall occur concurrently with plan development.

7. *Notice of Availability.* When the Council is satisfied with the plan, it together with a draft Environmental Impact Statement (DEIS), Draft Regulatory Analysis, and draft proposed regulations, will be transmitted to the Department of Commerce through the Regional Director of the National Marine Fisheries Service. A notice of availability will be published according to NEPA requirements.

8. *Hearings.* Following publication of the notice of availability of the DEIS, the Council shall sponsor public hearings to solicit input and comments from those groups or individuals who might be affected by future regulatory action. Prior to holding public hearings on the DEIS/FMP, the Council shall distribute copies widely so that all interests have an opportunity to review and consider the proposed action.

After consideration of public comments, the Plan Development Team shall make such revision of the FMP as the Council deems necessary and assist in revision of the DEIS, DRA and proposed regulations as appropriate.

9. *Transmittal to the Secretary.* Upon final adoption of the fishery management plan, the Council shall transmit the final EIS/FMP, final Regulatory Analysis and proposed regulations, through the NMFS Regional Director to the Secretary of Commerce for final approval and promulgation of implementing regulations.

Management Teams

When necessary, the Council shall appoint a Management Team (MT) to conduct a continuing review of the status of the fishery and resources once a FMP is implemented. One member of the MT will be designated as Chairman. The MT will report to the Council through the Executive Director. The MT will accept responsibility for coordinating the fishery monitoring and plan maintenance process. This Team shall consist of state, federal, and nongovernmental specialists in the area of concern.

The activities of the MT may include: fishery and resource status updates; in-season management activities as defined by respective FMP's; review of management objectives; appraisal of the management regime's effectiveness in achieving the objectives; impact of management measures; FMP amendments; fine-tuning FMPs (without amendment); special analyses and other duties.

The MT cannot be expected to actually perform all of the tasks associated with FMP maintenance. The MT will be dependent on agencies' commitments of resources to accomplishing their tasks.

Administrative Management System

Office of Management and Budget Circular No. A110 provides uniform administrative requirements applicable to the Pacific Fishery Management Council, including standards for financial management, financial reporting property management, and procurement. The Council will operate in full compliance with these standards.

Conflict of interest. Appointed public Council members and administrative employees are subject to Federal laws and regulations concerning bribery and conflicts of interest. Council members drawn from the fishing industry will *not* be precluded from voting on fishery management plans which might directly affect their income.

Procurement Procedures. The Council will contract for services to be provided by other government agencies, educational institutions, profit and non-profit organizations. Detailed procurement procedures have been approved by the Council and are available for review at the Council's office. These procurement procedures provide for agreements and orders for procurement of supplies and services. It includes awards and notices of award: fixed price, cost, cost-plus-a-fixed-fee, negotiated, or incentive type contracts; letter contracts and purchase orders.

Topics covered are formal advertising; sole source procurements; award; contract types; contract administrations; protests, contract disputes, and appeals; and code of conduct.

Property Management System. A perpetual inventory system will be maintained of all Council non-expendable tangible personal property having a useful life of more than one year and an acquisition cost of $300 or more. All such items will be marked "PFMC" with an assigned property control number. All personal property acquired by the Council shall be safeguarded under conditions which a prudent person would follow. Only Council staff or individuals or entities under contract shall have access to Council property. Procedures for disposal of any surplus property shall be submitted to and approved by the Northwest Regional office of NMFS. A listing of federally-owned property will be submitted to the Chief of Administrative Operations Division for the NOAA Northwest Administrative Service Office within 60 days after the close of each fiscal year.

Accounting and Budgetary Control Procedures. The accounting and budgetary control system will be maintained in compliance with the U.S. Department of Commerce/NOAA General Provisions and Special Conditions which are included in the cooperative agreements for funding the Council's administrative and programmatic needs. A summary of the financial system ingredients follows:

1. *Formal Books of Accounts.* A cash receipts and disbursements journal, a payroll register journal, a general journal and a general ledger will be maintained to record financial transactions.

2. *Chart of Accounts.* The following general account number structure will be followed in recording financial transactions of the Council:

Assets (1000); Liabilities (2000); Fund Balances (3000); Revenues (4000); Expenses (5000–9000)

The detailed chart of accounts which provides line-item fiscal control over expenditures for monthly reporting to the Council and quarterly reporting to NOAA is available for inspection at the Council's office.

3. *Obligations.* The following guidelines are followed in charging obligations against the proper fiscal year:

Compensation and Benefits: Month in which pay period ends.

Purchase of Supplies and Equipment: Date purchase order is signed.

Transportation: Fiscal period when travel is begun.

Travel Expense: Fiscal period when expense occurred.

Communications, Utilities and Rent: On 1st day of billing period.

Contracts—operational: Fiscal period when expense occurred.

Contracts—programmatic: Fiscal period when item is budgeted.

Travel Reimbursement Procedures. Detailed procedures covering the processing of travel claims are available for inspection at the Council's Office. The guidelines for reimbursing individuals are as follows:

A. All non-federal members of the Council, Scientific and Statistical Committee, Advisory Panels, Plan Development Teams, Management Teams or Task Forces, staff and special consultants performing authorized services for the Council shall normally be entitled to reimbursement for actual meals and lodging expenses up to a limit set by the Council. However, the total amount claimed for meals and lodging shall not exceed the established federal rate except when authorized in extenuating circumstances.

B. Claims for reimbursement must be supported with receipts for all expenses other than meals except those expenses that individually amount to less than $15.

C. Official telephone calls, taxis, privately-owned vehicle mileage, common carrier fares, parking, baggage handling, etc. will be reimbursed in the amount of actual expenditure and are not included in meal and lodging limits set by the Council.

Standards for Compensation and Other Personnel Actions. Salary and wage administration, fringe benefits, hours of work, etc., for the Council staff are detailed in the Personnel Rules approved by the Council which are available at the Council's office.

1. *Council Member Pay.* Council members whose eligibility for compesnation has been established in accordance with NOAA guidelines will be paid on a contract basis without deductions being made for Social Security, or federal and state income taxes. A report of compensation will be furnished each year as required by the Internal Revenue Service. Such compensation is paid on a full day's basis whether in excess of eight hours a day or less than eight hours a day. The time is compensable where the individual member is required to expend a significant private effort which substantially disrupts the employee's daily routine to the extent that a work day is lost to the member. "Homework" time in preparation for formal Council meetings *is not* compensable.

Non-government Council members receive compensation for:

a. Days spent in actual attendance at a meeting of the Council or jointly with another Council.

b. Travel on the day preceding or following a scheduled meeting that precluded the member from conducting his normal business on the day in question if travel time for additional days is necessary.

c. Meetings of standing committees of the Council if approved in advance by the Chairman.

d. Individual member meeting with scientific and technical advisors where approved in advance by the Chairman and a substantial portion of any day is needed.

e. Conducting or attending hearings when authorized in advance by the Chairman.

f. Other meetings involving Council business when approved in advance by the Chairman.

Relationship to Magnuson Fishery Conservation and Management Act (MFCMA) Operations Handbook

This Statement of Operating Practices and Procedures is intended to be in general conformance with the guidelines set forth in the FCMA Operations Handbook distributed by the National Marine Fisheries Service in November, 1980. In the event of any change in the future, the Council shall file an amendment to this statement with the required information.

[FR Doc. 81-36871 Filed 12-24-81; 8:45 am]
BILLING CODE 3510-22-M

California Department of Fish and Game; Modification of Permit

Notice is hereby given that pursuant to the provisions of Sections 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Permit No. 351 issued to the California Department of Fish and Game, 1416 Ninth Street, Sacramento, California 95814 on August 16, 1981 (46 FR 43732) is modified as follows:

Section A–1 is changed to read:

marking 480 harbor seals (*Phoca vitulina richardii*) with epoxy streamer tags.

This modification is effective December 17, 1981.

The Permit as modified and documentation pertaining to the modification are available for review in the following offices;

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300

Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: December 17, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals & Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-38867 Filed 12-24-81; 8:45 am]

BILLING CODE 3510-22-M

Dr. Louis M. Herman; Modification of Permit

Notice is hereby given that pursuant to the provisions of Section 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Scientific Research Permit No. 214 issued to Dr. Louis M. Herman, University of Hawaii, Honolulu, Hawaii 96822 on November 25, 1977 (42 FR 61296) and as modified on January 3, 1980 (45 FR 822), is further modified as follows:

1. Section B-3 is deleted and replaced by:

3. This permit is valid with respect to the taking authorized herein until December 31, 1983.

2. A new Section B-5 is added as follows:

5. The date, specific location of the taking and the desirability of National Marine Fisheries Service observers shall be determined by the Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702. The Holder or his collecting agent shall therefore notify the Regional director sufficiently in advance of each collecting trip to allow for such a determination.

This modification is effective December 28, 1981.

The modification and related documents are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3000 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; and

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, Duval Building, St. Petersburg, Florida 33702.

Dated: December 17, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals & Endangered Species National Marine Fisheries Service.

[FR Doc. 81-38868 Filed 12-24-81; 8:45 am]

BILLING CODE 3510-22-M

John M. Reinke; Modification of Permit

Notice is hereby given that pursuant to the provisions of §§ 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216) and § 220.24 of the regulations governing endangered species permits (50 CFR Parts 217-227), the Scientific Research Permit No. 291 issued to John M. Reinke, 4461 Woodland Park Avenue North, Seattle, Washington 98103, on April 25, 1980 (45 FR 29382), is hereby modified as follows:

Section B-8 is deleted and replaced by:

8. This Permit is valid with respect to the activities authorized herein until December 31, 1983.

The modification is effective upon publication in the **Federal Register.**

The Permit as modified and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW, Washington, D.C.;

Regional Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way, NE, BIN C15700, Seattle, Washington 98115; and

Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

Dated: December 17, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-38869 Filed 12-24-81; 8:45 am]

BILLING CODE 3510-22-M

Quinlan Marine Attractions; Issuance of Permit

On May 13, 1980, Notice was published in the **Federal Register** (45 FR 31459), that an application had been filed with the National Marine Fisheries Service by Quinlan Marine Attractions, Route 3, Box 540, Lincolnton, North Carolina 28092, for a permit to take four (4) Atlantic bottlenose dolphins (*Tursiops truncatus*) for the purpose of public display.

Notice is hereby given that on December 17, 1981, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Public Display Permit for the above taking to Quinlan Marine Attractions subject to certain conditions set forth therein.

The Permit and related documents are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702;

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: December 17, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals & Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-38866 Filed 12-24-81; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

Public Advisory Committee for Trademark Affairs

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of renewal.

SUMMARY: In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976) and the Office of Management and Budget Circular A-63 of March 1974, and after consultation with GSA it has been determined that the renewal of the Public Advisory Committee for Trademark Affairs is in the public interest in connection with the performance of duties imposed on the Department by law.

SUPPLEMENTARY INFORMATION: The Committee was first established in September, 1970, and its present charter expired on October 12, 1981. The Committee's purpose is to advise the Patent and Trademark Office concerning steps which can be taken to increase the efficiency and effectiveness of administration of the Trademark Act and to provide a continuing flow of knowledge from the private sector to the government in the field of trademarks.

As it was initially established, the Committee will continue to comprise the members of the Advisory Committee for Trademark Affairs of the United States Trademark Association. The membership is balanced and is selected by the President of said association. The Committee will function solely as an advisory body, and in compliance with the provisions of the Federal Advisory Committee Act.

FOR FURTHER INFORMATION CONTACT: Inquiries or comments regarding this notice may be addressed to Patricia M. Davis, Committee Control Officer, Deputy Director, Trademark Examining Operations, U.S. Patent and Trademark Office, Washington, D.C. 20231, telephone: (703) 557–3881, or Yvonne Barnes, Committee Management Analyst, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377–4217.

Dated: November 9, 1981.

Dennis C. Boyd,

Executive Director, Information Resource Management.

[FR Doc. 81–36883 Filed 12–24–81; 8:45 am]

BILLING CODE 3510-CW-M

Public Availability of Report on Closed Meetings

AGENCY: Department of Commerce.

ACTION: Announcing public availability of report on closed meetings of advisory committees.

SUMMARY: As required by the Federal Advisory Committee Act and Office of Management and Budget Circular A–63 of March 1974, the Department of Commerce has prepared its report on the activities of closed or partially-closed meetings of advisory committees. Copies of the reports have been filed and are available for public inspection at two locations:

Library of Congress, Newspaper and Current Periodicals Reading Room, Room 1026, John Adams Building, 2nd and Independence Avenue, SE, Washington, D.C. 20540.

Department of Commerce, Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, 14th and Constitution Avenue, NW, Washington, D.C. 20230, telephone (202) 377–4217.

The reports cover the closed and partially-closed meetings of 32 of the Department's 84 committees and several subcommittees, the names of which are listed below.

Committee (Subcommittee)

Advisory Committee on East-West Trade
Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee
Computer Systems Technical Advisory Committee
—Foreign Availability Subcommittee
—Hardware Subcommitee
Electronic Instrumentation Technical Advisory Committee
Industry Functional Advisory Committee on Customs Valuations for Trade Policy Matters
Industry Functional Advisory Committee on Standards for Trade Policy Matters TPM
Industry Sector Advisory Committee (ISAC) on Aerospace Equipment for Multilateral Trade Negotiations [1]
ISAC on Aerospace Equipment for TPM
ISAC on Capital Goods for TPM
ISAC on Chemicals and Allied Products for TPM
ISAC on Consumer Goods for TPM
ISAC on Electronics and Instrumentation for TPM
ISAC on Ferrous Ores and Metals for TPM
ISAC on Footwear, Leather, and Leather Products for TPM
ISAC on Industrial and Construction Material and Supplies for TPM
ISAC on Lumber and Wood Products for TPM
ISAC on Nonferrous Ores and Metals for TPM
ISAC on Paper and Paper Products for TPM
ISAC on Services for TPM
ISAC on Small and Minority Business for TPM
ISAC on Textiles and Apparel for TPM
ISAC on Transportation, Construction, and Agricultural Equipment for TPM
ISAC on Wholesaling and Retailing for TPM
National Advisory Committee on Oceans and Atmosphere
Numerically Controlled Machine Tool Technical Advisory Committee
Pacific Fishery Management Council
President's Export Council Subcommittee on Export Administration
Sea Grand Review Panel
Semiconductor Technical Advisory Committee
—Discrete Semiconductor Device Subcommittee
—Microcircuit Subcommittee
—Semiconductor Manufacturing Materials and Equipment Subcommittee
South Atlantic Fishery Management Council
Telecommunications Equipment Technical Advisory Committee
Western Pacific Fishery Management Council

FOR FURTHER INFORMATION CONTACT: Mrs. Yvonne Barnes, Committee Management Analyst, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377–4217.

Dated: November 9, 1981.

Arlene Triplett,

Assistant Secretary for Administration.

FR Doc. 81–36884 Filed 12–24–81; 8:45 am]

BILLING CODE 3510-CW-M

[1] Committee was terminated in 1980.

DEPARTMENT OF DEFENSE

Defense Science Board Task Force On Command Support; Advisory Committee Meetings

The Defense Science Board Task Force on Command Support will meet in closed session on 25 January 1982 at the Pentagon, Washington D.C., 20301.

The mission of the defense Science Board Task Force is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research, engineering and acquisition issues and to provide long-range guidance in these areas to the Department of Defense.

The Task Force will provide an evaluation of the current technological applications currently employed in the area of command support and will advise upon improvements which appear possible and practical. They will also consider training emphasis and possibilities for improvement in the internal management process.

In accordance with 5 U.S.C. App. I 10(d)(1976), it has been determined that the Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(4)(1976), and that accordingly these meetings will be closed to the public.

M.S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

December 21, 1981

[FR Doc. 81–36858 Filed 12–24–81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

National Board of the Fund for the Improvement of Postsecondary Education; Meeting

AGENCY: National Board of the Fund for the Improvement of Postsecondary Education.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the proposed agenda of a forthcoming meeting of the National Board of the Fund for the Improvement of Postsecondary Education. This notice also describes the functions of the Board. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92–463, section 10(a)(2)).

DATE: January 10, 1982 at 7:30 p.m. through January 11, 1982 at 9:00 p.m.

ADDRESS: Shoreham Hotel, 2500 Calvert Street, NW., Washington, D.C..

FOR FURTHER INFORMATION CONTACT:

Sven Groennings, Director, Fund for the Improvement of Postsecondary Education, 7th & D Streets, SW., Washington, D.C. 20202 (202) 245–9091.

SUPPLEMENTARY INFORMATION: The National Board of the Fund for the Improvement of Postsecondary Education is established under section 1003 of the Higher Education Amendments of 1980, Title X (20 U.S.C. 1135a-1). The National Board of the Fund is established to "advise the Secretary and the Director of the Fund for the Improvement of Postsecondary Education . . . on the selection of projects under consideration for support by the Fund in its competitions."

The meeting of the National Board will be open to the public. The proposed agenda includes:

—Orientation for new Board members
—Discussion of the Mina Shaughnessy Scholars Program
—Discussion of Policy Issues Relevant to the Fund and the Minority Institutions Science Improvement Program

Records shall be kept of all Board proceedings, and shall be available for public inspection at the Fund for the Improvement of Postsecondary Education, 7th & D Streets, SW., Room 3100, Washington, D.C. 20202, between the hours of 8:00—4:30 weekdays, except Federal Holidays.

Dated: December 16, 1981.

Thomas P. Melady,

Assistant Secretary for Postsecondary Education.

[FR Doc. 81-36808 Filed 12-25-81; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

[WH-FRL-2014-8]

Management Advisory Group, Construction Grants Program; Meeting Date Change

The Management Advisory Group to the Construction Grants Program meeting, originally scheduled for December 1, 2, 3, 1981, has been rescheduled for January 12, 13 and 14, 1982 (Tuesday, Wednesday and Thursday).

The meeting will be in Washington, D.C. and open to the public. Any member of the public wishing to attend the meeting should contact the Executive Secretary, William A. Whittington (202–426–8986) after January 5, 1982 to confirm the meeting date and the location of the meeting.

The meeting notice was published Friday, November 13, 1981, Document Number 81–32767 at Page 56040 of the **Federal Register.**

Dated: December 18, 1981.

Bruce R. Barrett,

Acting Assistant Administrator for Water.

[FR Doc. 81-36809 Filed 12-24-81; 8:45 am]

BILLING CODE 6560-29-M

[PH-FRL-2015-4; OPP-50547A]

American Hoechst Corp.; Amendment of Experimental Use Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has amended an experimental use permit, No. 8340–EUP–6, issued to American Hoechst Corporation for use of the insecticide tralomethrin (1R(1(S*)3(RS*)))-2,2-dimethyl-3-(1,2,2,2-tetrabromoethyl) cyclopropanecarboxylic acid alpha-cyano-3(3-phenoxphenyl)methlester on cotton to evaluate control of various insects. The amendment adds four States, California, Georgia, Louisiana, and Mississippi.

FOR FURTHER INFORMATION CONTACT: Franklin D.R. Gee, Product Manager (PM) 17, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207 CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–2690).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the **Federal Register** of September 4, 1981 (46 FR 44498) pertaining to the issuance of an experimental use permit, No. 8340–EUP–6, to American Hoechst Corporation. This experimental use permit allows the use of 60 pounds of the insecticide (1R(1(S*)3(RS*)))-2,2-dimethyl-3-(1,2,2,2-tetrabromoethyl)-cyclopropanecarboxylic acid alpha-cyano-3(3-phenoxyphenyl)methylester on cotton to evaluate control of various insects. A total of 200 acres are involved. At the request of the company the permit has been amended. The program is now authorized only in the States of Alabama, Arizona, Arkansas, California, Georgia, Louisiana, Mississippi, North Carolina, Tennessee, and Texas. A temporary tolerance for residues of the active ingredient in or on cottonseed has been established. Crops treated with the product no longer have to be destroyed or used for research purposes only.

(Sec. 5, 92 Stat. 819, as amended (7 U.S.C. 136))

Dated: December 10, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-36882 Filed 12-24-81; 8:45 am]

BILLING CODE 6560-32-M

[TSH-FRL-2015-1; OPTS-51371]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 59(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of two PMNs and provides a summary of each.

DATES: Written comments by: PMN 81–638 and 81–639, February 13, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS–51371]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M Street SW., Washington, D.C. 20460 (202–382–3532).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M Street SW., Washington, D.C. 20460 (202–426–2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 81–638

Close of Review Period. March 15, 1982.

Manufacturer's Identity. Claimed confidential business information.

Organization information provided:

Annual sales—Over $500 million.
Manufacturing site—South Atlantic region.
Standard Industrial Classification Code—2821.

Specific Chemical Identity. Claimed confidential business information.

Generic name provided: Polyether reaction product with toluene diisocyanate-methacrylate terminated.

Use. The manufacturer states that the PMN substance will be used as an industrial polymer for plastic printing plates.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. Claimed confidential business information.

Exposure. The manufacturer states that during manufacturer 2 workers may experience dermal exposure 1 hr/day, 150 days/yr during discharge.

Environmental Release/Disposal. The manufacturer states that there will be no release to the environment.

PMN 81-639

Close of Review Period. March 15, 1982.

Importer's Identity. Henley and Company, Inc., 750 Third Avenue, New York, N.Y. 10017.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Aliphatic acid ester.

Use. Claimed confidential business information. Generic use information provided: The Importer states that the PMN substance will be used in a destructive, contained use.

Import Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance, Clear liquid, pleasant odor
pH 0.3% w/w solution, 4.1
Boiling point @ 20° C, 207–211° C
Flash point, 84–85° C
Melting point, 5° C
Solubility @ 20° C, 0.3%
Density @ 20° C, 1.04 g/ml
Vapor pressure @ 20° C, 1 mbar

Toxicity Data. No data were submitted.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. The importer states that less than 10kg/yr will be released to air, land and water.

Dated: December 16, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 81-36665 Filed 12-24-81; 8:45 am]
BILLING CODE 6560-31-M

[PH-FRL-2015-3; OPP-50566]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in the experimental use permit at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

464-EUP-64. The Dow Chemical Company, P.O. Box 1706, Midland, MI 48640. This experimental use permit allows the use of 900 pounds of the insecticide chlorpyrifos on wheat to evaluate control of aphids, armyworms, brown wheat mites, cutworms, and grasshoppers. A total of 600 acres are involved. The program is authorized only in the States of Kansas, Minnesota, and South Dakota. The experimental use permit is effective from October 27, 1981 to October 27, 1982. Temporary tolerances for residues of the active ingredient in or on wheat, wheat straw, fat, meat, and meat byproducts of poultry and turkey have been established. A food additive regulation for residues of the active ingredient in or on milling fractions (except flour) of wheat has been established. (Jay S. Ellenberger, PM 12, Rm. 202, CM#2, (703-557-2386))

352-EUP-108. E. I. duPont de Nemours and Company, Wilmington, DE 19898. This experimental use permit allows the use of nine pounds of the herbicide methyl 2-[[[[(4,6-dimethyl-2-pyrimidinyl)-amino]carbonyl]amino]sulfonyl] benzoate on fallow land to be replanted to wheat or barley to evaluate control of weeds. A total of 1,200 acres are involved. The program is authorized only in the States of Colorado, Idaho, Kansas, Montana, Nebraska, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming. The experimental use permit is effective from February 1, 1982 to February 1, 1984. (Robert Taylor PM 25, Rm. 251, CM#2, (703-557-1800))

201-EUP-72. The Shell Oil Company, 1025 Connecticut Ave., NW., Suite 200, Washington, DC 20036. This experimental use permit allows the use of 39,600 pounds of the insecticide methomyl on pineapples to evaluate control of rootknot and reniform nematodes. A total of 600 acres are involved. The program is authorized only in the State of Hawaii. The experimental use permit is effective from October 27, 1981 to October 27, 1983. (Jay S. Ellenberger, PM 12, Rm. 202, CM#2, (703-557-2386))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: December 10, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-36668 Filed 12-24-81; 8:45 am]
BILLING CODE 6560-32-M

[PH-FRL-2015-2; OPP-50551A]

NOR-AM Agricultural Products, Inc.; Amendment of Experimental Use Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has amended an experimental use permit, No. 2139-EUP-23, issued to NOR-AM Agricultural Products, Inc. for use of the herbicide thidiazuron on cotton to evaluate its use as a defoliant. The amendment extends the experimental use period to July 1, 1983.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was publish in the **Federal Register** of September 25, 1981 (46 FR 47297) pertaining to the extension of an experimental use permit, No. 2139-EUP-23, to NOR-AM Agricultural Products, Inc. This experimental use permit allows the use of 1,530 pounds of the herbicide thidiazuron on cotton to evaluate its use as a defoliant. A total of 7,650 acres are involved. The program is authorized only in the States of

Alabama, Arizona, Arkansas, California, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, and Texas. At the request of the company the permit has been amended. The experimental use period has been extended and the permit is now effective until July 1, 1983.

(Sec. 5, 92 Stat. 819, as amended (7 U.S.C. 136))

Dated: December 10, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-36884 Filed 12-24-81; 8:45 am]

BILLING CODE 6560-32-M

[SWH-FRL-1995-5]

Summary of Panel Discussions Regarding the Land Disposal of Hazardous Waste

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: During the week of May 18–22, 1981, the Office of Solid Waste held a set of panel discussions to address the major technical issues relating to the land disposal of hazardous waste. Panels were composed of individuals from industry, academia, public interest groups, and EPA. The views and opinions expressed were those of the individuals and not necessarily those of the Agency. Today's notice announces the availability of the summary of these panel discussions for public use and review.

DATES: Persons wishing to provide comment on any errors, omission or needed clarification of this summary should do so in writing on or before February 26, 1981.

ADDRESSES: Copies of the panel discussions summary are available for viewing at the Subtitle C Docket Room (Room 2636), located at 401 M Street, SW., Washington, D.C. and at all Regional Office Libraries during the hours of 9:00 a.m. to 4:30 p.m. In addition, a limited number of copies are available on a 10-day maximum loan basis by contacting the RCRA Hotline, Office of Solid Waste (WH-565), U.S. EPA, 401 M Street, SW., Washington, D.C. 20460 (phone: 800-424-9346, or in Washington, D.C. 544-1409). Comments should be addressed to Kenneth Shuster, Land Disposal Division, (WH-564), Office of Solid Waste, U.S. Environmental Protection Agency, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Kenneth Shuster, Land Disposal Division (WH-564), Office of Solid Waste, U.S. Environmental Protection Agency, Washington, D.C. 20460, (202) 755-9125.

SUPPLEMENTARY INFORMATION: On May 18–22 EPA sponsored a symposium on hazardous waste land disposal. Several national experts on the subject participated to express their views on the current state of the art for predicting the environmental impact of hazardous waste land disposal facilities to EPA and the public.

The views and opinions of the experts were expressed via a series of panel discussion divided into four major subject areas:

1. Leachate predicting quantity and quality; attenuation in liners and the unsaturated zone; and management approaches to control leachate quantity and quality.

2. Predicting leachate plume migration in groundwater; modeling and monitoring.

3. Gas generation and migration: rates of emissions; monitoring and dispersion modeling; and control practices.

4. Health effects resulting from exposures to hazardous waste disposed on or in the land.

The first topic was discussed for two full days and each of the other topics was the focus of a full day's panel discussion. During each session, a number of specific technical points were addressed.

The panel discussion summary is titled "Land Disposal of Hazardous Waste—Summary of Panel Discussions." Readers are encouraged to provide comments on the summary where it is felt that panel opinions are either in error or in need of further amplification or clarification. A compendium of relevant comments will be appended to the summary at a later date.

Dated: November 3, 1981.

Christopher J. Capper,

Acting Assistant Administrator, Solid Waste and Emergency Response.

[FR Doc. 81-36873 Filed 12-24-81; 8:45 am]

BILLING CODE 6560-26-M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee on Radio Broadcasting; Meeting

The Advisory Committee on Radio Broadcasting will meet to provide information to interested members of the broadcasting industry and the public concerning the Region 2 Administrative Radio Conference held in Rio de Janeiro from November 9, 1981 through December 18, 1981. Members of the U.S. Delegation to the Conference, including representatives from industry, the FCC and the Department of State, will be on hand to answer questions.

The Rio Conference involved countries throughout the Western Hemisphere and was held under the auspices of the International Telecommunication Union. The purpose of the Conference was to develop an agreement governing the assignment of AM broadcast stations in Region 2—North, Central and South America, the Caribbean and Greenland.

Date: Thursday, January 7, 1982, at 10:30 a.m.

Address: Federal Communications Commission, 1919 "M" Street, N.W., Room 856, Washington, D.C. 20554.

Supplementary information: The meeting will be chaired by Mr. Kalmann Schaefer, Chairman of the U.S. Delegation to the Conference.

For further information: Contact Louis C. Stephens, Federal Communications Commission, Washington, D.C. 20554, (202) 632-7792.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-36856 Filed 12-24-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-844, 81-845, 81-846; File Nos. BPCT-810227KI, BPCT 810615KI, BPCT 810615KS]

Fox Media, Inc., et al.; Hearing Designation Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: December 1, 1981.

Released: December 16, 1981.

In re Applications of Fox Media, Inc., High Point, North Carolina, BC Docket No. 81-844, File No. BPCT-810227KI; Triad Family Television, Inc., High Point, North Carolina, BC Docket No. 81-845, File No. BPCT-810615KI; and High Point Community Television, Inc., High Point, North Carolina, BC Docket No. 81-846, File No. BPCT-810615KS. For construction permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Fox Media, Inc. (Fox), Triad Family Television, Inc. (Triad) and High Point Community Television, Inc. (High Point) for a new commercial television station to operate on Channel 67, High Point, North Carolina.

2. Applicants for new broadcast stations are required by § 73.3580(f) of the Commission's Rules to give local notice of the filing of their applications.

They must then file with the Commission the statement described in § 73.3580(h) of the Rules. We have no evidence that Fox and High Point published the required notice. To remedy this deficiency, Fox and High Point will be required to publish local notice and to file a statement of publication with the presiding Administrative Law Judge within 40 days after this Order appears in the **Federal Register.**

Fox Media, Inc.

3. No determination has been reached that the tower height and location proposed by Fox would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

4. The proposed tower for Fox is to be located 1.99 miles from the non-directional tower of AM radio station WOKX High Point, North Carolina. Because of the proximity of the proposed tower to WOKX, any grant of a construction permit to Fox will be conditioned to ensure that WOKX's radiation pattern is not adversely affected by the construction of the proposed station.

5. Applicant estimates that it will require $2,320,588 to construct its proposed facility and operate for three months, itemized as follows:

Equipment	$2,109,104
Land and building	16,700
Legal costs	5,000
Engineering costs	4,000
Installation costs	14,080
Miscellaneous costs	20,404
Operating costs (3 months)	151,300
Total	2,320,588

6. Applicant estimates its legal costs at $5,000. This amount seems unreasonably low since this application must be prosecuted in a comparative hearing. Accordingly, an issue will be specified inquiring into whether Fox's estimate of its legal fees is reasonable.

7. Applicant has not submitted its financial plan. Fox indicated that it would be forthcoming; however, our records do not reflect receipt of such an amendment. Applicant's balance sheet shows that it does have $3,000 cash on which it may rely. Accordingly, a financial issue will be specified to determine whether applicant has available an additional $2,317,588 over and above the $3,000 mentioned, as well as funds for additional legal fees if required.

Triad Family Television, Inc.

8. The Federal Aviation Administration's approval of applicant's tower height and location has expired. Consequently, grant of Triad's application shall be conditioned upon revalidation of the FAA clearance.

Conclusion and Order

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

10. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, before an Administrative Law Judge at a time and a place to be specified in a subsequent Order upon the following issues:

1. To determine with respect to Fox Media, Inc.:

(a) Whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation;

(b) Whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is technically qualified.

(c) Whether applicant's estimates of its legal costs is reasonable;

(d) Whether applicant has available an additional $2,317,588, plus additional funds for legal fees if required;

(e) Whether, in light of the evidence adduced pursuant to issues (c) and (d), applicant is financially qualified.

2. To determine which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

11. It is further ordered, That, Fox and High Point shall each file with the presiding Administrative Law Judge proof of publication of local notice of the filing of their applications within 40 days after this Order is published in the **Federal Register.**

12. It is further ordered, That, in the event of a grant of Fox's application, the construction permit shall contain the following condition:

Prior to construction of the TV tower authorized herein, permittee shall notify AM station WOKX, High Point, North Carolina, so that the AM station may determine operating power by the indirect method. Permittee shall be responsible for the installation and continued maintenance of detuning apparatus necessary to prevent adverse effects upon the pattern of the AM station. Subsequent to construction of the TV tower and installation of all appurtenances thereon, antenna impedance measurements of the AM antenna shall be made, and sufficient field strength measurements shall be made, at a minimum of eight equally spaced radials, to establish that the AM radiation pattern of the AM station is essentially omnidirectional. The results shall be submitted to the Commission in application for the AM station to return to the direct method of power determination. Thereafter, the TV station may commence *Limited Program Tests.*

13. It is further ordered, That in the event of a grant of the application of Triad Family Television, Inc. the grant shall be subject to the condition that construction shall not be commenced until FAA approval of the tower height and location has been revalidated.

14. It is further ordered, That the Federal Aviation Administration IS MADE A PARTY RESPONDENT to this proceeding with respect to issue 1(a).

15. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

16. It is further ordered, That, the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-36943 Filed 12-24-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-842, 81-843; File Nos. BP-810309AP, BP 810618AD]

Good News Media, Inc., and Paragon Radio Network, Inc.; Hearing Designation Order Designating Applications for Consolidated Hearing on Stated Issues

In re Applications of Good News

Media, Inc., Elmwood Township, Michigan, Req: 1400 kHz, 250 W, 1 kW–LS, U, BC Docket No. 81–842, File No. BP–810309AP; Paragon Radio Network, Inc., Elmwood Township, Michigan, Req: 1400 kHz, 250 W, 1 kW–LS, U, BC Docket No. 81–843, File No. BP–810618AD. For construction permit.

Adopted: November 24, 1981.
Released: December 15, 1981.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications for a new AM broadcast station.

2. *Good News Media, Inc.* Applicant failed to list the date and place of birth of officer Mr. Dale Perlin, required in Table I, Section II, of Form 301. An amendment will be required.

3. Analysis of the financial data Good News submitted reveals that $58,020 will be required to construct and operate for three months, itemized as follows:

Equipment	$10,410
Building	13,550
Construction-period lease	1,000
Other construction costs	5,500
Operating costs	27,650
Total	$58,020

The applicant proposes to finance the station with donations, but has not documented their availability. Further, it has not submitted a balance sheet. Therefore no funds have been shown to be available, and a limited financial issue must be specified.

4. *Other Matters.* Neither applicant has shown where Elmwood Township's business district is located. Further, primarily because both applicants propose a transmitter site at the southern edge of Elmwood Township, their proposed nighttime interference-free (16.5 mV/m) contours would cover only about 73 percent of the area and 76 percent of the population of that community. Both applicants requests waiver of § 73.24(j) of our Rules,[1] but their statements are not sufficient to establish that waiver is warranted. An appropriate issue will be specified.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

6. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine with respect to Good News Media, Inc.:

a. The source and availability of sufficient funds to meet anticipated costs; and

b. Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine with respect to each proposal whether it would provide coverage of Elmwood Township, Michigan, as required by § 73.24(j) of the Commission's Rules, and if not, whether circumstances exist which warrant waiver of that rule.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine in light of the evidence adduced pursuant to the foregoing issues, which of the applications, if either, should be granted.

7. It is further ordered, That Good News Media, Inc. shall file the amendment specified in paragraph 2 above within 30 days after this order is published in the **Federal Register.**

8. It is further ordered, That to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the applicants shall within 20 days of the mailing of this order, in person or by attorney, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

9. It is further ordered, That pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, the applicants shall give notice of the hearing as prescribed in the rule, and shall advise the Commission of publication of the notice as required by Section 73.3594(g) of the Rules.

Federal Communication Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81–36944 Filed 12–24–81; 8:45 am]
BILLING CODE 6712–01–M

[1] Section 73.24(j) requires in pertinent part that AM proposals provide (a) 25 mV/m service day and night to the business district of the community of license and (b) interference-free service to all residential areas of the community.

[BC Docket No. 81–849; File No. BPH–810507AE]

Robert L. Griffis d/b/a/ Griffis Broadcasting Co.; Tye, Texas, Req: 99.3 MHZ, Channel No. 257A 0.54 kW (H&V), 714.5 feet; Hearing Designation Order Designating Application for Hearing on Stated Issues

Adopted: December 3, 1981.
Released: December 21, 1981.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration (i) the above-captioned application of Robert L. Griffis, d/b/a/ Griffis Broadcasting Company (Griffis), for a construction permit for a FM station at Tye, Texas, (ii) a petition to deny filed by Craft Communications, Inc. (Craft) against Griffis (iii) an Opposition filed by Griffis and (iv) other related pleadings.[1]

2. Prior to Griffis becoming an applicant, there were four applications, which had been designated for hearing, three applications for Abilene and one for Tye.[2] Under the "Joint Petitions For Approval of Agreement," the Administrative Law Judge (ALJ) approved agreements which allowed Burke to withdraw its application in exchange for Craft and TX–IN reimbursing him for expenses reasonably incurred in the preparation, filing and prosecution of his application; TX–IN would also withdraw in exchange for a portion of its expenses reasonably incurred in the preparation, filing and prosecution of its application. On August 4, 1980 Abilene Broadcasting Company, Inc. filed with the Commission a "Statement of Dismissal of Application" which was subsequently approved by the ALJ. All three applications were dismissed with prejudice. Since Abilene, Texas has seven broadcasting services licensed to it and Tye, Texas has none, the ALJ found that the withdrawal of the TX–IN application would unduly impede achievement of a fair, efficient distribution of radio services. Craft,

[1] Pursuant to the Commission's *Report and Order in re Revised Procedures for the Processing of Part 1 of the Commission's Rules*, 77 FCC 2d 202, 45 RR 2d 1220 (1970), which directed the deletion of all issue pleadings, those matters sought to be raised by the parties, irrespective of the nomenclature of the pleadings (e.g., Petition to Specify Issues, Petition to Deny, etc.) have been considered only to the extent specifically discussed, and/or issue(s) specified, herein. Accordingly, the opportunity to raise issues that have not been considered herein will be afforded the parties post-designation pursuant to § 1.229 of the Rules.

[2] The three applicants for Abilene were Abilene Broadcasting Company, Inc., Craft Communications, Inc., and W. L. Burke, Jr., (Burke). For Tye, Texas there was TX–IN Transmissions Inc., (TX–IN).

therefore, was then required by the ALJ to publish a notice inviting new parties to apply for the facilities specified in TX–IN's, Tye, Texas application pursuant to Section 307(b) of the Act and § 73.3525(c) of the Commission's Rules.[3]

3. On May 7, 1981, the Commission accepted for filing the mutually exclusive application of Griffis for Tye, Texas together with its request that its application be consolidated for hearing with Craft Communications, which was designated for hearing on June 9, 1980.[4]

4. Originally Craft had a financial issue designated against it in *Hearing Designation Order*, 45 FR 47914. However, it rectified the financial deficiency and its "Motion for Partial Summary Decision," eliminating any issues as to material facts which required resolution at hearing, was granted, *Memorandum Opinion and Order*, FCC 80M–1808, released September 25, 1980.

5. The Griffis proposal, although for a different community from that of Craft, would serve substantial areas in common. Consequently, in addition to determining, pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

6. The applicant is qualified to construct and operate as proposed. However, since the proposal is mutually exclusive with Craft, the applicant must be designated for hearing in a consolidated proceeding with Craft.

7. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application of Robert L. Griffis is consolidated into the proceeding, in BC Docket No. 80–295, with the application of Craft Communication Inc., at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which receive primary aural service (1.0 mV/m or greater in the case of FM) from the proposed operations and the availability of other primary service to such areas and populations.

2. To determine, in the light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

8. It is further ordered, That, the engineering amendment filed by Griffis is accepted.

9. It is further ordered, That the issues specified in BC Docket No. 80–295 are superseded by the issues specified in this Order.

10. It is further ordered, That, to avail itself of the opportunity to be heard, the applicant herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. It is further ordered, That the applicant herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81–36940 Filed 12–24–81; 8:45 am]

BILLING CODE 6712–01–M

[BC Docket Nos. 81–835, etc.; File No. BPCT–810513KF, etc.]

Media South Broadcasting Corp. et al.; Hearing Designation Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: November 27, 1981.

Released: December 16, 1981.

In re Applications of Media South Broadcasting Corp., Jackson, Mississippi, BC Docket No. 81–835, File No. BPCT–810513KF; Jackson Family Television, Inc., Jackson, Mississippi, BC Docket No. 81–836, File No. BPCT–810805KE; Big River Broadcasting Co., Jackson, Mississippi, BC Docket No. 81–837, File No. BPCT–810806KI; Television Corporation of Mississippi, Jackson, Mississippi, BC Docket No. 81–838, File No. BPCT–810806KJ; For construction permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 40, Jackson, Mississippi.

2. Since no determination has been reached that the tower heights and locations proposed by Jackson Family Television, Inc. and Television Corporation of Mississippi would not constitute a hazard to air navigation, an issue regarding this matter is required.

Media South Broadcasting Corp.

3. Applicant has apparently failed to make provision for lease of land or buildings. It will require at least $2,801,224 to construct and operate as proposed. The applicant has shown that $3,575,335 is available to finance the proposal, providing a $774,111 cushion. Since a $774,111 cushion is available, no financial issue will be specified.

Jackson Family Television, Inc.

4. Applicant estimates that $489,737 will be required to construct and operate as proposed. To finance the proposal, applicant relies upon $12,500 in existing capital and a $500,000 loan from First Citizens Bank. The bank letter requires the personal guarantees of the principals of applicant corporation, but no undertaking to guarantee these loans has been submitted. Therefore, a financial issue will be specified to determine the source and availability of an additional $477,237.

Big River Broadcasting Co.

5. The applicant estimates that $3,797,267 will be required to construct and operate as proposed. No financial statements have been submitted to document the ability of Big River to finance the proposal. However, an installment sales agreement from Harris Corporation has been submitted. The agreement requires an initial 25% down payment of $784,250 and four months payments ($243,118), totalling $1,027,368. Total equipment costs as per the Harris letter is given as $3,137,000. Therefore, $2,109,632 is available as deferred credit. When we subtract this figure from the $3,797,267 total costs, we find that an additional $1,687,635 will be required and an appropriate issue will be specified.

Television Corporation of Mississippi

6. The applicant indicates that $1,804,500 will be required to construct

[3] *Memorandum Opinion and Order*, FCC 81M–700, released March 19, 1981.

[4] 45 FR 47914, BC Docket No. 80–295, File No. BPH–790S2AB (1980).

and operate as proposed. To finance the proposal, applicant relies upon a $2,200,000 loan from The Television Corporation of Virginia. But, no financial statements were submitted by applicant to evidence The Television Corporation of Virginia's ability to extend the loan. Therefore, the loan cannot be considered as a source of financing and an appropriate financial issue will be specified.

Conclusion and Order

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Jackson Family Television, Inc. and Television Corporation of Mississippi whether there is a reasonable possibility that the tower heights and locations proposed would constitute a hazard to air navigation.

2. To determine with respect to Jackson Family Television, Inc.:

(a) the source and availability of an additional $477,237;

(b) whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualified.

3. To determine with respect to Big River Broadcasting Co.:

(a) the source and availability of an additional $1,687,635 to construct and operate as proposed;

(b) whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualified.

4. To determine with respect to Television Corporation of Mississippi:

(a) the source and availability of $1,804,500 to construct and operate as proposed;

(b) whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualified.

5. To determine which of the proposals would, on a comparative basis, best serve the public interest.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding with respect to issue 1.

10. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

11. It is further ordered, That the applicants herein, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, shall give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-38942 Filed 12-24-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1323]

Petitions for Reconsideration of Actions in Rule Making Proceedings

December 18, 1981.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the **Federal Register**. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of Part 15 of the FCC Rules to provide for remote control and security devices. (Docket No. 20990, RM's 1617, 2152 & 2223.)

Filed by: Ronald D. Coleman & Edwin N. Lavergne, Attorneys for Pittway Corporation on 12-0-81. John B. Yellott, Jr., Attorney for A.R.F. Products, Inc., on 12-10-81.

Subject: Amendment of Part 94 of the Commission's Rules and Regulations to facilitate operation of low power, limited coverage systems in the 22.0-23.6 GHz. (PR Docket No. 79-337, RM-3241.)

Filed by: Joseph M. Kittner & Lawrence J. Movshin, Attorneys for General Electric Company on 10-29-81.

Subject: Amendment of Subpart H of Part 90 of the Commission's Rules and Regulations to Facilitate Interservice Sharing of Frequencies in the Private Land Mobile Service below 470 MHz. (PR Docket No. 81-110, RM-3389.)

Filed by: Joseph M. Kittner, Lawrence J. Movshin & James H. DeGraffenreidt, Jr., Attorneys for Manufacturers Radio Frequency Advisory Committee, Inc., on 12-14-81. George Petrutsas, Attorney for Forest Industries Telecommunications, on 12-14-81. John B. Norton, Attorney for Association of American Railroads, on 12-14-81.

William J. Tricarico,

Secretary, Federal Communcations Commission.

[FR Doc. 81-38945 Filed 12-24-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Statement of Policy on Capital Adequacy

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Statement of policy.

SUMMARY: This Statement of Policy is intended to formalize internal guidelines concerning capital adequacy which were previously established by the FDIC's Board of Directors. The Statement of Policy is being published in order to promote greater uniformity among the various FDIC regions and to provide guidance to affected institutions on the FDIC's attitude toward capital adequacy.

EFFECTIVE DATE: December 17, 1981.

FOR FURTHER INFORMATION CONTACT: James L. Sexton, Associate Director, Division of Bank Supervision, Federal Deposit Insurance Corporation, 550 17th Street, NW, Washington, D.C. 20429, (202) 389-4297.

SUPPLEMENTARY INFORMATION: This Statement serves to reemphasize the FDIC's firmly held belief that equity capital is the critical element in determining the adequacy of capital in an operating bank. This policy statement is intended to clearly set forth qualitative criteria to be considered in determining adequacy of bank capital, to inject more objectivity and consistency into the process of determining capital adequacy, to provide nonmember banks with clearly defined goals for use in capital and strategic planning, and to address the issue of disparity in capital levels among banks in different size categories by adopting uniform standards regardless of the size of the institution.

The Regulatory Flexibility Act of 1980 (Pub. L. No. 96-354) does not apply to general statements of policy; therefore,

no regulatory-flexibility analysis is required. The Policy Statement does not entail any specified reporting or recordkeeping requirements within the ambit of the Paperwork Reduction Act of 1980 (Pub. L. No. 96–511). Because this is a Statement of Policy, it is not subject to sections 553 (b) through (d) of the Administrative Procedure Act and may be issued in final form without having been issued as a proposal.

FDIC Statement of Policy on Capital Adequacy

The capital composite to be used in assessing the adequacy of bank capital will be equity capital (minus assets classified loss and one-half of assets classified doubtful) expressed as a percentage of total assets (minus assets classified loss and one-half of assets classified doubtful). Equity capital is defined to include common stock, perpetual preferred stock, capital surplus, undivided profits, contingency reserves, other capital reserves, mandatory convertible instruments, and reserves for loan losses.

Other instruments such as limited-life preferred stock or subordinated notes and debentures will not be considered in evaluating capital adequacy since they lack permanence, are not available to absorb losses in a going concern, and impose mandatory servicing requirements. The Corporation neither encourages nor discourages banks from issuing these obligations for funding or other corporate purposes; rather, it wishes to state its view that these obligations are not a substitute for equity capital. To the extent that such instruments are used to increase lending and other legal limits, they may increase the level of risk in an institution by decreasing asset diversification and may, thus, trigger a requirement for a greater proportion of equity capital.

The process of determining the adequacy of a bank's capital will begin with a qualitative evaluation of critical variables that directly bear on the institution's overall financial condition. These variables include the quality, type and diversification of assets; current and historical earnings; provision for liquidity with particular emphasis on asset/liability mismatches and market depreciation in the portfolio of assets; the quality of management; and the existence of other activities which may expose the bank to risk including, in the case of holding company-affiliated banks, the degree of leverage and risk undertaken by the parent company or its affiliates.

To foster objectivity in the analytical process and provide a benchmark for evaluating capital adequacy, the Corporation has established a *threshold* level for adjusted equity capital for all insured nonmember commercial banks at 6 percent of adjusted total assets. When the adjusted equity capital ratio falls below this level, the Corporation's staff, in cooperation with the State banking department, will contact bank management and/or directors and require submission of a comprehensive capital plan acceptable to the Corporation and the State banking department.

The Corporation has established a *minimum acceptable* level of adjusted equity capital at 5 percent of adjusted total assets for any insured nonmember commercial bank. When the adjusted equity capital ratio falls below this level, the Corporation will insist on a specific program for remedying the equity capital deficiency promptly. The Corporation, in order to bring about increases in capital once the minimum acceptable level is reached (whether that level is 5% or some higher limit as determined through an analysis of the overall condition of the institution), fully intends to utilize its authority to withhold approval of applications of various types and, in cooperation with the State banking department, to initiate administrative actions.

It should be emphasized that the above percentage guidelines are for financially *sound, well-managed, diversified* institutions with established records of adequate capital formation relative to asset growth. They apply regardless of size or holding company affiliation. It should also be recognized that the various State banking departments may impose more stringent capital requirements than those set forth in this policy statement.

To provide protection against unforeseen adversity, the Corporation. encourages even the highest-quality institutions to maintain equity capital above these levels. For institutions that are exposed to greater degrees of risk based on the aforementioned critical variables, higher equity capital levels must be maintained. It should be emphasized, with respect to institutions that currently have ratios in excess of the levels set forth above, that the Corporation will not countenance a diminution in capital ratios through payment of excessive dividends or speculative asset growth.

The Corporation intends to review this policy position on an ongoing basis to ensure that the overall level of risk to the insurance fund is acceptable. The standards set forth herein will be reassessed periodically in light of changing conditions in the banking industry and particularly as the process of deregulation of interest rates and granting of additional banking powers proceeds.

By Order of the Board of Directors dated December 17, 1981.

Federal Deposit Insurance Corporation,

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 81-38872 Filed 12-24-81; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL HOME LOAN BANK BOARD

[No. 81-777]

Privacy Act of 1974; Systems of Records; Annual Republication

Dated December 16, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final Action Systems of Records—Republication.

SUMMARY: The Bank Board is required by the Privacy Act of 1974 to republish annually its system of records. The most recent full publication of said systems was made on October 16, 1980 at 45 FR 68840–68856.

The Board herewith republishes the following systems: FHLBB–1, FHLBB–4, FHLBB–5, FHLBB–6, FHLBB–8, FHLBB–10, FHLBB–12, FHLBB–14, FHLBB–15, FHLBB–19, and FHLBB–22. All other systems published as of October 16, 1980 remain unchanged and are incorporated herein by reference. The republished systems are amended to show address changes or changes in agency designations, e.g. substitution of "Office of Personnel Management" for "Civil Service Commission." The System numbered as FHLBB–5 is a new system of records published on August 26, 1981 at 46 FR 43082–83. FHLBB–29 has been eliminated.

EFFECTIVE DATE: December 28, 1981.

FOR FURTHER INFORMATION CONTACT: William Van Lenten (202) 377–6463.

AUTHORITY: 5 U.S.C. 552a.

The full texts of the amended Federal Home Loan Bank Board systems of records are as follows:

FHLBB–1

SYSTEM NAME:

Internal Office Personnel Files.

SYSTEM LOCATION:

See "System Manager."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal Home Loan Bank Board employees, consultants, and employees

of the Federal Savings and Loan Insurance Corporation, and Federal Savings and Loan Insurance Corporation receiverships.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records relating to personnel actions and determinations regarding individuals while employed by the Federal Home Loan Bank Board, as consultants to the Board, or as employees of a Federal Savings and Loan Insurance Corporation receivership. The records may contain information about an individual relating to: Date of birth; social security number; veterans preference; tenure; physical handicap; past and present salaries, grades, and position titles; and may include letters of commendations, reprimands, charges, and decision on charges; notices of reduction-in-force; accident reports; upward-mobility information; locator files; loans with Savings and Loans; personnel actions, including but not limited to appointment, promotion, reassignment, demotion, work detail, transfer, and separation; probationary period; training; minority group; indicator; life insurance, health benefits, and designation of beneficiary; application for employment; letters of reference; performance.ratings (MBO/KOI or other as applicable); documentation of personnel actions or decisions made about the individual; awards; records of equipment and materials issued to the individual; leave and time-and-attendance records; travel records; duplicate employee identification cards; and other information regarding the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEMS:

5 U.S.C. 1302, 2951, 4118, 4308, 4506, and Executive Order 10561, dated September 13, 1954.

ROUTINE USES OF RECORDS MAINTAINED IN SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records is used or may be used:

(1) By Board and receivership officials for review in connection with training, appointments, transfers, promotions, reassignments, adverse actions (including disciplinary actions), determinations of qualifications of an individual, determinations of conflicts of interest, equipment assigned to an individual, entitled benefits, leave authorized and used, travel undertaken, and reimbursements;

(2) By the Office of Personnel Management for when a current or former Federal employee questions the validity of a specific document in his record;

(3) By the Courts to render a decision when an agency has refused to release to a current or former Federal employee a record under the Freedom of Information Act;

(4) To provide information to a prospective employer of a current or former Federal employee;

(5) To provide data for the automated Central Personnel Data File (CPDF);

(6) To provide data to update Federal Automated Career Systems (FACS), the Executive Inventory File, Security Investigations, the Index on New Hires, and materials concerning adverse actions and termination;

(7) To provide information to a Federal agency, in response to its request, in connection with hiring or retention of an employee, letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter;

(8) In connection with requests for information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if the obtaining of such information is necessary to an agency decision concerning hiring or retention of an employee, issuance of a security clearance, letting of a contract, or issuance of a license, grant, or other benefit;

(9) To refer, where there is indication of a violation or potential violation of law (whether civil, criminal, or regulatory), to the appropriate Federal, State, or local agency charged with responsibility for investigating or prosecuting such violation, of enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto;

(10) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained, or for related personnel management functions or manpower studies, and for utilization in response to general requests for statistical information without personnel identification of individuals under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions;

(11) Verification of employment for credit purposes; and

(12) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of an individual, if such information would be available directly to the individual upon request.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folder or on Kardex cards in the lockable containers or in secured rooms.

RETRIEVABILITY:

Records are filed by name of individual.

SAFEGUARDS:

Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

RETENTION AND DISPOSAL:

Cut-off upon termination of employment. Destroy 60 days after cut-off.

SYSTEM MANAGER(S) AND ADDRESS:

The business address of each system manager listed below, unless otherwise indicated, is: Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

Director, Office of Policy and Economic Research
General Counsel, Office of the General Counsel
Director, Office of Federal Savings and Loan Corporation
Director, Administration Office
Director, Office of Industry Development
Manager, Scottsdale Office
Federal Savings and Loan Insurance Corporation
Western Office Manager
Federal Savings and Loan Insurance Corporation
Northwest Guaranty Receivership
Federal Savings and Loan Insurance Corporation
Director, Minority Affairs Office
Director, Communications Office
Personnel Liaison Officer, Controller's Division
Director, Office of Community Investment
Director, Administrative Services Division
Director, Office of District Banks
Director, Information System Division
Personnel Liaison Officer, Office of Internal Evaluation and Compliance
Director, Office of Examinations and Supervision
Receivership Agent
Midwestern Office
Federal Savings and Loan Corporation
District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board

One Federal Street—Thirteenth Floor
Boston, Massachusetts 02110

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
One World Trade Center Floor 103
New York, New York 10048

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
11 Stanwix Street
Gateway Center
Pittsburgh, Pennsylvania 15222

Assistant District Director
Philadelphia Area Office
Office of Examinations and Supervision
Federal Home Loan Bank Board
3 Parkway, Suite 1324
Philadelphia, Pennsylvania 19102

District Director—Administration
Office of Examinations and Supervision
Federal Home Loan Bank Board
260 Peachtree Street, NW
10th Floor
Atlanta, Georgia 30303

Assistant District Director
Silver Spring Area Office
Office of Examinations and Supervision
Federal Home Loan Bank Board
8757 Georgia Avenue
Room 538
Silver Spring, Maryland 20910

Assistant District Director
Charlotte Area Office
Office of Examinations and Supervision
230 South Tryon Street
Suite 502
Charlotte, North Carolina 28202

Assistant District Director
Fort Lauderdale Office
Office of Examinations and Supervision
Federal Home Loan Bank Board
299 E. Broward Blvd., 3rd Floor
Fort Lauderdale, Florida 33301

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
2700 DuBois Tower
511 Walnut Street
Cincinnati, Ohio 45202

Assistant District Director
Cincinnati Area Office
Office of Examinations and Supervision
Federal Home Loan Bank Board
2710 DuBois Tower
511 Walnut Street
Cincinnati, Ohio 45202

Assistant District Director
Canton Area Office
Office of Examinations and Supervision
Federal Home Loan Bank Board
229 Wells Avenue, NW.
Canton, Ohio 44703

Assistant District Director
Columbus Area Office
Office of Examinations and Supervision
Federal Home Loan Bank Board
LeVogue Tower, Suite 300
50 West Broad Street
Columbus, Ohio 43215

Assistant District Director
Nashville Area Office
Office of Examinations and Supervision
Federal Home Loan Bank Board
115 W. Washington Street, Suite 1200
Indianapolis, Indiana 46204

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
111 East Wacker Drive, Suite 700
Chicago, Illinois 60601

Assistant District Director
Springfield Area Office
Office of Examinations and Supervision
Federal Home Loan Bank Board
524 South 2nd Street, Room 670
Springfield, Illinois 62704

Assistant District Director
Milwaukee Area Office
Office of Examinations and Supervision
Federal Home Loan Bank Board
517 East Wisconsin Avenue
Federal Building, Room 609
Milwaukee, Wisconsin 53202

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
907 Walnut Street
Room 501
Des Moines, Iowa 50309

Assistant District Director
Hazlewood Area Office
Office of Examinations and Supervision
Federal Home Loan Bank Board
320 Brooks Drive, Suite 240
Hazlewood, Missouri 63042

Assistant District Director
Bloomington Area Office
Office of Examinations and Supervision
Federal Home Loan Bank Board
2001 Killebrew Drive
Bloomington, Minnesota 55420

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
120 East 6th Street, No. 3 Townsite Plaza
Topeka, Kansas 66601

Assistant District Director
Office of Examinations and Supervision
Federal Home Loan Bank Board
Room 379
Post Office Building
18th and Stout Street
Denver, Colorado 80202

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
600 Stewart Street
Suite 610
Seattle, Washington 98101

Assistant District Director
Portland Area Office
Office of Examinations and Supervision
Federal Home Loan Bank Board
U.S. Courthouse, Room 223
620 SW. Main
Portland, Oregon 97205

District Director—Examination
Office of Examinations and Supervision
Federal Home Loan Bank Board
600 California Street
Room 310
San Francisco, California 94108

Assistant District Director
Los Angeles Area Office
Office of Examinations and Supervision
Federal Home Loan Bank Board
3450 Wilshire Blvd., Suite 210
Los Angeles, California 90017

Assistant District Director
Scottsdale Area Office
Office of Examinations and Supervision
Federal Home Loan Bank Board
7100 E. Lincoln Drive, Suite D239
Scottsdale, Arizona 85253

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
1350 Tower Building
Little Rock, Arkansas 72201

Assistant District Director
Dallas Branch Office
Office of Examinations and Supervision
Federal Home Loan Bank Board
1100 Commerce Street
Room 3–A–6
Dallas, Texas 75242

Assistant District Director
Houston Branch Office
Office of Examinations and Supervision
Federal Home Loan Bank Board
Suite 820
One Allen Center
500 Dallas Street
Houston, Texas 77002

Assistant District Director
New Orleans Area Office
Office of Examinations and Supervision
Federal Home Loan Bank Board
600 South Street, Room 628
New Orleans, Louisiana 70130

NOTIFICATION PROCEDURE:

Inquiries concerning records shall be made by notifying the appropriate system manager. Such notification must include the individual's name, social security number or employee identification number, date of birth, office of employment (including location), period of employment and the name of the record system.

RECORD ACCESS PROCEDURES:

Persons wishing to have access to their records or to have such records changed (including modification, addition, and deletion) shall notify the appropriate system manager. Such notification shall include the same information required to be furnished under "Notification", plus a statement setting forth the desired access or changes and the reasons for such changes.

CONTESTING RECORD PROCEDURES:

See "Access Procedures".

RECORD SOURCE CATEGORIES:

Information in this system of records may have been obtained from the individual, his immediate supervisor, or persons at other supervisory levels, the personnel office, the payroll office, Savings and Loan Associations, U.S. Civil Service Commission, or other sources.

FHLBB—4

SYSTEM NAME:

Consumer Inquiry Records and Data.

SYSTEM LOCATION:

Consumer Affairs and Civil Rights Division, Office of Examinations and Supervision, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUBSIDIARY:

Related information may be maintained in FHLBB and FHLBB Regional Offices' files.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who submit inquiries or complaints concerning regulated financial institutions, the deposits of which are insured by the FSLIC and other related corporations e.g.: Holding companies and service corporation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inquiries and complaints, the nature of such inquiries or complaints, and information on the investigation and resolution of inquiries and complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to officials of savings and loan associations in connection with investigation of inquiries and complaints. Relevant referrals may be made to appropriate law enforcement agencies or authorities in connection with investigation and/or prosecution of alleged civil, criminal and administrative violations. Disclosures may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual. Disclosures may also be made to the Federal Reserve Board, other Federal financial regulatory agencies, and the Congress or any of its authorized committees in fulfilling reporting requirements or assessing implementation of applicable laws and requirements. (Such disclosure will be made in a nonidentifiable manner when feasible and appropriate.) Referrals may also be made to other Federal and nonfederal governmental supervisory or regulatory authorities when the subject matter of a complaint or inquiry is more properly within such other agency's jurisdiction. Other disclosures are intra-agency only, including offices of Supervisory Agent.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper, computer tape.

RETRIEVABILITY:

By individual name, complaint number or system identifier, or by savings and loan association name, district, complaint code, source code, disposition code; or by some combination thereof.

SAFEGUARDS:

Maintained in secured offices.

RETENTION AND DISPOSAL:

Active Cases: Cut off at end of calendar year in which case is closed. Transfer to FRC 3 years after cut off.

Closed Cases: Cut off at end of 5th calendar year. Destroy 10 years after cut off.

SYSTEM MANAGER(S) AND ADDRESS:

Director, as above.

NOTIFICATION PROCEDURE:

Director, as above.

RECORD ACCESS PROCEDURES:

Director, as above.

CONTESTING RECORD PROCEDURES:

Director, as above.

RECORD SOURCE CATEGORIES:

Inquirer or complainant (or his or her representative, which may include, e.g., a member of Congress or an attorney); savings and loan association officials, employees and members; examiners and central files on savings and loan associations.

FHLBB—5

SYSTEM NAME:

Investigation files.

SYSTEM LOCATION:

Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Bank Board under investigation and such other persons involved in Bank System and FSLIC operations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain information concerning investigation of alleged irregularities in the operations of the Federal Home Loan Bank Board, the FSLIC, and FHLBs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or other issued pursuant thereto, the relevent records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

2. A record from a system of records maintained by this agency may be disclosed as a routine use to a Federal, state, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from a system of records maintained by this agency may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision.

4. Disclosures may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper documents in file folders.

RETRIEVABILITY:

Filed by name of person under investigation and by case number.

SAFEGUARDS:

Records are maintained in locked file cabinets in secured rooms with access limited to those persons whose duties, as approved by the Director, require access.

RETENTION AND DISPOSAL:

Retained in office for 1 year after administrative closing of file. Retained by Record Center for 14 additional years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Internal Evaluation and Compliance, 1700 G Street, NW., Washington, D.C. 20552.

NOTIFICATION PROCEDURE:

Inquiries concerning the records shall be made to the system manager.

RECORD ACCESS PROCEDURE:

Persons wishing to have access to their records or to have such records changed or updated (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a brief resume or descrition of the information thought to be included in the record, a statement setting forth the desired access or changes, and the reasons for such changes.

CONTESTING RECORD PROCEDURES:

See access procedures.

RECORD SOURCE CATEGORIES:

Subject individuals, employees and officers of the Board and the FHLB's, employees and officers of insured S&LA's, and borrowers and other persons having transactions with insured S&LAs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.SC. 552a(k)(2) and (k)(5), all investigatory material in the record which meets the criteria of these sub-sections is exempt from the notice, access, and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and section 505a.12 of the agency regulations in order for the Board's staff to perform its functions properly.

FHLBB—6

SYSTEM NAME:

District Bank Officers' Biography File.

SYSTEM LOCATION:

Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Federal Home Loan Bank Officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Resumes and Appointment Histories, including salary information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) To provide general background information on Bank officers for use by the Director, Office of the District Banks and the Board. Information other than salary data is furnished to the public upon request.

(2) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in filing cabinets in file folders.

RETRIEVABILITY:

Records are filed by name of individual.

SAFEGUARDS:

Access to salary data is limited to personnel who have a need to know the information for a job-related purpose.

RETENTION AND DISPOSAL:

Permanent. Cut-off upon retirement or separation of individual, and transfer to the Federal Records Center Offer to National Archives 5 years from date of cut-off.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Assistant (Elections), Office of the Federal Home Loan Banks. See "Location" for address.

NOTIFICATION PROCEDURE:

Inquiries concerning the records shall be made to the system manager.

RECORD ACCESS PROCEDURES:

Persons wishing to have access to the records shall notify the system manager. Salary information is only available to the individual whose record is kept, and a request for such information must include the individual's name, date of birth, social security number, and period of employment. Inquirers wishing to contest records may do so through the system manager.

CONTESTING RECORD PROCEDURES:

See "Access Procedures".

RECORD SOURCE CATEGORIES:

The individuals whose records are kept, and the Federal Home Loan Banks.

FHLBB—8

SYSTEM NAME:

Candidates for Employment

SYSTEM LOCATION:

See "System Manager".

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Candidates for employment by the Federal Home Loan Bank Board.

CATEGORIES OF RECORDS IN THE SYSTEM:

Resumes, letters of referral, transcripts and internal agency memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) These materials are used by agency officials to evaluate qualifications of candidates for employment.

(2) A record from this system of records may be disclosed as a "Routine Use" to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

(3) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders. An index card summarizing each application is also prepared and filed.

RETRIEVABILITY:

Records are filed by name of candidate.

SAFEGUARDS:

Access is limited to supervisors and Personnel Management Office employees whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

RETENTION AND DISPOSAL:

Transfer application to Official Personnel Folder for candidates selected and destroy index card. Destroy files for other candidates after position has been filled.

SYSTEM MANAGER(S) AND ADDRESS:

The business address of each System Manager listed below, unless otherwise indicated is:

Federal Home Loan Bank Board
1700 G Street, NW.
Washington, D.C. 20552.
Deputy Director
Office of the District Banks
General Counsel, Office of the General Counsel
Chief, Personnel Operations Branch
Personnel Management Office.
Assistant District Director—Personnel Development
Office of Examinations and Supervision
Federal Home Loan Bank Board
260 Peachtree Street, NW.
Atlanta, Georgia 30303.

NOTIFICATION PROCEDURE:

Inquiries concerning records shall be made by notifying the appropriate system manager. Such notification must include name, date of birth, social security number, and name of record system.

RECORD ACCESS PROCEDURES:

Persons desiring access to their records or to have such records changed (including modification, addition, and deletion) shall notify the appropriate system manager, furnishing him the information required under "Notification", plus a statement of the desired access or changes and the reasons for such changes.

CONTESTING RECORD PROCEDURES:

See "Access Procedures".

RECORD SOURCE CATEGORIES:

Individuals whose records are kept, individuals recommending an applicant, agency personnel office. Office of Personnel Management, college placement officers.

FHLBB—10

SYSTEM NAME:

Depositors/Account Holders in Defaulted Associations

SYSTEM LOCATION:

See "System Manager".

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Every individual with an account in a defaulted association.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information pertaining to the account of an individual, including the type of account, account balance, rate of return and interest earned, insurance payment, and other information relating to savings accounts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

402, 405 of the National Housing Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information contained in this record system may be disclosed:

(1) In connection with settlement of insurance claims against defaulted institutions insured by the Federal Savings and Loan Insurance Corporation, to representatives of the Corporation (including a private contractor assisting in insurance settlement activities by providing needed data processing or other services);

(2) For credit checks (consistent with the Fair Credit Reporting Act) by individuals, firms, or agencies wishing to verify an individual's financial standing;

(3) In the event that a system of records maintained by the Federal Savings and Loan Insurance Corporation to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, Local or Foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; and

(4) To Federal, State and Local authorities, if necessary for assessment, computation, and collection of Federal, State, and Local taxes in accordance with established procedures.

(5) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in lockable containers and on magnetic tape or other retrieval devices for use in computer systems.

RETRIEVABILITY:

Records are filed by a combination of name and account number.

SAFEGUARDS:

Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

RETENTION AND DISPOSAL:

Retain in office 10 years after payment of last claimed account, then destroy.

SYSTEM MANAGER(S) AND ADDRESS:

Director
Federal Savings and Loan Insurance Corporation
Federal Home Loan Bank Board
1700 G Street, NW.
Washington, D.C. 20552
Receivership
Economy Savings & Loan
2650 W. 51st St.
Chicago, Ill. 60632

NOTIFICATION PROCEDURE:

Inquiries concerning records shall be made to the applicable system manager, furnishing name of the individual, name of institution where account was held, account number, and the name of the record system.

RECORD ACCESS PROCEDURES:

Persons wishing to have access to their records or to have such records changed (including modification, addition, and deletion) shall notify the appropriate system manager. Such notification shall include the information required under "Notification", plus a statement setting forth the desired access or changes and the reasons for such changes.

CONTESTING RECORD PROCEDURES:

See "Access Procedures".

FHLBB—12

SYSTEM NAME:

Payroll/Personnel.

SYSTEM LOCATION:

Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current employees and all former employees whose employment terminated within the current calendar year.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information pertaining to (1) employee status, grade, salary, pay plan, hours worked, hours of leave taken and earned, hourly rate, gross pay, taxes, deductions, net pay, location, and payroll history; and (2) employee residence, office, social security number, and address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Information contained in these records is available for intra-Agency use in determining current employment status of employees, history of Payroll/Personnel actions, bi-weekly gross pay, taxes, deductions, and net pay, total wages paid to date and deductions paid. (2) In the event that a system of records maintained by the Board to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, Local or Foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) A record from this system may be disclosed as a routine use to other Federal agencies and the Office of Personnel Management if necessary for or incident to the payment of salaries and expenses incident to employment at the Federal Home Loan Bank Board or other Federal employment, or the vesting, computation, and payment of retirement or disability benefits. (4) A record from this system may be disclosed to Federal, State, and Local authorities for reasons necessary and incident to the assessment, computation, and collection of Federal, State, and Local taxes, in accordance with established procedures. (5) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in computer banks, on magnetic tape, and in file folders.

RETRIEVABILITY:

Records are filed by name or social security number.

SAFEGUARDS:

Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

RETENTION AND DISPOSAL:

Computer records are retained until the end of the calendar year in which employment is terminated; Magnetic tapes are retained for one additional calendar year. Records in file folders are retained for 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Information Systems Division. See "Location" for address.

NOTIFICATION PROCEDURE:

Inquiries concerning the records shall be made to the system manager. Inquiries must include name, date of birth, social security number, period of employment, and name of record system.

RECORD ACCESS PROCEDURES:

Persons wishing to have access to the records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement of the desired access or changes and the reasons for such changes.

CONTESTING RECORD PROCEDURES:

See "Access Procedures".

RECORD SOURCE CATEGORIES:

Personnel and financial records maintained by the agency.

FHLBB—14

SYSTEM NAME:

Asset Management System.

SYSTEM LOCATION:

See "System Manager".

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals having loans with defaulted Associations, employees of such Associations, agents who manage property owned by or under the control of the Federal Savings and Loan Insurance Corporation, and persons who rent such property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of loans including applications, title insurance policies, financial statements, credit checks, income tax returns, notes, deeds of trust, insurance policies, appraisals, loan settlement statements, disclosures under Fair Credit Reporting Act and Regulation Z of the Board of Governors of the Federal Reserve, collection letters, correspondence and memoranda relating to the loan or property in question; records of rentals of FSLIC-owned or managed property, including tenants lists, rental schedules, security deposit information, amounts in arrears, evictions, rental judgments and other related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 406 of the National Housing Act, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Records maintained in this system are used by Federal Savings and Loan Insurance Corporation personnel and its representatives in connection with management of assets of defaulted Associations and are made available in conformance with the Fair Credit Reporting Act to management agents for the Federal Savings and Loan Insurance Corporation, credit inquirers, and attorneys. (2) In the event that a system of records maintained by the Federal Savings and Loan Insurance Corporation to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether Federal, State, Local, or Foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (3) A record from this system may be disclosed as a routine use to Federal, State, and Local authorities if necessary and incident to the assessment, computation, and collection of Federal, State, and Local taxes in accordance with established procedures, or to the verification of an applicant's need for welfare benefits. (4) Disclosure of information may be made

to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are maintained in locked file cabinets, secured rooms, and computer secondary storage (off-line).

RETRIEVABILITY:

Records are filed by defaulting institution's account number.

SAFEGUARDS:

Access is limited to persons whose duties required such access and who have a need to know the information in a record for a particular job-related purpose.

RETENTION AND DISPOSAL:

Records relating to loans are maintained for 10 years after repayment of the loan. Records relating to rental property are retained for 5 years. Records pertaining to sales of real estate are retained for 5 years after cash sale or 10 years after sale of properties financed by the Federal Savings and Loan Insurance Corporation. Magnetic tapes: (a) Receivership, Asset Management, and Property Management tapes are retained for 30 days, then blanked; (b) Bank tapes are retained for 90 days, then blanked; (c) Quarterly and year-to-date tapes are retained for 1 calendar year, then blanked.

SYSTEM MANAGER(S) AND ADDRESS:

The business address of each system manager, unless other wise indicated, is:

Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552,
Director, Information Systems Division, Western Office Manager, Federal Savings and Loan Insurance Corporation
Receivership
Economy Savings & Loan
2650 W. 51st St.
Chicago, Ill. 60632

NOTIFICATION PROCEDURE:

Inquires concerning records shall be made to the appropriate system manager. Notification must include name of individual, name of defaulted Association, and, where appropriate, account of loan number, property rented and period rented, Association where employed, period of employment, and employment capacity.

RECORD ACCESS PROCEDURES:

Persons wishing to have access to the records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement of the desired access or changes and the reasons for such changes.

CONTESTING RECORD PROCEDURES:

See "Access Procedures".

RECORD SOURCE CATEGORIES:

Defaulted Savings and Loan Associations; individuals whose records are maintained; credit bureaus; Federal Savings and Loan Insurance Corporation reports; Internal Revenue Service and other taxing authorities; title insurance companies; county officials, such as recorders; and individuals' employers, banks, and Savings and Loan Associations.

FHLBB-15

SYSTEM NAME:

Discrimination Complaint System.

SYSTEM LOCATION:

Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any current or former agency employee of applicant who files a formal complaint of discrimination based on race, color, religious, sex, national origin, or age.

CATEGORIES OF RECORDS IN THE SYSTEM:

Formal complaints, Equal Employment Opportunity counselors' reports, investigative files, official proposals for resolution, hearing examiners files, Office of Personnel Management appeal files, civil actions (with attendant documentation).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101; E.O. 11246.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES.

(1) Records maintained in this system are used to provide documentation of complaint procedures for both administrative and legal purposes, they are made available to the Equal Employment Opportunity officer and Equal Employment Opportunity staff, the parties involved in the complaint procedure and the Office of Personnel Management.

(2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, Local or Foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

(3) A record from this system may be disclosed to other Federal agencies for uses incident to employment of an individual by the Federal Government.

(4) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are filed by name of individual.

SAFEGUARDS:

Access is limited to personnel who have a need to know the information in the record for a job-related purpose, and may be gained only through the Director of Equal Employment Opportunity or the Equal Employment Opportunity officer.

RETENTION AND DISPOSAL:

Destroy 4 years after final adjustment for cases resolved within the agency. Transfer other cases to the Office of Personnel Management. Cases resolved by the Commission of a U.S. Court are controlled by the Commission's records schedule. Duplicate copies: Destroy 1 year after resolution of a case.

SYSTEM MANAGER(S) AND ADDRESS:

Equal Employment Opportunity officer. See "Location" for address.

NOTIFICATION PROCEDURE:

Inquiries concerning the records shall be made to the system manager. Inquiries must include name, social security number, date of birth, period of employment and office of employment

(including location), and name of record system.

RECORD ACCESS PROCEDURES:

Persons wishing to have access to the records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement of the desired access or changes and the reasons for such changes.

CONTESTING RECORD PROCEDURES:

See "Access Procedures".

RECORD SOURCE CATEGORIES:

Equal Employment Opportunity officer, personnel investigations, the complaint.

FHLBB—19

SYSTEM NAME:

Employee Relations File.

SYSTEM LOCATION:

Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual employees against whom allegations have been made.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of supporting materials that document adverse actions, complaints, other actions and appeals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Records maintained in the system are used to review status and history of each action; users are the employee relations specialist and, where appropriate, the Office of Personnel Management.

(2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation of potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

(3) A record from this system may also be disclosed as a routine use to other Federal agencies for reasons necessary and incident to employment by the Federal Government.

(4) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in locked filing cabinets in file folders.

RETRIEVABILITY:

Records are filed by name of individual.

SAFEGUARDS:

Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose; access may be gained only through the employee relations officer.

RETENTION AND DISPOSAL:

Destroy 4 years after final adjustment for cases resolved within the agency. Transfer other cases to Office of Personnel Management.

SYSTEM MANAGER(S) AND ADDRESS:

Employee Relations Officer, Personnel Management Office. See "Location" for address.

NOTIFICATION PROCEDURE:

Inquiries concerning the records shall be made to the system manager. Inquiries must include name, social security number, date of birth, office of employment of the person making the inquiry, and name of the record system.

RECORD ACCESS PROCEDURES:

Persons within to have access to the records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", the desired access or changes, and the reasons for such changes.

CONTESTING RECORD PROCEDURES:

See "Access Procedures".

RECORD SOURCE CATEGORIES:

The individual whose record is maintained, the Personnel Management Office Liaison, the individual's supervisor, complainants and any officials involved in settlement of the complaint.

FHLBB—22

SYSTEM NAME:

Training Request, Authorization, Notice of Completion of Training

SYSTEM LOCATION:

Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees requesting and completing training.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's name, social security number, date of birth, title, grade, office and division; course dates, course sponsor and address, course location, actual hours in class, on or off duty hours, course title; principal purpose of training, type of training, cost of training, budget source, budget type; signatures of employee supervisor, office director, director of Personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) To notify Personnel Management Office of completion of training;

(2) To keep a record of all training in the employee's Official Personnel File;

(3) To authorize payment for training by Procurement Management Branch and Controller's Division;

(4) User is Personnel Management Office;

(5) Information from this file is also provided to the Office of Personnel Management for use with the Central Personnel Data File;

(6) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders in filing cabinets.

RETRIEVABILITY:

Records are filed by name of individual.

SAFEGUARDS:

Access is limited to personnel whose official duties require such access and who have a need to know information contained in a record for a particular job-related purpose, as determined by the Personnel Management Office prior to permitting review of such records.

RETENTION AND DISPOSAL:

Cut-off at end of fiscal year. Destroy 2 years after cut-off.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Career Development Branch, Personnel Management Office. See "Location" for address.

NOTIFICATION PROCEDURE:

Inquiries concerning the records shall be made to the system manager. Inquiries must include name, social security number, date of birth, office of employment and name of record system.

RECORD ACCESS PROCEDURES:

Persons wishing to have access to their records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification" plus a statement of the desired access or changes and the reasons for such changes.

CONTESTING RECORD PROCEDURES:

See "Access Procedures".

RECORD SOURCE CATEGORIES:

The employee whose file is maintained, the employee's supervisor, and the Personnel Management.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-38807 Filed 12-24-81; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10327; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 18, 1982. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T-4006.

Filing party: Thomas D. Clark, Esquire, Deputy Port Attorney, Port of Oakland, P.O. Box 2064, 66 Jack London Square, Oakland, California 94604.

Summary: Agreement No. T-4006, between the Port of Oakland (Port) and Canal Industrial Park (Canal), provides for the nonexclusive preferential assignment by Port to Canal of certain marine terminal facilities situated at Berths 10, 11 and 12 at the Port's Outer Harbor Terminal. As compensation, Canal agrees to pay Port a minimum annual sum of $322,500 for the first year of the assignment and $310,000 per year thereafter, payment of which may be offset by dockage, wharfage, wharf demurrage, wharf storage and all other charges which accrue under Port's terminal tariff. Any such tariff charges in excess of $412,500 for the first year, and $400,000 per year thereafter, will be shared at the rate of 65 percent (Port) and 35 percent (Canal). Tariff charges arising out of operations and cargo of full container vessels will not be shared, however, they will be applied to the minimum annual compensation and breakpoint sums. The term of the agreement is from the date of Commission approval until September 30, 1983.

Agreement No. 134-42.

Filing party: C. J. Smith, Chairman, Gulf/Mediterranean Ports Conference, Suite 927, Whitney Building, New Orleans, Louisiana 70130.

Summary: Agreement No. 134-42 modifies the basic agreement of the Gulf/Mediterranean Ports Conference to comply with the self-policing requirements of General Order 7.

Agreement No. 5660-34.

Filing party: Jeffrey F. Lawrence, Esquire, Billig, Sher & Jones, P.C., 2033 K Street, N.W., Suite 300, Washington, D.C. 20006.

Summary: Agreement No. 5660-34 amends the basic agreement of the Marseilles North Atlantic U.S.A. Freight Conference to change voting procedures with respect to rates on intermodal shipments.

Agreement No. 9836-11.

Filing party: Edward D. Ransom, Esquire, Lillick Mchose & Charles, Two Embarcadero Center, San Francisco, California 94111.

Summary: Agreement No. 9836-11 modifies the Malaysia-Pacific Rate Agreement to extend the Agreement's existing ratemaking authority to include through transportation destined for inland and coastal points throughout the United States and Canada.

Dated: December 22, 1981.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-38820 Filed 12-24-81; 8:45 am]

BILLING CODE 6730-01-M

Trailer Marine Transport Corporation and Remolcadores y Chalanes, S.A.; Cancellation

Filing party: Mr. William F. Roush, Crowley Maritime Corporation, One Market Plaza, San Francisco, California 94105.

Agreement No. 10406-1.

Summary: Agreement No. 10406-1, between Trailer Marine Transport Corporation and Remolcadores y Chalanes, S.A. provides for the cancellation of the agreement by mutual agreement of the parties.

Dated: December 22, 1981.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-38819 Filed 12-24-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL TRADE COMMISSION

Line of Business Reports Program; Confidentiality Procedures—Adoption of Final Procedures as to LB Reports for 1973, 1974-76, 1977, and Future Years

AGENCY: Federal Trade Commission.

ACTION: Adoption of Final Procedures for LB Reports for 1973, 1974–1976, 1977, and Future Years.

SUMMARY: On August 27, 1980, the Federal Trade Commission published a notice (45 FR 57230) adopting final confidentiality procedures for 1977 Line of Business (LB) reports, and proposing to adopt the same rules for 1973–1976 LB reports, and for future years.

On December 16, 1980 (45 FR 82718), the Commission adopted a supplemental interim confidentiality procedure applicable to 1973–1976 LB reports which gave the General Counsel and his or her staff and Commissioners and their assistants access to LB information for certain limited purposes.

The Commission hereby adopts the proposed confidentiality procedures, as modified by the December 16 notice and by additional modifications noted below, for all previously filed LB reports (1973–1977) and for any reports to be filed in the future. With one exception, these procedures are effective on publication. Names of companies filing 1973 LB reports, which were confidential under the 1973 LB rules and procedures (39 FR 30970 (1974)), will be treated as confidential under ¶ 2 of the rules below until January 27, 1981.

ADDRESS: Although most of these procedures become effective immediately, the Commission will receive comments on them. Comments should be addressed to the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580. Comments will be entered on the public record in Room 130 at the above address during normal business hours.

FOR FURTHER INFORMATION ABOUT THESE PROCEDURES CONTACT: Joanne L. Levine (202–523–3800), Office of General Counsel, Federal Trade Commission, Washington, D.C. 20580. For information about LB reporting requirements, call 202–254–8179.

SUPPLEMENTARY INFORMATION: As explained in the Commission's notice of August 27, 1980 (45 FR 57230), after enactment of statutory protection for LB reports in Section 4 of the FTC Improvements Act of 1980, 94 Stat. 374, 375 (1980), the Commission adopted final confidentiality rules and procedures (hereinafter "rules") for 1977 LB reports. Those rules attempted to update, clarify, and improve the interim 1977 LB confidentiality rules (45 FR 18946 (1980)), which in turn were almost identical to confidentiality rules for previous LB reporting years (compare, *e.g.*, 41 FR 28041 (1976)). The notice described how the final 1977 rules differed from the interim 1977 rules, and explained the reasons for each change. See 45 FR at 57232–33.

In the same notice, the Commission proposed to adopt the final 1977 rules for LB reports filed in previous years (1973–1976) and for future years as well. While all aspects of the rules were open to comment, the Commission particularly invited comment on two issues: whether persons objected generally to retroactive modification of confidentiality rules for the 1973–1976 reporting years, and whether any retroactive modification of the rules for the 1973 reporting year should leave intact the prohibition against disclosing the names of 1973 LB reporting companies. Under the rules for all other years, company names already are public. In addition to publishing the notice, the Commission mailed the proposed rules to all reporting companies.

The Commission received six letters, one of which also incorporated comments previously raised in a motion to quash orders to file 1977 LB reports. The Commission also received two letters commenting on the interim supplemental confidentiality procedure.

Some commenters criticized the manner in which the Commission adopted these confidentiality rules and procedures. Contending that these procedures are substantive in nature, they asserted that, in accordance with 5 U.S.C. 553(d), the procedures' effective date should have been postponed for 30 days after publication. As the Commission has noted twice before, these are not substantive provisions affecting reporting companies' rights or obligations; rather, they govern the Commission's internal procedures. Accordingly, the 30-day waiting period is not required by law. See, *e.g.*, *Reynolds Metals Co.* v. *Rumsfeld*, 417 F. Supp. 365, 371–72 (E.D. Va. 1976), *aff'd in relevant part*, 564 F.2d 663, 667, 669–70 (4th Cir. 1977), *cert. denied*, 435 U.S. 995 (1978); *Shell Oil Co.* v. *Department of Energy*, 477 F. Supp. 413, 437 (D. Del. 1979), *aff'd*, 631 F.2d 231 (3rd Cir.), *cert. denied*, 101 S. Ct. 1730 (1981).

Commenters have also suggested that prior to their adoption in final form, the Commission should have republished for comment its proposed 1977 confidentiality procedures after enactment of the Federal Trade Commission Improvements Act of 1980, 94 Stat. 374 (1980). Commenters have not explained why such a republication is necessary. Because Section 4 makes permanent the same protections that were previously provided in riders to the Commission's appropriations (see S. Rep. No. 96–500, 96th Cong., 1st Sess. 12 (1979), reprinted at (1980) *U.S. Code Cong. & Ad. News* 1114), there was no need to reevaluate or republish the rules, which were substantially the same as confidentiality rules based on the earlier appropriations riders (see 45 FR 57230–33).

The fact that only two letters opposed retroactive modification of the confidentiality rules for past years to create a uniform set of procedures for all reporting years indicates that this is not a major concern for most reporting companies. Because all modifications must be consistent with the requirement of Section 4 of the FTC Improvements Act that individual company data may not be disclosed outside the Commission and may not be used for law enforcement purposes, retroactive modifications will not diminish the substantial protections afforded to reporting companies' confidential data. Moreover, as the Commission has explained (45 FR 57232–33), most changes adopted here either are clarifications rather than substantive revisions, or are designed to augment existing protective measures.

Because these rules govern internal Commission procedures, the Commission should be able to modify them when experience proves that a new procedure is necessary or an old one impracticable. Moreover, changes in the rules may be necessitated by changes in the Commission's organization (for example, rules for years prior to 1977 still refer to Commission offices that no longer exist). A uniform set of rules simplifies administration within the Commission and eliminates a source of confusion to reporting companies and other persons outside the Commission. Accordingly, the Commission has determined to adopt, with the further changes described below, the rules proposed on August 27, 1980 (45 FR 57230), for all past, present, and future reporting years. Except for good cause in particular instances, the Commission will endeavor to maintain a uniform set of confidentiality rules for the LB program hereafter.

Included in this determination is a decision to disclose the identities of (but not any data reported by) companies that filed 1973 LB reports. The names of reporting companies for all other years are public, and no company has claimed that it has suffered any harm through such identification. Moreover, no company that filed a 1973 LB report has objected to this rules change, even though some of them had earlier objected to release of names under the Freedom of Information Act, 5 U.S.C.

552. The Commission concludes that disclosing the names of 1973 LB reporting companies will not cause them competitive injury or otherwise deprive them of significant protection promised to them under the LB rules and the FTC Act.

In many respects, this change in the rules simply makes officially available information that has been or may become public. The list of companies that received orders to file 1973 LB reports is public, and the identity of companies that did in fact file 1973 LB reports can largely be deduced from public records (*i.e.*, by subtracting from the total the companies that filed motions to quash orders to file 1973 LB reports and companies the Commission had sued in order to obtain compliance with those orders before the orders were later withdrawn). Also, there is a claim pending that the Commission should be ordered to disclose those names in a pending suit filed under the Freedom of Information Act, *Milliken & Co.* v. *FTC*, No. 79–1991 (D.D.C.). Because of the lack of harm to reporting companies and because of the desirability of having a uniform set of rules, the rules being adopted today will apply in every respect to 1973 LB report forms. However, because the Commission considers it inappropriate to disclose the names without advance notice, the identity of 1973 LB reporting companies will be treated as confidential LB Report information under ¶ 2 of the rules below, until January 27, 1981.

The Commission's previous notice describes how the proposed rules differ from the rules for the 1973–1976 reporting years (45 FR 57232–33). The following discusses how the final rules differ from those published in that notice, and responds to comments made on the proposed rules. Paragraphs in the rules have been numbered for convenient reference.

Definitions. One letter suggested that a reporting company should have access to any marginal notations written by Commission staff on its report form before such notations may be disclosed to persons other than designated officers and employees of the Commission. This is unnecessary because the rules require that before such disclosures may occur, there must be an appropriate certification that no LB report information is disclosed. This adequately protects the reporting company. Furthermore, these notations may not necessarily have any bearing on the particular company, and may include information to which the company is not entitled (*e.g.*, comments about an LB program employee's work, or privileged deliberative materials).

Paragraph 4. One comment objected to use of LB data in economic studies, arging that LB data could be used only for non-analytic "statistical" compilations. The comment also contended that economic studies containing *aggregated* data could not be used for law enforcement purposes. These objections lack merit. Paragraph 4 is not new; the Commission's confidentiality rules and public statements have consistently declared that LB data may be used in economic studies, and that aggregated data in those studies may be used in connection with the Commission's law enforcement responsibilities. See 39 FR 30970 (1974); 40 FR 21542 (1975); 41 FR 28041 (1976); 120 Cong. Rec. 24356, 37227 (1974); *Supporting Statement: FTC Form LB, 1974 Survey Version* (July 1, 1974), at 2–3, 5–6. Such uses are not prohibited by Section 4 of the FTC Improvements Act (which limits use of individual company LB data to "statistical" purposes) because "statistics" may include analysis of data, and because Section 4 does not limit the uses to which aggregates may be put. Moreover, the same limitation existed in each of the past appropriations riders, yet Congress has never indicated that the use of LB data to conduct economic studies or use of aggregates in enforcement proceedings would contravene either those riders or Section 4.

Paragraph 5. In this and subsequent paragraphs, references to the "Division of Financial Statistics" and to its "Assistant Director" have been changed to the "Line of Business" or "LB" "Program" and to its "Program Manager." This change reflects the restructuring of the Division of Financial Statistics and of the position of Assistant Director for that Division. The LB program and the Quarterly Financial Reports ("QFR") program, which had both been operated within the Division, will be operated as two separate units, each under the direction of its own Program Manager.

This reorganization is intended to simplify administration of the Bureau of Economics. The Division of Financial Statistics has recently had little organizational rule apart from housing the LB and QFR programs, each of which has a separate management, purpose, and location from the other. By dissolving the Division into its two separate components, one level of administration will be removed.

The LB Program Manager will report to the Director of the Bureau of Economics. However, the Director may not have access to individual company LB data; thus, the change in organizational titles does not affect the prohibitions on access to and use of individual company LB data by the Director. When they were part of the Division of Financial Statistics, members of the QFR staff were "designated" for purpose of Section 4 to have access to individual company LB data. Like the LB program, the QFR program has no law enforcement role, and operates under strict confidentiality procedures (see notice published today and 38 FR 18720, 26162 (1973)). Because staff members' access will continue after the reorganization, it is necessary now expressly to designate staff members of the QFR program as employees authorized to have access to individual company LB data.

Several commenters objected to the provision making "special employees" of the LB program "designated officers and employees" for purposes of access to LB report information, asserting that special employees do not qualify for access under Section 4 of the FTC Improvements Act. As the Commission has already noted, the reference to special employees simply made explicit its existing practice, which had been in effect before the Improvements Act (see 45 FR 57232). While they are assigned to the LB program, special employees are subject to the same restrictions on use and disclosure of data and are subject to the same statutory penalties for unauthorized disclosure as are full-time employees of the LB program. Accordingly, there is no valid legal basis for distinguishing between full-time and special employees.

Significantly, the Bureau of the Census—which operates under a confidentiality statute almost identical to that of the Commission (13 U.S.C. 9)—hires special employees and gives them access to confidential data reported to the Census Bureau. Although a recent statutory amendment specifically authorizes such access (13 U.S.C. 23(c)), the legislative history of this amendment states that it was intended to make clear that the Census Bureau's existing practice of using special employees was lawful. See S. Rep. No. 94–1256, 94th Cong., 2d Sess. 7 (1976) reprinted at (1976) *U.S. Code Cong. & Ad. News* 5463, 5469; H. Conf. Rep. No. 94–1719, 94th Cong., 2d Sess. 14 (1976), reprinted at (1976) *U.S. Code Cong. & Ad. News* 5482. Thus, explicit statutory authority is not necessary in order for special employees to qualify as "employees" for purposes of Section 4. See also H.R. Rep. No. 96–872, 96th Cong., 2d Sess. 3, 8 (1980), reprinted at (1980) *U.S. Code Cong. & Ad. News* 2744, 2750, which shows that Congress and the Justice Department regard a statute limiting access to

investigative documents to "duly authorized officials and employees" of the Justice Department (15 U.S.C. 1313) as unquestionably authorizing special employees of the Justice Department to have access to such documents.

Paragraphs 5, 12. Specified persons in the Commission's Office of the Secretary are designated to have access to some LB report information to the extent necessary for official recordkeeping purposes within the Commission. The need for such a provision became clear during the Commission's consideration of requests by some companies that their LB report information not be included in published aggregates. In evaluating these requests, limited information regarding the companies' LB data, as well as information on LB disclosure avoidance procedures, necessarily was included in memoranda to the Commission. Because the current rules did not permit members of the Secretary's Office to have access to LB information, these memoranda could not be stored with other official Commission memoranda, nor could members of the Secretary's Office be present to transcribe minutes of any Commission meetings in which LB data might be discussed. This change corrects that situation. It is contemplated that the example above represents one of the very few situations where such access will be necessary; and where necessary, only limited amounts of LB report information will be involved. The Secretary's office has no enforcement duties, and will be subject to the confidentiality strictures described in the rules. The Office is accustomed to handling and maintaining the confidentiality of sensitive, nonpublic information, and this limited access should not adversely affect the confidentiality of reporting companies' data.

Paragraphs 8, 13. Some commenters suggested that persons with access to LB data should be forever barred from participating in regulatory activities afterwards. Such automatic disqualification—which takes no account of the amount of information examined or remembered, nor of its relevance to particular proceedings—is overly broad. In the event that persons who have seen a reporting company's LB data are involved in a law enforcement proceeding relating to that company, the appropriate procedure is case-by-case consideration of whether disqualification or recusal of such persons is necessary, or whether other measures would suffice to ensure compliance with Section 4. The rules already require that, on termination of their LB assignment, officers and employees must certify that they have not retained any individual company LB data. As an added reminder, the rules will also require them to certify that they understand that LB data ordinarily may not be used or disclosed outside the LB program.

Paragraph 11. On December 16, 1980, the Commission adopted an interim procedure for 1973–1976 LB reporting years, which gives the General Counsel's Office and Commissioners and their assistants access to LB reports for purposes of litigation involving the LB program and for administration of the confidentiality rules and procedures (45 FR 82718). For the reasons stated in that notice, the Commission adopts this as a permanent provision for all reporting years. (This is a change from the procedures proposed in August 1980 in that those procedures did not give the Commissioners and their assistants access for these purposes.)

Some comments objected on grounds that access by the General Counsel and Commissioners would be used for law enforcement purposes. Section 4 forbids such use, and there is no basis for assuming that these officers and employees will disregard their statutory obligations. Moreover, it must be stressed that the occasions for which access is permitted, and the amount of LB report information that might be disclosed, are strictly limited; the procedure does not contemplate that these persons will have wholesale access to LB data.

15(e). A few comments objected to this exception to the Commission's confidentiality procedures, arguing that it could permit the Commission to subpoena a copy of an LB report that a company has retained in its files. This provision does not reflect a change from rules for past years. Rather, it simply repeats in the "limitations" section language that has appeared elsewhere in the rules and procedures. See 40 FR 21542 (1975); 41 FR 28041 (1976). Furthermore, Congress has been aware that the Commission might, for law enforcement purposes, obtain directly from a reporting company financial information classified by product line, and Congress apparently did not consider that to be inconsistent with the restrictions it imposed on LB reports. See 120 Cong. Rec. 37225, 37227 (1974). This exception is consistent with Section 4 of the Improvements Act, which states that "information for carrying out specific law enforcement responsibilities of the Commission shall be obtained under practices and procedures in effect on the date of the enactment of the Federal Trade Commission Improvements Act of 1980, or as changed by law." It is not presently the Commission's policy to authorize its staff to use compulsory process to obtain a company's retained file copy of an LB report, as distinguished from authorizing compulsory process to obtain financial information classified by industry category. Cf. *Appeal of FTC Line of Business Report Litigation;* 595 F. 2d 685, 697–701 (D.C. Cir.), *cert. denied,* 439 U.S. 958 (1978).

Lastly, some comments have suggested that the Commission defer collecting LB data for 1977 until various events have occurred, such as the holding of hearings, issuance of reports from the General Accounting Office, and the like. These comments are irrelevant to the confidentiality rules and procedures. To the extent that they are appropriate at all, they should have been raised in a timely motion to quash orders to file the 1977 LB reports. In any event, the Commission has given careful consideration to the value of the LB program and will continue to do so as the products of research using LB data become available.

FEDERAL TRADE COMMISSION

Line of Business Reporting Program

Confidentiality Procedures for the 1973–1977 and Future Reporting Years

Notice is hereby given that the Federal Trade Commission has approved and adopted certain procedures prescribing the confidential handling and use of reports filed by companies pursuant to an Order to File Special Report under the Line of Business ("LB") Program. The rules and procedures shall apply to reports previously filed for the 1973, 1974, 1975, 1976, and 1977 reporting years, and to reports that may be filed for future years. The Commission intends, to the extent feasible, to maintain a uniform set of confidentiality rules and procedures for all LB reporting years.

Definitions

For purposes of these procedures, the following definitions apply:

"LB Report" means a report filed by a company pursuant to an Order to File Special Report under the LB Program. For the purposes of these rules, it also includes identifiable individual company data contained in or taken from an LB Report form. It does not include information written on a report form if that information was not obtained from a Reporting Company and

does not disclose nonpublic information about a Reporting Company.

Confidentiality of LB Reports with Respect to Persons Outside the Commission

(1) These rules and procedures are authorized by the undesignated final paragraph of Section 6 of the Federal Trade Commission Act, as amended by Pub. L. No. 96–252, 94 Stat. 374, 375 (1980), 15 U.S.C.A. 46 (Sept. 1980 Supp.). That paragraph states:

> No officer or employee of the Commission or any Commissioner may publish or disclose information to the public, or to any Federal agency, whereby any line-of-business data furnished by a particular establishment or individual can be identified. No one other than designated sworn officers and employees of the Commission may examine the line-of-business reports from individual firms, and information provided in the line-of-business program administered by the Commission shall be used only for statistical purposes. Information for carrying out specific law enforcement responsibilities of the Commission shall be obtained under practices and procedures in effect on the date of the enactment of the Federal Trade Commission Improvements Act of 1980, or as changed by law.

(2) Under these rules and procedures, the Commission will not disclose LB Reports to any person outside the Commission, including Congress, parties in court proceedings, governmental agencies, and members of the public, except pursuant to a superseding act of Congress; or pursuant to an order of a court, but only after all avenues for judicial relief have been exhausted. In the event that the Commission receives a subpoena for an LB Report, it will promptly notify the Reporting Company.

(3) Under Section 10 of the Federal Trade Commission Act, 15 U.S.C. 50, any officer or employee of the Commission who shall make public any information obtained by the Commission, without its authority, unless directed by a court, shall be deemed guilty of a misdemeanor. Upon conviction, the employee may be punished by a fine not exceeding five thousand dollars ($5,000) or by imprisonment not exceeding one year, or by fine and imprisonment, in the discretion of the court. The Commission considers unauthorized disclosures of LB Reports to be punishable under 18 U.S.C. 1905. The Commission also considers the stealing, conversion, or unauthorized conveyance of LB Reports to be punishable under 18 U.S.C. 641.

Confidentiality of LB Reports Within the Commission

(4) Access to and use of LB Reports within the Commission shall be restricted, and persons authorized to have access to and use of LB Reports shall not release any LB Report, or in any way provide access to them, to anyone not authorized to have access. LB Reports may be used for aggregated statistical and other economic reports authorized by the Commission. The latter reports may be utilized in connection with any Commission investigation or proceeding for carrying out specific law enforcement responsibilities of the Commission. However, they shall not be compiled in such a way that LB data furnished by a particular Reporting Company can be identified. LB Reports shall not be made available to any person within the Commission for use in connection with any Commission investigation or proceeding for carrying out specific law enforcement responsibilities of the Commission. However, this restriction shall not limit the authority of the Commission to require by subpoena or other compulsory process the production of any information or data from any source outside the Commission for use in connection with an investigation or proceeding for carrying out specific law enforcement responsibilities of the Commission.

(5) Access to and use of LB Reports within the Commission shall be restricted to the following offices and divisions: (a) the Line of Business Program, Bureau of Economics; (b) the Quarterly Financial Reports Program, Bureau of Economics, whose staff members will be considered LB Program employees for purposes of these rules in connection with their access to LB Reports; (c) the Data Processing and Information Systems Division of the Office of the Executive Director, under the conditions described below. Sworn officers and employees of these units (including special employees of the LB Program) are designated to have access for purposes of Section 6 of the FTC Act. Additionally, the General Counsel and his or her staff, Commissioners and their assistants, and the Secretary of the Commission and his or her staff may have access to LB Reports under the conditions described below. The Commission members, officers, and employees described above also are designated officers and employees for purposes of Section 6 of the FTC Act.

(6) The LB Program plans, develops and prepares for public dissemination statistical and economic reports, such as the Annual Line of Business Report and staff working papers. The Program's employees shall have access to and use of LB Reports for planning, developing and preparing such statistical and economic reports. Procedures sufficient to assure that LB data furnished by a particular Reporting Company cannot be identified shall be developed and implemented by the LB Program in connection with each statistical or other economic report to be disseminated which is derived from LB data.

(7) With respect to each such report, the Program Manager of the LB Program shall certify to the Director, Bureau of Economics, that he or she has reviewed and approved the procedures applied thereto. Also, if marginal notations that are not defined as "LB Reports" are to be disclosed to persons other than sworn designated officers and employees of the Commission, the Program Manager shall first certify that no LB Report information is disclosed.

(8) Employees of the LB Program shall not participate in any Commission investigation or proceeding for carrying out specific law enforcement responsibilities of the Commission. Any employee who transfers into or out of the Division shall be formally notified in writing that he or she is subject to these rules, to Section 10 of the FTC Act, and to 18 U.S.C. 641 and 1905. No employee (including a special employee) shall be assigned to or remain in this Program unless he or she certifies that, during such assignment and after its termination for any reason, he or she will abide by the limitations in these rules and amendments to them; will not use or disclose LB Reports except in conformity with these rules; and that after any such assignment's termination he or she will not retain possession of any documents or materials which contain data furnished by a Reporting Company that have not been or may not be disclosed pursuant to these rules. Upon leaving the Program each employee shall certify that he or she does not possess any such documents or materials, and understands that LB Report information may not be used or disclosed outside the LB Program, except as authorized by these rules.

(9) The Director of the Bureau of Economics shall not have access to LB Reports. He or she shall, however, have supervisory responsibility and authority with respect to the LB Program. Such responsibility and authority shall include approving any reports prepared by the Program, making recommendations with respect to the preparation of such reports, and excercising any other supervisory control not requiring access to individual LB Reports.

(10) The Data Processing and Information Systems Division may have access to LB Reports, but only during and for the purpose of electronic processing of information and data

contained in LB Reports. The Division may employ the services of an outside computer facility for purposes of computer processing of LB data, subject to the restriction that no one other than designated sworn employees of the Federal Trade Commission may examine the LB Reports from individual Reporting Companies. Any such outside computer facility shall sign an agreement assuring that the facility and its employees abide by this restriction and other applicable restrictions in these rules and the FTC Act.

(11) Upon notification to the General Counsel by the LB Program Manager that a Reporting Company has failed adequately to comply with an order to File Special Report under the LB Program, the General Counsel and his or her staff and the Commissioners and their assistants may have access to parts of that company's LB Report which are required to evaluate the noncompliance and to advise and represent the Commission with respect to, and to make decisions concerning, any proceeding initiated because of a refusal or failure of the reporting company to file an adequate LB Report. Also, the General Counsel and his or her staff and the Commissioners and their assistants may have access to LB Reports in connection with matters directly related to pending or anticipated litigation concerning the LB Program, and to administration of these rules and procedures. Such access shall not be inconsistent with these confidentiality rules and procedures or with Section 6 of the FTC Act.

(12) For official recordkeeping purposes, the following persons in the Office of the Secretary may have access to documents containing, or to Commission meetings discussing, nonpublic information derived from or relating to LB Reports: the Secretary, Deputy Secretary, Attorney-Advisor to the Secretary, Chief of the Records Division, and their assistants; and employees of the Minutes Branch of the Records Division. Their access will be limited to that required for official recordkeeping purposes related to the LB Program, including attendance at and transcription of Commission meetings, preparation of Commission minutes, and filing of Commission records. Documents which contain information from an LB Report shall be kept, when not in use, in a locked drawer, cabinet, or safe. However, memoranda, minutes, transcripts, and other such records from which LB Report information has first been deleted may be stored and used without being subject to restrictions applicable to LB Reports.

(13) Any Commission member, officer, or employee who has access to an LB Report shall first be required to certify that, during the assignment and after its termination for any reason, he or she will abide by the limitations in these rules and amendments to them; will not use or disclose LB Reports except in conformity with these rules; and that after termination of the assignment requiring access to LB Reports, he or she will not retain possession of any documents or materials that contain data furnished by a Reporting Company that have not been or may not be disclosed pursuant to these rules. At the end of the assignment the employee shall then certify that he or she does not possess any such documents or materials, and understands that LB Report information may not be used or disclosed outside the LB Program, except as authorized by these rules.

Security of LB Reports

(14) All Commission members, officers, and employees authorized to have access to and use of LB Reports shall, while in possession of any such material, be personally responsible for ensuring that unauthorized personnel do not obtain access to such material, and for observing the following procedures:

(a) All LB Reports and reproductions of LB data from individual Reporting Companies (such as tabulations, punch cards, tapes or printouts, etc.) shall be conspicuously marked "confidential" or marked with words conveying a similar meaning.

(b) The offices containing LB Reports and reproductions of LB data from individual Reporting Companies shall be locked except during periods of occupancy.

(c) All LB Reports and reproductions of LB data from individual Reporting Companies shall be stored in locked drawers, files, or cabinets except when being used.

(d) All LB Reports and reproductions of LB data from individual Reporting Companies shall be returned to the LB Program immediately after any authorized use of such material is no longer required, except for information in official Commission records, as described in ¶12.

Limitations

(15) The rules and procedures set forth above shall not apply to:

(a) Disclosure to a court of an LB Report of a Reporting Company in connection with a proceeding initiated because of a refusal or failure of that company to file an adequate LB Report; however, any such LB Report will either be filed in a manner which protects its confidentiality (such as filing under seal), or the Reporting Company will be given an opportunity to seek such protection from the court;

(b) The identity of a Reporting Company;

(c) Information furnished by a Reporting Company in a document other than an LB Report (*e.g.*, a motion to quash or other motion challenging an Order to File Special Report under the LB Program); such information shall be treated as confidential or publicly accessible pursuant to §§ 4.9, 4.10, and 4.11 of the Commission's procedures and rules of practice, depending on the nature of the document and the information it contains. Pursuant to § 4.10(e) of the Commission's rules, information in such documents should be marked or otherwise identified as confidential in order to receive confidential treatment.

(d) Information or data which are supplied to the Commission in response to a compulsory process order other than an Order to File Special Report under the LB Program, or which the Commission has obtained through means other than an Order to File Special Report under the LB Program. Such information shall be disclosed or treated as confidential in accordance with other laws, including Sections 6(f) and 21 of the FTC Act, as amended by 94 Stat. 374, 385–388, 15 U.S.C.A. 46(f), 57b–2.

(e) The authority of the Commission to require by subpoena or other compulsory process the production of any information or data from any source outside the Commission for use in connection with an investigation or proceeding for carrying out specific law enforcement responsibilities of the Commission.

By direction of the Commission, dated November 27, 1981.

Carol M. Thomas,

Secretary.

[FR Doc. 81-36579 Filed 12-24-81; 8:45 am]

BILLING CODE 6750-01-M

Quarterly Financial Reports Program; Confidentiality Procedures

AGENCY: Federal Trade Commission.

ACTION: Technical modifications of confidentiality procedures for quarterly financial reports to reflect organizational changes.

SUMMARY: Confidentiality procedures for the Commission's Quarterly Financial Reports Program have been modified slightly to reflect organizational changes in the

Commission's Bureau of Economics and Office of the Executive Director.

ADDRESS: Although these provisions will be immediately effective, the Commission will receive comments and may take whatever action it deems appropriate in light of the comments.[1] Any comments should be addressed to the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580. Comments will be entered on the public record in Room 130 at the above address during normal business hours.

FOR FURTHER INFORMATION ABOUT THESE PROCEDURES CONTACT: Joanne L. Levine, Office of the General Counsel, Federal Trade Commission, (202) 523–3800. For information about the Quarterly Financial Reports Program, contact Paul Zarrett, Program Manager, (202) 376–3152.

SUPPLEMENTARY INFORMATION: The modified confidentiality procedures for the Quarterly Financial Reports ("QFR") Program replace those published at 38 FR 18720, 26162 (1973). The modifications are not substantive in nature, and reflect the following changes in the Commission's organization:

1. Data processing for the QFR Program is now performed by the Data Processing and Information Systems Division in the Office of the Executive Director instead of by the Division of Management.

2. The Statistical Reports Unit of the Bureau of Economics has been abolished. The reports and studies using aggregated QFR data which had been prepared by that unit are now prepared by staff of the QFR Program.

3. The Division of Financial Statistics within the Bureau of Economics, and the position of Assistant Director of the Bureau of Financial Statistics, are being restructured. The QFR Program and Line of Business ("LB") Program, which both had been operated within the Division, will be operated as two separate units, each under the direction of its own Program Manager. The Program Manager will report directly to the Director of the Bureau of Economics, who shall not have access to individual company QFR data. Apart from substituting the "QFR Program" and its "Program Manager" for the "Division of Financial Statistics" and its "Assistant Director," respectively, there is no change in the strictures on access to and use of the individual company QFR data. It should be noted that staff members of the LB Program will continue to have access to QFR data for statistical purposes. When the LB Program was part of the Division of Financial Statistics, its staff had access to QFR data, and the change in organization is not intended to eliminate that access. Like the QFR Program, the LB Program has no law enforcement role, and operates under strict confidentiality procedures (see separate notice published today and 41 FR 28041 (1976)).

This reorganization is being undertaken to simplify administration of the Bureau of Economics. The Division of Financial Statistics recently has had little organizational role apart from housing the LB and QFR Programs, each of which has a separate management, purpose, and location from the other. By dissolving the Division into its two principal components, one level of administration has been removed.

The rules also specify that staff of the General Counsel's Office and the Commissioners and their assistants may have access to QFR data in connection with legal actions arising from failure of a reporting company to file an adequate, timely report. Although the QFR rules had previously provided that use in such proceedings was an exception to the confidentiality strictures, they had not explicitly identified who could have access under those circumstances. This clarification corrects that ommission.

Procedures for the Use of Confidential Individual Company Data Collected Under the FTC'S Quarterly Financial Reports Program

Data collected under the Quarterly Financial Reports Program are gathered for the purpose of preparing statistical compilations, consistent with the confidentiality strictures contained herein. Under no conditions, except as noted in the footnotes below, are the individual company reports to be inspected or otherwise used for "taxation, regulation or investigation" or in any Commission adjudication or in connection with any investigation for the purpose of initiating adjudicative proceedings.[2] While the Commission intends to utilize tabulations of Quarterly Financial Reports ("QFR") data in FTC merger statistical reports, the FTC series on aggregate concentrations, and such other statistical and economic reports as are authorized by the Commission, no individual company data contained in the individual QFR schedules will be revealed in these reports of aggregated data prepared by the FTC. However, these FTC aggregated reports may be utilized in connection with any Commission adjudication or any investigation for the purpose of initiating adjudicative proceedings.

The names of companies, financial data and all other information which are obtained from respondent companies in connection with the Federal Trade Commission's Quarterly Financial Reports Program are confidential, as pledged in the Commission's Resolution of June 23, 1973, requiring Quarterly Financial Statistics and Related Information from Corporations (published at 38 FR 18720 (1973)). Persons authorized to have access to this information may not release, discuss or in any way provide access to such information to anyone not authorized to have access. Further, all such QFR data are considered to be exempt from the disclosure provisions of the Freedom of Information Act. Penalties under Section 10 of the Federal Trade Commission Act provide for fines up to five thousand dollars ($5,000), or imprisonment not exceeding one year for unauthorized release of such information.

Authorized access and use. Access to and use of individual company data within the FTC is restricted to members of the Quarterly Financial Reports Program, which has no involvement in any investigative or regulatory functions of the Federal Trade Commission, and to members of the Line of Business Program.[3] For the purposes of these confidentiality rules and procedures, the latter will also be considered to be members of the QFR Program, and their access to individual company QFR data shall be governed by these rules. Access by members of the Data Processing and Information Systems Division within the Office of the Executive Director ("Data Processing Division") is authorized only during and for the purpose of electronic processing of such data. Access to these data by other government agencies may be granted by specific approval of the Commission, with the understanding that the same confidentiality strictures

[1] Because these confidentiality procedures are not substantive in nature, the 30-day waiting period specified in 5 U.S.C. 553(d) does not apply. See, *e.g.*, *Reynolds Metal Co.* v. *Rumsfeld*, 417 F. Supp. 365, 371–72 (E.D. Va. 1976), *aff'd in relevant part*, 564 F.2d 663, 667, 669–70 (4th Cir. 1977), *cert. denied*, 435 U.S. 995 (1978); *Shell Oil Co.* v. *Department of Energy*, 477 F. Supp. 413, 437 (D. Del. 1979), *aff'd*, 631 F.2d 231 (3d Cir. 1981), *cert. denied*, 101 S. Ct. 1730 (1981).

[2] Individual company submissions may be used in legal actions arising from the refusal of a respondent company to file a timely and acceptable QFR Form.

[3] Access to individual company submissions may also be granted to attorneys in the Office of the General Counsel, the Commissioners and their attorney advisors, and their respective support personnel, but only for the purposes described in n. 1.

apply with respect to the individual company data. Any agency which is granted access will be responsible for disclosure analysis consistent with these guidelines.

The Quarterly Financial Reports Program is a statistics-gathering unit which prepares for publication the aggregated Quarterly Financial Report, which presents selected balance sheet and income statement data aggregates for industrial corporations, classified by industry groups and by asset size classes. All mailing of reporting forms and correspondence relating to individual QFR companies (except for correspondence involving legal action for failure to submit reports) will be under the supervision of the Program Manager of the Quarterly Financial Reports Program. The Program is responsible for reviewing, editing and coding all individual company reports and for requesting such tabulations and listings of individual company data from the Data Processing Division as needed to prepare the Quarterly Financial Report. The QFR Program is responsible for the selection and maintenance of the QFR sample panel, in accordance with accepted scientific sampling methodology and federal statistical standards. It requests such other tabulations as may be needed to ensure the statistical reliability and consistency of the QFR published data series. It prepares preliminary estimates and such other special tabulations relating to QFR data as may be requested by the Department of Commerce and the Federal Reserve Board, or as may be directed by the Office of Management and Budget. The Program also is responsible for the preparation of FTC merger statistical reports, the annual FTC statistics on aggregate concentration, and other statistical and economic reports authorized by the Commission.

The QFR Program Manager is responsible for the development and implementation of disclosure analysis procedures applied to all QFR data. He or she shall certify to the Director of the Bureau of Economics that he or she has reviewed and approved all disclosure analysis procedures used in the QFR publication tables and all other tabulations involving QFR source data and that such procedures are adequate to protect against direct or residual disclosure that could result from such tabulations of QFR data.

The Director of the Bureau of Economics will not have access to the individual QFR schedules nor the derived data listings for individual companies utilized by the QFR Program. He or she shall, however, have supervisory responsibility and authority with respect to the QFR Program. Such responsibility and authority shall include approving any reports prepared by the Program, making recommendations with respect to the preparation of such reports, and exercising any other supervisory control not requiring access to the individual QFR data.

Because, except as noted above (nn. 1 & 2, *supra*), individual company data reported on the QFR schedule may not be used for, or in the course of, any law enforcement action or law enforcement investigation, persons not on the staff of the QFR Program, unless from another governmental agency under conditions described above, shall be denied access to individual company information in the QFR files or data records. Personnel from the QFR Program shall not engage in any activity of the Commission which involves regulation or investigation, nor prepare any reports utilizing QFR data for such purposes while assigned to that Program. Any employee who transfers into or out of the Program will be formally notified in writing that he or she is subject to section 10 of the Federal Trade Commission Act, the above-cited Commission Resolution, and these Rules, which prohibit disclosure, discussion, or release of these data to any unauthorized person.

Security of individual company QFR data. All individual company QFR schedules and data records at the Federal Trade Commission must at all times be under the security and supervision of the staff of the QFR Program except during electronic data processing, when the Director of the Data Processing Division shall be responsible for their security, and except when the Commission has approved their use by another government agency under conditions described above.

All rooms containing individual company QFR data will be locked except when occupied. The individual company data will be stored in secured drawers, files, etc., except when being used.

The Director of the Data Processing Division shall be responsible for the security of the original QFR schedules and all derived punched cards and computer records being processed. All punched cards, tapes, printouts, and containers for same, will be conspicuously marked "confidential." The Director of the Data Processing Division will be responsible for the security of data in his or her possession and will personally approve all storage locations and security procedures, subject to concurrence of the QFR Program Manager. He or she will not permit any special tabulations or listings of QFR data except those specifically approved by the Director of the Bureau of Economics, and for which disclosure analysis procedures have been reviewed and concurred in by the QFR Program Manager for consistency with existing QFR disclosure analysis procedures. Except for magnetic storage media used in processing, all cards, tapes, and printouts containing individual company QFR data will be sent to the QFR Program for secure storage, along with the original QFR schedules.

All persons having use or possession of individual company data will be personally responsible for securing the confidentiality of those data and for following the rules set forth above. Any violation of these rules, either through neglect or otherwise, will result in prosecution to the full extent of the law or any other legal action decided on by the Chairman of the Commission.

By direction of the Commission, dated November 27, 1981.

Carol M. Thomas,

Secretary.

[FR Doc. 81-36880 Filed 12-24-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Institute for Occupational Safety and Health; Oil and Gas Well Drilling; Request for Information

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control, Public Health Service, HHS.

ACTION: Notice of request for information.

SUMMARY: NIOSH is requesting information concerning occupational safety hazard exposures and procedures for the protection of workers within establishments primarily engaged in drilling wells for oil and gas field operations for others on a contract, fee, or similar basis (SIC 1381). Also included are casing operations. Excluded are salvage and offshore drilling operations.

The information being requested will be used by NIOSH to develop comprehensive safety recommendations.

DATE: Comments concerning this notice should be submitted by February 26, 1981.

ADDRESS: Comments should be submitted in writing to Mr. Murray L. Cohen, Chief, Standards and Consultation Branch, Division of Safety Research, S–109, NIOSH, 944 Chestnut Ridge Rd., Morgantown, WV 26505.

FOR FURTHER INFORMATION CONTACT: Mr. Peter M. Bochnak, Criteria Manager, or Mr. Ted Pettit, Project Officer, Standards and Consultation Branch, Division of Safety Research, NIOSH, (304) 599–7574 or FTS 923–7574.

SUPPLEMENTARY INFORMATION: Under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651, et seq.), NIOSH conducts research and experimental programs to develop recommendations for new and improved occupational safety procedures. NIOSH is currently collecting information and data pertaining to oil and gas well drilling. Interested persons are invited to submit information, suggestions, and comments they believe to be relevant to the development of comprehensive safety recommendations. At this time NIOSH is particularly interested in obtaining information in the following areas:

(1) What are the major safety and health problems in oil and gas well drilling? What statistical data has been collected on accident causal factors, including near-misses, related to the problems? Identify sources and availability of data.

(2) Are there case studies and investigation reports available on accidents, injuries, and near-misses? Appropriate copies without personal identifiers would be useful.

(3) What employee work tasks account for the majority of the accidents, injuries, and near-misses? What are considered to be the most hazardous work tasks?

(4) What procedures have been developed as countermeasures to these problems and have proved to be effective? Please describe in full detail.

(5) What has been accomplished, or is being planned, in equipment design and engineering controls to alleviate these problems?

(6) What training and motivation methods have been developed to increase employee awareness of the problems and appropriate countermeasures?

(7) Information addressing the following safety program management questions would be most useful: (a) Is there a documented safety policy? (b) Who is responsible for implementing the safety program? (c) What are the various elements of the safety program? (d) How is the safety program evaluated? (e) How are safety problems identified? (f) Who is responsible for correcting safety problems? (g) Are there successful program elements, i.e., safety problem identified, program element developed and implemented, and the results?

(8) What other safety and health research projects are being conducted in these areas? Identify sponsoring and/or conducting organizations.

(9) Of all the present applicable standards (consensus, regulatory, etc.), which ones are the most difficult to understand and implement? Be specific by identifying the standard and source. Briefly describe the problems involved.

(10) What is the estimated total worker population for well drilling (drilling activity only)?

(11) What information is available on the number of blowout and hydrogen sulfide incidents that are occurring and the associated injury and death statistics?

All information received in response to this notice, except that designated as trade secret and protected by section 15 of the Occupational Safety and Health Act, will be available for public examination and copying at the above address.

Dated: December 18, 1981.

J. Donald Millar, M.D.,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 81–36880 Filed 12–24–81; 8:45 am]

BILLING CODE 4110–19–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Arizona; Safford District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Safford District Grazing Advisory Board will be held on Friday, January 29, 1982.

The meeting will begin at 9:00 a.m. in the conference room of the Bureau of Land Management, 425 East 4th Street, Safford, Arizona 85546–2092.

The Agenda for the Meeting will include:

1. Election of chariman and vice-chairman;
2. Proposed rulemaking amending the existing grazing regulations;
3. Supplemental and maintenance feeding policy in Arizona;
4. Business from the floor.

The meeting will be open to the public. Interested persons may make oral statements to the Board between 9:30 a.m. and 10:30 a.m. A written copy of the oral statement must be provided at the conclusion of the presentation. Written statements may also be filed for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 425 E. 4th Street, Safford, Arizona 85546–2029, by 4:15 p.m., January 28, 1982.

At the conclusion of that session, the board members will depart via BLM-provided vehicles for the Bryce allotment #4608 for an inspection of resource conditions. Members of the public may accompany the tour but must provide their own transportation. It is expected the board members will return to the Safford District Office at approximately 4:00 p.m.

Summary minutes of the board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within thirty (30) days following the meeting.

Dated: December 18, 1981.

Lester K. Rosenkrance,

District Manager.

[FR Doc. 81–36880 Filed 12–24–81; 8:45 am]

BILLING CODE 4310–84–M

[UT–910–43100–84]

Utah; Uinta-Southwestern Utah Regional Coal Team Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Pursuant to Federal Coal Management regulations (43 CFR Part 3400) the Regional Coal Team (RTC) for the Uinta-Southwestern Utah Region will meet at 9:00 a.m. on January 26, 1982. This is the initial meeting of the RCT concerning the second round of leasing in the Uinta-Southwestern Utah Coal Region. The team will meet to consider organization for the second round, review expressions of leasing interest, preliminary feasible leasing target and procedures for delineating coal tracts. Written comments on the above subjects or other items of interest are invited. Comments should be submitted to the Regional Coal Team Chairman at the address listed below. Comments must be received by January 22, 1982.

DATE: The Regional Coal Team meeting will meet January 26, 1982 at 9:00 a.m.

ADDRESS: The meeting will be held in the Salt Palace, Room 220, 100 South West Temple, Salt Lake City, Utah.

FOR FURTHER INFORMATION CONTACT: Edward F. Spang, Regional Coal Team Chairman, Federal Building, P.O. Box 12000, 300 Booth Street, Reno, Nevada 89520.

Dated: December 18, 1981.

Roland G. Robinson, Jr.,

State Director.

[FR Doc. 81-36897 Filed 12-24-81; 8:45 am]

BILLING CODE 4310-84-M

Arizona; Conveyance of Public Land

Notice is hereby given that pursuant to section 203 of the Act of October 21, 1976 (90 Stat. 2743; 43 U.S.C. 1713), the State of Arizona, Division of Emergency Services, has purchased by noncompetitive sale public land in Mariocopa County, Arizona, described as:

Gila and Salt River Meridian, Arizona,

T. 1 S., R. 2 W.,
Sec. 30, N½NE¼NE¼, NE¼NW¼NE¼,
Containing 30 acres.

The purpose of this notice is to inform the public and interested State and local government officials of the issuance of the patent to the above-named entity.

December 17, 1981.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-36899 Filed 12-24-81; 8:45 am]

BILLING CODE 4310-84-M

Off-Road Vehicle Designation Decision

Decision: Notice is hereby given relating to the use of off-road vehicles on public land in accordance with the authority and requirements of Executive Orders 11644 and 11989, and regulations contained in 43 CFR Part 8340. The following described lands under the administration of the Bureau of Land Management are designated as open, limited, or closed to off-road motorized vehicle use pursuant to the provisions of 43 CFR 8342.1.

This decision affects approximately 3,351,740 acres of public lands in the Lakeview District, Bureau of Land Management in Klamath, Lake and Harney Counties, Oregon. These designations are a result of land use decisions made in the 1980 Lakeview District Management Framework Plans for the Lost River, Warner Lakes and High Desert Resource Areas, and the off road vehicle implementation plans and environmental assessments dated December 1981 for the three respective Resource Areas. Comments received from a public meeting, meetings with ORV user groups, and written responses influenced the designation decisions. This designation order supercedes off-road vehicle designations made prior to the issuance of the 1981 Warner Lakes, Lost River and High Desert ORV Implementation Plans and Environmental Assessments. These designations are published as final effective today. Under 43 CFR 4.21 an appeal may be filed within 30 days with the Interior Board of Land Appeals.

A. Open Designation—Areas which are designated as open comprise approximately 3,254,520 acres.

B. Limited Designation—Areas which are designated as limited comprise approximately 86,445 acres. This designation affords protection for resource values where access on existing routes is non-impairing or when resource damage potential exists only at certain times or under certain conditions.

The following identifies the type of restriction on motorized vehicle travel, the specific area/areas where the restriction occurs, the affected acreage, and a brief rationale for each affected area.

1. Travel limited to existing roads and trails.

a. Lost Forest Research Natural Area (8,960 acres)—to protect natural values.

b. Picture Rock Pass (approximately 300 acres)—to protect archeological values.

c. Lake Abert Archeologic Zone (12,000 acres)—to protect archeological values.

d. Alkali Lake Sand Dunes (6,500 acres)—to protect natural values.

2. Temporary Closure.

a. Buck Creek (approximately 200 yards of spur road)—to protect resource values until road can be re-engineered and constructed.

3. Seasonal Closures.

a. Ft. Rock/Silver Lake Deer Winter Range (34,000 acres)—closed from Dec. 1 through March 31 to protect wintering deer.

b. Klamath Deer Winter Range (7,985 acres)—closed from Nov. 1 through April 15, to protect wintering deer.

c. Cox Creek Wildlife Closure (3,000 acres)—closed during hunting season to prevent harassment of deer by vehicles.

C. Closed Designation—Areas closed to vehicles total 10,775 acres. This designation prohibits vehicle use except for emergency or certain administrative purposes and affords full protection to the resource from vehicle related damage.

Closed areas are:

a. Black Hills (1,740 acres)—to protect resource values, threatened plant species.

b. Fossil Lake (6,560 acres)—to protect resource values (fossils).

c. Crane Mountain (1,080 acres)—to protect resource values, rare plants.

d. Lower Klamath Hills (1,385 acres)—to protect resource values, wildlife.

The Off-Road Vehicle Implementation Plans and Environmental Assessments describing more fully the need for the designations and their impact as well as detailed maps describing their locations are available from the office listed below.

Address: For further information about these designations, contact the following Bureau of Land Management Office: District Manager, Lakeview District Office, P.O. Box 151, Lakeview, Oregon 97630, (503) 947-2177.

Richard A. Gerity,

District Manager.

December 17, 1981.

[FR Doc. 81-36897 Filed 12-24-81; 8:45 am]

BILLING CODE 4310-84-M

Prineville District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Prineville District Grazing Advisory Board will be held January 28, 1982.

The meeting will begin at 1:30 PM in the conference room of the Bureau of Land Management office at 185 East 4th Street, P.O. Box 550, Prineville, Oregon 97754.

The agenda will include: (1) Expanded role of District Grazing Advisory Board, (2) Discussion of proposed rangeland management policies, including assignment of project maintenance responsibilities and criteria for characterizing allotments.

The meeting is open to the public. Anyone wishing to make oral or written statements to the board is requested to do so through the office of the District Manager, at the above named address, at least two days prior to the meeting date.

Summary minutes of the board meeting will be maintained in the District Office and be made available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

December 17, 1981.

James L. Hancock,

Assistant District Manager.

[FR Doc. 81-36902 Filed 12-24-81; 8:45 am]

BILLING CODE 4310-84-M

Wyoming and Montana; Availability of Final Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, notice is hereby given that

the Bureau of Land Management (B&M), Department of the Interior, has prepared a final environmental impact statement (EIS) on 19 coal tracts located in Montana and Wyoming.

In addition, in accordance with 43 CFR 3420.6–2, BLM is issuing a call for submission to the BLM of written surface owner consents given by qualified surface owners that would permit mining of Federal coal on the identified tracts where the Federal coal is overlain by privately owned surface. Qualified surface owners also have the opportunity to submit written refusals to consent. The legal descriptions of all the tracts considered for regional lease sale in the final EIS are provided in Appendix A of this notice.

DATES: The dates for filing valid surface owner consent agreements, or evidence thereof, are contained in the Supplementary Information section of this notice.

FOR FURTHER INFORMATION CONTACT: Chuck Wilkie, Team Leader, Powder River Regional Cosl EIS, Casper, Wyoming at the address given below.

ADDRESSES: Single copies of the final EIS may be obtained from and are available for inspection at the following addresses:

Wyoming State Office, Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming 82001
Casper District Office, Bureau of Land Management, 951 Rancho Road, Casper, Wyoming 82601
Montana State Office, Bureau of Land Management, 222 N. 32nd Street, Billings, Montana 59107
Miles City District Office, Bureau of Land Management, West of Miles City, P.O. Box 940, Miles City, Montana 59301
Office of Public Affairs, Bureau of Land Management, 18th and C Streets NW., Washington, D.C. 20240

SUPPLEMENTARY INFORMATION: The final EIS analyzes the cumulative regional environmental impacts of four leasing level alternatives including the no action alternative, leasing fourteen tracts at the 1.5 billion ton level with the Spring Draw tract included, leasing at the 1.5 billion ton level with the Kintz Creek and Keeline tracts included, and leasing at the maximum level of 2.6 billion tons with the development of all 19 tracts.

In accordance with 43 CFR 3420.6–2 and 3427 of the coal management regulations, the BLM is also requesting that written surface consent agreements, or evidence thereof, given by qualified surface owners for lands within the region be submitted to the appropriate BLM State Office at the addresses given above. Valid written consents for lands in which the ownership of the surface is held by qualified surface owners and the ownership of the underlying coal is reserved to the Federal Government will be accepted until 30 working days prior to the publication of each lease sale notice for the specific lands involved in accordance with the announced schedule of regional lease sales established by Secretarial decision. It is the responsibility of parties intending to file consents to be aware of pending lease sale notice dates, as set forth in an announced regional lease sale schedule.

Section 714(c) of the Surface Mining Control and Reclamation Act (SMCRA) states that, "The Secretary shall not enter into any lease of Federal coal deposits until the surface owner has given written consent to enter and commence surface mining operations and the Secretary has obtained evidence of such consent."

As defined in the regulations (43 CFR 3400.0–5(pp)), qualified surface owner "means the natural person or persons (or corporation, the majority stock of which is held by a person or persons) who:

(1) Hold legal or equitable title to the surface of split estate lands;

(2) Have their principal place of residence on the land, or personally conduct farming or ranching operations upon a farm or ranch unit to be affected by surface mining operations; or receive directly a significant portion of their income, if any, from such farming and ranching operations; and

(3) Have met the conditions of paragraphs (1) and (2) of this subsection for a period of at least 3 years, except for persons who gave written consent less than 3 years after they met the requirements of both paragraphs (1) and (2) of this section. In computing the three year period the authorized officer shall include periods during which title was owned by a relative of such person by blood or marriage if, during such periods, the relative would have met the requirements of this amendment."

Valid written consent is defined in the regulations (43 CFR 3400.0–5(zz)) as "the document or documents that a qualified surface owner has signed that: (1) Permit a coal operator to enter and commence surface mining of coal; (2) described any financial or other consideration given or promised in return for the permission, including in-kind considerations; (3) describe any consideration given in terms of type or method of operation or reclamation for the area; (4) contain any supplemental or related contracts between the surface owner and any other person who is a party to the permission; and (5) contain a full and accurate description of the area covered by the permission."

As required by 43 CFR 3427.2(e), it is the Bureau's responsibility to review all consents received. The Bureau will verify that the named surface owner is a qualified surface owner as defined in the regulations and that the title for split estate lands described in the filing is held by the named qualified surface owner(s). In addition, to be considered valid, consents entered into after the August 4, 1977, enactment of the Surface Mining Control and Reclamation Act must be transferable to whomever makes the successful bid in a lease sale for the tract that includes the lands to which the consent applies. A written consent shall be considered transferable only if, at a minimum, it allows that after the lease sale for the tract to which the consent applies (i) payment for the consent may be made by the successful bidder or (ii) the successful bidder may reimburse, at the purchase price of the consent, the party that first obtained the consent. If a filing is from anyone other than the named qualified surface owner, the Bureau shall contact the named qualified surface owner, and request confirmation, in writing, that the filed, transferable, written consent, or evidence thereof, to enter and commence surface mining has been granted and that the filing fully discloses all of the items of the written consent.

To facilitate the filing and review of written consents from qualified surface owners, the person submitting the consent is asked to include a statement that the evidence submitted represents a true, accurate, and complete statement of information regarding the consent for the area described. Such a validation statement is required by 43 CFR 3427.3. The statement is to be signed and dated by the person submitting the consent and can be either incorporated directly into the consent document or enclosed as a separate item submitted with the consent document. The statement can be worded as follows: "I (We) hereby declare that the evidence submitted, to the best of my (our) knowlege, represents a true, accurate, and complete statement of information regarding the surface owner consent for the area described." This validation statement does not have to be witnessed or notarized.

A qualified surface owner(s) that has not been contacted by, or requested to enter into any agreement with, a private party and who may wish to give consent to allow permission to enter and commence surface coal mining may prepare, sign, and submit a consent document to the BLM Wyoming or Montana State Offices, as appropriate. The consent document should include the inforamtion and requirements specified earlier in this notice in order to

constitute a valid written consent as defined in the coal regulations (43 CFR 3400.0–5(zz)) and must indicate any specific terms the surface owner may request to allow permission to enter and commence surface coal mining. This unilateral consent document must be signed by a private party at least 30 working days prior to the publication of the lease sale notice for the area affected, or the area affected will not be offered for lease sale.

In accordance with 43 CFR 3427.2(a)(2), written statements from qualified surface owners who refuse to consent to coal leasing may be filed with the Wyoming and Montana State Offices, as appropriate, at the addresses given above. Early submission of a refusal to consent, thereby disqualifying the specified lands from further leasing consideration, will deter pressure from persons or parties seeking to enter into a consent agreement and will prevent continued inquiries by the BLM of the status of surface owner consent for the specified lands.

A Secretarial decision for leasing in the Powder River Region is expected in February 1982, after filing of the final EIS. As part of that decision, the Secretary may choose to hold a series of lease sales beginning in April 1982.

Dated: December 11, 1981.

Robert L. Burford,

Director, Bureau of Land Management.

Approved:

Garey E. Cassuthers,

Assistant Secretary of the Interior.

Appendix A—Legal Description of Federal Coal Tracts

Tracts Included in Preferred Alternative:

Maintenance Tracts

Legal Description of Federal Coal in Colstrip A & B Tracts:
T. 1 N., R. 41 E., P.M. Montana,
Sec. 6, lots 1, 2, 3, 4, S½NE¼, N½SE¼NW¼;
Sec. 8, SE¼;
Sec. 10, S½SW¼, SW¼SE¼;
Sec. 18, lots 2, 3, SE¼NW¼, NE¼SW¼, SE¼.
T. 2 N., R. 41 E., P.M. Montana,
Sec. 30, NE¼SE¼, S½SE¼;
Sec. 32, all.

Legal Description of Federal Coal in Colstrip C Tract:
T. 1 N., R. 40 E., P.M. Montana,
Sec. 4, lots 1, 2, S½N½, S½;
Sec. 10, NW¼, NW¼SW¼;
Sec. 12, lot 3, NW¼SE¼;
Sec. 14, N½SW¼.

Legal Description of Federal Coal in Colstrip D Tract:
T. 2 N., R. 41 E., P.M. Montana,
Sec. 14, S½S½, NE¼SE¼;
Sec. 22, E½;
Sec. 24, all;
Sec. 26, N½, SE¼, NE¼SE¼, S½SE¼.
T. 2 N., R. 42 E., P.M. Montana,
Sec. 30, lots 1, 2, 3, NE¼, E½NW¼, NE¼SW¼, N½SE¼.

Legal Description of Federal Coal in Fortin Draw Tract:
T. 50 N., R. 71 W., 6th P.M., Wyoming,
Sec. 34, SW¼, S½N½.

Legal Description of Federal Coal in Little Rawhide Creek Tract:
T. 51 N., R. 72 W., 6th P.M., Wyoming,
Sec. 20, All of that part of the SE¼SE¼ lying east of a line 600 feet east of and parallel to the eastern right-of-way boundary of U.S. Highways 14 and 16.
Sec. 28, All of that part of the SW¼ lying east of a line 600 feet east of and parallel to the eastern right-of-way boundary of U.S. Highways 14 and 16.
All of the part of the NW¼ lying east of a line 600 feet east of and parallel to the eastern right-of-way boundary of U.S. Highways 14 and 16 SE¼.
Sec. 29, All of the part of the E½NE¼ lying east of a line 600 feet east of and parallel to the eastern right-of-way boundary of U.S. Highways 14 and 16.

Legal Description of Federal Coal in North Decker Tract:
T. 8 S., R. 40 E., P.M. Montana,
Sec. 28, NW¼SW¼, S½S½;
Sec. 29, S½NW¼, N½SW¼, SE¼SW¼, SE¼;
Sec. 32, NE¼SW¼;
Sec. 34, W½W½NE¼, W½.
T. 9 S., R. 40 E., P.M. Montana,
Sec. 3, SE¼NE¼, W½SE¼, W½SE¼SE¼, SE¼SE¼SE¼;
Sec. 4, lot 4, SW¼NW¼;
Sec. 5, lots 1, 2, S½NE¼, N½SE¼.

Legal Description of Federal Coal in Spring Creek Tract:
T. 8 S., R. 39 E., P.M. Montana,
Sec. 22, NW¼SE¼;
Sec. 23, SE¼NW¼;
Sec. 24, SE¼NW¼, NE¼SE¼;
Sec. 25, SW¼SW¼.
T. 8 S., R. 40 E., P.M. Montana,
Sec. 19, N½ of lot 4, SE¼SW¼, SW¼SE¼;
Sec. 30, NW¼NE¼, S½NE¼, NE¼SW¼, SE¼;
Sec. 31, SE¼NE¼.

Legal Description of Federal Coal in West Decker Tract:
T. 9 S., R. 40 E., P.M. Montana,
Sec. 8, SE¼SW¼.

New Mine Development Tracts

Legal Description of Federal Coal in Cook Mountain Tract:
T. 2 S., R. 45 E., P.M. Montana,
Sec. 29, S½;
Sec. 30, all;
Sec. 32, all.
T. 3 S., R. 45 E., P.M. Montana,
Sec. 4, W½;
Sec. 6, NE¼.

Legal Description of Federal Coal in Coal Creek Tract:
T. 3 S., R. 44 E., P.M. Montana,
Sec. 12, N½NE¼.
T. 3 S., R., 45 E., P.M. Montana,
Sec. 6, S½;
Sec. 8, all.

Legal Description of Federal Coal in NW Otter Creek Tract:
T. 3 S., R. 45 E., P.M. Montana,
Sec. 30, lots 2, 3, 4, E½SW¼, SE¼.
T. 4 S., R. 45 E., P.M. Montana,
Sec. 4, SW¼SW¼;
Sec. 6, lots 10, 11, 12, 13, 14, 15, 16, 17, N½SE¼;
Sec. 8, lots 1, 2, 3, 4, 5, 6, 8, E½.

Legal Description of Federal Coal in Timber Creek Tract:
T. 48, N., R. 70 W., 6th P.M., Wyoming,
Sec. 4, lots 3, 4, S½NW¼, SW¼;
Sec. 5, lots 3, 4, SE¼NW¼, SW¼;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 8, all;
Sec. 9, W½W½;
Sec. 17, all;
Sec. 18, SE¼;
Sec. 19, E½;
Sec. 20, W½, W½E½, E½NE¼.

Legal Description of Federal Coal in Duck Nest Creek Tract:
T. 47 N., R. 71 W., 6th P.M., Wyoming,
Sec. 5, lot 4, S½NW¼, SW¼;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
T. 47 N., R. 72 W., 6th P.M., Wyoming,
Sec. 1, lot 1, SE¼NE¼, E½SE¼.
T. 48 N., R. 71 W., 6th P.M., Wyoming,
Sec. 29, W½;
Sec. 30, lots 1, 2, 3, 4, E½W½, E½;
Sec. 31, lots 1, 2, 4, NE¼, E½NW¼, SE¼SW¼;
Sec. 32, NW¼.

Legal Description of Federal Coal in Keeline Tract:
T. 45 N., R. 70 W., 6th P.M., Wyoming,
Sec. 31, NE¼;
Sec. 32, all;
Sec. 33, NW¼, W½NE¼, SE¼NE¼, S½.
T. 44 N., R. 70 W., 6th P.M., Wyoming,
Sec. 4, lots 1, 2, 3, 4, S½N½, S½;
Sec. 5, lots 1, 2, S½NE¼, SE¼;
Sec. 8, NE¼, N½SE¼;
Sec. 9, N½, SW¼, W½SW¼.

Legal Description of Federal Coal in Kintz Creek Tract:
T. 45 N., R. 70 W., 6th P.M., Wyoming,
Sec. 20, all;
Sec. 21, all;
Sec. 22, W½, W½E½;
Sec. 27, all;
Sec. 28, E½NE¼;
Sec. 34, NW¼, NW¼NE¼, S½NE¼, S½;
Sec. 35, SW¼NW¼, W½SW¼.

Tracts included in Other Alternatives in the Powder River EIS

Legal Description of Federal Coal in Ashland (Decker-Birney) Tract:
T. 3 S., R. 45 E., P.M. Montana,
Sec. 26, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 34, NE¼, NE¼NW¼, S½NW¼, S½.
T. 4 S., R. 45 E., P.M. Montana,
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 4, lots 1, 2, SE¼NE¼.

Legal Description of Federal Coal in Southwest Otter Creek Tract:
T. 4 S., R. 45 E., P.M., Montana,
Sec. 20, N½NE¼, NE¼NW¼;
Sec. 22, W½W½, SE¼SW¼;
Sec. 28, all;

Sec. 34, S½SW¼.
T. 5 S., R. 45 E., P.M. Montana,
Sec. 4, lots 1, 2, 3, 4, 5, 6, S½NE¼, S½;
Sec. 10, S½NW¼, N½SW¼.

Legal Description of Federal Coal in Spring Draw Tract:
T. 52 N., R. 72 W., 6th P.M., Wyoming,
Sec. 27, all;
Sec. 28, all;
Sec. 29, N½, SW¼, S½SE¼, NE¼SE¼;
Sec. 31, lots 1, 2, 3, 4, NE¼, E½NW¼, E½SW¼, SE¼;
Sec. 32, N½N½;
Sec. 33, NE¼, E½SE¼;
Sec. 34, W½W½.

Legal Description of Federal Coal in Rocky Butte Tract:
T. 49 N., R. 71 W., 6th P.M., Wyoming,
Sec. 32, S½NE¼, N½SE¼, SE¼SE¼;
Sec. 33, S½, S½N½;
Sec. 34, SW¼, SW¼SE¼.
T. 48 N., R. 71 W., 6th P.M., Wyoming,
Sec. 1, lots 1, 2, 3, 4, S½N½, S½;
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 3, lots 1, 2, 3, 4, S½, N½, S¼;
Sec. 4, lots 1, 2, 3, 4, S½N½, S½;
Sec. 5, lots 1, 2, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 8, E½, E½NW¼, SE¼SW¼;
Sec. 9, W½, NE¼, W½SE¼.

[FR Doc. 81-36886 Filed 12-24-81; 8:45 am]
BILLING CODE 4310-84-M

[OR 5658]

Oregon; Termination of Classification for Multiple Use Management

Correction

In FR Doc. 81-35194, appearing on page 60276, in the issue of Wednesday, December 9, 1981, make the following change:

In paragraph "3." in the second column, change the second word now reading "minimal" to read "mineral".

BILLING CODE 1505-01-M

[INT FEIS-81-54]

La Sal Pipeline Co.; Shale Oil Pipeline; Availability of Final Environmental Impact Statement

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Availability of the Final Environmental Impact Statement (FEIS).

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the BLM has prepared a FEIS on a proposed shale oil pipeline to be constructed and operated as a common carrier by La Sal Pipe Line Company.

SUPPLEMENTARY INFORMATION: The BLM has prepared a FEIS on a proposed common-carrier pipeline from the vicinity of Parachute, Colorado to Casper, Wyoming. The main trunkline would be sixteen inches in diameter. There would be a lateral pipeline from the trunkline to Rangely, Colorado. The purpose of the project would be to transport upgraded shale oil from the Piceance Basin to existing crude oil transportation facilities at Casper and Rangely. The FEIS addresses the comments on the draft EIS. Alternatives analyzed include alternate routes for the main trunkline at river crossings, alternate routes for the Rangely lateral line, and denial of the right-of-way.

FOR FURTHER INFORMATION CONTACT: James Dean, Colorado State Office, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202, (303) 837-6016.

Dated: December 18, 1981.

George C. Francis,

Bureau of Land Management, Colorado State Director.

[FR Doc. 81-36885 Filed 12-24-81; 8:45 am]
BILLING CODE 4310-84-M

Oregon; Riley Grazing Management Plan; Intent To Prepare Environmental Impact Statement and Conduct Scoping Meeting

The Department of the Interior, Bureau of Land Management, Oregon State Office, will be preparing an Environmental Impact Statement (EIS) on the grazing management program on approximately 1,080,000 acres of public land in the Riley EIS Area of the Burns District in south-central Oregon. Decisionmaking will take place over a several-month period following completion of the final statement.

A public scoping meeting will be held at 7:30 p.m., January 19, 1981, at the Harney County Museum Clubroom, in Burns, Oregon, to identify the significant issues to be discussed in detail in the EIS. At this meeting public comments will also be sought to help develop the preferred land use alternative for the area and various alternatives that could realistically be addressed in the EIS. Possible methods of obtaining public comment on the draft EIS after it is published will be discussed.

The proposed grazing management program will be based on coordinated land use allocations for all resources developed through the Bureau's land use planning system. The objectives of the program are to enhance the vegetative resource, provide quality habitat for wildlife and wild horses, provide a continuous supply of livestock forage, reduce soil erosion and sedimentation damage, improve water quality, improve the recreation and visual resources, and protect archelogical and historical sites.

The EIS will discuss alternatives to the proposed grazing management program. A no action alternative will be included in the EIS. Other alternatives being considered for discussion include no livestock grazing and at least one higher and one lower level of livestock grazing than that in the proposal.

The EIS will identify the impacts that can be expected from implementation of either the proposed grazing management program or any of the alternatives discussed. The statement will be an analytical tool used in making final decisions for managing livestock grazing in the Lakeview EIS area.

Information on the time and place of the public meetings may be obtained from:

Josh Warburton, District Manager, Bureau of Land Management, 74 S. Alvord St., Burns, Oregon 97720, Telephone (503) 573-2071
Gerry Fullerton, Statement Leader, Bureau of Land Management (922), P.O. Box 2965, Portland, Oregon 97208, Telephone (503) 231-6955

Dated: December 18, 1981.

Philip C. Hamilton,

Chief, Division of Planning and Environmental Coordination, Oregon State Office.

[FR Doc. 81-36894 Filed 12-24-81; 8:45 am]
BILLING CODE 4310-84-M

[Bureau Order No. 601, Amdt. 14]

Oregon; Declaration of Annual Productive Capacity of Jackson and Klamath Master Units

SUMMARY: The annual productive capacity for the Jackson and Klamath Master Units Composed of Revested Oregon and California Railroad Grant Lands and the intermingled and adjacent public domain areas in Oregon, declared in Bureau Order No. 601, Amendment No 12, dated May 8, 1980 is amended as follows:

Jackson Master Unit—14,540,000 cubic feet (85,000,000 board feet, Scribner equivalent).

Klamath Master Unit—5,690,000 cubic feet (33,000,000 board feet, Scribner equivalent).

This change is a result of technical revisions in the allowable cut planning process as reported in Amendment No. 1 to the Jackson-Klamath Timber Management Plan Record of Decision, dated December 11, 1981.

The annual productive capacity represents the annual level of harvest which can be sustained in perpetuity without any planned decrease in the future. In addition to the annual

productive capacities, the timber management plan for the combined Jackson-Klamath Master Units specifies the annual harvest of approximately 860,000 cubic feet (5,000,000 board feet, Scribner equivalent) for the next 10 years as part of the cooperative Forestry Intensified Research (FIR) project to determine the number of years needed to re-establish commercial tree species on selected areas not included in the annual productive capacity land base.

The revised timber management plan is described in the Final Jackson-Klamath Timber Management Environmental Statement issued November 28, 1979. This Environmental Statement, together with the record of decision including Amendment No. 1, is available for inspection at the Medford District Office of the Bureau, located at 3040 Biddle Road, in Medford, Oregon, and at the Oregon State Office of the Bureau located at 729 NE Oregon St., Portland, Oregon.

This declaration became effective October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ronald Sadler, BLM, Oregon State Office, 729 NE Oregon St., Portland, Oregon 97232, 503–231–6851.

Dated: December 15, 1981.

William G. Leavell,

State Director.

[FR Doc. 81–36886 Filed 12–24–81; 8:45 am]

BILLING CODE 4310–84–M

[Bureau Order No. 601, Amdt. 13]

Oregon; Declaration of Annual Productive Capacity of Josephine Master Unit

SUMMARY: The annual productive capacity of the Josephine Master Unit, composed of Revested Oregon and California Railroad Grant Lands and the intermingled and adjacent public domain areas in Oregon, declared in Bureau Order No. 601, Amendment No. 11, dated September 17, 1979, is amended as follows: the annual productive capacity is 18,500,000 cubic feet (95,000,000 board feet, Scribner equivalent).

This change is a result of technical revisions in the allowable cut planning process as reported in Amendment No. 1 to the Josephine Timber Management Plan Record of Decision dated December 11, 1981.

The annual productive capacity of 18,500,000 cubic feet represents the annual level of harvest which can be sustained in perpetuity without any planned decrease in the future. In addition to the annual productive capacity, the timber management plan specifies the annual harvest of approximately 1,800,000 cubic feet (9,000,000 board feet, Scribner equivalent) for the next 10 years as part of the cooperative Forestry Intensified Research (FIR) project to determine the number of years needed to re-establish commercial tree species on selected areas not included in the annual productive capacity land base.

The revised timber management plan is described in the Final Josephine Timber Management Plan Environmental Statement issued October 26, 1978. This Environmental Statement, together with the record of decision including Amendment No. 1, is available for inspection at the Medford District Office of the Bureau, located at 3040 Biddle Road, in Medford, Oregon, and at the Oregon State Office of the Bureau located at 729 NE Oregon St., Portland, Oregon.

This declaration became effective October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ronald Sadler, BLM, Oregon State Office, 729 NE Oregon St., Portland, Oregon 97232, 503–231–6851.

Dated: December 16, 1981

William G. Leavell,

State Director.

[FR Doc. 81–36886 Filed 12–24–81; 8:45 am]

BILLING CODE 4310–84–M

Geological Survey

Outer Continental Shelf Oil and Gas Operations; Personnel Safety and Protection in Hydrogen Sulfide-Prone Areas

AGENCY: Geological Survey, Interior.

ACTION: Notice to propose an amendment to section 5.2, *Personnel Safety and Protection,* of the Hydrogen Sulfide (H_2S) standard.

SUMMARY: The U.S. Geological Survey (USGS) proposes to amend certain requirements of section 5.2, *Personnel Safety and Protection,* of the USGS Outer Continental Shelf (OCS) Standard GSS–OCS–1, "Safety Requirements for Drilling Operations in a Hydrogen Sulfide Environment," First Edition, February 1976, concerning personnel safety and protection in H_2S-prone areas on the OCS.

Significant questions have been raised as to the necessity of the requirements that personnel undergo an eardrum examination before assignment to H_2S-prone areas and that personnel with perforated eardrums be prohibited from working in a H_2S environment. In addition, the USGS also has received data indicating that only pressure-demand-type respirators should be used in atmospheres immediately dangerous to life or health.

The proposed amendment will remove requirements that are unnecessary, expensive, and burdensome to implement and will require the use of pressure-demand-type respirators that will increase personnel safety. The amendment will result in considerable savings for the lessees.

DATES: Written comments and recommendations on the proposal to amend this standard must be received on or before February 26, 1982.

ADDRESSES: Comments to: David A. Schuenke, Chief, Branch of Offshore Rules and Procedures, U.S. Geological Survey, 640 National Center, Reston, Virginia 22092.

Public inspection of medical data at:

Conservation Manager, Alaska OCS Region, U.S. Geological Survey, 800 A Street, Suite 201, Anchorage, Alaska 99510

Conservation Manager, Atlantic OCS Region, U.S. Geological Survey, 1725 K Street N.W., Suite 204, Washington, D.C. 20006

Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Boulevard, Metairie, Louisiana 70002

Conservation Manager, Pacific OCS Region, U.S. Geological Survey, 1340 West Sixth Street, Los Angeles, California 900017

Deputy Chief, Conservation Division—Offshore Minerals Regulation, U.S. Geological Survey, 640 National Center, 12201 Sunrise Valley Drive, Room 6A113B, Reston, Virginia 22092

FOR FURTHER INFORMATION CONTACT: Lloyd M. Tracey, Branch of Offshore Rules and Procedures, Conservation Division, U.S. Geological Survey, 640 National Center, Reston, Virginia 22092, (703) 860–7395; FTS 928–7395.

SUPPLEMENTARY INFORMATION: Under Title 30 of the Code of Federal Regulations, §§ 250.10 and 250.11, and in accordance with the USGS Director's Delegation of Authority (45 FR 16570, March 14, 1980), the Deputy Chief, Conservation Division, Offshore Minerals Regulation, proposes to amend section 5.2 of USGS Standard GSS–OCS–1. This standard is incorporated by reference as a requirement in paragraph 8, *Hydrogen Sulfide,* of OCS Order No. 2, applicable to all areas of the OCS. This Order implements 30 CFR 250.41, Control of wells.

Background

Section 5.2 of USGS Standard GSS–OCS–1 provides:

Personnel Safety and Protection. All personnel shall undergo an eardrum examination before assignment to H_2S prone areas. Personnel with perforated eardrums shall be prohibited from working in an H_2S environment.

USGS has received medical data to support the contention that the requirements are medically and scientifically unwarranted, they do not improve the health or safety protection of personnel, they are expensive and burdensome to implement, and they are not necessary. These data are available for public inspection at the locations listed under "ADDRESSES."

When the standard was orignally developed, there was a divergence of opinion on the need for these requirements. After considering the available evidence, the USGS adopted these requirements. This decision was based on the opinions of recognized authorities who believed that a person, while using a breathing apparatus in a H_2S environment, could inhale the toxic gas through a perforated eardrum and the eustachian tube.

Subsection 5.2.5, paragraph (a), does not specify a type of protective breathing apparatus. Now, the USGS has received data which indicate that only pressure-demand-type respirators are adequate protection for personnel working in H_2S or sulfur dioxide (SO_2) environments.

This conclusion is based mainly on requirements of the 1980 Edition of the American National Standards Institute (ANSI), Standard Z88.2, and on recommendations of the National Institute for Occupational Safety and Health (NIOSH).

The ANSI Standard Z88.2 indicates that only pressure-demand-type respirators are permitted in "atmospheres immediately dangerous to life or health." NIOSH advises: "For emergency use, or in unknown concentrations or concentrations in excess of 70 mg/in^3 (50 ppm) only a full facepiece positive pressure self contained breathing apparatus is adequate."

As a result of our review of the data recently presented and information contained in our files, the USGS has reconsidered these requirements and proposes to amend section 5.2.

Request for Comments

In order to obtain full discussion of the issues, interested parties are requested to submit comments on the proposed amendment. Comments will be accepted through February 26, 1982. Comments should be submitted to David A. Schuenke, Chief, Branch of Offshore Rules and Procedures, at the address indicated in the preamble of this document under "ADDRESSES."

Drafting Information

The primary author of the proposed amendment is Mario Rivero, OCS Orders and Standards Section, Branch of Offshore Rules and Procedures, Conservation Division, U.S. Geological Survey, 640 National Center, Reston, Virginia 22092, (703) 860–7395; FTS 928–7395.

Statement of Significance

The Department of the Interior has determined that the proposed amendment to the standard does not constitute a major Federal action significantly affecting the quality of the human environment and, therefore, preparation of an environmental impact statement is not required. The Department has also determined that the issuance of the proposed amendment is not a major rule and does not require a regulatory impact analysis under Executive Order 12291.

The Department of the Interior has determined that this document does not have a significant economic effect on a substantial number of small entities and does not require a small entity flexibility analysis under the Regulatory Flexibility Act.

Dated: October 13, 1981.

Robert L. Rioux,

Deputy Chief, Conservation Division—Offshore Minerals Regulation.

For the reasons set out in the preamble, section 5.2 of the USGS Standard GSS–OCS–1 is proposed to be amended as follows:

1. In section 5.2, the introductory paragraph is removed.

2. In subsection 5.2.5, paragraph (a) is revised to read as follows:

5.2.5 *Personnel Protective Equipment.*

(a) All personnel on a drilling facility or aboard marine vessels serving the facility in H_2S and SO_2 environments shall be equipped with a pressure-demand-type respirator.

Accessory equipment, such as voice-transmission devices and spectacle kits, shall be made available, as needed.

The design, selection, use, and maintenance of the pressure-demand-type respirator used in a H_2S or SO_2 environment shall conform to—

(1) Title 29 of the Code of Federal Regulations, Subpart I—Personnel Protective Equipment, § 1910.132, *General requirements,* and § 1910.134, *Respiratory protection;* and

(2) Title 30 of the Code of Federal Regulations, Subpart A—General Provisions, § 11.2–1, *Selection, fit, use, and maintenance of approved respirators,* and Subpart H—Self-Contained Breathing Apparatus, §§ 11.70 through 11.83–19; and

(3) American National Standards Institute (ANSI), Inc., Standard ANSI Z88.2–1980, "Practice for Respiratory Protection."

* * * * *

(43 U.S.C. 1334)

[FR Doc. 81–36829 Filed 12–24–81; 8:45 am]

BILLING CODE 4310–31–M

INTERSTATE COMMERCE COMMISSION

Commission Press Release Summary

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed procedural change.

SUMMARY: In an effort to cut agency costs, the Commission is proposing to restrict press box service and advise-of-all-proceedings participation. A daily Press Release Summary will be available, by subscription, to anyone desiring the service.

DATES: Proposed Effective Date: March 1, 1982. Comments: Due January 18, 1982. Comments must be in writing.

ADDRESS: Press Release Summary, Room 2215, Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Kathleen King, 202–275–0956; Edward Fernandez, 202–275–7591.

SUPPLEMENTARY INFORMATION: For many years the ICC has maintained some 240 free private boxes for the Press and ICC constituency based in Washington. A single copy of all ICC decisions and other releases is placed in these boxes each day for pick up on or after the official 12:30 p.m. release time together with an index of the items released. Maintenance of the press boxes costs the Commission in excess of $590,000 annually.

In an effort to reduce costs and still provide service to local people, as well as people outside of the Washington area, the Commission is proposing to discontinue press box service to all *except* the working press, and replace it with a summary publication (Press Release Summary) of *all* items released each day. The Press Release Summary will categorize releases by decisional body, by type, e.g. certificates, permits

and licenses, restriction removals, name changes, revocation actions, etc. Within this categorization, the docket number, case title, decided date and Commission action taken will be delineated. (See sample page at the end of this notice.) The Press Release Summary will run from 6 to 10 pages each day and will be released at 12:30 p.m., the same time all daily decisions and notices are released from the Secretary's Office.

The Press Release Summary service will be available through the mail on an annual subscription basis for approximately $160.00. The actual amount charged will be dependent upon the number of subscribers. Consequently, we are asking those who intend to subscribe to send a letter to: Press Release Summary, Room 2215, Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

A sample copy of the summary will be sent on request by calling 800-424-5403 and stating the publication, your name and address.

Subscribers to the summary interested in receiving the full text of a particular item appearing in the summary will be permitted to call a toll free number and a copy will be mailed to them, or they can obtain a copy from the Distribution Staff in Room 2227 of the Commission's Washington office. A copy of the Press Release Summary, together with copies of all decisions, will continue to be made available for review in the Press Room at ICC's Washington headquarters on the day of release.

Discontinuance of the press box service will not affect parties of record who will continue to be served all notices and decisions in a particular case. We are, however, proposing to stop advise-of-all-proceedings mailings except in Abandonment (AB), Ex Parte (EP), Ex Parte Motor (EPM), and Formal Docket (NOR and NOM) proceedings. To be placed on advise-of-all-proceedings status for such cases a letter delineating the party's interest must be sent to the Office of the Secretary.

Decided: December 18, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

OFFICE OF THE SECRETARY—DECISIONS AND NOTICES RELEASED DEC. 15, 1981—12:30 P.M.

Number, Entire Commission, and Division	Title	Decided 1981	Decided by—
MC 135070-182, Jay Lines, Inc.—DFW Airport, TX.	Re: Deny motions of Sherman Transportation, Inc. & Jay Lines, Inc.	11-30	EC.
MC 151270, Batesville Casket Co.—Batesville, IN.	Re: Vacate prior decisions & modify grant of authority to except household goods and bulk commodities.	12-08	EC.
NOR-37373, Western Grain Exchange, Inc. v. Burlington Northern Inc.	Re: Deny Petition of Burlington Northern & Motion to strike of Columbia Grain, Inc. Formerly Western Grain Exchange, Inc.	11-30	EC.
EMBRACED CASES: NOR-37374, Montana Merchandising, Inc. v. Burlington Northern Inc.			
NOR-37376, Coast Trading Company, Inc. v. Burlington Northern Inc.			
MC 45721-11, White Bus Company, Inc., East Orange, NJ.	Re: Deny appeals of Trans-Bridge Lines, Inc., Capital Bus Company and Frank Martz Coach Company.	12-08	D1.
MC 110841-23-X, Port Norris Express Co., Inc., Port Norris, NJ.	Re: Deny appeals of Inter Transportation, Inc. and Erickson Transport Corporation and motion of Port Norris Express Co., Inc.	12-08	D1.
MC 150171, Gold Dust Limo Service, Wendover, UT.	Re: Deny appeal of Greyhound Lines, Inc.	12-09	D1.
MC 109490-25, Heding Truck Service, Inc., Union Center, WI.	Re: Modify prior decision and grant application.	12-11	D2.

[FR Doc. 81-36828 Filed 12-24-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 28691 (Sub-No. 4) and Finance Docket No. 29799]

Morristown and Erie Railroad Co.; Reorganization Plans and Purchase Application

AGENCY: Interstate Commerce Commission.

ACTION: Notice of reorganization plans and acceptance of purchase application.

SUMMARY: The Morristown and Erie Railroad Company (M&E) is now in reorganization in a proceeding pending before the District Court for the District of New Jersey. The Court has forwarded to the Commission two plans of Reorganization, and requested that the Commission comment on the merits of each plan. Because one of the two plans is based on the sale and continued rail service of all assets of the M&E, the Commission is also considering a purchase proposal from the proponents of that plan under Section 17(b) of the Milwaukee Railroad Restructuring Act. Therefore the Commission is instituting a consolidated proceeding in which interested parties can submit comments opposing or favoring either reorganization plan and the purchase plan. The Commission has requested the Court to allow it to submit its report on the reorganization and purchase plans on or before March 10, 1982.

DATES: (1) Verified statements supporting or opposing the reorganization plans or the purchase application are due on January 15, 1982.

(2) Verified statements from the United States Secretary of Transportation and the Attorney General of the United States are due on February 1, 1982.

(3) Verified replies are due on February 8, 1982.

ADDRESSES: An original and 10 copies of all statements should refer to Finance Docket No. 28691 (Sub-No. 4) and Finance Docket No. 29799 and be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423.

Copies of any statement should also be sent to:

(1) Representative for Mandelbaum and Mandelbaum: Ravin & Kesselhaut, 80 Main Street, West Orange, NJ 07052.

(2) Representative for the Friedland Group: Pitney, Hardin, Kipp, Szuch, 163 Madison Avenue, Morristown, NJ 07960.

(3) Representative for the trustee: Crummy, Del Deo, Dolan & Purcell, Attorneys for the Trustee, Gateway I, Newark, NJ 07102.

(4) Clerk, United States District Court for the District of New Jersey [1], Newark, NJ 07102.

FOR FURTHER INFORMATION CONTACT: Ernest B. Abbott: (202) 275–3002.

SUPPLEMENTARY INFORMATION: (1) *Reorganization Plans.* The Morristown and Erie Railroad Company (M&E) conducts operations over a line which extends approximately 16 miles from Morristown, NJ to Great Notch, NJ. The M&E has been in reorganization under Section 77 of the Bankruptcy Act since January 9, 1978. The District Court for the District of New Jersey has forwarded to the Commission for evaluation under Section 77 of the former Bankruptcy Act two plans of reorganization for the M&E.

The first plan, submitted by the firm of Mandelbaum and Mandelbaum, provides for the reorganization of the M&E as a rail carrier, cancellation of its existing shares, and transfer of all shares in the reorganized railroad to Mendelbaum interests in consideration of $175,000 cash. Under the plan certain classes of creditors will receive cash; remaining classes of creditors will receive a new series of non-interest-bearing notes totaling $1,308,000 payable over ten years.

Under the second plan, submitted by the Trustee and the Friedland Group [2] for a newly formed corporation, the Morristown and Erie Railway, Inc. (MER), MER would purchase the principal assets of the M&E for the sum of $500,000.00 cash. M&E would then be liquidated.

(2) *Purchase Application.* On December 10, 1981, the Friedland group also submitted an application under Section 17(b) of the Milwaukee Railroad Restructuring Act for acquisition of assets of the M&E by MER.[3] The application is complete under the Commission's regulations at 49 CFR 1111.20–.25 governing the contents of an application in a minor transaction and the Commission is hereby accepting the application.

(3) *Procedures.* Regulations governing this proceeding are located at 49 CFR 1111.25 and 49 CFR Part 1100. Persons wishing to file verified statements concerning the reorganization plans or the proposed purchase can obtain copies of the plans and purchase application from the respective representatives listed above. All plans are also available for public inspection at the Commission.

It is ordered:

1. The application is accepted for consideration;

2. Parties shall comply with the procedural requirements stated above;

3. This decision shall be effective on December 22, 1981.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–38674 Filed 12–24–81; 8:45 am]

BILLING CODE 7035–01–M

[1] Statements filed with the Court should refer to docket number B 77–3078.

[2] Benjamin J. Friedland, Edward J. Wikzynski, and Wesley R. Webb.

[3] Under the Mandelbaum plan, no separate Commission approval is required for the purchase of all stock in the reorganized M&E, *provided* the purchasers, prior to the transaction, are not carriers and do not control carriers within the meaning of the Revised Interstate Commerce Act. *See* 49 U.S.C. 11343.

[No. 38692]

Shippers Committee OT–5; Review of OT–5 Agreements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of denial of petition for rulemaking.

SUMMARY: The Commission has denied a request for a rulemaking (1) to review the practices of rail carriers with respect to privately owned or leased covered hopper cars, and (2) either (a) to eliminate rail regulation of privately owned covered hopper cars, except with respect to mechanical and safety qualifications, or (b) to require a "sharing formula" covering the placement of carrier and private cars during a period of car surplus. This notice will not be printed in its entirety, but copies of the full decision may be obtained from the address listed below.

Copies: The complete notice is available upon request by called 800–424–5403 or by writing to: The Office of the Secretary, Interstate Commerce Commission, 12th & Constitution Avenue, N.W., Washington, DC 20423.

Dated: December 17, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–38630 Filed 12–24–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Permanent Authority Republications of Grants of Operating Rights Authority Prior to Certification.

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of an appropriate petition for leave to intervene, setting forth the precise manner in which petitioner has been prejudiced, must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleadings shall comply with 49 CFR 1100.247 addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

MC 156793 (Republication) filed June 25, 1981, published in the **Federal Register** of July 16, 1981, and republished this issue: Applicant: EAST COAST CARTAGE, INC., 10 Otis Street, Westboro, MA 01581. Representative: Harold R. Rudnick (same address as applicant). A decision of the Commission, *Review Board 3*, decided November 18, 1981, and served December 7, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting *such commodities* as are dealt in by grocery and food business houses, between points in Maine, New Hampshire, Connecticut, Vermont, Rhode Island, Massachusetts, New York, Pennsylvania, New Jersey, Delaware, Maryland, Ohio, Virginia, West Virginia, South Carolina, North Carolina, Georgia, and Florida; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U. S. Code, and the Commission's regulations. The purpose of this republication is to broaden the scope of authority.

[FR Doc. 81–38675 Filed 12–24–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of an appropriate petition for leave to

intervene, must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleadings shall comply with 49 CFR 1100.247 addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

MC 153583 (republication) filed June 26, 1981, published in the **Federal Register** of July 22, 1981, and republished this issue: Applicant: S&F TRUCKING, INC., R.R. 1, Box 79, Joseph, OR 97846. Representative: Rex L. Smith (same address as applicant). A decision of the Commission, *Review Board 1,* decided October 1, 1981, and served October 15, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier,* by motor vehicle, transporting (1) *iron and steel articles,* between Portland, OR, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming, and (2) *lumber and wood products,* between points in Wallowa County, OR, on the one hand, and, on the other, points in the States named in (1) above; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to broaden the scope of authority.

[FR Doc. 81-36876 Filed 12-24-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application; Important Notice

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-176

The following applications were filed in region I: Send protests to: Interstate Commerce Commission, Regional Authority Center; 150 Causeway Street, Room 501, Boston, MA 02114.

MC 133858 (Sub-11-TA), filed December 10, 1981. Applicant: THE COTTER GARAGE CORPORATION, 86 Granby Street, Bloomfield, CT 06002. Representative: James T. Graham, One Constitution Plaza, 18th Floor, Hartford, CT 06103. *Contract carrier:* irregular routes: *Passengers with their baggage and newspapers in eight-passenger vehicles* from Hartford, East Hartford and Farmington, CT to New York City, NY and return, under continuing contract(s) with United Technologies Corp., Hartford, CT and Aetna Life and Casualty Co., Hartford, CT. Supporting shipper(s): United Technologies Corp., United Technologies Bldg., Hartford, CT 06101; Aetna Life and Casualty Co., 151 Farmington Avenue, Hartford, CT 06156.

MC 133290 (Sub-11 TA), filed December 9, 1981. Applicant: WARRINGTON TRUCKING CO., INC., New Freedom Road, Berlin, NJ 08009. Representative: Raymond A. Thistle, Jr., Five Cottman Ct., Homestead Rd. & Cottman St., Jenkintown, PA 19046. (1) *General commodities (except classes A & B explosives)* between Camden County, NJ, on the one hand, and, on the other, points in FL; (2) *Building materials and products* between Camden and Cumberland Counties, NJ, on the one hand, and, on the other, points in CT, DC, DE, MD, NY, OH, PA and VA; and (3) *Materials, equipment and supplies used in the manufacture and distribution of the commodities names in (2) above,* between Camden and Cumberland Counties, NJ, on the one hand, and, on the other, points in CT, DC, DE, MD, NY, OH, PA and VA. Supporting shipper: Formigli Corporation, P.O. Box F, Berlin, NJ 08009.

MC 159575 (Sub-1-1TA), filed December 7, 1981. Applicant: N.R.F. DISTRIBUTORS, INC., P.O. Box 2467, Old Belgrade Road, Augusta, ME 04330. Representative: Paul J. Lachance, Narrows Pond Road, Winthrop, ME 04364. *Contract carrier:* irregular routes: *Paper articles, food containers, packing partitions and trays* from points in ME to points in PA, MD, DC, VA, WV, NC, SC, TN and GA, under continuing contract(s) with Keyes Fibre of Waterville, ME. Supporting shipper: Keyes Fibre, College Avenue, Waterville, ME 04901.

MC 149156 (Sub-1-1TA), filed December 9, 1981. Applicant: JOSEPH H. HALEY, d.b.a. HALEY'S COMET TRUCKING, 1966 Main Street, East Hartford, CT 06108. Representative: Joseph H. Haley (same as applicant). *Aircraft parts* between Bloomfield and Stratford, CT, on the one hand, and on the other, Pottstown, PA. Supporting shipper: Kaman Corporation, Blue Hills Avenue, Bloomfield, CT 06002.

MC 73444 (Sub-1-1TA), filed December 14, 1981. Applicant: F. L. CASTINE, INC., 1235 Chestnut Street, Athol, MA 01331. Representative: Donald R. Castine (same as applicant). *Contract carrier:* irregular route: *Tools, hand saws, vises and other products manufactured by L. S. Starrett Company* between Athol, MA and points in the U.S., under continuing contract(s) with L. S. Starrett Co., Athol, MA. Supporting shipper: L. S. Starrett Co., 121 Crescent Street, Athol, MA.

MC 98937 (Sub-1-1TA), filed December 15, 1981. Applicant: WILBRAHAM TRUCKING CORPORATION, 70 Windsor Street, West Springfield, MA 01090. Representative: Phillip E. King Sr., 321 Stonyhill Road, Wilbraham, MA 01095. *General commodities, (except hazardous waste, class A and B explosives)* between points in CT, MA, RI, and Bennington and Windham Counties, VT. Supporting shipper(s): There are six statements in support attached to this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 2060 (Sub-1-4TA), filed December 11, 1981. Applicant: PINE HILL

KINGSTON BUS CORP., d.b.a. PINE HILL TRAILWAYS, 18 Pine Grove Avenue, P.O. Box 1758, Kingston, NY 12401. Representative: Lawrence E. Lindeman, 425 13th Street NW., Suite 1032, Washington, D.C. 20004. *Common carrier:* regular routes: *Passengers and their baggage, and express and newspapers in the same vehicle with passengers,* between Kingston, NY, and New York, NY as follows: from Kingston via Interstate Hwy 87 to jct NY Hwy 17 (also from Kingston via NY Hwy 32 to New Paltz, then via NY Hwy 299 to jct Interstate Hwy 87), then via NY Hwy 17 to jct NJ Highway 17, then via NJ Hwy 17 to NJ Hwy 3, then via NJ Hwy 3 to Interstate Hwy 495 (also from jct Interstate Hwy 87 and NY Hwy 17 via Interstate Hwy 87 to the Garden State Parkway, then via the Garden State Parkway to Interstate Hwy 80, then via Interstate Hwy 80 to Interstate Hwy 95, then via Interstate Hwy 95 to Interstate Hwy 495), then via Interstate Hwy 495 and the Lincoln Tunnel to New York, NY, and return over the same route, serving intermediate points in NJ and those in NY between Kingston and New Paltz, including New Paltz; restricted against the transportation of passengers and express whose entire journey begins at New York, NY, and ends at any point in NJ, or vice versa. Supporting shipper(s): Peter J Savago, Inc., 101 Main Street, New Paltz, NY 12561; Jane L. Crikson, R. D. #2, Box 40B, Accord, NY 12404; New Paltz Travel Center, 127 Main Street, New Paltz, NY 12561; Student Association, Inc., Rm. 428 Sub, New Paltz, NY 12561.

MC 99535 (Sub-1–1TA), filed December 7, 1981. Applicant: STEVEN FREIGHT SERVICE CO., INC., 16 Sturtevant Street, Somerville, MA 02145. Representative: Robert L. Cope, Suite 501, 1730 M Street, NW., Washington, DC 20036. *Contract carrier:* irregular route: *Health and beauty aids, Drugs and Medicines, Toilet Preparations, Buffing and cleaning compounds, and Raw materials* used in the manufacture and production thereof; between those points in the U.S. east of and including WI, IL, KY, TN and north of and including TN and SC, under continuing contract with American Cyanamid Company, Wayne, NJ. Supporting shipper: American Cyanamid Company, 1 Cyanamid Plaza, Wayne, NJ 07470.

MC 157842 (Sub-1–2TA), filed December 10, 1981. Applicant: WEBBER PETROLEUM COMPANY, 93 Kensington Street, Portland, ME 04101. Representative: Robert E Sutcliffe, Esq., Rudman & Winchell, 84 Harlow Street, P.O. Box 1401, Bangor, ME 04401. *Contract carrier:* irregular routes: *Petroleum & Petroleum Products (Fuel Oil #5 and #6) in bulk, in tank vehicles* between points in ME and NH under continuing contract(s) with Belcher New England, Inc., Revere, MA. Supporting shipper: Belcher New England, Inc., 222 Lee Burbank Hwy, Revere, MA 02151.

MC 159608 (Sub-1–1TA), filed December 8, 1981. Applicant: MAXI-CUBE TRANSPORT SYSTEMS, INC., 1128 W. Browning Road, Bellmawr, NJ 08031. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. *General commodities, except classes A and B explosives,* between points in the U.S. Supporting shipper(s): There are seven statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 159659 (Sub-1–1TA), filed December 11, 1981. Applicant: J WAY STERILE SERVICE, INC., 639 Ramsey Avenue, Hillside, NJ 07205. Representative: A. David Millner, 7 Becker Farm Road, P.O. Box Y, Roselund, NJ 07068. *Contract carrier:* irregular routes: *General commodities (except household goods, commodities in bulk, hazardous waste, and classes A and B explosives),* between points in the U.S., under contract(s) with Mars Manufacturing Co. of Asheville, NC, and Isomedix, Inc. of Whippany, NJ. Supporting shipper(s): Mars Manufacturing, P.O. Box 6874, Asheville, NC 28816; Isomedix, Inc., 80 South Jefferson Road, Whippany, NJ 07981.

MC 155236 (Sub-1–3TA), filed December 11, 1981. Applicant: POTTLE'S TRANSPORTATION, INC., Odlin Road, Bangor, ME 04401. Representative: Clifton E. Pottle, P.O. Box 164, Carnel, ME 04419. *Foodstuffs and related products, malt beverages, wines, and liquors, tires, and automotive products,* between points in MA, NH, RI and VT, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Allen's Blueberry Freezer, Inc., 248 Main Street, Ellsworth, ME 04605; Paul's Distributors, Inc., 323 Turnpike Street, Rt. 138, Canton, MA 02021; Stratham Tire, Inc., 17 Portsmouth Avenue, Stratham, NH; McLaughlin & Morin, Inc., P.O. Box 6088, Providence, RI 02940; New England Wheel & Rim, Inc., 290 N. Beacon Street, Boston, MA.

MC 155266 (Sub-1–2TA), filed December 11, 1981. Applicant: JOHN J. VETERI LEASING CORP., 265 B, Suite 3B, Route 46 West, Totowa, NJ 07512. Representative: John J. Veteri, P.O. Box 624, West Paterson, NJ 07424. *Steel coils,* between Fairless Hills and Malvern, PA, Sparrows Point, MD, and Tonawanda, NY, on the one hand, and, on the other, Baraboo, WI, Chicago, IL, Eldora, IA, Manchester, NH, McKeesport, PA, Pawtucket, RI, Reidville, NC and Tyngsboro, MA, and points in their commercial zones, and points in CT, MI, NJ and NY. Supporting shipper: Coleco Industries, Inc., 10 Park Street, Amsterdam, NY 12010.

MC 146312 (Sub-1–1TA), filed December 10, 1981. Applicant: HIGHLAND TRANSPORT CO. LTD., 14th Avenue, Markham, Ontario, CD L3P 3J8. Representative: William J. Hirsch P. C., 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. *Contract carrier:* irregular routes: *Cement admixture, in bulk, in tank vehicle* from Carlstadt, NJ to ports of entry between the US and CD, located on the Niagara River, under continuing contract(s) with The Master Builders Co. Ltd., Ontario, CD. Supporting shipper: The Master Builders Company, Limited, 79 Kincort Street, Toronto, Ontario, CD MM6, 3E4.

MC 159517 (Sub-1–1TA), filed December 14, 1981. Applicant: YELLOW CAB CO. OF GREATER BUFFALO, INC., 4430 Bailey Avenue, Buffalo, NY 14226. Representative: Anthony L. Dutton, 1800 One M & T Plaza, Buffalo, NY 14203. *Contract carrier:* irregular routes: *Passengers* between all points in NY and PA, under continuing contract with the Veterans Administration Medical Center, Buffalo, NY. Supporting shipper: Veterans Administration Medical Center, 3495 Bailey Avenue, Buffalo, NY 14215.

MC 144969 (Sub-1–4TA), filed December 14, 1981. Applicant: WHEATON CARTAGE CO., Industrial Park & Tufts Road, Pennsville, NJ 08070. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *(1) Food and related products, and (2) Materials, equipment, and supplies used in the sale and distribution of the commodities named in (1) above,* between the facilities used or utilized by Haddon House Food Products, Inc., at points in the Philadelphia, PA Commercial Zone, on the one hand, and, on the other, points in the U.S. Supporting shipper: Haddon House Food Products, Inc., Old Marlton Pike, Medford, NJ 08055.

MC 134806 (Sub-1–21TA), filed December 9, 1981. Applicant: B–D–R TRANSPORT, INC., P.O. Box 1277, Vernon Drive, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Contract Carrier1:* Irregular routes: *Electrical parts and equipment, cable clamps and non-hazardous greases,* from Orange, CT to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY under continuing contract(s) with Burndy Corporation,

Orange, CT. Supporting shipper: Burndy Corporation, Edison Road, Orange, CT 06477.

The following applications were filed in region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 159682 (Sub-II–1–TA), filed December 14, 1981. Applicant: A & L DELIVERY SERVICE, INC., P.O. Box 243, Towanda, PA 18848. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Contract, irregular, *Merchandise, equipment and supplies used, sold or distributed by a manufacturer of comestics*, between Newark, DE, and Tunkhannock, PA; and, between Tunkhannock, PA, on the one hand, and, on the other, Bradford, Susquehanna, Wayne, Sullivan, Wyoming, Pike, Columbia, Northumberland, Mountour, Luzerne, Monroe, Carbon, Northampton, Lehigh, Shuylkill, Berk and Lackawanna Counties, PA., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Avon Products, Inc., 2100 Ogletown Rd., Newark, DE 19711.

MC 152509 (Sub-II–22TA), filed December 14, 1981. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., 1370 Ontario St., Cleveland, OH 44101. Representative: J. L. Nedrich (same address as applicant). *General commodities (except Classes A & B explosives)* between all points in the U.S., under continuing contract(s) with Jack Meiderdrut & Associates, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Jack Meiderdrut & Associates, 1044 Woodcliff Dr., Franklin Square, NY 11010.

MC 159704 (Sub-II–1TA), filed December 15, 1981. Applicant: HOMAN TRUCKING, INC., 45 East Franklin St., Chickasaw, OH 45826. Representative: Jack L. Schiller, 123–60 83rd Ave., Kew Gardens, NY 11415. Contract; irregular: *Yogurt* from the facilities of Dannon Yogurt, Inc. located at or near Minster, Oh to Boston, MA; Philadelphia, PA; Milwaukee, WI and points in NY, under continuing contract(s) with Dannon Yogurt, Inc. of Minster, OH. An underlying ETA seeks 120 days authority. Supporting shipper: Dannon Yogurt, Inc., 234 East First St., Minster, OH 45865.

MC 159684 (Sub-II–1TA), filed December 14, 1981. Applicant: HARRY L. MYERS, d.b.a. MYERS TRANSFER, 1543 Mariner Dr., Reynoldsburg, OH 43068. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017. *Aluminum stampings* between the facilities of Anomatic Corporation at Westerville, OH, on the one hand, and, on the other, points in CT, MI, NJ, OK, TN, and TX. An underlying ETA seeks 120 days authority. Supporting shipper: Anomatic Corporation, 175 E. Broadway, Westerville, OH 43081.

MC 107012 (Sub-II–209TA), filed December 14, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Ft. Wayne, IN 46801. Representative: Bruce W. Boyarko (same address as applicant). *Retail merchandise*, from points in the U.S. to points in IL, IN, MI, OH, and WV, for 270 days. An underlying ETA seeks 120 days. Supporting shipper(s): There are six supporting shippers' statements attached to this application that may be examined at the Philadelphia regional office.

MC 159672 (Sub-II–1TA), filed December 14, 1981. Applicant: PENNEX TRANSPORTATION CO., INC., Eastern Avenue at Pennex Drive, Verona, PA 15147. Representative: Norman A. Cooper, 145 W. Wisconsin Avenue, Neenah, WI 54956. *Drugs, toilet articles and materials and supplies used in their manufacture, sale and distribution* between the facilities of Pennex Products Co., Inc. and its subsidiaries Pennex Products International, Inc. and Bonoplast, USA, Inc. on the one hand, and, on the other, points in the United States, for 270 days. Supporting shipper, Pennex Products Co., Inc., Eastern Avenue at Pennex Drive, Verona, PA 15147.

MC 159192 (Sub-II–1TA), filed December 14, 1981. Applicant: R. & J. TRANSPORTATION, INC., R.D. No. 4 Box 4389–A, Pottsville, PA 17901. Representative: Lee E. High, P.O. Box 8551, Reading, PA 19603. *Passengers and their baggage*, in round-trip charter operations between points in Schuylkill County, PA, and points in CT, MA, MD, DE, FL, IL, TN, MI, NH, VT, NJ, NY, SC, OH, VA, WV, WI, and DC for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are eleven (11) supporting shippers. Their statements may be examined at the ICC office in Philadelphia, PA.

MC 150724 (Sub-II–5TA), filed December 14, 1981. Applicant: DONALD SANTISI TRUCKING COMPANY, 340 Victoria Rd., P.O. Box 4145, Youngstown, OH 44515. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Steel tank heads*, fromYoungstown, OH to points in NM, TX, OR, CA, WA, LA, OK and MN, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Compco Metal Products Co., 85 E. Hylda St., Youngstown, OH 44507.

MC 159674 (Sub-II–1TA), filed December 14, 1981. Applicant: WILLIAM SAMUEL STANSBURY, 4205 Teklin Drive, Westminster, MD 21157. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. *Contract, irregular: Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, equipment, materials and supplies used in the conduct of such business*, between Baltimore, MD, on the one hand, and, on the other, points in DE, MD, PA, VA, WV and DC, under a continuing contract(s) with Acme Markets, Philadelphia, PA. An underlying ETA seeks 120 days authority. Supporting shipper: Acme Markets, Inc., 124 N. 15th St., Philadelphia, PA.

MC 159630 (Sub-II–1TA), filed December 17, 1981. Applicant: TUCKER TOURS, INC., 4306 Vine St., Capitol Heights, MD 20743. Representative: Wililiam P. Tucker, Jr. (same as applicant). *Passengers and their baggage, in charter operations*, between pts. in VA, DC and MD, on the one hand, and, on the other, Atlantic City, NJ; Blueknob, Champion and Liberty, PA; Burlington, NC; Courtland, Hunter Mountain and New York, NY; Louisville, KY; and Smuggler's Notch and Waitsfield, VT, for 270 days. Supporting shipper(s): Cultural Arts Tours, 5250 Chillum Place, N.E., Washington, DC; Full House Enterprise, Inc., P.O. Box 2566, Springfield, VA 22152; Sea & Ski Travel, Inc., 12105 Darnestown Rd., Gaithersburg, MD 20760; Black Ski, Inc., P.O. Box 2204, Washington, DC.

MC 141917 (Sub-II–3TA), filed December 17, 1981. Applicant: LEO J. UMERLEY, INC., 9813 Philadelphia Rd., Baltimore, MD 21237. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879. *Cement*, between pts. in Baltimore County, MD, on the one hand, and, on the other, pts. in NJ, NY, VA, PA, DE, WV, MD, and DC for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Atlantic Cement Co., Inc., 25 Crescent St., P.O. Box 30 Stamford, CT 06904.

The following applications were filed in region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 37896 (Sub-3–9TA), filed December 15, 1981. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, 406 World Center Building, 918-16th Street,

NW, Washington, D.C. 20006. *Contract carrier,* irregular routes; *Plastic Products,* from Los Angeles, CA to Chicago, IL under a continuing contract(s) with 20th Century Plastics, Inc., of Los Angeles, CA. Supporting shipper: 20th Century Plastics, Inc., 3628 Crenshaw Blvd., Los Angeles, CA 90016.

MC 134064 (Sub-3–13TA), filed December 15, 1981. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30505. Representative: Charles M. Williams, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 90203. *Such commodities as are dealt in by manufacturers or distrubutors of oil, brake fluid and transmission fluid,* from the facilities of Quaker Supreme Chemical Co., at or near Montgomery, AL, to points in the U.S. in and east of ND, SD, NE, CO, and NM. Supporting shipper: Quaker Supreme Chemical Co., P.O. Box 77, Montgomery, AL 36101.

MC 153914 (Sub-3–3TA), filed December 14, 1981. Applicant: NEWMAN BROTHERS TRUCKING, INC., Highway 96, Belk, AL 35455. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. *Metal products,* between Fayette and Lamar Counties, AL, on the one hand, and, on the other, all points in the U.S. Supporting shipper: Ox Bodies, Inc., P.O. Box 595, Fayette, AL 35555; Fayco, Inc., P.O. Box 29, Fayette, AL 35555; Black Manufacturing Co., Highway 43 North, Fayette, AL 35555; Omni Products, Inc., P.O. Box 669, Vernon, AL 35592.

MC 159731 (Sub-3–1TA), filed December 16, 1981. Applicant: KENNETH D. PRUETT, d.b.a., STATEWIDE MOBILE HOME MOVERS, 732 Briarcliff Road, Rock Hill, SC 29730. Representative: Helen E. Saville, 1007 Holly Road, Rock Hill, SC 29730. *Mobile homes* between points in SC, NC, VA, TN, AL, GA, FL, WV. There are five Statements of Support attached which can be examined at ICC Regional Office, Atlanta, GA.

MC 19105 (Sub-3–4TA), filed December 16, 1981. Applicant: FORBES TRANSFER COMPANY, INC., Post Office Box 3547, Wilson, NC 27893. Representative: Vance T. Forbes, Jr., (same address as applicant). *Building materials, gypsum and gypsum products,* from the facilities of United States Gypsum Company at Norfolk, VA to points in MD and DC. Supporting shipper: United States Gypsum Company, 53 Perimeter Center East, Atlanta, GA 30346.

MC 157384 (Sub-3–3TA), filed December 16, 1981. Applicant: BENNY WHITEHEAD Rt. 1, Box 359A, Eufaula, AL 36027. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Contract:* Irregular: (1) *Wrapping, packaging and baling materials and products;* (2) *chemicals and chemical products;* (3) *textile and textile products,* between Jacksonville, FL and Belton, SC, including their respective commercial zones, on the one hand, on the other, points in VA, NC, SC, GA, TN, MS, IA, AR, TX, NM, CA, AZ, MO, AL, OK, NV, CO, KS, OH, NJ, NY, MD, WV, and PA, under a continuing contract or contracts with Eastern Strapping Company, Inc. and Belton Bagging Company. *Supporting shippers:* Eastern Strapping Company, Inc., 1840 River Oaks Road, Jacksonville, FL 32207 and Belton Bagging Company, P.O. Box 127, Belton, SC 29627.

MC 128220 (Sub-3–4TA), filed December 17, 1981. Applicant: RALPH LATHAM d.b.a., LATHAM TRUCKING COMPANY, P.O. Box 596, Burnside, KY 42519. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602. *General commodities (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk),* between facilities used by Somerset Foods, Inc. at points in the US in and east of ND, SD, NE, CO, OK, and TX, on the one hand, and, on the other, points in the US in and east of ND, SD, NE, CO, OK, and TX. Supporting shipper: Somerset Foods, Inc., P.O. Box 799, Somerset, KY 42501.

MC 151173 (Sub-3–15TA), filed December 1, 1981. Republication—Originally published in **Federal Register** of December 14, 1981, page 61013, volume 46, No. 239. Applicant: HARBET, INC., 7209 Tara Blvd., Jonesboro, GA 30236. Representative: O. L. Godfrey, Jr., (Same address as above). *Chemicals, plastic film and sheeting, trash bags, gloves, materials equipment and supplies used in the manufacture, sale and distribution thereof, except commodities in bulk* between the facilities and warehouses utilized by Borden Chemicals Division of Borden Inc., on the one hand, and on the other, points in the U.S. Supporting shipper: Borden Chemical Division of Borden Inc., One Clark St., North Andover, MA 01845

MC 148285 (Sub-3–1TA), filed December 17, 1981. Applicant: A. L. COUEY, d.b.a. COUEY TRUCKING COMPANY, P.O. Box 3244, Dalton, GA 30721. Representative: M. C. Ellis, c/o Chattanooga Freight Bureau, Inc., 1001 Market Street, Chattanooga, TN 37402. *Paper and paper Products* between the facilities of Bowater Southern Paper Company, Calhoun, TN, on the one hand, and, on the other, TOFC ramps at Dalton, GA and Chattanooga and Cleveland, TN, restricted to traffic having prior or subsequent movement via rail. Supporting shipper: Bowater Southern Paper Company, Calhoun, TN 37309.

MC 140334 (Sub-3–8TA), filed December 17, 1981. Applicant: AM-CAN TRANSPORT SERVICE, INC., P.O. Box 859, Anderson, SC 29621. Representative: John T. Wirth, 717 – 17th Street, Suite 2600, Denver, CO 80202. *Contract:* Irregular; *Textile mill products;* (1) between the facilities of Hoechst Fibers Industries at Spartanburg, SC on the one hand, and on the other, ports of entry on the International Boundary between the U.S. and New Brunswick, Canada located in ME; and (2) between the facilities of Monsanto Company at points in AL, FL and SC on the one hand, and on the other, ports of entry on the International Boundary between the U.S. and Canada located in ME, MI, and NY and points in GA, SC, FL and AL; under continuing contracts with Hoechst Fibers Industries of Spartanburg, SC and Monsanto Company of St. Louis, MO. Supporting shippers: Hoechst Fibers Industries, P.O. Box 5887, Spartanburg, SC 29304; and Monsanto Company, 800 N. Lindbergh Blvd., St. Louis, MO 63166.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-36877 Filed 12-24-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on August 17, 1981, Pharmaceuticals Division, Ciba-Geigy Corp., 556 Morris Ave., Summit, New Jersey 07901, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substance Methylphenidate (1724).

Any other such applicant, and any person who is presently registered with DEA to manufacture such substance, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or request for a hearing may be addressed

to the Acting Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than January 28, 1982.

Dated: December 18, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-36830 Filed 12-24-81; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL COMMISSION FOR EMPLOYMENT POLICY

ACTION: Notice of meeting.

SUMMARY: Under the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is given of the twenty-fourth meeting of the National Commission for Employment Policy at the Capital Hilton Hotel, 16th and K Streets, NW, Washington, D.C.

DATES: January 14, 1982, 1:30 p.m. to 6:00 p.m. and January 15, 1982, 8:30 a.m. to 4:00 p.m.

Status: This meeting will be open to the public.

Matters to be considered: New Commission members will be sworn in. Members will hear reports on current and planned work, as well as orientation sessions on the Commission's history and structure. Staff work on employment and training delivery systems, labor market problems of Hispanic-Americans and the development of a labor market policy for older workers will be presented. Presentations on the 15th will include congressional and administration viewpoints on the current state of employment policy development.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph E. Smith, Deputy Director, National Commission for Employment Policy, 1522 K Street, NW, Suite 300, Washington, D.C. 20005 (202)-724-1553).

SUPPLEMENTARY INFORMATION: The National Commission for Employment Policy was established as title V of the Comprehensive Employment and Training Act Amendments of 1978 (Pub. L. 95-524). The Act gives the Commission the broad responsibility of advising the President and the Congress on national employment issues. Business meetings are open to the public. People wishing to submit written statements to the Commission that are germane to the agenda may do so, provided that such statements are in reproducible form and are submitted to the Director at least two days before the meeting and not more than seven days after the meeting.

In addition, members of the general public may request to make oral presentations to the Commission, time permitting. Such statements must be applicable to the announced agenda and written application must be submitted to the Director at least three days before the meeting. This application should include: name and address of applicant, subject of presentation, relation to agenda, amount of time needed, individual's qualifications to speak on the subject, and a statement justifying the need for an oral rather than written presentation.

The Commission Chairman has the right to decide to what extent public oral presentations may be permitted at the meeting. Oral presentations will be limited to statements of facts and views and shall not include any questioning of Commission members or other participants unless these questions have been specifically approved by the Chairman.

Minutes of the meeting and materials prepared for it will be available for public inspection at the Commission's headquarters, 1522 K Street, NW, Suite 300, Washington, D.C. 20005.

Signed in Washington, D.C. this 17th day of December 1981.

Ralph E. Smith,

Deputy Director, National Commission for Employment Policy.

[FR Doc. 81-36829 Filed 12-24-81; 8:45 am]

BILLING CODE 4510-30-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on January 7-9, 1982, in Room 1046, 1717 H Street, NW., Washington, DC. Notice of this meeting was published in the **Federal Register** on November 25, 1981.

The agenda for the subject meeting will be as follows:

Thursday, January 7, 1982

8:30 A.M.-8:45 A.M.: Opening Session (Open)—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities.

8:45 A.M.-9:15 A.M.: Clinch River Breeder Reactor (Open)—Briefing by NRC Staff regarding project status and plan for regulatory review of the proposed plant site and design.

9:15 A.M.-12:00 Noon: Standard Boiling Water Reactors (Open)—The Committee will hear and discuss a report by representatives of the General Electric Company regarding design changes in the NSSS for their standard boiling water reactors.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to this matter.

1:00 P.M.-5:00 P.M.: NRC Safety Research Program Budget (Closed)—The Committee members will discuss the proposed ACRS report to the U.S. Congress on the proposed NRC Safety Research Program Budget for FY 1983.

This session will be closed to discuss matters which relate solely to the internal personnel rules and practices of the agency and information of a personal nature where disclosure would constitute unwarranted invasion of personal privacy and information the premature release of which would be likely to significantly frustrate proposed agency action.

5:00 P.M.-6:00 P.M.: Reports of ACRS Subcommittees (Open)—The Committee members will hear and discuss reports of designated ACRS Subcommittees regarding the status of assigned activities including consideration of Class 9 accidents in the NRC licensing process.

Friday, January 8, 1982

8:30 A.M.-10:30 A.M.: Standard Pressurized Water Reactors (Closed)—The Committee will hear and discuss a report from representatives of the Westinghouse Electric Corporation regarding proposed changes in the NSSS of their standard pressurized water reactors.

This session will be closed to discuss Proprietary Information applicable to this matter.

10:30 A.M.-12:30 P.M. and 1:30 P.M.-3:30 P.M.: NRC Safety Research Program Budget (Closed)—The Committee members will discuss the proposed ACRS report to the U.S. Congress on the proposed NRC Safety Research Program Budget for FY 1983.

This session will be closed to discuss matters which relate solely to the internal personnel rules and practices of the agency and information of a personal nature where disclosure would constitute unwarranted invasion of personal privacy and information the premature release of which would be likely to significantly frustrate proposed agency action.

3:30 P.M.-5:30 P.M.: Human Factors Considerations (Open)—The Committee

will hear the report of its Subcommittee on Human Factors and consultants who may be present regarding proposed NRC requirements regarding design of nuclear power plant control rooms and safety parameter display systems.

5:30 P.M.–6:00 P.M.: Future Committee Activities (Open)—The members will discuss the proposed scope of and schedule for anticipated activities of ACRS subcommittees and full Committee activities.

Saturday, January 9, 1982

8:30 A.M.–10:30 A.M.: Safety Research Program Budget (Closed)—The Committee members will discuss the proposed ACRS report to the U.S. Congress on the proposed NRC Safety Research Program Budget for FY 1983.

This session will be closed to discuss matters which relate solely to the internal personnel rules and practices of the agency and information of a personal nature where disclosure would constitute unwarranted invasion of personal privacy and information the premature release of which would be likely to significantly frustrate proposed agency action.

10:30 A.M.–11:15 A.M.: Design of Control Rooms and Safety Parameter Display Systems (Open)—ACRS report/comments regarding proposed NRC requirements for design of control rooms and safety parameter display systems.

11:15 A.M.–12:00 Noon: Reports of ACRS Members Regarding Foreign Regulatory Policies and Requirements (Closed)—Members of the Committee will report on recent activities related to foreign nuclear regulatory policies and practices.

This session will be closed to discuss information provided in confidence and considered privileged by a foreign source.

12:00 Noon–1:30 P.M.: Concluding Session (Open)—The members will complete discussion of items considered during this meeting.

Members will also exchange views regarding the reliability of AC/DC electrical systems in nuclear power plants.

Proposed changes in ACRS procedures related to the conduct of ACRS activities will be discussed.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 7, 1980 (45 FR 66535). In accordance with these procedures, oral or written statements may be presented by members of the public, recording will be permitted only during those portions of the meeting when a transcript is being kept, an questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director (R. F. Fraley) prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss matters which relate solely to the internal personnel rules and practices of the agency (5 U.S.C. 552b(c)(2)), Proprietary Information relating to the matters being considered and information considered privileged and provided in confidence by a foreign source (5 U.S.C. 552b(c)(4)), information of a personal nature where disclosure would constitute unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)) and information the premature release of which would be likely to significantly frustrate proposed agency action (5 U.S.C. 552b(c)(9)(B)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–3265), between 8:15 A.M. and 5:00 P.M. EST. the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss Proprietary Information relating to the matter being considered (5 U.S.C. 552b(c)(4)), information which will be involved in an adjudicatory proceeding (5 U.S.C. 552b(c)(10)), and information considered privileged and provided in confidence by a foreign source (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–3265), between 8:15 A.M. and 5:00 P.M. EDT.

Dated: December 21, 1981.

John C. Hoyle,

Advisory Committee Management.

[FR Doc. 81–36811 Filed 12–24–81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Advanced Reactors; Meeting

The ACRS Subcommittee on Advanced Reactors will hold a meeting on January 21 and 22, 1982, at the Argonne National Laboratory, Building 208, Room C–234, Argonne, IL. The Subcommittee will continue discussion regarding possible design considerations, issues, and criteria for future commercial advanced reactors and plans to prepare a report to submit to the ACRS. Experts in the field of risk perception and aversion will address/discuss those matters with the Subcommittee. Notice of this meeting was published November 25.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981 (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTION 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Thursday and Friday—January 21 and 22, 1982

8:30 a.m. until the conclusion of business each day.

The Subcommittee and its consultants will discuss possible design considerations, issues, or criteria for future commercial advanced reactors and plan to prepare a report to submit to the ACRS.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Elpidio Igne (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: December 21, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–38912 Filed 12–24–81; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Subcommittee on Fluid Dynamics; Meeting

The ACRS Subcommittee on Fluid Dynamics will hold a meeting on January 22, 1982 at the Holiday Inn Convention Center, 1020 South Figueroa, Windsor Room Right, Los Angeles, CA. The Subcommittee will continue its review of the Mark III containment modifications and discuss the status of the Unresolved Safety Issues on Mark I and II containments.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981, (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Friday, January 22, 1981—8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehnert (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: December 21, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–38913 Filed 12–24–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–10]

Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 35 to Facility Operating License No. DPR–2, issued to the Commonwealth Edison Company (the licensee), which revised the Technical Specifications for operation of Unit 1 of Dresden Nuclear Power Station (the facility) located in Grundy County, Illinois. The license amendment is effective as of its date of issuance.

This amendment authorizes the chemical cleaning of the Primary Cooling System and revises the Technical Specifications to allow deletion of requirements for maintaining containment integrity during the chemical cleaning of the cooling system and exclusion of the radioactive liquid storage tanks in the seismically designed Chemical Cleaning Building from the above-grade curie limitations. This amendment does not authorize operation of Unit 1 subsequent to the chemical cleaning. The Commission will consider such operation as a separate licensing action.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I; these findings are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The environmental impact of the chemical cleaning has been assessed in NUREG–0686 entitled "Final Environmental Statement Related to Primary Cooling System Chemical Decontamination at Dresden Nuclear Power Station, Unit No. 1", dated October 1980. The Commission has determined that the issuance of the technical specification change portion of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of that portion of the amendment. An environmental impact statement evaluating the chemical decontamination authorized by this amendment was prepared and issued in October 1980.

For further details with respect to this action, see (1) the applications for amendment dated December 19, 1974, as supplemented, and November 14, 1979, (2) Amendment No. 35 to License No. DPR–2, and (3) the Commission's related Safety Evaluation and Final Environmental Statement.[1] All of these

[1] The Final Environmental Statement (NUREG–0686) is available for purchase. Contact the National Technical Information Service, Springfield, VA 22161.

at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60451. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 18th day of December 1981.

For the Nuclear Regulatory Commission.

Thomas V. Wambach,

Acting Chief, Operating Reactors Branch #5, Division of Licensing.

[FR Doc. 81-36814 Filed 12-24-81; 8:45 am]

BILLING CODE 7590-01-M

PRESIDENT'S COMMISSION FOR STUDY OF ETHICAL PROBLEMS

President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research; Meeting

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committees Act, that the sixteenth meeting of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research will be held at the Water Resources Council, Lower Level Conference Room, 2120 L Street, N.W., Washington, D.C., from 9:00 a.m. to 5:00 p.m. on January 8, 1982, and from 9:00 a.m. to 4:15 p.. on January 9, 1982, and at the offices of the Commission, Suite 555, 2000 K Street, N.W., Washington, D.C., from 7:00 p.m. to 9:30 p.m. on January 8, 1982.

The meeting will be open to the public, subject to limitations of available space. The agenda for Friday, January 8 will include, among other things, Commission deliberation (1) on resuscitation and orders not to resuscitate, (2) on the care of patients who have permanently lost consciousness, and (3) on the Commission's projected schedule of meetings and projects through the completion of its mandated period of operation. The agenda for Saturday, January 9 will include, among other things, testimony on, and Commission discussion of, the ethical and legal implications of decisions in the neonatal intensive care unit.

At 1:15 p.m. on January 8, fifteen minutes will be devoted to comments from the floor on the subject of the agenda items for that day, and at 2:45 p.m. on January 9, fifteen minutes will be devoted to comments from the floor on the agenda items for that day, limited on both days to three minutes per comment. Written suggestions and comments will be accepted for the record from those who are unable to speak because of the constraints of time and from those unable to attend the meeting.

Records shall be kept on all Commission proceedings and will be available for public inspection at the Commission's office, located in Suite 555, 2000 K Street, N.W., Washington, D.C. 20006.

For further information, contact Andrew Burness, Public Information Officer, at (202) 653-8051.

Alexander M. Capron,

Executive Director.

[FR Doc. 81-36918 Filed 12-24-81; 8:45 am]

BILLING CODE 6425-AV-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 18351; SR-Amex-81-13]

American Stock Exchange, Inc.; Order Approving Proposed Rule Change

December 18, 1981.

In the matter of American Stock Exchange, Inc., 86 Trinity Place, New York, New York 10006 (SR-Amex-81-13).

On August 10, 1981, the American Stock Exchange, Inc. (the "Amex") filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change to amend Commentary .05 of Amex rule 155. Prior to the amendment the rule provided that if a specialist elected to take or supply for his own account securities named in an order entrusted to him by another member, the specialist was required to promptly notify the member who would then either confirm or reject the transaction. Under the amended rule, a specialist would no longer be required to provide notice to the member when he executes as principal limit orders received through the Post Executive Reporting System ("PER") or the Amex Options Switch System ("AMOS"). With respect to these transactions, a specialist is now required only to furnish the normal execution report which follows the execution of any PER or AMOS order. A member organization would then be permitted to reject such transactions provided that it acts promptly after receiving the execution report and provides written notice of the rejection to the specialist. Any transaction not rejected in this manner would be deemed to be confirmed.

In addition, the rule change amends Commentary .05 with respect to customers' limit orders which floor brokers have entrusted to specialists for execution, or which specialists have received directly from the floor booths of member firms. The rule previously provided that when a specialist executed such an order, as principal, he was required to fill out a special form to give notice to the member who placed the order, who then either confirmed or rejected the order. Under the amended rule, specialists are relieved of the obligation to fill out special forms to give notice of transactions in which they acted as principal. Instead, specialists are permitted to give notice by stamping each such order ticket with a uniform notation such as "principal transaction." Moreover, any transaction not specifically rejected is deemed confirmed.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission release (Securities Exchange Act Release No. 18033, August 14, 1981) and by publication in the **Federal Register** (46 FR 42387, August 20, 1981). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-36908 Filed 12-24-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22330; 70-6585]

National Fuel Gas Co.; Proposal Relating to Financing of Oil and Gas Drilling Program; Order to Solicit Proxies; Reservation of Jurisdiction

December 18, 1981.

In the matter of National Fuel Gas Company, 30 Rockefeller Plaza, New York, New York 10112 and Seneca Resources Incorporated, 10 Lafayette Square, Buffalo, New York 14203 (70-6585).

National Fuel Gas Company ("National"), a registered holding company, and Seneca Resources Corporation ("Seneca"), a non-utility subsidiary of National, have filed with this Commission an application-declaration and an amendment thereto pursuant to sections 6(a), 7, 12(b), and 12(e) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 45, 50(a)(5), 62, and 65 thereunder. National filed an amended proxy statement on December 18, 1981.

Seneca is engaged in gas and oil exploration and development activities which are concentrated primarily in the Gulf Coast areas of Texas and Louisiana and also in East Texas. Seneca's operations were expanded in order to develop a base of reserves for the System that could be used to offset declining supplies due to curtailments from pipeline suppliers of the System which were common at the time.

During its 1980 fiscal year, Seneca participated in the drilling of 50 wells of which 27 were found to be productive. During its 1981 fiscal year, Seneca participated in the drilling of 38 wells, 19 of which were found to be productive. At September 30, 1981, Seneca reported a net investment in oil and gas property of $38,158,403 after deducting $6,197,086 of depreciation, depletion and amortization. At September 30, 1981, independent engineering firms attributed to the significant properties of Seneca, net proved reserves of 10,671,628 MCF of gas and 774,722 barrels of oil and condensate.

Seneca proposes to create a drilling fund ("Fund") and to sell interests therein to a limited number of institutional investors ("Investors"). The investors will concurrently receive warrants entitling each investor, at its election, to exchange its interests in the properties of the fund at the end of three years for common stock of National. If a warrant is not so exercised, it will expire and the investor will retain its oil and gas interest, while the exercise of the warrant will make Seneca, as National's subsidiary, the owner of such interests.

The warrants will be issued in proportion to each investor's initial investment at a rate approximately the present book value of National common shares. It is expected that the total investment will be $42 million and that 930,000 warrants will be issued. National would receive $2 million as consideration for the warrants but reinvest this sum as additional equity capital in Seneca. The remaining $40 million would be the fund.

Seneca will spend the fund on exploratory prospects which have been generated by it or as a participant in prospects generated by others. It will receive interests in the fund properties and other compensation, as will be more fully described in the agreement with investors still being negotiated. The fund will not extend to development. Seneca and the investors will be obligated to carry their respective developments costs to the extent the exploratory program proves prospects worthy of development.

Seneca is required to expend at least one third of the fund by the end of the first year, at least two thirds by the end of the second year and any balance by the end of the third year, but may expend more rapidly. It expects to apply the initial fund to retirement of its existing bank debt and finance expenditures under its own line of credit to economize on borrowing, but National will guarantee repayment to the fund of any sums spent for Seneca's own purposes, and Seneca is prohibited from mortgaging or placing a lien on any properties of the fund.

If, at the end of the three year period, all investors exercise their warrants National would have issued 930,000 shares of common stock in exchange for $2,000,000 that was previously paid to National by the Investors, and the properties that were acquired and drilled with the $40,000,000. It is expected that the investors would exercise the warrants if the results of the drilling program are unsatisfactory, but would retain the oil and gas interests earned if they appear to be more valuable than the stock. To this extent, National will indirectly share part of the risk of its subsidiary's exploration efforts through the warrants.

National's Restated Certificate of Incorporation presently authorizes 9,500,000 shares of common stock. As of November 30, 1981, National has 5,122,515 shares outstanding. The expected 930,000 warrants will represent a potential 18.16% increase to 6,052,515 shares, but the percentage will be reduced to the extent other shares are issued by National during the three years.

Applicants-declarants propose to use an investment banking firm to assist in negotiating and placing interests in the fund with institutional investors. National requests an exception from the competitive bidding requirements of Rule 50. The fees and expenses are estimated to be $702,000, including $500,000 for commissions.

National also proposes to amend its Articles of Incorporation, at its Annual Meeting of Shareholders currently scheduled for February 18, 1982, to modify the provisions with respect to preemptive rights of its common shareholders and the provisions as to the par value of its common stock to facilitate the proposed transaction. It requests authorization under section 6(a)(1)(2) and 7(e) of the Act to solicit and adopt such amendments. It states that the affirmative vote of the majority of its common shareholders is required and a vote of preferred shareholders is not required.

National has filed its proxy solicitation material and requests that the effectiveness of its declaration with respect to the solicitation be accelerated as provided in Rule 62.

The application-declaration and an amendment thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by January 14, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective.

It appearing to the Commission that National's declaration regarding the proposed solicitation of proxies be permitted to become effective forthwith pursuant to Rule 62, that jurisdiction should be reserved with respect to the fees and expenses associated with the proposed transaction, and that the transaction does not lend itself to competitive bidding:

It is ordered That the application-declaration, as amended, regarding the proposed solicitation of proxies be, and it hereby is, granted and permitted to

become effective forthwith pursuant to Rule 62.

It is further ordered That National is authorized to negotiate for the sale of the interests as herein described.

It is further ordered That jurisdiction be, and it hereby is reserved, with respect to all fees and expenses associated with the proposed transaction.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-38805 Filed 12-24-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18350; File No. SR-PSE-81-22]

Self-Regulatory Organization; Proposed Rule Change by Pacific Stock Exchange Inc. Relating to Specialist Responsibility for Execution Reports Not Received by Member Firms

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 7, 1981, the Pacific Stock Exchange filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed Floor Procedure Advice relates to a Specialist's responsibility for execution reports not received by member firms. A Specialist is solely liable for any loss resulting from a report not received for a trade which should have been executed for the first three days following the day on which the customer deserved an execution. On the fourth and fifth day following the day the trade should have been executed, the Specialist is liable for half of any loss which resulted, and the member firm is liable for half of any loss which resulted. After the close of business on the fifth day following the day the trade should have been executed, the member firm is solely responsible for any loss resulting from the failure to receive an execution report.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments received on the proposed rule change. The text of these statements may be examined at places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.*

The proposed rule change sets forth time limitations on a Specialist's liability for execution reports which should have been received by a member firm that had placed an order with the Specialist. The rule specifies when any loss that is sustained as the result of a report not received shall be borne entirely by the Specialist, split between the Specialist and member firm, or borne entirely by the member firm.

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934, in general, and furthers the objectives of Section 6(b) (5) by promoting the cooperation and coordination between Specialists and Floor Brokers to achieve the clearing and settlement of securities transactions.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.*

The proposed rule change imposes no burden on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Other.*

Comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of the publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change; or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned, self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 18, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 18, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-38804 Filed 12-24-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18343; File No. SR-PSE-81-21]

Self-Regulatory Organization; Proposed Rule Change by Pacific Stock Exchange Inc. Relating to Increase in Fees for Exchange Services

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 10, 1981, the Pacific Stock Exchange Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Pacific Stock Exchange Incorporated is instituting rate increases in fees for Exchange services applicable to Member Organizations, Members, Specialists and Market Makers.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.*

The purpose of the proposed rule change is to offset, in part, the increased costs of supplying services provided by the Exchange. These costs include manpower, systems and utilities associated with providing marketplace services. No significant fee increases have been effected for over two years, with many fees remaining unchanged since 1973. The basis under the Act for the proposed rule change is Section 6(b)(4) permitting the rules of the Exchange to provide for the equitable allocation of reasonable dues, fees and other charges among its Members.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.*

The proposed rule change imposes no burden on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.*

Comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW, Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned, self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 18, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 17, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-38907 Filed 12-24-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18352; File No. SR-PHLX-81-18]

Self-Regulatory Organizations; Proposed Rule Change by Philadelphia Stock Exchange, Inc., Relating to Equity Specialist Rules

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 16, 1981, Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PHLX, pursuant to Rule 19b–4 of the Securities Exchange Act of 1934 (the "Act"), hereby proposes to amend its equity specialist rules in order to comply with Securities Exchange Rule 11b–1. Specifically the Exchange proposes to amend its rules in order to provide an "affirmative" obligation that a specialist engage in a course of dealings for his own account to assist in the maintenance, so far as practicable, of a fair and orderly market and a "negative" obligation that restricts a specialist's dealings, so far as practicable, to those reasonably necessary to maintain a fair and orderly market. In order to conform its specialists rules to certain current practices and procedures, the PHLX also proposes certain other amendments to these rules.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change.

In Securities Exchange Act Release No. 18157 (October 7, 1981), the Securities and Exchange Commission modified the exemptions provided to regional stock exchanges from Securities Exchange Act Rule 11b–1. The release provides that, effective January 1, 1982, the PHLX will be subject to the provisions of Rule 11b–1 with respect to any security which is listed on PHLX and which is not also listed on either the American or New York Stock Exchanges. The purpose of the proposed amendments to PHLX specialist rules is to conform them to the requirements of subparagraphs (a)(2) (ii) and (iii) of Rule 11b–1. However, the amendments would go beyond the requirements of that rule by providing that the so-called "affirmative and negative obligations" required by it apply in conjunction with Rule 203 to trading in securities for

which the primary market is on another exchange.

This filing also proposes that certain other amendments be made to PHLX rules to conform them with current exchange practices and procedures. For example, the term "specialist" is defined in Rule 201, as proposed in SR–PHLX 81–1, to mean odd-lot dealer and odd-lot dealer specialist. Thus, where appropriate, the terms odd-lot dealer and odd-lot dealer specialist have been deleted from PHLX rules. Rule 216, relating to record retention, has been amended to refer to Securities Exchange Act Rule 17a–4. Certain other rules which define the next sale in the primary market with reference to a two minute time period (Rules 227 (c) and (d) and Rules 228 (d) and (e)) have been deleted because they are obsolete in the era of the Consolidated Last Sale Reporting System.

The basis under the Act for the proposed rule change is in Section 6(b)(1) of the Act which provides, in part, that an exchange have the capacity to comply and to enforce compliance by its members with the provisions of the Act, the rules and regulations thereunder, and the rules of the exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition.

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.

No written comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 18, 1982.

For the commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 18, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–36802 Filed 12–24–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 12116; 811–3203]

Union Acceptance Co.; Filing of an Application for an Order Declaring That Applicant Has Ceased To Be An Investment Company

December 18, 1981.

In the matter of Union Acceptance Company, 415 Professional Building, Fairmont, W. Va. 26554 (811–3203).

Notice is hereby given that Union Acceptance Company ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as a closed-end, non-diversified, management investment company, filed an application on September 3, 1981, requesting an order of the Commission, pursuant to section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that Applicant, a Delaware corporation, registered under the Act by filing a notice of registration on Form N–8A on June 8, 1981. Applicant has not filed a registration statement pursuant to section 8(b) of the Act and has not registered its shares under the Securities Act of 1933. Within the last 18 months, Applicant has not transferred any of its assets to a separate trust, whose beneficiaries were or are security holders of Applicant.

Applicant states that at the time of filing of the application, there were 34 security holders of the Applicant. Applicant is not a party to any litigation or administrative proceeding and there has been no winding up of the Applicant's affairs. As of June 30, 1981, Applicant had total assets and liabilities of $1,832,197. Applicant continues to be in the business of investing.

On June 27, 1979, Applicant made an offer to purchase for cash all of the shares of its common stock at the price of $61.60. The offer was made to all stockholders other than members of the Hotchkiss family, the members of which then held and still hold a controlling interest in Applicant. Five thousand two hundred and nine (5,209) shares, or 54.7% of the shares owned by persons other than the Hotchkiss family, were tendered and purchased by Applicant. Those purchases reduced the number of record holders of Applicant's common stock from 610 to 507 and the number of holders of round lots from 26 to 8. Applicant was not registered under the Act at that time and the offer, therefore, violated Section 7(a)(2) of the Act. This fact was disclosed to stockholders in the proxy statement of Applicant dated June 9, 1981.

On March 17, 1980, Applicant filed a preliminary copy of a Transaction Statement pursuant to Rule 13e–3 under the Securities Exchange Act of 1934 in connection with a proposed 1-for-20 reverse split of the then-outstanding common stock. In a letter dated April 4, 1980, the Division of Corporation Finance of the Commission ("Division") advised Applicant that it was an investment company subject to the Act. Upon further study of the Act, Applicant determined that it had been an investment company since April, 1979, when a subsidiary of Applicant, Bell Furniture Company, was sold.

Applicant advised the Division that it would register as an investment company under the Act and carry out a reverse split. The reverse split would leave Applicant with fewer than 100 stockholders, and therefore, under section 3(c)(1) of the Act, Applicant would no longer be an investment company within the meaning of the Act.

Section 3(c)(1) of the Act provides that any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than 100 persons and which does not presently propose to make a public offering of its securities is not an investment company.

The reverse split was described in the Applicant's proxy statement dated June 9, 1981. As a result of a vote of holders of common stock at a special meeting on June 30, 1981, Applicant's certificate of incorporation was amended on July 1, 1981, to effect a 1-for-20 reverse split of its common stock. As a result of that transaction, the number of stockholders was reduced from 509 to 34.

Applicant submits that it is no longer an investment company as defined by section 3(c)(1) of the Act since it now has less than 100 shareholders and has no plans to make a public offering of its stock. Section 8(f) of the Act provides, in part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking of such order, the registration of such company under the Act shall cease to be in effect.

Accordingly, Applicant requests that the Commission issue an order pursuant to section 8(f) of the Act declaring that it has ceased to be an investment company.

Notice is further given that any interested person may, not later than January, 11, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–36803 Filed 12–24–81; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD–81–102]

New York Vessel Traffic Service; Advisory Committee Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the New York Harbor Vessel Traffic Service Advisory Committee to be held on 27 January 1982, in the conference room, second floor, U.S. Coast Guard Marine Inspection Office, Battery Park Office, New York, New York, beginning at 9:30 a.m.

The agenda for this meeting of the New York Harbor Vessel Traffic Service Advisory Committee is as follows:

Review of proposed operating procedures for Vessel Traffic Service New York.

The New York Harbor Vessel Traffic Service Advisory Committee was established by Commander, Third Coast Guard District to advise on the need for, and development, installation and operations of a Vessel Traffic Service for New York Harbor. Members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Attendance is open to the interested public. With advance notice to the Chairman, members of the public may make oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Committee at any time.

Additional information may be obtained by writing Captain D. J. Linde, USCG, Executive Director, NYHVTS Advisory Committee, New York Vessel Traffic Service, Governors Island, New York, New York 10004; or by calling (212) 668–7954.

Dated: December 14, 1981, in New York, N.Y.

J. S. Gracey,

Vice Admiral, U.S. Coast Guard, Commander, Third Coast Guard District.

[FR Doc. 81–36801 Filed 12–24–81; 8:45 am]

BILLING CODE 4910–14–M

Federal Aviation Administration

Availability of Final Environmental Impact Statement; Proposed Ocean Shores Airport; City of Ocean Shores, Washington

The Nortwest Regional Office of the Federal Aviation Administration (FAA) announces the availability for public review of the Final Environmental Impact Statement for the proposed Ocean Shores Airport at the City of Ocean Shores, Washington. Copies of the document are available for public review at the Offices of the City of Ocean Shores, the FAA Office in Seattle (Airports Division), and the Ocean Shores City Library. Review comments must be received by Mr. Mark Beisse, Acting Chief, Planning and Programming Branch, FAA Building, King County International Airport, Seattle, Washington 98108 by January 29, 1982. For information or questions, please call Mr. Beisse at (206) 767–2633.

Dated: December 28, 1981.

Mark A. Beisse,

Acting Chief, Planning and Programming Branch, ANW–610.

[FR Doc. 81–36827 Filed 12–24–81; 8:45 am]

BILLING CODE 4910–13–M

Office of the Secretary

Minority Business Resource Center Advisory Committee; Relocation of Meeting

This notice is given to advise of the relocation of the Minority Business Resource Center Advisory Committee meeting originally scheduled to be held January 18, 1982 in San Francisco, CA. Notice of meeting was published in the **Federal Register** issue of December 7, 1981 (46 FR 59690).

Notice is hereby given of the relocation of said meeting for January 18, 1982, at 10:00 a.m. until 1:00 p.m. in Room 9230–9232 at the Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590. The agenda for the meeting remains the same as published in the issue of November 27, 1981.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to persent oral statements should notify the Minority Business Resource Center not later than the day before the meeting. Information pertaining to the meeting may be obtained from Ms. Betty Chandler, Minority Business Resource

Center, 400 7th Street, SW., Washington, D.C. 20590, telephone (202) 426–2852. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on December 18, 1981.

Melvin Humphrey,

Director, Office of Small and Disadvantaged Business Utilization.

[FR Doc. 81–36932 Filed 12–24–81; 8:45 am]

BILLING CODE 4910–62–M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 248
Monday, December 28, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENT

	Items
Federal Communications Commission	1, 2
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1

FEDERAL COMMUNICATIONS COMMISSION.

Additional Item To Be Considered at Commission Open Meeting, Thursday, December 17, 1981

The Federal Communications Commission will consider this additional item on the subject listed below at the Open Meeting scheduled for Thursday, December 17, 1981, starting at 9:30 A.M. in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No., and Subject

Common carrier—10—Title: CC Docket No. 80-286, *Amendment of Part 67 of the Commission's Rules.*

Summary: The Commission will decide whether to request comments on the Federal-State Joint Board's recommended decisions phasing CPE out of the jurisdictional separations process and freezing SPF.

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given consideration of this additional item.

Additional information concerning this meeting may be obtained from Maureen Peratino FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: December 16, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S 1929-81 Filed 12-23-81; 8:15 am]

BILLING CODE 6712-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of Agenda Items From December 17th Open Meeting

The following item has been deleted at the request of the Office of Commissioner Rivera from the list of agenda items scheduled for consideration at the December 17, 1981, Open Meeting and previously listed in the Commission's Notice of December 10, 1981.

Agenda, Item No., and Subject

Common Carrier—9—Title: Prescription of Revised Depreciation Rates (AT&T).

Summary: The Commission will consider revised whole-life and remaining-life depreciation rates for all or portions of the plant for long lines department and the operating companies of the American Telephone & Telegraph Co.

Title: Prescription of Revised Depreciation Rates (GTE).

Summary: The Commission will consider revised remaining-life depreciation rates for all or portions of the plant of the companies of the GTE Service Corporation for which the Commission prescribes depreciation rates.

Title: Prescription of Revised Depreciation Rates (Continental Telephone Co. of Virginia).

Summary: The Commission will consider revised remaining-life depreciation rates for all of the plant of the Continental Telephone Co. of Virginia.

Issued: December 16, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

The following item has been deleted at the request of the Office of Commissioner Fogarty from the list of agenda items scheduled for consideration at the December 17, 1981, Open Meeting and previously listed in the Commission's Notice of December 10, 1981.

Agenda, Item No., and Subject

Broadcast—5—Title: *Third Further Notice of Proposed Rule Making* in Docket No. 21474 (Broadcast Equal Employment Opportunity Rules).

Summary: The Commission will consider whether to issue a *Third Further Notice of Proposed Rule Making* in its ongoing equal employment opportunity ("EEO") proceeding. The proposals under consideration would modify various data filing requirements.

[S. 1930-81 Filed 12-23-81; 9:09 am]

BILLING CODE 6712-01-M

3

FEDERAL ELECTION COMMISSION.

DATE AND TIME: *Thursday, December 10, 1981* (followed the conclusion of the open meeting).

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: Due to extra ordinary circumstances, the Commission held a meeting which was closed to the public for the purposes of discussing the release of the Reagan/Bush Audit Report on December 11, 1981.

DATE AND TIME: *Thursday, December 17, 1981 at 10:00 a.m.*

PLACE: 1325 K Street, NW., Washington, D.C. (Fifth Floor).

STATUS: Due to the lack of a quorum, the open meeting was not held.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, Telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S 1932-81 Filed 12-23-81; 10:17 am]

BILLING CODE 6715-01-M

4

FEDERAL ENERGY REGULATORY COMMISSION.

Meeting December 22, 1981

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

TIME AND DATE: December 29, 1981, 10:00 a.m.

PLACE: 825 North Capitol Street, N.E., Washington, D.C. 20426, Room 9306.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda

740th Meeting—December 29, 1981, Regular Meeting (10:00 a.m.)

CAP-1.—Docket No. ER82-80-000, Public Service Company of Oklahoma
CAP-2.—Docket No. ER78-338 (Phase I and II), Public Service Company of New Mexico

Consent Miscellaneous Agenda

CAM—1.—Docket No. GP82—, Section 107 Well Category Determination, Amoco Production Company, USA Amoco T #1 Well, JD81–46228

CAM–2.—Docket No. QF82–6–000, Mercy Hospital and Medical Center, Small Power Production and Cogeneration Facilities—qualifying status

Consent Gas Agenda

CAG–1.—Docket No. RF82–13–000, National Fuel Gas Supply Corporation

CAG–2.—Docket No. RF82–16–000, United Gas Pipe Line Company

CAG–3.—Docket No. TA82–1–30–000, Trunkline Gas Company

CAG–4.—Docket No. CI81–460–000, Pennzoil Producing Company; Docket No. CI81–356–001, Aminoil Development, Inc.; Docket No. CI81–43–000, Arco Oil and Gas Company; Division of Atlantic Richfield Company; Docket No. CI76–201, Chevron U.S.A. Inc.; Docket No. CI01–2–000, Arco Oil and Gas Company, Division of Atlantic Richfield Company; Docket No. CS71–571–000, Houston Oil & Gas Company, Inc.; Docket No. CI81–189–000, Southwest Gas Storage Company

CAG–5.—Docket No. RP76–3, The Inland Gas Company, Inc.

CAG–6.—Docket No. TC82–5–000, Mid Louisiana Gas Company

CAG–7.—Docket No. CP81–478–000, Tennessee Gas Pipeline Company, a division of Tenneco Inc.

CAG–8.—Docket No. CP81–181–000, United Gas Pipe Line Company and Florida Gas Transmission Company

Power Agenda

I. Licensed Project Matters
P–1.—Reserved
II. Electric Rate Matters
ER–1. Docket No. ER82–67–000, Wisconsin Public Service Company
ER–2. Docket No. ER82–79–000, Ohio Edison Company
ER–3. Docket Nos. ER77–485 and ER77–551, Carolina Power & Light Company; Docket No. E–9606, North Carolina Electric Membership Corporation, et al., v. Carolina Power & Light Company

Miscellaneous Agenda

M–1. Reserved

Regular Gas Agenda

I. Pipeline Rate Matters
RP–1. Reserved
II. Producer Matters
CI–1. Reserved
III. Pipeline Certificate Matters
CP–1. Docket Nos. RP72–99 and TC79–6 (compensation), Transcontinental Gas Pipe Line Corporation
CP–2. Docket No. CP82–73–000, Northwest Pipeline Corporation

Kenneth F. Plumb,

Secretary.

[S–1933–81 Filed 12–23–81; 10:52 am]

BILLING CODE 6717–01–M

5

POSTAL SERVICE BOARD OF GOVERNORS.

Vote to Close Meeting

On December 21, 1981, by recorded vote taken during a telephone conference call, the Board of Governors of the United States Postal Service voted to close to public observation a portion of its meeting scheduled for January 7, 1982. Each of the members voted in favor of closing this portion of the meeting, except Mr. Benson (who was absent) and Mr. Sullivan (who had rung off before the vote was taken). The meeting is expected to be attended by the following persons: Governors Hardesty, Babcock, Camp, Hughes, Jenkins and Sullivan; Postmaster General Bolger, Deputy Postmaster General Benson; Secretary of the Board Cox; and Counsel to the Governors Califano.

The portion of the meeting to be closed will consist of a discussion among the members of compensation for certain postal executives.

The Board is of the opinion that public access to this discussion would be likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(6) of title 5, United States Code, and § 7.3(f) of title 39, Code of Federal Regulations, the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b(b)), in that it is likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. The Board has also determined that the public interest does not require that the Board's discussion be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and § 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that, in his opinion, the meeting to be closed may properly be closed to public observation, pursuant to section 552b(c)(6) of title 5, United States Code and § 7.3(f) of title 39, Code of Federal Regulations.

Louis A. Cox,

Secretary.

W. Allen Sanders,

Liaison Officer for the U.S. Postal Service.

[S–1931–81 Filed 12–23–81; 9:58 am]

BILLING CODE 7710–12–M

6

UNITED STATES RAILWAY ASSOCIATION.

AGENCY HOLDING THE MEETING: United States Railway Association.

DATE AND TIME: January 7, 1982; 2:00 p.m.

PLACE: Board Room, Room 2–500, Fifth Floor, 955 L'Enfant Plaza North, SW, Washington, D.C.

STATUS: The first portion of this meeting will be closed to the public; the remainder will be open to the public.

MATTERS TO BE CONSIDERED BY THE USRA BOARD OF DIRECTORS:

Portions Closed to the Public (2:00 p.m.)

1. Internal Personnel Matters.
2. Litigation Report.
3. Review of Conrail Proprietary and Confidential Financial Information.

Portions Open to the Public (2:30 p.m.)

4. Approval of Minutes of December 3 Meeting.
5. Conrail Monitoring.

CONTACT PERSON FOR MORE INFORMATION: Alex Bilanow, (202) 426–4250.

[S 1928–81 Filed 12–22–81; 4:24 pm]

BILLING CODE 8240–01–M

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federal register

Monday
December 28, 1981

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

California:	
CA81-5454	Sept. 25, 1981.
CA81-5129	July 6, 1981.
Idaho: ID81-5157	Oct. 9, 1981.
Kansas: KS81-4047	July 6, 1981
Maryland: MD80-3047	Aug. 29, 1980.
Massachusetts: MA81-3054	Sept. 4, 1981.
New Jersey: NJ81-3053	Oct. 9, 1981.
Pennsylvania:	
PA80-3055	Oct. 3, 1980.
PA80-3074	Dec. 12, 1980.
PA80-3075	Dec. 5, 1980.
PA81-3029	July 10, 1981.
PA81-3041	July 6, 1981.
PA81-3043	July 17, 1981.
PA81-3060	Oct. 23, 1981.
PA81-3044	Aug. 7, 1981.
PA81-3076	Oct. 9, 1981.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded:

New Jersey: NJ80-3013 (NJ81-3063)	June 27, 1980.
Pennsylvania: PA80-3011 (PA81-3091)	Feb. 22, 1980.

The next wage determinations will be published on January 5, 1982.

Signed at Washington, D.C.,
this 18th day of December 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

Modification Page 2
DECISION NO. CA81-5129 - Mod. #3
(46 FR 34961 - July 6, 1981)

Modification Page 1
DECISION NO. CA81-5454 - Mod. #5
(46 FR 43784 - September

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Modification Page 1

DECISION NO. CA81-5454 - Mod. #5
(46 FR 43784 - September 25, 1981)
Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Cos., California

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
ELECTRICIANS:					
Area 8:					
Electricians	$20.55	1.30	3%+1.50		.03
Cable Splicers	22.05	1.30	3%+1.50		.03
Area 10:					
Electricians	20.55	1.30	3%+1.50		.03
Cable Splicers	22.05	1.30	3%+1.50		.03
LINE CONSTRUCTION:					
Area 9:					
Lineman	23.75	1.30	3%+1.50		.03
Cable Splicers	25.25	1.30	3%+1.50		.03
Equipment Operators	23.75	1.30	3%+1.50		.03
Groundman	18.56	1.30	3%+1.50		.03
Area 11:					
Lineman	20.75	1.30	3%+1.50		.03
Cable Splicer	22.75	1.30	3%+1.50		.03
Equipment Operator	20.75	1.30	3%+1.50		.03
Groundman	15.56	1.30	3%+1.50		.03

Modification Page 2

DECISION NO. CA81-5129 - Mod. #3
(46 FR 34961 - July 6, 1981)
Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino San Luis Obispo, Santa Barbara, and Ventura Counties, California

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
Area 9:					
Electricians	$23.55	$1.30	3%+1.50		.03
Cable Splicers	25.05	1.30	3%+1.50		.03
Area 10:					
Electricians	20.55	1.30	3%+1.50		.03
Cable Splicers	22.05	1.30	3%+1.50		.03
DECISION NO. ID81-5151 - Mod #3 (46 FR 50223 - October 9, 1981) Statewide Idaho					
CHANGE:					
BOILERMAKERS:					
Area 2	$15.71	1.30	1.15	1.00	.04
DECISION #KS81-4047 - Mod. #1 (46 FR 34977 - July 6, 1981) Sedgwick County, Kansas					
Change:					
Boilermakers	$14.97	1.375	1.15		.05
Bricklayers, stonemasons	12.40	.70	.50		.03
Carpenters:					
Carpenters	11.60	.70			.08
Millwrights, piledrivermen	11.90	.70			.08
Electricians:					
Electricians	14.25	.75	3%+.75		1%
Cable splicers	14.50	.75	3%+.75		1%
Ironworkers	12.76		1.00	.53	.14
Pipefitters, plumbers	14.60	.80	1.00		.08
Tile, marble, and terrazzo mechanics	11.80				
Omit:					
Lathers	9.90		.15		.01

Modification Page 3

DECISION NO. MD80-3047 - MOD. 84 (45 FR 57922 - August 29, 1980) ALLEGANY AND GARRETT COUNTIES, MARYLAND	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
POWER EQUIPMENT OPERATORS:					
HEAVY CONSTRUCTION:					
GROUP 1	14.17	1.00	1.25		.15
GROUP 2	13.68	1.00	1.25		.15
GROUP 3	13.16	1.00	1.25		.15
GROUP 4	12.75	1.00	1.25		.15
GROUP 5	12.35	1.00	1.25		.15
GROUP 6	11.87	1.00	1.25		.15
HIGHWAY CONSTRUCTION:					
GROUP 1	13.98	1.00	1.25		.15
GROUP 2	13.48	1.00	1.25		.15
GROUP 3	12.89	1.00	1.25		.15
GROUP 4	12.52	1.00	1.25		.15
GROUP 5	12.09	1.00	1.25		.15
GROUP 6	11.66	1.00	1.25		.15

HEAVY AND HIGHWAY CONSTRUCTION CLASSIFICATIONS

GROUP 1 - Operators handling or setting steel stone, pre-stressed concrete or machinery tower cranes

GROUP 2 - Backfiller, backhoe, concrete mixing plant, batching plants, cable way, derrick boat dragline, elevating grader, compressors (2 or more), space heaters, hoist (2 active drums or more), pile driving machine, power crane, power shovel, standard gauge locomotive trenching machine, tunnel mucking machine, whirley rig, certified welders, concrete paver, double concrete pump, front end loader (over 2 yds.), over 4 welders top scale (more than 6, another man), Eimco type overhead loader, wellpoint system, mighty midget with compressor, equipment foreman, twin engine scraper (25 yds. & over), mechanic, mechanic's welder, grader, all bulldozers, tire maintenance truck

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HEAVY AND HIGHWAY CONSTRUCTION CLASSIFICATIONS CONT'D

GROUP 3 - Tractor with attachments (2 or more), front end loader (up to and including 2 yds.)

GROUP 4 - Concrete mixer, concrete pump, one drum hoist, narrow gauge locomotive, power roller, asphalt spreader, pumps (not exceeding 4), well drill, engine driven welders (not exceeding 4), single compressors (over 210 C.F.M.), steam hammer, pile extractor, conveyor, stone crusher, hi-lift, excavating scoop, finishing machine, bull float, longitudinal float, screeding machine, concrete spreader, sub grader

GROUP 5 - Fireman, truck crane oiler, wheel tractor, grease truck operator

GROUP 6 - Oiler, greaser, mechanic's helper, single compressor over 180 C.F. and up to 210 C.F.M.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
POWER EQUIPMENT OPERATORS:					
HEAVY CONSTRUCTION:					
GROUP 1	14.17	1.00	1.25		.15
GROUP 2	13.68	1.00	1.25		.15
GROUP 3	13.16	1.00	1.25		.15
GROUP 4	12.75	1.00	1.25		.15
GROUP 5	12.35	1.00	1.25		.15
GROUP 6	11.87	1.00	1.25		.15
HIGHWAY CONSTRUCTION:					
GROUP 1	13.98	1.00	1.25		.15
GROUP 2	13.48	1.00	1.25		.15
GROUP 3	12.89	1.00	1.25		.15
GROUP 4	12.52	1.00	1.25		.15
GROUP 5	12.09	1.00	1.25		.15
GROUP 6	11.66	1.00	1.25		.15

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DECISION NO. MA81-3054 - MOD. #2 (46 FR 44631 - September 4, 1981)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BARNSTABLE, BRISTOL, DUKES, ESSEX, MIDDLESEX, NANTUCKET, NORFOLK, PLYMOUTH AND SUFFOLK COUNTIES, MASSACHUSETTS					
CHANGE:					
CARPENTERS AND SOFT FLOOR LAYERS:					
MIDDLESEX (Ashby, Ayer, Lunenburg, Shirley, Lancaster, Harvard, Groton, Pepperell, Townsend, W. Groton, and W. Townsend	14.11	1.05	1.40		.17
ESSEX (Methuen, Lawrence, Andover, N. Andover)	14.26	1.05	1.25		.17
ESSEX (Ipswich, Essex, Gloucester, Rockport, Topsfield, Hamilton, Wenham, Middleton, Danvers, Beverly, Manchester, Peabody, Salem, Marblehead)	13.30	1.05	1.15		.03
SUFFOLK, MIDDLESEX (Remainder of County); Norfolk (all except Avon, Holbrook, Randolph and Stoughton); ESSEX (Remainder of County); PLYMOUTH (Duxbury, Hanover, Hingham, Hull, Marshfield, Norwell, Pembroke, Rockland and Scituate); Bristol (Attleboro, N. Attleboro, & Seekonk)	14.11	1.05	1.40		.17
BARNSTABLE; NORFOLK (Avon, Holbook, Randolph and Stoughton); PLYMOUTH (Remainder of Co.); BRISTOL (Remainder of County); DUKES; NANTUCKET	13.63	.80	1.15		.07

Modification Page 6

DECISION NO. MA81-3054 - (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
MIDDLESEX (Ashby, Ayer, Ft. Devens, Groton, Pepperell, Shirley, Townsend)	13.55	.75	1.35+3%		.02
MIDDLESEX (Ashland, Hopkinton, Hudson, Marlboro and Stow)	15.28	8%	.94+3%		.01
BARNSTABLE CO.; PLYMOUTH (Mattapoiset, Rochester, Wareham); BRISTOL COUNTY (Acusnet, Dartmouth, Fairhaven, New Bedford, N. & S. Dartmouth); DUKES; NANTUCKET	13.10	2.30	1.50+3%		E
BRISTOL (Fall River, Freetown, Seekonk, Somerset, Swansea, Westport	13.10	7%	1.00+3%	6%	4%
BRISTOL (Mansfield, Norton Taunton, Raynham, Rehoboth, Dighton, Berkley)					
PLYMOUTH (Lakeville, Middleboro)	14.00	1.00	1.00+3%		1/10of1%
Residential	10.75	1.00	1.00+3%		1/10of1%
HEAVY AND HIGHWAY LABORERS:					
CLASS I	11.05	.90	1.20		.15
CLASS II	11.30	.90	1.20		.15
CLASS III	11.80	.90	1.20		.15
CLASS IV	12.05	.90	1.20		.15
PAINTERS:					
BARNSTABLE, PLYMOUTH (Marion, Mattapoisett, Rochester, Wareham); BRISTOL (Acushnet, Dartmouth, Fairhaven, New Bedford, N. & S. Dartmouth); DUKES; NANTUCKET					
Brush/Roller	12.13	.90	.98		
Taping	12.23	.90	.98		
Spray	13.48	.90	.98		
Sandblast, Chipping Hammer, Power Brush	13.63	.90	.98		
Paperhangers, Vinyl Installer	12.63	.90	.98		

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DECISION NO. MA81-3054 - (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Steel	15.38	.90	.98		
Steel Spray	16.73	.90	.98		
Sandblast, Chipping Hammers, Power Tools (Steel)	16.88	.90	.98		
SIGN PAINTERS	11.30	1.00	.50		.04
PILEDRIVERMEN	15.40	1.00	1.00		
PLUMBERS AND STEAMFITTERS: BARNSTABLE; BRISTOL (Acushnet, Dartmouth, Fairhaven, Fall River, Freetown, New Bedford, N. & S. Dartmouth, Somerset, Swandea, Westport and Seekonk) PLYMOUTH (Marion, Mattapoisett, Rochester and Wareham); DUKES, NANTUCKET	13.39	1.05	1.88		.20
Residential	12.05	1.05	1.88		.20
ROOFERS: BRISTOL (Remainder of Co.) Journeyman	13.45	.90	1.95		.17
Pitch Work	14.45	.90	1.95		.17
SHEET METAL WORKERS: SUFFOLK, MIDDLESEX, NORFOLK, ESSEX, PLYMOUTH (Remainder of County); BRISTOL (Remainder of County)	15.43	1.22	2.25		.10
BUILDING HEAVY, HIGHWAY AND MARINE CONSTRUCTION POWER EQUIPMENT OPERATORS:					
CLASS I	15.76	1.18	1.40	a	.08
CLASS II	15.64	1.18	1.40	a	.08
CLASS III	13.21	1.18	1.40	a	.08
CLASS IV	14.39	1.18	1.40	a	.08
CLASS V	11.72	1.18	1.40	a	.08
CLASS VI	12.43	1.18	1.40	a	.08
CLASS VII	16.33	1.18	1.40	a	.08
CLASS VIII	16.79	1.18	1.40	a	.08
CLASS IX	17.19	1.18	1.40	a	.08
CLASS X	17.93	1.18	1.40	a	.08

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DECISION NO. MA81-3054 - (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS XI	18.78	1.18	1.40	a	.08

CLASSIFICATIONS

CLASS I - Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elecator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site, crusher plant (on site), paving concrete mixers, timber jacks.
CLASS II - Sonic or vibratory hammers, graders, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)
CLASS III - Pumps (1-3 grouped), compressors, welding machines (1-3 grounded) generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pullsometers, concrete mixers, values controlling permanent plant air or steam, conveyors, Jackson type tampers, single diaphragn pump, lighting plants
CLASS IV - Assistant engineers (firemen)
CLASS V - Assistant engineers (other than truck cranes and gradalls)
CLASS VI - Assistant engineers (on truck cranes and gradalls)
CLASS VII - Boom lengths over 150 ft.
CLASS VIII - Boom lengths over 185 ft.
CLASS IX - Boom lengths over 210 ft.
CLASS X - Boom lenghts over 250 ft.
CLASS XI - Boom lengths over 295 ft.

FOOTNOTES:
a. PAID HOLIDAYS: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington'S Birthday, Columbus Day, Veterans Day and Patriots Day

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. NJ81-3053 - MOD. #3 (46 FR 50243 - October 9, 1981) BERGEN, ESSEX, HUDSON, HUNTERDON, MIDDLESEX, MORRIS, PASSAIC, SOMERSET, SUSSEX, UNION AND WARREN COUNTIES, NEW JERSEY					
CHANGE:					
CARPENTERS, INSULATORS & MILLWRIGHTS					
ZONE 3					
Carpenters & Insulators	14.75	8%	7%		5/10%
Millwrights	15.25	8%	7%		5/10%
ZONE 5					
Carpenters & Insulators	14.75	8%	7%		5/10%
Millwrights	15.25	8%	7%		5/10%
ELECTRICIANS:					
RAIL-ROAD CONSTRUCTION:					
Bergen & Hudson Cos.	17.00	12%	9%+.58		.75%
COMMERCIAL TELEPHONE INSTALLATION:					
Bergen & Hudson Cos.	17.00	12%	9%+.58		5/10%
ZONE 2	14.56	7%	6.5%+ 2.00		.02
GLAZIERS:					
ZONE 2	15.90	.81	3.00		.05
ZONE 3	15.70	1.25	3.00		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. PA80-3055 MOD. NO. 11 ([illegible] - October 3, 1980) Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania					
CHANGE:					
BUILDING, HEAVY & HIGHWAY CONSTRUCTION					
Asbestos Workers					
Zone 1	$15.79	1.10	1.44		.01
Electricians					
Commercial					
Zone 1	15.75	1.10	3%+.75		.18
Steamfitters					
Zone 1	16.01	.95	2.05		.11
Plumbers					
All Other Work:					
Zone 1	16.48	1.10	1.40		.14
Zone 2	16.33	.85	1.40		.14
Sheet Metal Workers					
Commercial					
Zone 1	16.78	1.69	1.18		.07
Zone 3	13.86	2.67	1.31		.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. PA80-307A MOD. NO. 1 (45 FR 81981 - December 12, 1980) Clinton, Centre, Huntingdon, Fulton & Mifflin Counties, Pennsylvania					
CHANGE:					
Cement Masons					
Zone 3	$12.10	.90	.90		
Painters					
Zone 2					
Commercial					
Brush & Roller	11.99	1.10	1.10		.01
Spray	12.49	1.10	1.10		.01
Industrial					
Brush & Steel	12.84	1.10	1.10		.02
Spray	13.34	1.10	1.10		.02
Roofers:					
Zone 2					
Composition & Kettlemen	12.05	1.00	1.10		
Sheet Metal Workers					
Zone 2	13.51	1.63	1.18		.23
DECISION NO. PA80-3075 MOD. NO. 8 (45 FR 80638 - December 5, 1980) Northampton County, Pennsylvania					
CHANGE:					
Cement Masons	13.10	1.10	.75		.01
Electricians:					
Remainder of County	15.00	1.05	3%+1.00		.02
Line Construction:					
Lineman & Cable Splicer	15.44	.60	3%		3/8%
Groundman	9.26	.60	3%		3/8%
Winch truck operator	10.81	.60	3%		3/8%
Plasterers	12.99	1.10	.75		.01
Sheet Metal Workers	13.51	1.63	1.18		.23
Soft Floor Layers	11.80	1.15	1.15	.65	
Steamfitters	15.61	.95	2.05		.11
Terrazzo Workers	12.10	1.10	.75		.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. PA81-3019 MOD. NO. 3 (46 FR 35891 - July 10, 1981) Blair County, Pennsylvania					
CHANGE:					
Painters	$11.99	1.10	1.10		.02
Sheet Metal Workers	13.51	1.63	1.18		.23
DECISION NO. PA81-3041 MOD. NO. 3 (46 FR 34934 - July 6, 1981) Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Mercer, Lawrence, McKean, Mifflin, Potter, Somerset, Venango, Warren, Washington, Westmoreland Cos., Pa.					
CHANGE:					
Plumbers (Bridge - Drain pipe) Allegheny, Washington, Greene, Armstrong Counties	15.05	1.05+.13	1.80		.07

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Modification Page 13

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. PA81-3043					
MOD. NO. 3					
(46 FR 37212 - July 17, 1981)					
Armstrong, Allegheny, Beaver, Butler, Fayette, Indiana, Washington & Westmoreland Counties, Pennsylvania					
CHANGE:					
Painters:					
Zone 6					
Commercial					
Brush	$11.99	1.10	1.10		.02
Spray	12.49	1.10	1.10		.02
Industrial					
Brush	12.84	1.10	1.10		.02
Spray	13.34	1.10	1.10		.02
Plumbers					
Zone 3	15.05	1.05+.12	1.80		.07
Stonemasons					
Zone 4	14.71	.95	1.10	2.00	
Steamfitters					
Zone 1	15.30	1.35	1.44		.10
DECISION NO. PA81-3080					
MOD. NO. 1					
(46 FR 52078 - October 23, 1981)					
Lehigh County, Pennsylvania					
CHANGE:					
Carpenters	$13.17	1.07	1.07		.05
Electricians	14.05	.70	3%+.80		.04
Millwrights	13.57	1.07	1.07		.05
Plumbers	16.08	1.10	1.40		.14
Soft Floor Layers	11.80	1.15	1.15	.65	
Sheet Metal Workers	13.51	1.63	1.18		.23
Steamfitters	15.61	.95	2.05		.11

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. PA81-3044					
MOD. NO. 5					
(46 FR 40477 - August 7, 1981)					
Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Crawford, and Venango Counties, Pennsylvania					
CHANGE:					
Cement Masons					
Zone 3	$15.40	.75	.50		.02
Painters					
Zone 1					
Commercial					
Brush & Roller	11.99	1.10	1.10		.01
Industrial					
Brush	12.84	1.10	1.10		.02
Spray	13.34	1.10	1.10		.02
Sheet Metal Workers					
Zone 2	13.51	1.63	1.18		.23
DECISION NO. PA81-3076					
MOD. NO. 1					
(46 FR 50263 - October 9, 1981)					
McGuylkill County, Pennsylvania					
CHANGE:					
Electricians:					
Pine Grove and Tremont Twps.	13.09	.65	3%+.67		½ of 1%
Marble Setters & Terrazzo Workers	11.60	.70	1.45		
Roofers:					
Barry, Branch, Butler, Delano, East Brunswick, East Union, Eldred, Foster, Frailey, Hegins, Hubley, Kline, New Castle, North Union, Porter, Hahn, Reilly, Rush, Fremont, Union, Upper Mahantango, West Penn.	12.05	1.00	1.10		

SUPERSEDEAS DECISION

STATE: NEW JERSEY COUNTIES: BELOW*
DECISION NO.: NJ81-3063 DATE: DATE OF PUBLICATION
Supersedes Decision No. NJ80-3013 dated June 27, 1980 in 45 FR 43635
DESCRIPTION OF WORK: Building (excluding single family homes and apartments up to and including 4 stories), Heavy and Highway Project Construction
* ATLANTIC, BURLINGTON, CAMDEN, CAPE MAY, CUMBERLAND, GLOUCESTER, MERCER, MONMOUTH, OCEAN AND SALEM

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING & REFRIGERATION MECHANICS: Installation of refrigeration equipment for any type of building where the combined compressor tonnage does not exceed 5 tons; installation of water-cooled air-conditioning that does not exceed 10 tons (includes the piping of component system and the erection of the water tower); installation of air-cooled air conditioning that does not exceed 15 tons	9.10	.065	.31	E	.04
ASBESTOS WORKERS:					
ZONE 1	13.87	.90	1.35		
ZONE 2	14.78	1.00	1.85		.025
ZONE 3	10.25	.92	1.03	1.74	.04
ZONE 4	12.29	.55	1.00		.03
ZONE 5	13.21	1.00	1.35		.08

AREA COVERED BY ASBESTOS WORKERS' ZONES

ZONE 1 - Atlantic, Burlington (Bass River and Washington Twps.), Cape May, Cumberland and Ocean (Eaglewood, Lacy, Little Egg Harbor, Long Beach, Ocean, Stafford, Tuckerton and Union Twps.) Counties.

ZONE 2 - Burlington, (Bordentown, Burlington, Chesterfield, Easthampton, Florence, Mansfield, Mount Holly, New Hanover, North Hanover, Pemberton, Moebling, Springfield, Wrightstown and Woodlawn Twps.), Mercer, Monmouth (Allentown, Blansinburg, Brielle, Englishtown, Farmingdale, Freehold, Howell, Manalapan, Manasquan, Millstone, Roosevelt, Sea Girt, South Belmar, Spring Lake Heights, Upper Freehold, Wall and West Belmar Twps.) and Ocean (Remainder of County) Counties.

DECISION NO. NJ81-3063

AREA COVERED BY ASBESTOS WORKERS' ZONES CONT'D

ZONE 3 - Monmouth (Remainder of County) County

ZONE 4 - Salem County

ZONE 5 - Burlington (remainder of county), Camden and Gloucester Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BOILERMAKERS	13.34	8%	10%+.35	10%	.02
BRICKLAYERS, STONEMASONS, MARBLE MASON, CEMENT MASONS, PLASTERERS, TILE LAYERS AND TERRAZZO WORKERS:					
ZONE 1					
Bricklayers, Stonemasons, Marble Masons and Plasterers	13.40	.75	2.00		.04
Cement Masons, Tile Layers and Terrazzo Workers	11.65	.75	1.00		.04
ZONE 2					
Bricklayers, Stonemasons, Marble Masons, Tile Layers and Terrazzo Workers	13.66	1.45	1.35		.02
Cement Masons	10.15	.85	.80		
Plasterers	9.27				
ZONE 3	13.45	1.00	1.00		
ZONE 4	14.05	1.05	1.00		.03
ZONE 5	13.80		1.79		.04

DECISION NO. NJ81-3063

DECISION NO. NJ81-3063

DECISION NO. NJ81-3063

AREA COVERED BY BRICKLAYERS, STONEMASONS, ETC. ZONES

ZONE 1 - Atlantic and Cape May Counties

ZONE 2 - Camden, Gloucester and Salem Counties

ZONE 3 - Cumberland County

ZONE 4 - Burlington and Mercer Counties

ZONE 5 - Monmouth and Ocean Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS, MILLWRIGHTS AND INSULATORS:					
ZONE 1	12.57	8%	7%		.5%
ZONE 2					
Carpenters and Insulators	12.13	8%	7%		½%
Millwrights	12.38	8%	7%		½%
ZONE 3					
Carpenters and Insulators	12.57	8%	7%		½%
Millwrights	12.82	8%	7%		½%
ZONE 4	12.35	.70	1.40		.05
ZONE 5					
Carpenters & Insulators	12.57	8%	7%		½%
Millwrights	12.82	8%	7%		½%
ZONE 6					
Carpenters & Insulators	12.57	8%	7%		½%
Millwrights	12.82	8%	7%		½%

DECISION NO. NJ81-3063

AREA COVERED BY CARPENTERS, MILLWRIGHTS AND INSULATORS ZONES

ZONE 1 - Atlantic, Camden, Cape May, Cumberland, Gloucester and Salem Counties.

ZONE 2 - Burlington (except the City of Bordentown) County

ZONE 3 - Mercer (beginning from the present Post Office in Lawrenceville to a point northward through the present "Radio Site" to the junction of Rosedale Road and Read's Mill Road to the junction of Pennington and Mount Rose Road to the Somerset County Line; again starting at the present post office in Lawrenceville and eastward to the junction of Brunswick Pike and Delaware and Raritan Canal Bridge taking the center of the road to Clarksville then south on Providence Line Road to the Pennsylvania Railroad then east to Dutch Neck North to Grover's Mills to the Middlesex County Line) County

ZONE 4 - Burlington (City of Bordentown only) and Mercer (remainder of county) Counties

ZONE 5 - Ocean County

ZONE 6 - Monmouth Count

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DOCKBUILDERS & FILEDRIVERMEN:					
ZONE 1	11.97	2.63	1.40		.13
ZONE 2	13.25	1.40	1.85	1.01	.05

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AREA COVERED BY DOCKBUILDERS & PILEDRIVERMEN ZONES

ZONE 1 - Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer (Trenton Area), Ocean and Salem Counties

ZONE 2 - Mercer (Princeton Area) and Monmouth Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DRYWALL TAPERS & FINISHERS					
ZONE 1	10.60	1.50	.50		.10
ZONE 2	9.75	.94	.75	.85	.03

AREA COVERED BY DRYWALL TAPERS & FINISHERS ZONES

ZONE 1 - Atlantic, Burlington, Cape May, Cumberland, Mercer, Monmouth & Ocean Counties

ZONE 2 - Camden, Gloucester & Salem Counties

ELECTRICIANS & CABLE SPLICERS:					
ZONE 1	16.075	7%	3%+2.25		.01
ZONE 2	15.27	7%	3%+.80		.15
ZONE 3	15.81	7%	3%+1.50		.10
ZONE 4	15.49	7%	3%+1.10		.04
ZONE 5	14.73	7%	3%+.85		.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Mechanics	14.62	1.345	1.085	4%+b+c	.035
Helpers	10.30	1.345	1.085	4%+b+c	.035
Probationary Helper	7.36	1.345	1.085	4%+b+c	.035
GLAZIERS:					
Monmouth and Ocean Counties	12.75	.91	1.15		
Atlantic and Cape May Counties	7.80		.50		
Camden, Gloucester and Salem Cos.	11.93	.92	1.80		.01
Burlington (that portion north of a line that begins at Florence-Roebling and that extends in a southeasterly direction that includes Fort Dix to the Ocean County Line) & Mercer Counties	9.41	.35	.50		.02
IRONWORKERS-STRUCTURAL, ORNAMENTAL AND REINFORCING:					
ZONE 1	12.55	1.05	2.85	1.15	.11
ZONE 2	11.93	1.34	2.86		
ZONE 3	12.40	.84	1.36		.03
ZONE 4	13.60	1.49	2.46	1.05	.10

AREA COVERED BY IRONWORKERS ZONES

ZONE 1 - Monmouth & Ocean (northern half of county) Counties

ZONE 2 - Atlantic, Cape May, Cumberland (that portion east of a line drawn from the Delaware Bay through the Town of Cedarville and upwards to the point where the county lines of Gloucester, Cumberland & Atlantic meet) & Ocean (remainder of county) Counties

ZONE 3 - Burlington (southern portion of county up to but not including Lumberton & Chatsworth Twps), Camden, Cumberland (remainder of county), Gloucester & Salem Counties

ZONE 4 - Burlington (remainder of county) & Mercer Counties

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, BUILDING CONSTRUCTION:					
ZONE 1					
Laborers, Masons' & Plasterers' Tenders, and Concrete Workers	9.50	.65	.95		.07
Tool operators (except small hand tools) including operation of motorized buggies	10.15	.65	.95		.07
Gunnite men and gun nozzle operators for gunnite and asbestos sandblasting	10.30	.65	.95		.07
ZONE 2					
Construction laborers	8.85	.55	.85		.07
Brick tenders, mortar tenders, scaffold builders (brick), hod carriers (brick), & power tool operators	8.55	.55	.85		.07
Motorized buggy operators, burners, nozzlemen (gunnite work)	8.675	.55	.85		.07
Jackhammer operators, barko tamper operators & concrete vibrator operators (over 27 lbs)	8.80	.55	.85		.07
Plasterers' & lathers' tenders	8.95	.55	.85		.07
ZONE 3					
Laborers	8.45	.40	.65		.07
Hod carriers, mason tenders, operators of jackhammers, tampers and electric hammers	9.70	.40	.65		.07
ZONE 4	9.40	.85			.10
ZONE 5					
Laborers	8.65	.80	1.05		.10
Jackhammers	9.90	.80	1.05		.10
ZONE 6					
Laborers	8.90	.40	1.00		.10
Hod carriers and plasterers tenders	9.00	.40	1.00		.10

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AREA COVERED BY BUILDING LABORERS ZONES

ZONE 1 - Atlantic, Burlington (Twps of Washington and Bass River), Cape May, Cumberland (Twps of Fairfield, Millville, Maurice River, Lawrence, Dawne and Commercial) and Ocean (that portion of the county up to and including Lacy Twp.) Counties

ZONE 2 - Burlington (Twps of Edgewater Park, Delance, Willingsboro, West Hampton, East Hampton, Pemberton, Delran, Cinnaminson, Morrestown, Mt. Laurel, Hainesport, Lumberton, South Hampton, Evesham, Medford, Shamong, Tabernacle and Woodland), Camden, Gloucester and Salem Counties

ZONE 3 - Mercer (Twps of Princetown, Lawrence, West Windsor, and Boro of Princeton) County

ZONE 4 - Monmouth (Twps of Matawan, Union Beach, Raritan, Keansburg, Highlands, Holmdel, Middletown, Fair Haven, Red Bank, Matawa Boro and Marlboro) County

ZONE 5 - Mercer (Twps of Washington, Highstown and East Windsor), Monmouth (remainder of County), and Ocean (remainder of county) Counties.

ZONE 6 - Burlington (remainder of county) and Mercer (remainder of county) Counties

DECISION NO. NJ81-3063	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS					
Heavy and Highway Construction:					
ZONE 1:					
Group 1	9.95	1.25	1.15		.10
Group 2	10.15	1.25	1.15		.10
Group 3	10.45	1.25	1.15		.10
Group 4	10.65	1.25	1.15		.10
Group 5	10.90	1.25	1.15		.10
Group 6	11.45	1.25	1.15		.10
ZONE 2:					
Group 1	10.30	1.25	1.15		.10
Group 2	10.50	1.25	1.15		.10
Group 3	10.80	1.25	1.15		.10
Group 4	11.00	1.25	1.15		.10
Group 5	11.25	1.25	1.15		.10
Group 6	11.80	1.25	1.15		.10
FREE AIR TUNNEL JOBS:					
Group 1	11.75	1.25	1.15		.10
Group 2	11.35	1.25	1.15		.10
Group 3	11.15	1.25	1.15		.10
Group 4	10.70	1.25	1.15		.10

AREA COVERED BY HEAVY & HIGHWAY LABORERS ZONES

ZONE 1 - Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean & Salem Counties

ZONE 2 - Monmouth County

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CLASSIFICATION DEFINITIONS
FOR HEAVY AND HIGHWAY LABORERS

Group 1 - Common Laborers, Landscape Laborers, Railroad Track Laborers, Traffic Directors, Salamander Tenders, Pitman, Dumpman, Waterproofing Laborers, Rakers and Tampers on Cold Patch Work, and Wrapping and Coating of all Pipe

Group 2 - Powder Carrier, Magazine Tender, Wagon Drill Operator Helpers, Drill Master Helper, and Signalman

Group 3 - Sewer Pipe, Laser Men, Conduit and Duct Line Layer, Power Tool Operator, Jack Hammer, Chipping Hammer, Pavement Breaker, Power Buggy, Cutter, Concrete Cutter, Asphalt Cutter, Sheet Hammer and Tree Cutter Operators, Sandblasting Cutting, Burning and such other power tools used to perform work usually done manually by laborers

Group 4 - Wagon Drill Operator, Timberman, and Drill Master

Group 5 - Finisher, Form Setter, Rammer, Paver, Gunite Nozzle Man, and Stonecutter

Group 6 - Blaster

CLASSIFICATION DEFINITIONS FOR
LABORERS ON FREE AIR TUNNEL JOBS

Group 1 - Blasters

Group 2 - Skilled Men (including Miners, Drill Runners, Iron Men, Maintenance Men, Conveyor Men, Safety Miners, Riggers, Block Layers, Cement Finishers, Rod Men, Caulkers, Powder Carriers, All other Skilled Men)

Group 3 - Semi-Skilled men (including Miner's Helpers, Chuck Tenders, Track Men, Nippers, Brake Men, Derail Men, Cable Men, Hose Men, Grout Men, Gravel Men, Form Men, Bell or Signal Men (top or bottom)), Form Workers and Movers, Concrete Workers, Shaft Men, Tunnel Laborers, Caulkers' Helpers, All other Semi-Skilled Men)

Group 4 - All others (including Powder Watchmen, change House attendants, Top Laborers)

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
Heavy and Highway Construction:					
ZONE 1:					
Group 1	11.70	1.25	1.15		.10
Group 2	11.50	1.25	1.15		.10
Group 3	11.30	1.25	1.15		.10
Group 4	11.10	1.25	1.15		.10
Group 5	10.90	1.25	1.15		.10
Group 6	10.70	1.25	1.15		.10
Group 7	10.50	1.25	1.15		.10
Group 8	10.30	1.25	1.15		.10
ZONE 2:					
Group 1	11.85	1.25	1.15		.10
Group 2	11.65	1.25	1.15		.10
Group 3	11.45	1.25	1.15		.10
Group 4	11.25	1.25	1.15		.10
Group 5	11.05	1.25	1.15		.10
Group 6	10.85	1.25	1.15		.10
Group 7	10.65	1.25	1.15		.10
Group 8	10.45	1.25	1.15		.10
FREE AIR TUNNEL JOBS:					
Group 1	11.90	1.25	1.15		.10
Group 2	11.70	1.25	1.15		.10
Group 3	11.50	1.25	1.15		.10
Group 4	11.30	1.25	1.15		.10
Group 5	11.10	1.25	1.15		.10
Group 6	10.90	1.25	1.15		.10
Group 7	10.70	1.25	1.15		.10
Group 8	10.50	1.25	1.15		.10

AREA COVERED BY HEAVY & HIGHWAY POWER EQUIPMENT OPERATORS ZONES

ZONE 1 - Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean & Salem Counties

ZONE 2 - Monmouth County

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CLASSIFICATION DEFINITIONS
FOR HEAVY AND HIGHWAY POWER EQUIPMENT OPERATORS

Group 1 - Asphalt Plant Engineer, Asphalt Plant Operator, Asphalt Spreader, Backhoe (Cable or Hydraulic), Batch Plant Operator, Boring Machine, Boom Truck, Bulldozer, Caisson Drill, Central Mix Plant Operator, Combination Backhoe Loader, Concrete Batch Plant Operator, Concrete Breaker, Concrete Mixer, Concrete Pump, Concrete Spreader, Crane, Crane Mounted Drill, Crane Mounted Pile Driver, Crane Mounted Vibratory Hammer, Crane Operator, Crane Oiler, Crane Pile Driver, Crane Pile Driver Operator, Crane Pile Driver Oiler, Crane Pile Driver Vibratory Hammer, Crane Vibratory Hammer, Crusher Operator, Derrick, Derrick Operator, Derrick Oiler, Dragline, Dragline Operator, Dragline Oiler, Drill Operator, Elevating Grader, Elevating Grader Operator, Elevating Grader Oiler, Excavator, Excavator Operator, Excavator Oiler, Finishing Machine, Forklift, Front End Loader, Gradall, Grader, Grader Operator, Grader Oiler, Hoist, Hoist Operator, Hoist Oiler, Hydraulic Backhoe, Hydraulic Backhoe Operator, Hydraulic Backhoe Oiler, Hydraulic Crane, Hydraulic Crane Operator, Hydraulic Crane Oiler, Hydraulic Excavator, Hydraulic Excavator Operator, Hydraulic Excavator Oiler, Hydraulic Pile Driver, Hydraulic Pile Driver Operator, Hydraulic Pile Driver Oiler, Hydraulic Vibratory Hammer, Hydraulic Vibratory Hammer Operator, Hydraulic Vibratory Hammer Oiler, Locomotive, Locomotive Operator, Locomotive Oiler, Mechanic, Mechanic Helper, Mixer, Mixer Operator, Mixer Oiler, Motor Grader, Motor Grader Operator, Motor Grader Oiler, Oiler, Pavement Breaker, Paver, Paver Operator, Paver Oiler, Pile Driver, Pile Driver Operator, Pile Driver Oiler, Power Shovel, Power Shovel Operator, Power Shovel Oiler, Pump Operator, Roller, Roller Operator, Roller Oiler, Scraper, Scraper Operator, Scraper Oiler, Shovel, Shovel Operator, Shovel Oiler, Slip Form Paver, Slip Form Paver Operator, Slip Form Paver Oiler, Spreader, Spreader Operator, Spreader Oiler, Tractor, Tractor Operator, Tractor Oiler, Trencher, Trencher Operator, Trencher Oiler, Truck Crane, Truck Crane Operator, Truck Crane Oiler, Vibratory Hammer, Vibratory Hammer Operator, Vibratory Hammer Oiler, Welder

Group 2 - Assistant Mechanic, Compressor Operator, Generator Operator, Heater Operator, Light Plant Operator, Mechanic Helper, Pump Operator, Welder

Group 3 - Boiler Operator, Compressor Operator, Generator Operator, Heater Operator, Light Plant Operator, Pump Operator, Welder

Group 4 - Boiler Operator, Compressor Operator, Generator Operator, Heater Operator, Light Plant Operator, Pump Operator, Welder

Group 5 - Boiler Operator, Compressor Operator, Generator Operator, Heater Operator, Light Plant Operator, Pump Operator, Welder

Group 6 - Boiler Operator, Compressor Operator, Generator Operator, Heater Operator, Light Plant Operator, Pump Operator, Welder

Group 7 - Boiler Operator, Compressor Operator, Generator Operator, Heater Operator, Light Plant Operator, Pump Operator, Welder

Group 8 - Boiler Operator, Compressor Operator, Generator Operator, Heater Operator, Light Plant Operator, Pump Operator, Welder

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LABORERS, ASPHALT CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
STREET:					
Head Rakers	10.60	1.25	1.15	d	.10
Rakers & Screed Men	10.45	1.25	1.15	d	.10
Tampers, Smoothers, Kettlemen, Painters, Shovelers & roller Boys	10.30	1.25	1.15	d	.10
PLANT:					
Scale Mixer & Burner Men	10.45	1.25	1.15	d	.10
Feeders & Dust Men	10.30	1.25	1.15	d	.10
LATHERS:					
ZONE 1	11.40	.15	.40		.02
ZONE 2	12.95				

AREA COVERED BY LATHERS ZONES

ZONE 1 - Burlington, Camden, Gloucester, Mercer, Monmouth, Ocean and Salem Counties

ZONE 2 - Atlantic, Cape May, and Cumberland Counties

LINE CONSTRUCTION (excluding Railroad Construction):					
ZONE 1					
Linemen, Cable Splicers & Equipment Operators	16.075	7%	3%+2.25		3/4%
Groundmen	14.125	7%	3%+2.25		3/4%
ZONE 2					
Linemen, Cable Splicers, Truck Drivers, Equipment Operators & Technicians	15.27	7%	3%+2.80		3/4%
Groundmen & Winch Operators	12.22	7%	3%+2.80		3/4%
ZONE 3					
Linemen	13.55	7%	3%+1.50		3/4%
Groundmen & Winch Operators	11.10	7%	3%+1.50		3/4%
ZONE 4					
Linemen	13.70	7%	3%+1.10		3/4%
Line Digger Truck Drivers	9.43	7%	3%+1.10		3/4%
Groundmen	10.58	7%	3%+1.10		3/4%
ZONE 5					
Linemen, Equipment Operators, Technicians & Certified Linemen Welders	13.37	.75	3%+.60		3/4%
Truck Drivers	9.16	.75	3%+.60		3/4%
Groundmen	8.54	.75	3%+.60		3/4%

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTUCTION - RAILROAD ONLY:					
Burlington, Camden, Cape May, Cumberland, Gloucester, Monmouth, Ocean and Salem Counties					
Linemen	13.75	11%	8.7%		.2%
Line Equipment Operator	13.18	11%	8.7%		.2%
Groundmen Winch and Truck Operators	9.82	11%	8.7%		.2%
Groundman	8.31	11%	8.7%		.2%
Dynamite Men	10.67	11%	8.7%		.2%
Transit Men	12.56	11%	8.7%		.2%
Street Light Mechanic	9.75	11%	8.7%		.2%
MARBLE FINISHERS:					
Camden, Gloucester, and Salem Counties	7.84	1.25	1.50		
PAINTERS:					
ZONE I					
Base Rates:					
Paperhanging, Painting & Allied Work	10.25		.50		
Spraying & Sandblasting	11.15		.50		
Middle Rates:					
Work performed 25' or more above the finished floor & from swinging scaffolds three stories or less in height	10.55		.50		
Spraying & Sandblasting under these conditions	11.45		.50		
Premium Rates:					
Work on Tanks, Stacks, Bridges, Radio & T.V. Towers, Open Structural Steel & all work above 3 stories on the exterior of all structures	11.15		.50		
Spraying & Sandblasting under these conditions	11.80		.50		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: CONT'D					
ZONE 2					
Painters on New Construction and Major Alterations	9.40	.55	.50	.30	.05
Painters on Repaint Work	8.90	.55	.50	.30	.05
Spraying or application of hazardous or dangerous materials on repaint Work	9.50	.55	.50	.30	.05
Exterior work exceeding 3 stories in height for painting of open structural steel and tanks under 3 stories in height except flat tanks on the ground and on interior work which requires painting higher than 20' above the ground or floor (this shall not be applicable to machinery or equipment located therein)	9.55	.55	.50	.30	.05
Repaint Work as described above	9.05	.55	.50	.30	.05
On Bridges, Television and Radio Towers, Structural Steel and Tanks above 3 stories in height (30' or over), Smoke Stacks, Water Towers, Sandblasting, Steamcleaning, Spraying or application of hazardous materials	10.00	.55	.50	.30	.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: CONT'D					
ZONE 3					
Commerical brush, roller and paperhanging	13.05	.85	.85		.05
Commercial spray or dipping, or the use of any special material, brushing or rolling on steel or tanks, or working swing or chair	13.80	.85	.85		.05
Sandblasting or power tools, spraying or the use of any special material on steel or tanks	14.55	.85	.85		.05
ZONE 4					
New Construction:					
Brush or roller, paperhanging, & vinyl-wall covering	14.00	1.10	1.00		.10
Work on all structural steel & iron, steeples, stacks, tanks, flagpoles, all swing work & window jack-work above 2 stories, spray painting & sandblasting & line striping by machinery, all power tools, & hazardous materials (i.e. creosote, epoxy, acid, pitchmastic & urethanes)	15.00	1.10	1.00		.10
Repaint Construction					
Brush or roller, paperhanging & vinyl-wall covering	80% JR				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: CONT'D					
ZONE 4					
Work on all structural steel & iron, steeples, stacks, tanks, flagpoles, all swing work & window jack-work above 2 stories, spray painting & sandblasting & line striping by machinery, all power tools, & hazardous materials (i.e. creosote, epoxy, acid, pitchmastic & urethanes)	15.00	1.10	1.00		.10
Repaint Construction					
Brush or roller, paperhanging & vinyl-wall covering	80% JR				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: CONT'D					
ZONE 4					
Work on all structural steel & iron, steeples, stacks, tanks, flagpoles, all swing work & window jack-work above 2 stories, spray painting & sandblasting & line striping by machinery, all power tools, & hazardous materials (i.e. creosote, epoxy, acid, pitchmastic & urethanes)	15.00	1.10	1.00		.10
Repaint Construction					
Brush or roller, paperhanging & vinyl-wall covering	80% JR				

DECISION NO. NJ81-3063	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: CONT'D					
ZONE 4 (CONT'D)					
Work on all structural steel & iron, steeples, stacks, tanks, flagpoles, all swing work & window-jack work above 2 stories, spray painting & sandblasting & line striping by machinery, all power tools & hazardous materials (i.e. creosote, epoxy, acid, pitchmastic & urethanes)	80% JR				
ZONE 5					
General Painting	10.75	.55	.25		
Spray, special material and blasting	12.90	.55	.25		
Repainting work except bridges, tanks, towers, all other open structural steel, and power plants	8.75	.55	.25		

AREA COVERED BY PAINTERS ZONES

ZONE 1 - Monmouth & Ocean (except the Twps. of Ocean, Union, Stafford, Eagleswood & Little Egg Harbor) Counties

ZONE 2 - Mercer County

ZONE 3 - Burlington, Camden, Gloucester & Salem (the portion of county north of Salem Bridges) Counties

ZONE 4 - Atlantic, Cape May & Ocean (remainder of county) Counties

ZONE 5 - Cumberland & Salem (remainder of county) Counties

DECISION NO. NJ81-3063	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & PIPEFITTERS					
ZONE 1	17.35	.52	1.00	1.00	.10
ZONE 2	15.35	.77	1.75	1.00	.10
ZONE 3	16.48	1.04	1.80		.11

AREA COVERED BY PLUMBERS & PIPEFITTERS ZONES

ZONE 1 - Atlantic, Burlington (that portion of the County including Atsion, Bass River Twp., Batsto, Chatsworth, Green Bank, Herman, Jenkins, New Gretna, Quaker Bridge, Wading River, Washington & Woodland Twp.), Cape May, Cumberland, Gloucester (Ashbury, Blue Bell, Malega & Newfield Twps. only), Ocean (southern half of the county to and including Whiting, Bamber, Waretown & Barnegat Light) & Salem (that portion of the county including Aldine, Alliance, Alloway, Brotmanville, Canton, Centerton, Friesburg, Hancock's Bridge, Lower Alloways Creek Twps., Moore's Corner, Norma, Oakwood Beach, Olivet, Penn (Beach), Pittsgrove Twp., Quinton & Shirley) Counties

ZONE 2 - Burlington (that portion of the county starting on the west by the Delaware River, on the north by a line following the center of High Street to the Pennsylvania Railroad running from Camden to Mount Holly, Birmingham, Seaside Park & Shore Points on the Jersey Coast and along afore-said Railroad to the Town of Whitings; thence diagonally across Burlington County to the junction of Burlington, Camden & Atlantic Counties), Camden, Gloucester (remainder of county), & Salem Counties

ZONE 3 - Burlington (remainder of county), Mercer (excluding Hopewell and Hopewell Twp.), Monmouth, and Ocean (remainder of county) County

POWER EQUIPMENT OPERATOR: (EXCLUDING STEEL ERECTION; TANK ERECTION AND OILOSTATIC MAINLINES & TRANSPORTATION PIPE LINES)					
CLASS A	17.37	1.80	1.40	f	.20
CLASS B	16.18	1.80	1.40	f	.20
CLASS C	14.87	1.80	1.40	f	.20
CLASS D	13.64	1.80	1.40	f	.20
CLASS E	12.73	1.80	1.40	f	.20
CLASS F	19.19	1.80	1.40	f	.20

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POWER EQUIPMENT OPERATOR

CLASS A - Combn. subgrader, base mtl. spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader - combn. (CMI & similar types), autograde slipform paver (CMI & similar types),, backhoe, central power plants (all types), concrete paving machines, cranes (all types, including overhead & straddle travelling type), cranes, gantry, derricks (land or floating), drillmaster, quarry-master (down the hole drill) rotary drill, self-propelled hydraulic drill, self-powered drill, draglines, elevator graders, front end loaders (5 yds. and over), gradalls, grader, rago, helicopters, communications engineer, locomotive (large), mucking machines, pavement & concrete breaker, i.e., superhammer & hoe ram, pile driver, length of boom including length of leads, shall determine premium rate applicable, roadway surface grinder, scooper (loader and shovel), shovels, tree chopper with boom and trench machines

CLASS B - "A" frame, backhoe (combination), boom attachment on loaders (rate based on size of bucket) not applicable to pipehook, boring and drilling machines, brush chopper, shredder, and tree shredder, cableways, carryalls, concrete pump, concrete pumping system, pumpcrete & similar types, conveyors, 125 ft. and over, drill doctor (duties include dust collector maintenance), front end loaders (2 yds. but less than 5 yds.), graders (finish), groove cutting machine (ride on type), heater planer, HOISTS: (all type hoists, shall also include steam, gas, diese, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, snorkel roof, and/or any other Similar Type Hoisting Machines, Portable or Stationary, except Chicago Boom Type) Long Boom Rate to be applied if Hoist is "Outside Material Tower Hoist"., hoists (Chicago Boom Type), Hydraulic Cranes -- 10 tons and under, Hydra-Axle, jacks, screw air hydraulic power operated unit or concole type (not hand jack or pile load test type), log skidder, pans, pavers (All) concrete, pumpcrete machines, squeezecrete & concrete pumping (regardless of size), scrapers, side booms, "straddle carrier, Ross and similar types and winch truck (hoisting)

DECISION NO. NJ81-3063

POWER EQUIPMENT OPERATORS CONT'D

CLASS C - Asphalt curbing machine, asphalt plant engineer, asphalt spreader, autograde tube finisher & texturing Machine (CMI & similar types), autograde curecrete machine (CMI & similar types), autograde curb trimmer & sidewalk, shoulder, slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boom type skimmer machines, bridge deck finisher, bulldozers (All), car dumpers (railroad), chief of party, compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instantcrete, or similar type materials), *compressor (2 or 3)--battery, concrete breaking machines-concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic and similar types- concrete vibrators *Within 100 feet, Conveyors, under 125 ft., crushing machines, ditching machine, small (ditchwitch or similar type), dope pots (mechanical with or without pump), dumpsters, elevator, fireman, fork lifts (economobile, lull & similar types of equipment), front end loaders (1 yd. and over but less than 2 yds.), generators (2 or 3) in battery, giraffe grinders, graders & motor patrols, gunnite machines (excluding nozzle), hammer vibratory (in conjunction with generator), hoists (roof, tugger, aerial platform hoist and house cars), hoppers, hopper doors (power operated), ladders (motorized), laddervator, locomotive, dinky type, maintenance, utility man, mechanics, mixers (excepting paving mixers), motor patrols & graders, pavement breakers, small, self-propelled ride on type (also maintains compressor or hydraulic unit), pavement breakers, truck mounted, pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger (post pounder and auger), rod bending machines (power), roller, black top, scales, power, seaman pulverizing mixer, shoulder widener, silos, skimmer machines (Boom type), steel cutting machine, services & maintanins, tractors, tug captain, vibrating plants (used in conjunction with unloading), welder & repair mechanics

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POWER EQUIPMENT OPERATORS CONT'D

CLASS D - Brooms and sweepers, chippers, compressor (single), concrete spreaders (small type), conveyors (under 125 ft.), conveyor loaders (not including elevator graders), engines, large diesel (1620 H.P.) and staging pump, farm tractors, fertilizing equipment (operation and maintenance of) fine grade machine (small type), form line graders (small type), front loader (under 1 yd.), generator (single), grease, gas, fuel and oil supply trucks, heaters (Nelson or other type including propane, natural gas or flow-type units), lights, portable generating light plants, mixers, concrete small, mulching equipment (operation and maintenance of), pumps (4 inch suction and over including submersible pumps)--pumps (Diesel engine & hyd.) immaterial of power road finishing machines (small type), rollers, grade, fill or stone base, seeding equipment (operation and maintenance of), sprinkler and water pump trucks (used on job site or in conjunction with job site), steam jennies and boilers, irrespective of use, stone spreader, tamping machines, vibrating ride on, temporary heating plant (Nelson or other type, including propane, natural gas or flow type units), water and sprinkler trucks (used on job site or in conjunction with job site), welding machines (gas, diesel, and/or electric converters of any type, single; two or three in a battery), welding system, multiple (rectified transformer type) and wellpoint systems (including installation by bull gang and maintenance of)

CLASS E - Assistant engineer/oiler and tire repair and maintenance

CLASS F - Helicopters-pilot and helicopters-engineer

DECISION NO. MJ81-3063

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: TANK ERECTORS:					
CLASS A	19.86	1.80	1.40	f	.20
CLASS B	19.02	1.80	1.40	f	.20
CLASS C	21.00	1.80	1.40	f	.20
CLASS D	19.19	1.80	1.40	f	.20
CLASS E	18.33	1.80	1.40	f	.20
CLASS F	13.92	1.80	1.40	f	.20

POWER EQUIPMENT OPERATORS TANK ERECTORS

CLASS A - Operating Engineers---On all cranes, derricks, etc. with Booms including jib, 140 ft. or more above the ground.

CLASS B - Operating engineers---On all equipment, including cranes, derricks, etc. with booms including jib, less than 140 ft. above the ground

CLASS C - Helicopter---Pilot Engineer

CLASS D - Helicopter--Co-Pilot and Helicopter--communications engineer

CLASS E - Air compressors, welding machines and generators are defined as and cover; gas, diesel, or electric driven equipment and sources of power from a permanent plant, i.e., steam, compressed air, hydraulic or other power, for the operating of any machine or automatic tools uded in the erection, alteration, repair and dismantling of tanks and any and all "dual purpose" trucks used on the construction job site, or in conjunction with the job site.

CLASS F - Oiler/Assistant Engineer

DECISION NO. NJ81-3063

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: OILOSTATIC MAINLINES & TRANSPORTATION PIPE LINES:					
CLASS A	18.00	1.80	1.40	f	.20
CLASS B	16.75	1.80	1.40	f	.20
CLASS C	15.21	1.80	1.40	f	.20
CLASS D	14.11	1.80	1.40	f	.20
CLASS E	13.19	1.80	1.40	f	.20
CLASS F	19.93	1.80	1.40	f	.20

POWER EQUIPMENT OPERATORS
OILOSTATIC MAINLINES & TRANSPORTATION PIPE LINES

CLASS A - Backhoe, cranes (all types), drag lines, front end loaders (5 yds. & over), gradalls, helicopter---Co-Pilot, helicopters---Communications engineers, scooper (loader & shovel) koehring and trench machines

CLASS B - "A" frame, backhoe (combination hoe loader), boring & drilling machines, ditching machine, small, ditchwitch or similar type, fork lifts, front end loaders (2 yds. & over but less than 5 yds.), graders, finish (fine), hydraulic cranes--lo tons & under (over 10 tons crane rate applies), side booms and winch trucks (hoisting)

CLASS C - Backfiller, brooms & sweepers, bulldozers, compressors (2 or 3 in battery), chief of party, front end loaders (1 yd. & over but less than 2 yds.), front end loaders (under 2 yds.), front end loaders (under 1 yd.), generators, giraffe grinders, graders & motor patrols, mechanic, pipe bending machine (power), tractors, water & sprinkler trucks--used on job site or in conjunction with job site, welder & repair mechanic, captain power boasts) and tug master (power boats)

CLASS D - Compressor (single), dope pots (mechanical with or without pump), dust collectors, farm tractors, pumps (4 inch suction & over), pumps (2 of less than 4 inch suction), pumps, diesel engine & hydraulic (immaterial of power), welding machines, gas or electric converters of any type--single, welding machines, gas or electric converters of any type--2 or 3 in battery multiple welders and wellpoint systems (including installation & maintenance)

CLASS E - Assistant engineer/oiler, grease, gas, fuel & oil supply trucks and tire repair & maintenance

CLASS F - Helicopter—Pilot/Engineer

DECISION NO. NJ81-3063

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: STEEL ERECTION:					
GROUP 1	18.72	7%	15%	f	3%
GROUP 2	16.91	7%	15%	f	3%
GROUP 3	16.00	7%	15%	f	3%
GROUP 4	15.26	7%	15%	f	3%
GROUP 5	13.48	7%	15%	f	3%
GROUP 6	13.09	7%	15%	f	3%
GROUP 7	12.94	7%	15%	f	3%
GROUP 8	12.57	7%	15%	f	3%
GROUP 9	12.01	7%	15%	f	3%

CLASSIFICATION DEFINITIONS FOR
POWER EQUIPMENT OPERATORS (ON STEEL ERECTION)

GROUP 1 - Helicopters pilot/engineer.

GROUP 2 - Cranes (all cranes - land or floating with booms - including jib, 140 feet and over above the ground); derricks (land or floating with booms including jib, 140 feet and over above the ground); helicopters co-pilot & communications engineer.

GROUP 3 - Cranes (all cranes - land or floating with booms - including jib, less than 140 feet above the ground); derricks (land or floating, with booms including jib, less than 140 feet above the ground.

GROUP 4 - Aerial platform used as hoist; A-frame; cherry pickers - 6 tons and under (over 6 tons - cranes rate applies); fork lifts; hoists (all types except Chicago Boom type); jacks (screw air hydraulic power operated unit or console type, not hand jack or pile load test type); side booms.

GROUP 5 - Compressors (2 or 3 in battery); generators; welding machines (gas or electric convertors of any type 2 or 3 in battery multiple welders); welding systems multiple (rectifier transformer type).

Group 6 - Maintenance engineer

GROUP 7 - Fireman.

GROUP 8 - Compressor (Single); rod bending machines (Power); welding machines (gas or electric converters of any type-single).

GROUP 9 - Assistant engineer/oiler; straddle carrier.

DECISION NO. NJ81-3063

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: TUNNEL CONSTRUCTION:					
GROUP 1	18.72	7%	15%	f	3%
GROUP 2	16.91	7%	15%	f	3%
GROUP 3	16.00	7%	15%	f	3%
GROUP 4	15.26	7%	15%	f	3%
GROUP 5	13.48	7%	15%	f	3%
GROUP 6	13.09	7%	15%	f	3%
GROUP 7	12.94	7%	15%	f	3%
GROUP 8	12.57	7%	15%	f	3%
GROUP 9	12.01	7%	15%	f	3%

CLASSIFICATION DEFINITIONS FOR
POWER EQUIPMENT OPERATORS (ON TUNNEL CONSTRUCTION)

GROUP 1 - Helicopters pilot/engineer.

GROUP 2 - Cranes (all cranes - land or floating with booms - including jib, 140 feet and over above the ground); derricks (land or floating with booms including jib, 140 feet and over above the ground); helicopters co-pilot & communications engineer.

GROUP 3 - Cranes (all cranes - land or floating with booms - including jib, less than 140 feet above the ground); derricks (land or floating, with booms including jib, less than 140 feet above the ground.

GROUP 4 - Aerial platform used as hoist; A-frame; cherry pickers - 6 tons and under (over 6 tons - cranes rate applies); fork lifts; hoists (all types except Chicago Boom type); jacks (screw air hydraulic power operated unit or console type, not hand jack or pile load test type); side booms.

GROUP 5 - Compressors (2 or 3 in battery); generators; welding machines (gas or electric convertors of any type 2 or 3 in battery multiple welders); welding systems multiple (rectifier transformer type).

Group 6 - Maintenance engineer

GROUP 7 - Fireman.

GROUP 8 - Compressor (Single); rod bending machines (Power); welding machines (gas or electric converters of any type-single).

GROUP 9 - Assistant engineer/oiler; straddle carrier.

DECISION NO. NJ81-3063

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: TUNNEL CONSTRUCTION:					
GROUP 1	18.72	7%	15%	f	3%
GROUP 2	16.91	7%	15%	f	3%
GROUP 3	16.00	7%	15%	f	3%
GROUP 4	15.26	7%	15%	f	3%
GROUP 5	13.48	7%	15%	f	3%
GROUP 6	13.09	7%	15%	f	3%
GROUP 7	12.94	7%	15%	f	3%
GROUP 8	12.57	7%	15%	f	3%
GROUP 9	12.01	7%	15%	f	3%

CLASSIFICATION DEFINITIONS FOR
POWER EQUIPMENT OPERATORS (ON TUNNEL CONSTRUCTION)

GROUP 1 - Helicopters pilot/engineer.

GROUP 2 - Cranes (all cranes - land or floating with booms - including jib, 140 feet and over above the ground); derricks (land or floating with booms including jib, 140 feet and over above the ground); helicopters co-pilot & communications engineer.

GROUP 3 - Cranes (all cranes - land or floating with booms - including jib, less than 140 feet above the ground); derricks (land or floating, with booms including jib, less than 140 feet above the ground.

GROUP 4 - Aerial platform used as hoist; A-frame; cherry pickers - 6 tons and under (over 6 tons - cranes rate applies); fork lifts; hoists (all types except Chicago Boom type); jacks (screw air hydraulic power operated unit or console type, not hand jack or pile load test type); side booms.

GROUP 5 - Compressors (2 or 3 in battery); generators; welding machines (gas or electric convertors of any type 2 or 3 in battery multiple welders); welding systems multiple (rectifier transformer type).

Group 6 - Maintenance engineer

GROUP 7 - Fireman.

GROUP 8 - Compressor (Single); rod bending machines (Power); welding machines (gas or electric converters of any type-single).

GROUP 9 - Assistant engineer/oiler; straddle carrier.

DECISION NO. NJ81-3063	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
ZONE 1					
Composition, Damp & Waterproofing	15.67	1.40	.95		.05
ZONE 2					
Composition, Damp & Waterproofing	15.67	1.40	.95		.05
ZONE 3					
Composition, damp & Waterproofing	11.75	1.00	.55		
Slate and Tile	11.875	1.00	.65		
Slate and Tile Helpers	10.75	1.00	.65		
ZONE 4					
Composition, Waterproofing Slate and Asphalt Shingle	12.62	1.33	.80		

AREA COVERED BY ROOFERS ZONES

ZONE 1 - Atlantic, Cape May and Cumberland Counties

ZONE 2 - Burlington (Beverly, Charleston, Rancocas, Lumberton, Medford, Fairview, Medford Lakes, Smalls, Atsion and areas inclusive to the Camden County Line), Camden, Gloucester and Salem Counties

ZONE 3 - Monmouth (the entire county except the southwest corner with includes Perrineville and the towns west there of) and Ocean (from the county line southward to Cassville, Lakehurst, Whiting, Wheatland and Cedar Bridge inclusive) Counties

ZONE 4 - Burlington (remainder of county), Mercer, Monmouth (remainder of county) and Ocean (remainder of county) Counties

DECISION NO. NJ81-3063	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:					
ZONE 1	15.85	1.44	1.75		.04
ZONE 2	14.09	7%	13%+.12	8%	.09
ZONE 3	13.86	3%+2.25	1.32		.04
ZONE 4	15.03	1.69	1.18		.07

AREA COVERED BY SHEET METAL WORKERS ZONES

ZONE 1 - Atlantic, Cape May & Cumberland Counties

ZONE 2 - Monmouth & Ocean Counties

ZONE 3 - Burlington & Mercer Counties

ZONE 4 - Camden, Gloucester & Salem Counties

SOFT FLOOR LAYERS					
ZONE 1	10.65	8%	7%		1/5%
ZONE 2	12.73	7%	5%	4%	

AREA COVERED BY SOFT FLOOR LAYERS ZONES

ZONE 1 - Atlantic, Camden, Cape May, Cumberland, Gloucester & Salem Counties

ZONE 2 - Burlington, Mercer, Monmouth & Ocean Counties

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SPRINKLER FITTERS:					
ZONE 1	13.62	.75	1.05		.10
ZONE 2	16.24	.95	1.40		.08

AREA COVERED BY SPRINKLER FITTERS ZONES

ZONE 1 - Camden, Gloucester, Mercer (Town of Trenton) & Salem (Penns Grove excluding Penns Grove Airport) Counties

ZONE 2 - Atlantic, Burlington, Cape May, Cumberland, Mercer (remainder of county) Monmouth, Ocean & Salem (remainder of county) Counties

TERRAZZO FINISHERS:					
Camden, Gloucester, and Salem Counties	7.82	1.25	1.50		
TILE SETTERS FINISHERS:					
Atlantic & Monmouth Counties	8.45	60	70		
Camden, Gloucester, and Salem Counties	7.61	1.25	1.50		
TRUCK DRIVERS:					
ZONE 1					
GROUP 1	8.55	g	h	i+j	
GROUP 2	8.65	g	h	i+j	
GROUP 3	8.80	g	h	i+j	
GROUP 4	8.95	g	h	i+j	
ZONE 2					
GROUP 1	7.50	g	h	m+n	
GROUP 2	8.20	g	h	m+n	
GROUP 3	8.35	g	h	m+n	
GROUP 4	8.40	g	h	m+n	
GROUP 5	8.55	g	h	m+n	
GROUP 6	8.75	g	h	m+n	
GROUP 7	8.90	g	h	m+n	
ZONE 3					
GROUP 1	9.12	.88	.975	o+p	
GROUP 2	9.35	.88	.975	o+p	
GROUP 3	9.40	.88	.975	o+p	
GROUP 4	9.50	.88	.975	o+p	
GROUP 5	9.60	.88	.975	o+p	

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AREA COVERED BY TRUCK DRIVERS ZONES

ZONES 1 - Atlantic & Cape May Counties

ZONE 2 - Burlington (that portion west of the Jersey Turnpike to the Delaware River), Camden, Cumberland, Gloucester & Salem Counties

ZONE 3 - Burlington (remainder of county), Mercer, Monmouth & Ocean Counties

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS - ZONE 1

GROUP 1 - Warehousemen and Helpers

GROUP 2 - Teamsters & Chauffeurs

GROUP 3 - Drivers on Tractors, Trailers, 10 wheel Flats and Dumps

GROUP 4 - Drivers on Euclids, 10 Wheel Tractors and tractor Trailer Trucks, low Beds and Pole Trailers

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS - ZONE 2

GROUP 1 - Ten Wheel dump truck driver and trailer dump driver off site

GROUP 2 - Straight truck driver (helper)

GROUP 3 - Warehousemen, fork lift truck and parts men

GROUP 4 - Straight truck driver including all "dual purpose" trucks, (straight), transit mix trucks, fuel trucks, seeding trucks, fertilizing trucks, dumpcrete trucks, mulching trucks, "A" frame (when transporting material), water sprinkler trucks, tanks, straight trucks with mechanical tailgates, asphalt distributor trucks, batch trucks and similar type of equipment and mechanics (helper), Pick-up trucks (only when transporting material), & flat bed trucks

GROUP 5 - All truck towing

GROUP 6 - Winch straight tractor and trailer truck driver and euclid trailer dump (not self-loading), fuel truck drivers and asphalt oil distributors on dumpcrete trucks, transit - mixers, flat bed trucks, low bed trucks, tanks, water tanks, fuel tanks, euclid water sprinkler, asphalt distributor, pole trailer, winch trailer, I beam trucks, euclids (all), and similar type equipment

GROUP 7 - Mechanics

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CLASSIFICATION DEFINITIONS
TRUCK DRIVERS - ZONE 3

GROUP 1 - Mechanic Helper

GROUP 2 - Drivers on the following type vehicles: Straight dumps, flats, floats, pick-ups, container haulers, fuel, water sprinkler, road oil, stringer, bead, hot pass, bus, dumpcrete, transit mixers, agitator mixer, half truck, winch truck, side-o-matic, dynamite, power, X-Ray, welding, skid, jeep, station wagon, stringer, A-Frame, all dual purpose trucks, truck with mechanical tailgate, asphalt distributor, batch trucks, seeding, mulching, fertilizer, air compressor trucks (in transit), parts chaser, escort, scissor, hi-lift, telescope, concrete breaker, gin pole, stone, sand, asphalt distributor and spreader, Nipper, fuel trucks (drivers on fuel trucks, including handling of unit), skid truck (debris container - entire unit), concrete mobile trucks (entire unit), expediter (parts chaser), beltcrete trucks, pumpcrete trucks, line truck, reel truck, wreckers, utility trucks, tack trucks, warehousemen, warehouse partsmen, yardmen, lift truck in warehouse, helper when required on lift truck in warehouse, warehouse clerk, partsman, material checkers, receivers, shippers, binning men (materials cardex man); helper when required on Broyhill coal tar epoxy truck and asphalt and bituminous distributor truck; drivers on the following type vehicles: Broyhill coal tar epoxy trucks, Little-Ford Bituminous distributor, slurry seal truck or vehicle, Thiokol trackmaster pick-up (swamp cat pickup), bucket loader dump truck and any rubber tired tractor used in pulling and towing farm wagons and trailers of any description, similar type vehicles; off-site and on-site repair shop, team drivers, vacuum or vac-all trucks (entire unit)

GROUP 3 - Drivers on stright 3-axle materials: Truck & Floats

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CLASSIFICATION DEFINITIONS
TRUCK DRIVERS - ZONE 3 (CONT'D)

GROUP 4 - Drivers on all Euclid-Type Vehicle: Euclids, International Harvesters, Wabcos, Caterpillar, Koehring, Tractors, and wagons, Dumptors, Straight, Bottom, Rear and side dumps, Carryalls and scrapers (not self-loading - loading over the top), Water sprinkler, Trailers, Water pulls and similar types of vehicles; Drivers on tractors and trailer type vehicles: Flat, Floats, I-beam, Low beds, Water sprinkler, Bituminous transit mix, Road Oil, Fuel, Bottom, Dump Hopper, Rear Dump, Office Shanty, Epoxy, Asphalt, Agitator Mixer, Mulching, Stringer, Seeding, Fertilizing Pole Spread, Bituminous Distributor, Water Pulls, (entire unit) (tractor Trailer), Reel Trailer andsimilar types of vehicles

GROUP 5 - Winch trailer drivers

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Paid Holidays: Washington's Birthday, Good Friday, Memorial Day; Independence Day; Presidential Election Day, Veterans Day or Thanksgiving Day.

b. Paid Holidays: A through F.

c. Employer contributes 4% of the basic hourly rate for 5 years or more of service, or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Paid Holidays: A through F, plus Washington's Birthday, Good Friday, Christmas, Presidential Election Day providing the employee works on 3 days for the same employer within a period of 10 working days, consisting of 5 working days before and 5 working days after the day upon which the holiday falls or is observed as such.

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FOOTNOTES: (CONT'D)

e. Paid Holidays: A through F, plus Washington's Birthday, Presidential Election Day and Veterans Day provided the employee works any of the 3 days in the 5 work days preceeding the holiday and the first work day after the recognized holiday.

f. Paid Holidays: A through F plus Armistice day and Washingtons' Birthday.

g. Employer contributes $6.30 per day per employee to Health & Welfare funds.

h. Employer contributes $4.00 per day per employee to pension funds.

i. One week vacation after one year's work; two weeks vacation after 3 year's work.

j. Paid Holidays: A through F, plus Washington's Birthday, Veterans Day and Presidential Election Day provided the employee works 3 days in the week in which the holiday falls.

k. Employer contributes $30.50 per week per employee to Health and Welfare Funds.

l. Employer contributes $20.00 per week per employee to Pension Funds.

m. Employee who has worked or receive pay for 90 days within a year prior to his anniversary date shall receive 56 hours straight time vacation pay; for 3 years but less than 8 years of service he will receive 100 hours of straight time vacation pay; more than 8 years but less than 15 years he will receive 125 hours of straight time vacation pay; 15 years or more he will receive 165 hours of straight time vacation pay.

n. Paid Holidays: A through F, plus Washington's Birthday, Presidential Election Day, Armistice Day, 2 Personal Holidays, Good Friday, and Christmas Eve afternoon (provided the employee works that morning) on the condition that the employee works or is available for work on at least 2 days in the week in which the holiday occurs.

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FOOTNOTES: (CONT'D)

o. Employees working or receiving pay for 80 days within a year receive one weeks paid vacation (48 hours); 125 days receive two weeks vacation (96 hours); 145 day receive 15 days (120 hours); 15 years seniority and 145 days receive 4 weeks vacation (160).

p. Paid Holidays: A through F, plus Lincoln's Birthday, Washington's Birthday, Good Friday, General Election Day, Columbus Day and Veterans' Day provided the employee has been assigned to work or "shapes" one day of the calendar week during which the holiday falls.

SUPERSEDEAS DECISION

STATE: Pennsylvania

Counties: Greene, Somerset & Potter

DECISION NO. PA81-3091

Basic Hourly Rates	Fringe Benefits Payments			
				Education

SUPERSEDEAS DECISION

STATE: Pennsylvania

Counties: Greene, Somerset & Potter

DECISION NO.: PA81-3091

DATE: Date of Publication

Supersedes Decision No.: PA80-3011 dated February 22, 1980, in 45 FR 12118.

DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (does not include single family homes and apartments up to and including 4 stories). Excluding Sewage and Water Treatment Plant Projects.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers:					
Greene & Somerset Cos.	$15.06	1.00	2.27		
Potter County	14.60	1.32	1.40		.07
Boilermakers:					
Potter County	16.67	1.275	1.00		.02
Greene & Somerset Cos.	14.93	5%	7%+1.12		.02
Bricklayers& Stonemasons					
Greene County	14.11	1.00	2.11		.01
Somerset County	12.60	1.00	1.20		.05
Potter County	14.20	.90	1.20		
Carpenters:					
Somerset & Potter Cos.	12.25	6½%	8%	10%	1½%
Greene County	13.75	6½%	8%	10%	
Cement Masons					
Greene County	14.37	1.01	2.30		
Somerset County	12.85	9%	7%		
Potter County	14.20	.90	1.20		
Electricians:					
Greene & Somerset Cos.	14.95	1.75	3%+.50		.10
Potter County	11.50	.65	3%+1.00	1.00	.02
Glaziers:					
Greene & Somerset Cos.	13.44	1.12	1.55	1.29	.02
Northern Part of Potter County	13.19	2.10	1.10		.30
Southern Part of Potter County	11.71	.70	.65		.01
Ironworkers:					
Greene County	15.52	.90	1.75		.05
Potter County	13.59	1.22	1.67		.04
Somerset County	13.61	.80	1.55		
Lead Burners	10.75	.40	.25	a	.01

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Washington's Birthday; Good Friday and Christmas Eve provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday and is available for work the days preceding and following the holiday.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
GREENE COUNTY					
CLASS 1	$11.91	9%	9%		
CLASS 2	12.05	9%	9%		
CLASS 3	12.18	9%	9%		
CLASS 4	12.45	9%	9%		
CLASS 5	12.63	9%	9%		

GREENE COUNTY LABORERS CLASSIFICATIONS DEFINITIONS

CLASS 1 - Laborers, carryable pumps, west brick buggy or similar (non self-propelled), vibrator operators, walk behind forklift similar, stripper & mover of forms, cement finisher footers, window cleaner, tool room man, all material conveyor (regardless of power used, incl. starting & stopping)

CLASS 2 - West brick buggy or similar (self-propelled), power wheelbarrows & buggies, walk behind forklift or similar (self-propelled), wagon drill helper, drill runner, drill runner's tender, (incl. drill mounted on truck, track or similar), blaster's tender, all operators of compacting equipment, pipe layer, burner, jackhammerman, concrete buster

CLASS 3 - Hod carrier, scaffold builder, bell & bottom man on furnances & stacks, mortar mixer, mortar mixing machine (regardless of power used, inc. starting & stopping), grout machine feeder & pump operator, concrete saw operator, wagon drill operator

CLASS 4 - Gunnite nozzleman

CLASS 5 - Blaster & wagon drill operator

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
POTTER COUNTY					
CLASS 1	$12.00	9%	8%		
CLASS 2	12.25	9%	8%		
CLASS 3	12.80	9%	8%		

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POTTER COUNTY LABORERS CLASSIFICATIONS DEFINITIONS

CLASS 1 - Common laborer, carpenter tender, scaffold builder for masons, window cleaner, form stripper and mover, scaffold and runways, building materials handlers (loading and unloading), concrete pitman, puddler, mason tender

CLASS 2 - Mechanical tampers (power) powered wheelbarrows and buggies & worklifts, sweepers and similar, mortar mixer, bell bottom man on furnances and stacks, jackhammer man, concrete buster, wagon drill helper, concrete saw operator, blaster's helper, drill runner's tender (includes drill mounted trucks, track or similar) sheeters and shores, vibrator operators, power tamper operators y-gun, burnercutting torch and carrable pumps, chain saw Operator, pipe layers, all material conveyors and elevators, signal man, west brick buggies or similar, scaffold builder for plasterers' regardless of height, hod carriers, plasterer tender, form cleaning machine operator, plasterer applicating and/or pump machine operator, paving breaker, asphalt raker, lancer, berfix cutting tool, gunnite potman blacksmith, tool dresser (cable tools)

CLASS 3 - Blasters, wagon drill operator, drill runner, gunnite nozzle man, grout machine operator, walk behind power roller and tamper, welder, driller (cable tools)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
SOMERSET COUNTY					
CLASS 1	$10.34	10%	9%		
CLASS 2	10.84	10%	9%		
CLASS 3	10.94	10%	9%		
CLASS 4	10.84	10%	9%		
CLASS 5	10.39	10%	9%		

SOMERSET COUNTY LABORERS CLASSIFICATIONS DEFINITIONS

CLASS 1 - Unskilled laborers

CLASS 2 - Ditch, trench or sumpwork exceeding 10' in depth including caissons

CLASS 3 - Blasters

CLASS 4 - Air track men, demolition of chimneys and erection of towers, antennas, cooling towers (on power plants) or other similar work in excess of 10' in height, suspension of workmen in swinging - cages, suspended scaffolds, swings, bosun's chair

CLASS 5 - Plasterers tenders

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
POTTER COUNTY					
Linemen, dynamite man, heavy equipment operator	$13.37	.55	3%		3/8%
Winch truck operator	9.38	.55	3%		3/8%
Groundman	8.97	.55	3%		3/8%
Greene & Somerset Counties					
Linemen	15.65	.60	3%		3/8%
Groundman	9.33	.60	3%		3/8%
Winch truck operator	10.91	.60	3%		3/8%
Millwrights	13.16	6%	6%	25%	1/2%
Painters:					
Greene County					
Commercial					
Brush	9.85	.65	.45		.05
Spray	10.975	.65	.45		.05
Industrial					
Brush	10.35	.65	.45		.05
Spray	11.475	.65	.45		.05
Somerset County					
Commercial					
Brush & Roller	11.99	1.10	1.10		.02
Spray	12.49	1.10	1.10		.02
Industrial					
Brush	12.84	1.10	1.10		.02
Spray	13.34	1.10	1.10		.02
Potter County					
Commercial					
Brush & Roller	14.25	.75	1.50		
Spray	15.25	.75	1.50		
Industrial					
Brush & Roller	14.75	.75	1.50		
Spray	15.75	.75	1.50		
Piledrivermen	15.18	5.5%	10%		1%
Plasterers					
Greene County	12.19	.85	1.55		
Somerset County	13.10				.01
Potter County	14.20	.90	1.20		
Plumbers					
Somerset County and the extreme eastern portion of Greene Co.	13.36	1.07	1.22	.75	.27
Remainder of Greene County	15.05	1.05+.12	1.80		.07
Potter County	12.01	.84	.80	1.00	.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
SOMERSET COUNTY					
CLASS 1	$11.34	10%	9%		
CLASS 2	11.84	10%	9%		
CLASS 3	11.94	10%	9%		
CLASS 4	11.84	10%	9%		
CLASS 5	11.39	10%	9%		

SOMERSET COUNTY POWER EQUIPMENT OPERATORS CLASSIFICATIONS DEFINITIONS

CLASS 1 - Oilers, fuelers, greasers, tenders, mechanics, helpers, batch plant operators, boiler operators, compressor operators, generator operators, pump operators, welding machine operators, hoist operators, mixer operators, skid steer loader operators, tractor operators, winch operators, concrete saw operators, concrete curing machine operators, concrete spreader operators, concrete finishing machine operators, concrete vibrator operators, power tamper operators, power roller operators, power sweeper operators, power scraper operators, power grader operators, power dozer operators, power shovel operators, power backhoe operators, power trenching machine operators, power ditching machine operators, power boring machine operators, power crane operators, power derrick operators, power concrete pump operators, power concrete mixer operators, power concrete batch plant operators, power concrete conveyor operators, power concrete vibrator operators, power concrete finishing machine operators, power concrete curing machine operators, power concrete saw operators, power concrete spreader

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Roofers:					
Greene & Somerset Counties	$15.96	.77	1.50		.18
Potter County	10.95	.65	.45		.15
Sheet metal workers					
Greene & Somerset Cos.	14.81	1.19	1.88		.25
Potter County	13.21	.80	.86		.04
Soft Floor Layers:					
Greene County	12.94	.81	1.08	1.08	.06
Somerset & Potter Cos.	12.25	6½%	8%	10%	
Sprinkler Fitters	15.56	.95	1.40		.08
Steamfitters					
Greene County	15.20	1.35	1.44		.10
Somerset County	13.36	1.07	1.22	.75	.27
Potter County	12.01	.84	.84	1.00	.05
Terrazzo Workers					
Greene County	14.96	1.18	1.50		.04
Somerset County	13.30	.90	1.65		.01
Potter County	14.20	.90	1.20		
Tile Setters					
Greene & Somerset Cos.	12.37	.80	2.30		.01
Potter County	14.20	.90	1.20		

Welder - Rate of Craft

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))."

GREENE COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
CLASS I	$15.575	1.05	1.15		.09
CLASS I-A	15.825	1.05	1.15		.09
CLASS I-B	16.075	1.05	1.15		.09
CLASS I-C	16.325	1.05	1.15		.09
CLASS II	15.375	1.05	1.15		.09
CLASS III	13.69	1.05	1.15		.09
CLASS III-A	14.19	1.05	1.15		.09
CLASS IV	12.73	1.05	1.15		.09
CLASS V	12.42	1.05	1.15		.09
CLASS V-A	12.52	1.05	1.15		.09
CLASS V-B	12.67	1.05	1.15		.09
CLASS V-C	13.42	1.05	1.15		.09

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

CLASS I - Austin-Western or similar type under 25 Ton, Austin-Western or similar type 25 ton or over; auto grader (CMI or similar); backhoe; batch plant - when conveyors are used for direct feeding or discharge, batch plant - no coveyors for direct feeding or discharge; cableway; caisson drill, central mix plant; cranes (excluding overhead) (truck or crawler type); cranes - tower (mobile); cranes - tower (stationary) (climbing type); cranes - tower (climbing type); cranes - hydraulic self-contained wagon crane - over 18 ton; cranes - hydraulic self-contained wagon crane - 18 ton or less; derrick-traveler (self-propelled); derrick (all types); derrick boats; dragline; dredge; engineer-maintenance; franki or similar type pile driver; gradall (remote control or otherwise; helicopter (when used for erection purposes); helicopter hoist operators (when used for erection purposes); hi-lift 4 yds. or over; hoist-hod (2 cages up to 10 floors; hoist-single cage with Chicago boom attached; hoist (50 ft. or over) (stacks, stoves or furnaces); hoist (slipform jobs; hop-to or similar type with 180° swing; hop-to or similar type with 360° swing; kocal; koehring scooper; metro chip harvester or similar type; mix mobile or similar type (with self-loading attachment); mix mobile or similar type; mucking machine (tunnel); multiple bowl machines; pile driver (sonic or similar type); post driver - guard rail (truck mounted); post driver - guard rail (skid type); pumpkrete - mobile or similar type; quad nine; shovels (all types); slip form paver (CMI or similar); tractors - boom mounted (all types); tractors (all types with hydraulic backhoe attached); tug boat and whirley

GREENE COUNTY

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS CONT'D

CLASS I-A - Austin-Western or similar type under 25 ton with jib; Austin-Western or similar type 25 ton or over with jib; cranes (boom or mast 100 ft. or over to & including 150 ft. (truck or crawler type); cranes - mobile (any type 15 ton or over placed on any bldg. structure; hoist-hod (2 cages over 10 floors)

CLASS I-B - Cranes (boom or mast over 150 ft. up to & including 200 ft. truck or crawler type)

CLASS I-C - Cranes (boom or mast over 200 ft.)

CLASS II - Asphalt plant operator; athey loader; auger - truck tractor mounted; back filling machine; boat - material or personnel carrying (powered); boat - job work (inboard or outboard); bulldozer; cable layer; compactor with blade; compressor (1) and air tugger (1) (combination); compressor (1) and gunite machine (1) (combination); concrete belt placer; crane - overhead; crushing & screening plants; drill - Davey or similar type; drill - core (truck or skid mounted); drill - well & core (truck mounted); elevator (new buildings); euclid loader; excavating equipment (all other); forklift-lull or similar; grader; grader-elevating; greaser-equipment (head); hi-lift - less than 4 yds; hoist - one drum (4 floors or over); hoist - hod (buildings 4 floors or more); hoist - (2 drums or more in one unit); jumbo operator; locomotive; lift slab machine (hydraulic); mixer - paving; mucking machine; pipe cleaning machine; refrigeration plant (used for constr. jobs i.e., cooling, concrete & holding banks); ross carrier (or similar type); scoop (single bowl) (self-powered & tractor drawn); spreader - concrete, asphalt and stone; tower mobile (hoisting or lowering material); trencher; well point systems; compressors (3 within a reasonable distance); generators electric (3) (over) 5 KW up to 20 KW); pumps (1½" discharge or less) (4 to 5 within reasonable distance); pumps (3) (over 1½ discharge) (within reasonable distance); welding machines (4 to 6 within reasonable distance) (other than electrically driven); elevator (when used for alterations & remodeling all bldgs); grout pump (10 H.P. or over); paver operator - asphalt (spreader); pumpkrete or similar type (not self-propelled); pumpkrete machine operator (stationary); tire repairman (when assigned to job); welder (repairman)

GREENE COUNTY

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS CONT'D

CLASS III - Ballast regulator; boiler; boring machine; broom, power (except push type); compressor - single (over 65 CFM; compressor (over 125 CFM and air pump); compressor (1) and sand blasting machine (1) (combination); conveyor over 1 and up to 3 units (regarless of power used); crane (carry); curb builder (self propelled); drills - well and horizontal truck mounted; fork-lifts (ridden or self-propelled); form line machine; generator (over 5 KW); hoists (monorail) (regardless of power used); hoist one drum (regardless of power used); hoist roof (regardless of power used); huck machine or similar type; mixer concrete (regardless of power used); mixer mortar - over 10 cu. ft. (regardless of power used); pavement breaker (self-propelled or ridden); pipe dream; plant, private or industrial air or steam valve; pump (over 1½" discharge regardless of power used); roller; saw (concrete); soil stabilizer (pump type); spray cure machine (power driven); steam jenny (or similar type); stone crusher; stone spreader self-propelled; syphon (steam or air); tractors (when used for snaking and hauling); truck, (winch) truck or hydraulic boom (when hoisting & placing); tube finisher (CMI or similar type); tugger; welding machine single (300 amp or over) (other than electrically driven); compressors (2); generators (2); mortar machine over 10 cu. ft. and single unit conveyor; pumps (1½" discharge or less) (2 to 3); pumps (over 1½" discharge (2) in bank) (within reasonable distance); welding machines (2 to 3) (other than electrically driven)

CLASS III-A - Conveyors 4 units or more

CLASS IV - Compressor - 65 cubic ft. or under (regardless of power used); conveyors one (1) unit (regardless of power used); heaters - up to and including 6; jack motor hydraulic (single type) power driven; ladavator; mixer mortar (10 cubic ft. or under); mulching machine; pin puller (powered); pulverizer; pump - 1½" discharge or less; seeding machine; spreader side delivery shoulder (attachment); tie tamper (multiple heads); tractor farm (when used for landscaping); water blaster

CLASS V - Brakeman; deckhand; helicopter oiler; mechanic

CLASS V-A - Truck crane; oiler & fireman

CLASS V-B - Oiler on truck crane 50-ton up to but not incl. 100-ton

CLASS V-C - Oiler truck crane 100 ton and over

SOMERSET & POTTER COUNTIES

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.

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CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

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SOMERSET & POTTER COUNTIES POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$14.625	1.05	1.15		.09
CLASS 1-A	14.875	1.05	1.15		.09
CLASS 1-B	15.125	1.05	1.15		.09
CLASS 1-C	15.375	1.05	1.15		.09
CLASS 2	14.475	1.05	1.15		.09
CLASS 3	12.60	1.05	1.15		.09
CLASS 3-A	13.10	1.05	1.15		.09
CLASS 4	11.95	1.05	1.15		.09
CLASS 5	10.90	1.05	1.15		.09
CLASS 6	11.20	1.05	1.15		.09
CLASS 6-A	11.30	1.05	1.15		.09
CLASS 6-B	11.45	1.05	1.15		.09
CLASS 6-C	12.20	1.05	1.15		.09

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

Class I - Austin-Western or similar type under 25 ton, austin-western similar type 25 ton or over, auto grader (CMI or similar, backhoe, batch plant when conveyors are used for direct feedling or discharge, batch plant no conveyors for direct feeding or discharge (without oiler), cableway, caisson drill, central mix plant, cranes (excluding overhead) (truck or crawler type), cranes tower (mobile) cranes tower (stationary) (climbing type) use of oil to be discussed at per job) cranes tower (climbing type) cranes hydraulic self contained over 18 ton cranes hydraulic self contained - 18 ton or less, derrick traveler (self propelled), derrick (all types) when assistance required it will be an oiler or apprentice) derrick boats, dragline, dredge, engineer maintenacm, franki or similar type pile driver, gradall (remote control or otherwise), helicopter (when used for erection purposes), hi-lift 4 yds or over, hoist-hod (2 cages up to 10 floors) Chicago Boom attachmd hoist (50 ft. or ovmr) stacks, stoves or furnances) hoist (slipform jobs hop to or similar type with 180 swing hop to or similar type with 360 swing local koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobiling or similar type, mucking machine (tunnel), multiple bowl machines, pipe driver (sonic or similar type) (when assistance required it will be an oiler or apprentice), post driver-guard rail (truck mounted), post driver-guard rail (skid type), pumpkrete - mobile or similar type, quad nine, shovels (all types), slip form paver (CMI or similar), tractors - boom mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, whirley

SOMERSET & POTTER COUNTIES

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CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

CLASS 1-A - Austin-Western or similar type under 25 ton with jib, austin-western or similar type 25 ton or over with jib, cranes boom or mast 100 ft. or over up & including 150 ft. +$.25) (truck or crawler type), cranes mobile (any type 15 ton or over placed on any bldg. structure + $.25), hoist-hod (2 cages over 10 floors Class I rate +$.25, hoist single cage with

CLASS 1-B - Cranes (boom or mast over 150 ft. up to & including 200 ft. + $.50) (truck or crawler type), engineer lead

CLASS 1-C - Cranes (boom or mast over 200 ft. + .75)

CLASS 2 - Asphalt plant operator, athey loader, auger - truck or tractor, mounted, back filling machine, boat material or personnel carrying (powered) boat - job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressor (1) and air tugger (1) (combination), compressor (1) and gunite machine (1) (combination), concrete belt placer, crane - overhead, crushing & screening plants, drill - davey or similar type drill - core (truck or skid mounted), drill - well & core (truck mounted), elevator new buildings), euclid loader, excavating equipment (all other), forklift lull or similar, (grader), grader elevating, greaser-equipment (head), hi-lift-less than 4 yds., hoist - one drum (4 floors or over), hoist - hod (buildings 4 floors or more), hoist - (2 drums or more in one unit), jumbo operator, locomotive, lift slab machine (hydraulic) mixer - paving, mucking machine, pipe cleaning machine, refrigeration plant (used for construction jobs that is , cooling concrete & holding banks), ross carrier (or similar type), scoop (single bowl) (self-powered & tractor drawn), spreader - concrete, asphalt and stone, tower mobile (hoisting or lowering material), trencher, well point systems, (the following machines shall be considered minor), compressors (3 within a reasonable distance); generators electric (3) (over 5 KW up to 20 KW), pumps (1½" discharge or less) (4 to 5 within reasonable distance), pumps (3) (over 1½ discharge) (within reasonable distance), welding machines (4 to 6 within reasonable distance) (other than electrically driven), grout pump (10 H. P. or over), elevator (when used for alterations & remodeling all buildings), paver operator - asphalt (spreader), pumpkrete or similar type (not self-propelled), pumpkrete machine operator (stationary), tire repairman (when assigned job), welder (repairmen)

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SOMERSET & POTTER COUNTIES

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

CLASS 3 - Boiler, compactor (ridden or self-propelled), compressor (over 125 CFM and air pump), compressor (1) and sand blasting machine (1) (combination), crane (carry), curb builder (self-propelled), drills-well & horizional truck mounted, forklifts (ridden or self-propelled), hoist one drum (regardless of power used), pavement breaker (self-propelled or ridden), pipe dream, roller, saw (concrete), soil stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finisher (CMI or similar type), tugger, truck, (winch) truck or hydraulic boom (when hoisting & placing), compressors (2) generators (2) mortar machine over 10 cu. ft. and single unit conveyor, pumps (1½" discharge or less (2 to 3), pumps (over 1½" discharge (2) in back) within reasonable distance), welding machine (2 to 3), (other than electrically driven)

CLASS 3-A - Conveyors 4 units or more

CLASS 4 - Ballast regulator, boring mochine, broom power (except push type), compressor - single (over 65 CFM), conveyor over 1 and up to 3 units (regardless of power used) form line machine, generator (over 5 KW), hoist (monorail) (regardless of power used) hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used) mixer mortar - over 10 cu. ft. (regardless of power used) pump (over 1½" discharge regardless of power used) spray cure machine (power driven) steam jenny (or similar type) syphon (steam or air) welding machine single (300 amp or over) (other than electrically driven) plant, private or industrial air of steam valve

CLASS 5 - Compressor - 65 cubic ft. or under (regardless of power used) conveyor one (1) unit (regardless of power used) heaters - up to and including 6 jack motor hydraulic (single type) power driven ladavator, mixer mortar, (10 cubic ft. or under), mulching machine pin puller (powered) pulverizer, pump - 1½" discharge or less, seeding machine, spreader side delivery, shoulder (attachment) tie tamper (multiple heads) tractor farm (when used for landscaping) water blaster, oiler-truck crane 50 ton up to mot incl. 100 ton

CLASS 6 - Brake man, deck hand, helicopter signalman, oiler, mechanic helper

CLASS 6-A - Crane truck oiler & fireman

CLASS 6-B _ Oiler - Truck crane 50 ton up to & incl. 100 ton

CLASS 6-C - Oiler - truck crane 100 ton and over

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federal register

Monday
December 28, 1981

Part III

Panama Canal Commission

Privacy Act of 1974; Systems of Records; Annual Publication

PANAMA CANAL COMMISSION

Privacy Act of 1974; Systems of Records; Annual Publication, Deletions, Revisions

AGENCY: Panama Canal Commission.

ACTION: Deletions and revisions to Panama Canal Commission systems of records; and annual publication.

SUMMARY: The Panama Canal Commission is required by the Privacy Act of 1974, 5 U.S.C. 552a(e)(4), to give annual notice in the **Federal Register** of the existence and character of systems of records it maintains.

This agency last published such a notice at 45 FR 85256 (December 24, 1980). In addition, this agency gave notice on December 9, 1981 (46 FR 60173) of two proposed new systems of records, Ombudsman Investigation Files, PCC/OM–1, and Marine Accident Investigation Reports/Statistics, PCC/MRBL–2, and called for public comment on the proposed routine uses of the systems by December 29, 1981. If no comments are received requiring modification of the routine uses of those systems, the routine uses take effect on January 8, 1982.

The purpose of this document is to publish in full those systems to which this agency has made minor modifications since the December 24, 1980, publication. This document also fulfills the annual notice requirement of the Privacy Act for 1981.

ADDRESS: K. E. Goldsberry, Agency Records Officer (Chief, Administrative Services Division), Panama Canal Commission, APO Miami 34011.

FOR FURTHER INFORMATION CONTACT: Hazel Murdock, Assistant to the Secretary, Panama Canal Commission, Suite 312, Pennsylvania Building, 425 13th St., NW., Washington, D.C. 20004 (Telephone: 202–724–0104.)

SUPPLEMENTARY INFORMATION: Editorial modifications have been made to a number of systems to reflect changes in system location, system manager, system name, and notification and access procedures, where applicable. Changes have also been made for the purpose of completeness, clarity and correctness, where applicable, to the routine uses, categories of records in the system, and storage.

In addition, this agency is deleting four systems of records as follows:

Two systems, Privacy Act Request Records, PCC/AMRM–3, and Freedom of Information Act Request Records, PCC/AMRM–4, are being deleted because the records are no longer retrievable by individuals' names or personal identifiers.

One system, Panama Canal Commission Board of Directors, PCC/WO–1, is being deleted because the records are already covered by the description of Panama Canal Commission Board of Directors Biographical and Correspondence Files, PCC/AE–2.

One system, Police Headquarters Confidential File, PCC/GSPL–2, is being deleted because the system has been discontinued and the records destroyed.

Three systems of records are being placed in an inactive status:

Two systems, Employee Application for Outside Employment, PCC/AMSA–2, and Expert and Consultant Records, PCC/GSSP–1, are being discontinued as active Privacy Act systems because information is no longer being collected and maintained by name or personal identifier. However, because the noncurrent records in these systems have been retired to the Agency Records Center for storage and eventual disposition in accordance with Federal records retention schedules, the systems will continue to be described in the Commission's notice of Privacy Act system of records as inactive. An updated alphabetical listing of this agency's inactive systems appears in the latter part of this notice.

One system, Contractor Employee Payroll Records, PCC/ECCN–2, was discontinued because there was no longer a requirement to collect the information. The records were retired to the Agency Records Center, and the system will continue to be noticed as an "inactive" system.

One inactive system, Marriage License Records, PCC–CZG/CALS–9, has been modified to include a portion of a second inactive system, Medical Administration System-Nonexempt, PCC–CZG/HL–3, and has been redesignated Records of Births, Deaths, and Marriages That Occurred in the Former Canal Zone, PCC/AMSE–3. Although these records of births, deaths and marriages are inactive, there are frequent requests for access to the records by members of the public and all three types of records are now maintained in one location for ease of reference. It is therefore desirable to include all of these records in a single system notice. The description of HL–3 has been modified accordingly.

The revisions and editorial corrections to the Panama Canal Commission's systems of records do not affect the general character or purpose of any systems described, nor do they expand the population of individuals to whom the systems apply or change any individual rights. Since the modifications merely provide a more accurate description of this agency's systems of records, the revisions are not deemed to be within the purview of the provisions of 5 U.S.C. 552a(o) of the Privacy Act and Office of Management and Budget (OMB) Circular A–108 (Transmittal Memoranda Nos. 1 and 3), which require submission of a report on a new system.

Published below are the full-text descriptions of the Commission's systems to which editorial changes have been made, as well as the text of the new systems, Ombudsman Investigation files, PCC/OM–1, and Marine Accident Investigation Reports/Statistics, PCC/MRBL–2. Also published are a listing of systems deleted, an alphabetical listing of all of this agency's active systems of records, and an alphabetical listing of all inactive systems. Those systems of records for which a full-text description is not published here have not been modified since the December 24, 1980 publication.

Dated: December 17, 1981.

K. E. Goldsberry,

Chief, Administrative Services Division, Agency Records Officer, Panama Canal Commission.

Systems Deleted:

The following systems, identified by their alphanumerical designation and system name, have been discontinued and deleted.

PCC/AMRM–3, Privacy Act Request Records
PCC/AMRM–4, Freedom of Information Act Request Records
PCC/GSPL–2, Police Headquarters Confidential File
PCC/WO–1, Panama Canal Commission Board of Directors

The following systems have been discontinued and have been added to the Commission's list of inactive systems.

PCC/AMSA–2, Employee Application for Outside Employment
PCC/ECCN–2, Contractor Employee Payroll Records
PCC/GSSP–1, Expert and Consultant Records

Alphabetical Title Listing of Panama Canal Commission's Notice of Systems of Records.

Accounts Payable Disbursement Records, PCC/FMAC–8
Accounts Receivable Records, PCC/FMAC–2
Admeasurer Examination File, PCC/MRPA–1
Appeals, Grievances, Complaints, and Assistance Records, PCC/PB–2
Applications for Exoneration, PCC/AMSE–1
Arrest Record File, PCC/GSPL–13
Biographical Data, PCC/ADPA–1
Canal Protection Division Activity Report Files, PCC/GSCP–2
Canal Commission Awards and Service Contracts Control Records, PCC/FMAC–7

Cash Audit Files, PCC/FMGA–1
Cash Collection Agents and Subagents, PCC/FMAC–6
Claims Files, PCC/FMAK–1
Complaints Against Policemen File, PCC/GSPL–15
Convict Files, PCC/GSPL–4
Delegation of Authority for Procurement, PCC/FMAC–5
Detective Confidential Files, PCC/GSPL–3
Disability Relief, Retirement and Group Supplementary Life Insurance Records, PCC/PR–1
Documents Control System, PCC/AMSE–2
Embezzlements, Burglaries, and Cash Shortages, PCC/FMAC–1
Emergency Preparedness Records (Civil Defense/Emergency Management), PCC/GSCE–1
Employee Benefits Records, PCC/PR–2
Employees' and Dependents' Travel Orders, PCC/AMTR–1
Equal Employment Opportunity Complaint File, PCC/EO–2
Fingerprint File, PCC/GSPL–7
General Files of the Panama Canal Commission, AMRM–1
General Identification, Photo-Identification, and Purchase Authority Records, PCC/AMSA–1
Grievances, Appeals, and Adverse Actions Records, PCC/IR–2
Housing Complaints File, PCC/GSCS–2
Housing Files, PCC/GSCS–1
Incentive Awards Program Files, PCC/PR–9
Industrial Accident Prevention Supervisor/Unit Awards File, PCC/HLSF–1
Industrial Health Records, PCC/HI–1
Informant Name File, PCC/GSPL–9
Injury Compensation Payroll Records, PCC/FMAP–3
Internal Revenue Service Notice of Levy Files, PCC/FMTR–2
Land Utilization Records, PCC/AMSA–3
Law Enforcement Case Report Files, PCC/GSPL–1
Library Services Branch Registration Records, PCC/GSCL–1
Marine Accident Investigation Reports/Statistics, PCC/MRBL–2
Marine Accident Reference Cards, PCC/MRNV–1
Marine License Files, PCC/MRBL–1
Master Name File, PCC/GSPL–10
Merit System Recruiting, Examining, and Placement Record, PCC/PB–1
Minority Group Designator (MGD) Records, PCC/PR–11
Minority Group Designator Statistical Data, PCC/EO–1
News Morgue Records, PCC/IO–1
Ombudsman Investigation Files, PCC/OM–1
Operating Unit Employment Inquiry Files, PCC/OPR–2
Operating Unit Personnel Records, PCC/OPR–1
Panama Canal Commission Board of Directors Biographical and Correspondence Files, PCC/WO/AE–2
Payroll Deductions, PCC/FMAP/AC–4
Payroll Master File for Panama Canal Commission Employees, PCC/FMAP–1
Payroll System for Vessel Employees, PCC/FMAP–2
Pending Detective Investigation Records, PCC/GSPL–6
Personal Data Records, PCC/PR–3
Personnel Information System, PCC/PR–7
Personnel Investigation Records, PCC/PB–3
Personnel Security Files, PCC/PR–4
Pilot Workload Statistics, PCC/MRNV–2
Plumbing and Welding License Files, PCC/ECCN–1
Police Photo Files, PCC/GSPL–6
Poor Risk/Delinquent Citation/Warrant File, PCC/GSPL–19
Post Office Boxholder Records, PCC/AMRM–5
Postal Claims and Inquiries, PCC/AMRM–6
Presentence and Pre-Parole Investigation Reports, PCC/AEPR–2
Prisoner Property Record, PCC/GSPL–18
Prisoner Record Cards, PCC/GSPL–5
Probation and Parole Unit Child Custody Reports, PCC/AEPR–1
Probation and Parole Unit Statistical File, PCC/AEPR–3
Protocol Unit Operational Files, PCC/ADPA–2
Quarterly Report of Employee Union Dues Deductions, PCC/IR–1
Recruiting and Placement Records, PCC/PR–5
20/30/40-Year Safety Key Awards Files, PCC/HLSF–2
Statements of Employment and Financial Interest, PCC/AE–1
Suspension of Check Cashing Privileges Files, PCC/FMTR–3
Telephone Exchange Directory, PCC/ECLE–1
Termination of Employment Actions Records, PCC/FMTR–1
Traffic Accident Reports, PCC/GSPL–16
Training and Employee Development Records, PCC/PR–6
Trust Fund Records, PCC/FMAC–3
Unnegotiated Checks Over One Year Old, PCC/FMAC–9
U.S. Army Element, Panama Canal Commission Military Administration System, PCC/MIL–1
U.S. Civil Service Commission Systems Applicable to the Panama Canal Commission General Personnel Records, Retirement, Life Insurance, and Health Benefits Records Systems (See PCC/PR–8
U.S. Government Vehicle Operator's Identification and Material Handling Card Application Files, PCC/AMSA–4
Vessel Employee Records, PCC/GSLS–1
Youth Unit Name Index File, PCC/GSPL–12

PCC/WO/AE–2

SYSTEM NAME:

Panama Canal Commission Board of Directors Biographical and Correspondence Files, PCC/WO/AE–2.

SYSTEM LOCATION:

Office of Executive Administration, Administration Building, Balboa Heights, Republic of Panama; and Office of the Secretary, 312 Pennsylvania Building, 425 13th Street, N.W., Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past and present members of the Panama Canal Commission Board of Directors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in Office of Executive Administration contain names and addresses, newspaper clippings, personal resumes, biographies and official correspondence between Commission officials and board members. May also include other information as may be provided by Office of Executive Administration in the process of routine responses to inquiries by Board of Directors. Records in Office of the Secretary contain general biographical information only and are for use in press releases to news media.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 and 3612 (Supp. III 1979) and Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in Office of the Secretary disclosed to news media for press releases. See general routine use paragraphs in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed by name of board member.

SAFEGUARDS:

Lockable file cabinets. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Executive Administration, Panama Canal Commission, APO Miami 34011; Assistant to the Secretary, Panama Canal Commission, 312 Penn. Bldg., 425 13th St., N.W., Washington, D.C. 20004.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Managers or the Agency Records Officer, Administration Building, Balboa Heights, R. P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to any of the addresses designated in Notification Procedures, preceding.

CONTESTING RECORDS PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Information obtained from the individual, public media and protocol sources.

PCC/AMRM-1

SYSTEM NAME:

General Files of the Panama Canal Commission, PCC/AMRM-1

SYSTEM LOCATION:

Records Management Branch, Panama Canal Commission, Administration Building, Balboa Heights, Republic of Panama

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are the subject of correspondence or who correspond with the Office of the Administrator and staff offices on a variety of subjects related to the operation, maintenance, and protection of the Panama Canal.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files retrievable by reference to individuals include records on subjects such as eligibility to engage in private business, purchase goods and services, and use Canal facilities; licenses and permits in connection with utilization of land, water, resources and facilities; Congressional inquiries about or on behalf of individuals; biographical data on former Governors of the Canal Zone; certificates of good conduct; contracts with individuals, reports of Court dispositions of cases; Coroner reports; and inquiries and answers on Canal operations, laws and regulations pertaining to the Panama Canal Commission and policies related thereto, generally.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977; 44 U.S.C. 3101 and 3102.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders or on backers and card indexes.

RETRIEVABILITY:

Filed by subject subdivided alphabetically by name, or file alphabetically by name only.

SAFEGUARDS:

Stored in metal file cabinets in file room locked when not in use in a building with around-the-clock guard. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Certificates of good conduct 6 months; eligibility files, 3 years after last entry; general inquiries and answers, 3 years. Other transfer to Agency Records Center after 8 years and retained permanently. General files prior to 1935 have been accessioned by the National Archives of the United States.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, APO Miami 34011

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Subject individuals, Canal officials, and information from records.

PCC/AMRM-5

SYSTEM NAME:

Post Office Boxholder Records, PCC/AMRM-5.

SYSTEM LOCATION:

Postal Assistance Unit at Bldg. 446, Albrook and Bldg. 8040, Margarita, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who obtained boxholder service at former Canal Zone Post Offices. Persons who gave notice of change of address.

CATEGORIES OF RECORDS IN THE SYSTEM:

The boxholder or recipient's name, employee identification number, residence post office number, and the names of persons other than the boxholder who were authorized to receive mail at the assigned box or station; APO box number, forwarding address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3741 (Supp. III 1979); and Article III and Annex of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Individual cards.

RETRIEVABILITY:

Originals filed numerically by box number, and cross-referenced by name, duplicates filed alphabetically in the unit master directory.

SAFEGUARDS:

Maintained in metal file drawers. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed two years after box is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Administration Building Balboa Heights R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individual boxholder.

PCC/AMRM-6

SYSTEM NAME:

Postal Claims and Inquiries, PCC/AMRM-6

SYSTEM LOCATION:

Postal Assistance Unit, Albrook AFS (Bldg. 446) and Margarita (Bldg. 8040), Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons requesting tracing of undelivered mail or parcels, or presenting claims for loss or damage of registered mail or insured parcel post.

CATEGORIES OF RECORDS IN THE SYSTEM:

The record contains the information necessary to properly examine, prepare, process and adjudicate claims for loss or damage of registered mail or insured parcel post or tracing of ordinary articles, including: names and addresses of senders and addresses, date of mailing, description of article's value, the registration, insured, or certified number or description of an unnumbered ordinary article, purpose of claim, post office disposition and any other pertinent information relating to the claim or inquiry.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3741 (Supp. III 1979), and Article III and Annex of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Referred to Foreign Postal Administrations or law enforcement agencies when applicble. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Individual file folders.

RETRIEVABILITY:

Filed alphabetically by name of addressee.

SAFEGUARDS:

Maintained in metal lockable cabinets or desk drawers. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed two years after disposition of claims.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

The sender, addressee, and, as applicable, the Postal Service or Administration officials of the country of origin or destination.

PCC/AMSA-1

SYSTEM NAME:

General Identification, Photo-Identification and Purchase Authority Records, PCC/AMSA-1

SYSTEM LOCATION:

Employee Documentation Unit, Building 5140, Diablo, Republic of Panama and Building 8040, Margarita, R.P.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYETEM:

All individuals who have applied for Panama Canal Commission general identification, photo-identification and/or purchase authority cards, i.e., employees and annuitants of the Panama Canal Commission (including its predecessor agencies) dependents and other individuals who reside in Commission housing; employees of the United States District Court of the Canal Zone and the U.S. Attorney's Office; employees of private companies (contractors) or other organizations; visitors of U.S. Commission employees and certain other Federal agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applicants name, identifying number, home address, postal address, birthdate, citizenship, employment status and/or employing unit, position title, marital status, purchase authority status, medical privilege status, work and home telephone number. Name, date of birth, relationship, physical impairments and citizenship of dependents of applicant, and history of identification cards issued. Subsystem containing photomat cards reflecting card holder's name, sponsor's name, date of birth of card holder, identification number, citizenship, employing agency or agency retired from, separation date, card expiration date, residence address and card control number. Types of identification cards maintained by this office include, but are not limited to, Form 737, Photo ID privilege card for U.S. citizen and eligible third-country national employees; Form 738, Photo ID card for dependents of U.S citizens and eligible third-country national employees; Form 739, Photo ID for non-U.S. citizen employees; Form 740, Photo ID for contractor employees and their dependents; Form 748, Annuitant ID card; Form 691, Application for Visitors Card; Form 1680, Recreational Facilities Identification; Form 5295, Resident Identification; Form 3004, Hospital ID for non-U.S. citizen employees' dependents; Form 37, Official Government Driver's Licenses. Computer listings reflecting name, identification number, tenure, duty station, social security number, leave balance, gross pay and social security payments to the Government of Panama, of active Panama Canal Commission employees eligible for medical benefits. Name, identification number, passport number, date of birth, birthplace, nationality of Panama Canal Commission employees and their dependents who have been issued official U.S. passports. For persons who have been issued visitor identification cards, photocopies of their passport, tourist card, and their sponsor's Commission identification card are maintained.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 (Supp. III 1979); Articles III and VIII of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system may be disclosed to officials of the U.S. Embassy, U.S. Armed Forces and the Government of Panama, with a need to know. See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed forms, standard photomat cards and paper records.

RETRIEVABILITY:

Indexed by name and identification number.

SAFEGUARDS:

Records maintained in locked metal filing cabinets when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed six years after inactive, cancelled or termination of employee.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Staff and Administrative Support Branch, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the system manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in notification procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

From individual, U.S. Embassy and Data Processing.

PCC/AMSE-2

SYSTEM NAME:

Documents Control System PCC/AMSE–2

SYSTEM LOCATION:

Cargo Documentation Unit in Bldg. 5140, Diablo, R.P. and Bldg. 1105, Cristobal, R.P.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commission employees, contractors, dependents, and other persons, and other persons for whom the PCC is responsible for issuing documentation, reported to be, or suspected of involvement in activities which are violations of treaty provisions governing identification documentation, and importation, purchase, use, transfer of goods or services, including but limited to transfer of duty free goods and services into the Republic of Panama without proper Panama customs clearances; shoplifting in military retail facilities; and abuse of APO mailing privileges.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, number, address, place of employment, case numbers, charge or violation, administrative or court action taken, and name of investigator. Other information as may be uncovered by investigating officers, including the name, dates and places of violations, names of accessories etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977; and Articles XIII and XVI of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure as required to U.S. military component investigators, U.S. District Court officials, and Panamanian Customs officials having an interest in such information in connection with law enforcement or regulatory procedures. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Cards, logbooks (chronological), case reports and supporting documentation maintained by the Cargo Documentation Unit which are accessible by the cardex system.

RETRIEVABILITY:

Accessible by name and case number on cardex forms. Backup data, including case reports accessed by cardex designators, otherwise filed by investigator's name.

SAFEGUARDS:

Card file drawers. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed after 10 years.

SYSTEM MANAGER(S) AND ADDRESS:

Employee and Cargo Documentation Section, Panama Canal Commission, APO Miami 34011.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.21 and 10.22.

PCC/AMSE-3

SYSTEM NAME:

Records of Births, Deaths, and Marriages that occurred in the former Canal Zone, PCC/AMSE–3.

SYSTEM LOCATION:

Employee Documentation Unit, Building 5140, Diablo, Republic of Panama.

CATEGORY OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who were born and their parents, individuals who died, individuals who were married, parents who experienced fetal deaths, in the former Canal Zone, and/or in a U.S. Government Hospital in the Republic of Panama, from 1904 to September 30, 1979.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names and characteristics of the individuals associated with each event (i.e., birth, death, stillbirth, marriage, delayed registration, legitimacy, adoption) such as dates of birth, death, marriage, age, sex, color or race; relationship of individuals; occupation; residence and/or mailing address; place of birth, death, marriage; marital status; legitimacy; adoption; delayed registrations; citizenship. Stillbirth and death records also contain medical information relating to cause of death. System also contains records concerning legitimacy, adoptions, delayed birth registration; birth and death registry books dating back to 1904; reference indexes and card files containing name, date of event and certificate or registry number. Certificates for each birth and death are serially numbered and indexed by month.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM:

1. Upon written request to Federal Agencies and other organizations responsible by statute or other competent authority for programs to which the information is pertinent, such as the Social Security Administration, National Center for Health Statistics, components of the U.S. Armed Forces.

2. To officials of other agencies, foreign governments, in connection with adoptions and other social service programs.

3. To law enforcement officials when such disclosure is essential for investigations.

4. U.S. Embassy upon request, usually for issuing visas.

5. Civilian Personnel Offices, Retirement Branch, and Agents Accounts Branch (new deaths).

6. Parents or legal guardians, or next of kin, if the agency's Vital Statistics Registrar is satisfied that the applicant has a direct and legitimate interest in the matter recorded or that the information therein contained is necessary for the determination of personal or property rights.

7. Records concerning adoption or legitimation may be opened only upon the demand of the person involved or the adopted person if of legal age or by an order of the Court.

8. See also the general routine uses listed in 35 CFR part 10, Appendix A. Authority for maintenance of the system: 7 P.C.C. 576; 8 P.C.C. 4, 5, 6, and 8, and 335, 387; 76A Stat. 571, 672, 689, 691, and 88 Stat. 1417; 22 U.S.C. 3611

(Supp. III 1979); Article III of the Panama Canal Treaty of 1977 and related agreements.

STORAGE:

Paper certificates in 5-drawer filing cabinets; 3 x 5 index cards; registry books, microfilm. All certificates for births, deaths, and marriages are on microfilm. All index cards for births and deaths are also on microfilm.

RETRIEVABILITY:

By name, date of birth, date of death, date of marriage, and number of certificate.

SAFEGUARDS:

Records kept in locked cabinets in a room which is locked after duty hours. Access is restricted to authorized personnel only.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER:

Chief, Employee and Cargo Documentation Section, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Parents of subject of the birth certificate, individual applicant, physicians, hospital charts, next of kin, PCC Police Division, neighbors or relatives.

PCC/ECIN–1

SYSTEM NAME:

Plumbing and Welding License Files, PCC/ECIN–1

SYSTEM LOCATION:

(Plumbing License Files) Director's Office, Engineering and Construction Bureau, Administration Building, Balboa Heights, R. P.; (Welding License Files) Industrial Division, Building 5082, Mt. Hope, R. P.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who have welding licenses on file with the Industrial Division.

CATEGORIES OF RECORDS IN THE SYSTEM:

License numbers, name of licensee, date license issued, test results, category of license, name of certification board or examiner.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977; 35 CFR Parts 251 and 253.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

License information routinely released to contractors, employers, and license examining and review boards. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by type and number of license.

SAFEGUARDS:

Records maintained in file cabinets. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

No retention and disposal schedule established. Actively maintained as long as licensee is known to be actively engaged in employment. Retained permanently for record purposes.

SYSTEM MANAGER(S) AND ADDRESS:

For plumbing license file, Director, Engineering and Construction Bureau, Panama Canal Commission, APO Miami 34011. For welding license file, Chief, Industrial Division, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Examining officials and licensee.

PCC/ECLE–1

SYSTEM NAME:

Telephone Exchange Directory, PCC/ECLE–1.

SYSTEM LOCATION:

Electrical Division, Building 69, Balboa, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Panama Canal Commission telephone service subscribers, including persons or organizations requesting residential, office, and/or pay phone installations, directory listings, repair services, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, employee identification and/or customer number, of all persons and organizations having listed and unlisted telephone numbers. Dates of installation, work order numbers, types of equipment and numbers of installation, location, etc. are also included.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977 and Annex thereto.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system is used to compile listings used to produce the Panama Canal Commission Telephone Directory (available to the public), answer requests for telephone directory assistance etc. Telephone numbers which are requested to be kept unlisted, while a part of the system, are maintained under lock and key. Such numbers are only divulged to the party to whom they pertain, and only upon positive face-to-face identification. Information from this system may also be used to provide assistance to INTEL for the collection of outstanding charges for long distance services. For other routine uses see general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information maintained on printed cards, diskettes, and word processing equipment.

RETRIEVABILITY:

Filed by name and telephone district.

SAFEGUARDS:

Cards maintained in lockable revolving files.

RETENTION AND DISPOSAL:

Maintained for five years after individual cancels or terminates service, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Electrical Division, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of address designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

From employee on whom record is maintained.

PCC/EO-1

SYSTEM NAME:

Minority Group Designator Statistical Data, PCC/EO-1.

SYSTEM LOCATION:

Office of Equal Opportunity and Data Processing Division, Administration Building, Balboa Heights, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active employees of the Panama Canal Commission

CATEGORIES OF RECORDS IN THE SYSTEM:

A minority group designator, together with information in the payroll system of the Panama Canal Commission, including such information as name, employee identification number, date hired, roll and gang, position number, occupation, pay level, base rate, work week, social security code and number, residence, citizenship, sex, marital status, birth date, Federal service date, PCC service date and employee status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 554; 22 U.S.C. 3611 (Supp. III 1979); 42 U.S.C. 2000 e-16; E.O. 11478 of August 8, 1969; Articles III and X of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A. The System Manager is prohibited, by the provisions of 29 CFR 1613.302, from disclosing minority group data in the system except in the form of gross statistics (except insofar as an individual is entitled, under the Privacy Act, to access to information pertaining to him which is contained in the system.)

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes or discs, computer printouts and Panama Canal forms No. 2823, used for computer input.

RETRIEVABILITY:

By any or all of the categories of records in the system.

SAFEGUARDS:

Printouts containing names or other personal identities together with the minority group designator code maintained in locked file cabinet and accessible only to the Director of the Office of Equal Opportunity or that official's designated representative. Magnetic tapes stored in locked rooms when not in use; access and use restricted to authorized personnel. Printouts will be produced only upon written request from the Director of the Office of Equal Opportunity.

RETENTION AND DISPOSAL:

Printouts retained up to five years and then destroyed. Records on magnetic tape retained until six weeks after the end of the calendar year in which the employee terminates. Tapes and discs erased and reused. Panama Canal forms No. 2823 destroyed after minority group information entered in computer and checked for accuracy.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Equal Opportunity, Office of Equal Opportunity, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Administration Building, Balboa Heights, R. P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of the officials designated in Notification Procedure, preceding.

CONTESTING RECORD PROCEDURES:

Rules governing how an individual may request the amendment of any information about him in this system are published in 35 CFR 10.12.

RECORD SOURCE CATEGORIES:

Minority group designator code: A visual identification of the employee's race and ethnic category made by the employee's supervisor for those employed as of June 30, 1977 and, for those entering service after June 10, 1977, by staff of the Employee Processing Unit of the Office of Personnel Administration, and for those employees entering service on January 1, 1981, voluntary self identification will be employed. All other data: Subject employee, personnel actions forms (SF 50), employing unit, time reports, computer-generated and manual calculations from varied input data.

PCC/EO-2

SYSTEM NAME:

Equal Employment Opportunity Complaint File, PCC/EO-2.

SYSTEM LOCATION:

Office of Equal Opportunity, Administration Building, Balboa Heights, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and applicants for employment who complain of discrimination based on race, color, sex, age, religion, national origin, or physical and mental handicap.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Pre-complaint record, consisting of informal complaint, final report from the Equal Employment Opportunity Counselor, and related documents.

B. Investigative file, consisting of formal complaint; acceptance of formal complaint; sworn statements from complainant, witnesses, and alleged discriminatory official(s), environmental survey for comparison purposes (depersonalized); and summary made by Investigator, and related documents.

C. Complaint file, consisting of proposed disposition of complaint, transcript of EEO hearing, hearing examiner's recommended decision, final decision by agency head, documents forwarded to the Office of Review and Appeals of the Equal Employment Opportunity Commission and the Commissioners, and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2000e–16; 5 U.S.C. 554; E.O. 11478 of August 8, 1969; E.O. 11590 of April 23, 1971; 22 U.S.C. 3611 (Supp. III 1979); Articles III and X of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosed to the Equal Employment Opportunity Commission in connection with their conducting a hearing or rendering a decision on an appeal of this agency's decision; and to the U.S. courts in connection with the filing of a civil action related to your complaints. (See also General Routine Uses set forth in 35 CFR Part 10, Appendix A.]

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Field alphabetically by name of complainant.

SAFEGUARDS:

Stored in locked file cabinets; office locked when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Retained in office for 2 years after final disposition of case and transferred to Agency Records Center for destruction 4 years after final disposition of case. Tapes of EEO hearings are erased and reused.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Equal Opportunity, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager. See Chapter 713 of Panama Canal Personnel Manual (PCPM 713).

RECORD ACCESS PROCEDURES:

Requests should be addressed to the System Manager. Investigatory records are not released until investigation has been completed. Hearing records are not released until final decision has been made.

CONTESTING RECORD PROCEDURES:

See Panama Canal Personnel Manual 713.

RECORD SOURCE CATEGORIES:

Complainant; individuals involved in complaint; other witnesses; investigator; examiner; and officials making determinations in the case.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.22.

PCC/FMAC–2

SYSTEM NAME:

Accounts Receivable Records, PCC/FMAC–2

SYSTEM LOCATION:

Agents Accounts Branch, Bldg. 365, Ancon, Republic of Panama; Panama Canal Commission, 4400 Dauphine St., New Orleans, Louisiana; and Data Processing Division, Administration Building, Balboa Heights, R.P.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals billed by the former Canal agencies for services and purchases, and individuals billed by the Panama Canal Commission for services, housing, etc. Included are: all former employees of the Canal agencies, and all present and former employees of the Commission, employees and active duty personnel of U.S. military commands, employees of other U.S. Government agencies, including U.S. Embassy and State Department personnel located in the Republic of Panama, Civil Service annuitants and all other persons having charges or unpaid balances payable to the Panama Canal Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained to support and effect customer billings, collections, and credit standing, including customer listings and data files (name, address, account number and balance, roll and gang, history of debit and credit transactions, etc.), charge account applications, transaction detail and analysis and statistical accumulations, active and inactive credit accounts, schedules of advance payments and security deposits, and account written off. Information relates to such charges as former retail store and storehouse sales, hospital services, other services provided by the former Canal agencies, and housing, electricity, etc., currently provided by the Commission to DoD personnel and other individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 5 U.S.C. 5511–14; 22 U.S.C. 3721 (Supp. III 1979); 31 U.S.C. 65 et seq. and 951–3; 42 U.S.C. 2651–3; 44 U.S.C. 3101; Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure is authorized to General Accounting Office for audit and collection assistance; Department of Justice for collection assistance; Internal Revenue Service for determination of tax liability; Veterans Administration for its administration of laws pertaining to veterans; and other U.S. government organizations, private employers, labor unions, lending and credit institutions, foreign consulates and embassies, foreign governments, insurance carriers, attorneys, courts, and executors of estates for collection assistance, credit information, offset of accounts receivable against amountsd due customers, and possible litigation. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in folders, index cards; magnetic tapes/disks and punched cards; computer printouts; 16 mm rolls of silver halide microfilm.

RETRIEVABILITY:

Paper records and microfilm retrievable alphabetically by name; information retrieved from computer and microfilm by customer/account number.

SAFEGUARDS:

Paper records filed in locked and unlocked metal file cabinets, shelf files, tub files, desks, and table tops in building locked when not in use. Magnetic tapes/disks and punched cards filed in locked rooms when not in use. Two microfilm silver copies made simultaneously. One security copy stored in Treasurer's Vault in locked fireproof film file cabinet. Second copy used for retrieval of information and is stored in a fireproof, film file cabinet, which is locked when not in use. Access and use restricted to authorized personnel.

RETENTION AND DISPOSAL:

Paper records destroyed six years and three months after account closed, except those pertaining to accounts

written off (destroyed after fifteen years) and customer listings (destroyed when superseded by new listings). Information retained on computer for one year after closing of account. Microfilm retain six years and three months. Request pending to destroy paper copies which have been microfilmed in three years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Agents Accounts Branch, Accounting Division, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Units providing chargeable services, billing offices, collection agents, subject individuals, officials authorized to forgive debts and to authorize adjustments of existing charges, and offices making inquiries or to which inquiries are directed.

PCC/FMAC-3

SYSTEM NAME:

Trust Fund Records, PCC/FMAC–3

SYSTEM LOCATION:

Agents Accounts Branch, Building 365, Ancon, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Estates escheated to the former Canal Zone Government by court order.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained on funds held for persons incapable of handling their own affairs. The records show the beneficiary's name, amounts received and earned, dates received and earned, account and receipt.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611, 3721 (Supp. III 1979); 31 U.S.C. 65 et seq.; Articles III and XI of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure of information is authorized to the Public Administrator, for use in the performance of duties. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed or retrievable alphabetically by name.

SAFEGUARDS:

Stored in locked desk in building locked when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed when 3 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Agents Accounts Branch, Accounting Division, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Fund administrators and agent cashiers.

PCC/FMAC–8

SYSTEM NAME:

Accounts Payable Disbursement Records, PCC/FMAC–8.

SYSTEM LOCATION:

Agents Accounts Branch, Building 365, Ancon, Republic of Panama. New Orleans Office, Panama Canal Commission, 4400 Dauphine Street, New Orleans, Louisiana.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons to whom payments have been made by the former Canal agencies and the Panama Canal Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained to show payments from accounts of the former Canal agencies and the Commission including such documentation as purchase orders, vendors invoices, payment authorizations and approvals, check follow copies, and accounting classifications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611, 3721 (Supp. III 1979); 31 U.S.C. 65 et seq.; Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure is authorized to freight carriers and rate making institutions in connection with the determination of rates, other Federal agencies gathering statistical information, contracting officers, banks with which the Commission maintains checking accounts, and the District Court and other Government organizations for which the Panama Canal Commission disburses funds. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in folders and individual forms. Microfilmed on 16 mm rolls of silver halide film.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Paper records stored in metal file cabinets in building locked when not in use. Two silver halide rolls of microfilm made simultaneously. One security copy filed in Treasurer's Vault in locked fireproof film file cabinet. Second copy kept in Agents Accounts Branch for retrieval of information and stored in locked metal, fireproof film file cabinet. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Paper copies and mircofilm destroyed 6 years and 3 months after the period of the account.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Agents Accounts Branch, Accounting Division, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURES:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Procurement Officer, contracting officer, officials authorized to incur liabilities and approve payments disbursed by the Panama Canal Commission, and subject individuals.

PCC/FMAP-1

SYSTEM NAME:

Payroll Master File for Panama Canal Commission Employees, PCC/FMAP-1.

SYSTEM LOCATION:

Payroll Branch, Building 365, Ancon, Republic of Panama; and Data Processing Division, Administration Building, Balboa Heights, R.P.; and New Orleans Office, Panama Canal Commission, 4400 Dauphine Street, New Orleans, Louisiana.

CATEGORIES OF RECORDS IN THE SYSTEM:

Present and former employees of the Panama Canal Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Master payroll system consisting of payroll-related or employment-related information necessary to compute gross and net pay, retirement credit, leave balances, overtime, etc., and to account for payments. Includes such information as name, employee identification number, rate number, rate of pay deductions, date hired, where hired, roll and gang, position number, occupation, pay level, base rate, frozen or saved rate, tropical differential code, annual premium compensation, security classification, step due date, labor distribution accounts, work week, retirement code, tenure, rehired annuitant, part-time hours, social security code and number, FEHBA plan, FEGLI income tax data, Fair Labor Standards Act code, medical identification card, residence, citizenship, sex, marital status, veterans preference, physical examination, suspended leave, employee address, birth date, Federal service date, Canal service date, travel leave, check distribution code, employee status, and Combined Federal Campaign pledges.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., Chapter 55; 22 U.S.C. 3611 and 3721 (Supp. III 1979); Article III of the Panama Canel Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES.

Information may be disclosed to the following agencies and organizations, in connection with their authorized functions: Office of Personnel Managment; Internal Revenue Service; Social Security Agency; General Accounting Office; U.S. military agencies; state unemployment compensation offices; city, county, and state tax offices; employee credit union; banks; labor unions; insurance carriers; and Combined Federal Campaign. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape/disks, punched cards, computer printouts, and microfilm of printout.

RETRIEVABILITY:

Retrievable by employee's name, identification number, and pay rate code.

SAFEGUARDS:

Paper record and microfilm stored in building locked when not in use. Magnetic tape/disks and punched cards filed in locked rooms when not in use. Access and use restricted to authorized personnel.

RETENTION AND DISPOSAL:

Paper records or microfilm destroyed sixty years after individual's first day of employment, provided individual has been separated from service for five years. Terminated employees are carried on the computer unitl six weeks after the end of the calendar year in which they terminate.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Payroll Branch, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of addressees designated in Notification Procedures preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Subject employee, personnel action form (SF–50), employing unit, time reports, and computer-generated and manual calculations from varied input data.

PCC/FMAP–2

SYSTEM NAME:

Payroll System for Vessel Employees, PCC/FMAP–2

SYSTEM LOCATION:

Payroll Branch, Panama Canal Commission. Bldg. 365, Ancon, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former vessel employees on Panama Canal Commission steamships.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained to accumulate pay-related data, calculate pay, and account for payments former to crew members of Commission steamships, including such information as name, Social Security number, article number, rate, and position title.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 22 U.S.C. 3611 and 3721 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In connection with their authorized functions, disclosure is authorized to the Office of Personnel Management; Internal Revenue Service, Federal Social Security Administration; municipal county and state tax offices in the United States, employee credit unions, financial institutions, labor unions, insurance carriers, state unemployment compensation offices. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Journals and cards, and 16 mm rolls of silver halide microfilm.

RETRIEVABILITY:

Filed by Social Security number and retrievable by name.

SAFEGUARDS:

Stored in building locked when not in use. Two microfilm silver copies made simultaneously. One security copy

stored in Treasurer's Vault in locked, fireproof, film file cabinet. Second copy used for retrieval of information and is stored in a fireproof, film file cabinet, which is locked when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Paper records and microfilm destroyed sixty years after first day of employment of vessel employee by Panama Canal Commission.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Payroll Branch, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Subject individual and ship's purser, and captain.

PCC/FMAP/AC–4

SYSTEM NAME:

Payroll Deductions, PCC/FMAP/AC–4

SYSTEM LOCATION:

Payroll Branch, Building 365, Ancon, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active and retired employees of the Panama Canal Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained by the Payroll Branch as part of the Payroll Master File for Panama Canal Commission employees and used also by Agents Accounts Branch as part of the Accounts Receivable Records System for accounts collectible by payroll deduction. Records contain individual's gross pay, net pay, and payroll deduction detail and support data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5511–27; 22 U.S.C. 3611 and 3645 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure is authorized to insurance carriers in connection with payments of health insurance benefits. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Cards, ledgers, and papers in file folders.

RETRIEVABILITY:

Filed and retrievable alphabetically by name and by identification number.

SAFEGUARDS:

Stored in metal file cabinets and ledger buckets in building locked when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed 4 years after fiscal year involved.

SYSTEM MANAGER(S) AND ADDRESS:

For Payroll Master File use: Chief, Payroll Branch, Accounting Division, Panama Canal Commission, APO Miami 34011. For accounts receivable use: Chief, Agents Accounts Branch, Accounting Division, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Billing units and subject individuals.

PCC/FMGA–1

SYSTEM NAME:

Cash Audit Files, PCC/FMGA–1.

SYSTEM LOCATION:

General Audit Division, Building 6530, Corozal, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Panama Canal Commission collecting agents whose accounts are audited by the General Audit Division.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of cash audits to evaluate internal controls over cash and determine whether the custodian is carrying out his responsibilities with respect to Government property and to identify weaknesses in cash controls and to make necessary changes in those controls. In case of cash shortages, records are used to determine amount recoverable from agent. Records contain information such as the identifying agent number, employee's name, employing unit, and employee's accountability at the time the audit was performed. In instances where cash shortages are found, the records will also contain information on the recovery of these amounts from the agents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 and 3721 (Supp. III 1979) and Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Payee records in file folders.

RETRIEVABILITY:

Filed by fiscal year and agent number audited. Retrievable by name.

SAFEGUARDS:

Stored in locked file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed by burning after ten years.

SYSTEM MANAGER(S) AND ADDRESS:

General Auditor, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Subject individuals, auditors, and employees of Agents Accounts Branch.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures of access and contest set forth in the agency's regulations. See 35 CFR 10.22.

PCC/GSCE–1

SYSTEM NAME:

Emergency Preparedness Records (Civil Defense/Emergency Management), PCC/GSCE–1

SYSTEM LOCATION:

Various locations in the Commission as may be designated by the Agency Records Officer, Personnel Director, or other appropriate officials.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those persons to whom, and by whom, emergency services would be rendered in times of emergency or natural disaster.

CATEGORIES OF RECORDS IN THE SYSTEM:

As may be required, the names, addresses, ages, employment, citizenship, next of kin and other information needed to identify persons who may provide, or require, temporary housing assistance, medical care, etc., in times of emergency or natural disaster.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 (Supp. III 1979) and Article III of the Panama Canal Treaty of 1977; E.O. 11490 of October 28, 1969.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Forms in file folders.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Stored in lockable file cabinets. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Retained until revised or no longer required.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Emergency Preparedness Officer, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

The individual, employer and, Housing and Personnel Bureau records as required.

PCC/GSCL–1

SYSTEM NAME:

Library Services Branch Registration Record, PCC/GSCL–1

SYSTEM LOCATION:

Library Services Branch, Bldg. 0610, Ancon, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals authorized to borrow material from Library.

CATEGORIES OF RECORDS IN THE SYSTEM:

Borrower's name, identification number or Serial number, mailing address, citizenship, dependents, employer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 22 U.S.C. 3611 (Supp. III 1979); and Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card file cabinets of forms.

RETRIEVABILITY:

By borrower's name and card number.

SAFEGUARDS:

Records are maintained in locked file cabinets. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed one year after borrowing privilege has been cancelled. Destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Library Services Branch, Clerk Typist, Panama Canal Commission Library-Museum, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

From individual on whom record is maintained.

PCC/GSCP–2

SYSTEM NAME:

Canal Protection Division Activity Report Files, PCC/GSCP–2

SYSTEM LOCATION:

Canal Protection Division Pacific and Atlantic Area Commanders' Offices, at Building 729, Balboa, Republic of Panama and Building 140, Gatun, R.P. respectively.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are or have been subjects of investigation by Canal Protection Division personnel, including those detained and those who have committed, or are alleged to have committed, violations of laws or regulations in areas protected by the Canal Protection Division.

CATEGORIES OF RECORDS IN THE SYSTEM:

Activity reports, index cards and logbooks containing information such as subject's name identification number, occupation and employing unit and, when a subject has been barred from vital areas, a notation to that effect; date and time of incident and report; name of person making the report; information concerning the incident or detention; and witnesses or victims' names,

identification numbers and employing units.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977; and Article III, paragraph 8, of the Agreement in the Implementation of Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in 35 CFR Part 10, Appendix A. Information in connection with actual or potential violations of the security of areas guarded by the Canal Protection Division may also be disclosed to intelligence units or agencies of the United States Government including the State Department and the Department of Defense, and officials of the Government of Panama.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed forms 8½ by 11 inches and index cards.

RETRIEVABILITY:

Alphabetical card file of names of subjects gives cross-reference to activity reports filed in numerical order.

SAFEGUARDS:

Active files maintained in file cabinets in Area Commanders' offices. File cabinets and offices locked when not in use. Inactive files maintained at Agency Records Center, a building locked when not in use. Access to files and filing areas restricted to authorized personnel.

RETENTION AND DISPOSAL:

Activity reports retained at Area Commanders' offices for two years, subsequently held at Agency Records Center for three more year, then destroyed Index cards retained for up to ten years after date of last entry.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Canal Protection Division, Panama Canal Commission, APO Miami 34011.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system is exempt from certain subsections of the Privacy Act of 1974, 5 U.S.C. 552a, and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.21 and 10.22.

PCC/GSCS–1

SYSTEM NAME:

Housing Files, PCC/GSCS–1

SYSTEM LOCATION:

Housing Offices, Community Services Division, Balboa Heights and Margarita, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons residing in Panama Canal Commission quarters and in housing maintained by religious, commercial and charitable organizations in the Canal area.

CATEGORIES OF RECORDS IN THE SYSTEM:

Assignment and occupancy of Panama Canal Commission quarters, including information on assignee's name, eligibility, service date, identification number, address, family, size, and citizenship; name of spouse and dependents; dates of occupancy; rental and other related information; persons allowed to reside or visit with assignees; investigations of misconduct in quarters; and reports of violations of quarters regulations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977 and Articles III and VI of the Agreement in Implementation of Article III of the Panama Canal Treaty.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed or retrievable alphabetically by name.

SAFEGUARDS:

Stored in locked metal file cabinets in buildings locked when not in use or with around-the-clock guard. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed three years after occupants' termination of service.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Community Services Division, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager of the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Subject individuals, official personnel files, entry permits, dependency determinations, housing personnel, maintenance personnel, neighbors, and officials of other organizations maintaining housing in the Canal Area.

PCC/GSCS–2

SYSTEM NAME:

Housing Complaints File, PCC/GSCS–2

SYSTEM LOCATION:

General Services Bureau, General Services Building, No. 729 Balboa, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Occupants of Panama Canal Commission quarters whose cases have been referred to the Quarters Retention Committee.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complaints, investigations, testimonies, hearings, and decisions bearing on an occupant's eligibility to retain Panama Canal Commission quarters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977; and Articles III and VI of the Agreement in Implementation of Article III of the Panama Canal Treaty.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed or retrievable alphabetically by name.

SAFEGUARDS:

Stored in locked metal file cabinets in buildings locked when not in use or with around-the-clock guard. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed by burning or shredding five years after occupant is no longer eligible for residence in the Commission housing.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, General Services Bureau, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Subject individuals; complainants investigatory personnel, including police and customs officials; officials of the Canal agencies; witnesses; Quarters Retention Committee; and court officials and records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.22.

PCC/GSLS–1

SYSTEM NAME:

Vessel Employee Records, PCC/GSLS–1

SYSTEM LOCATION:

Logistical Support Division, Ocean Transportation Building 1–5–A, 4400 Dauphine Street, New Orleans, Louisiana 70146.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Formal crew members of the S.S. Cristobal.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal data on former crewmembers of S.S. Cristobal, including information on qualifications, positions occupied, "Z" number, next of kin, and adverse and disciplinary action record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 22 U.S.C. 3611 (Supp. III 1979); 46 U.S.C. Chapter 18; Articles III and X of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Cards.

RETRIEVABILITY:

Filed or retrievable alphabetically by name.

SAFEGUARDS:

Stored in locked metal file cabinets in building with around-the-clock guard. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Logistical Support Division, Panama Canal Commission, 4400 Dauphine Street, New Orleans, Louisiana 70146.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Administration Building, Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Subject individual, supervisors, union officials, and U.S. Coast Guard.

PCC/GSPL–1

SYSTEM NAME:

Law Enforcement Case Report Files, PCC/GSPL–1.

SYSTEM LOCATION:

Police Records Section, Bldg. 729, Balboa, Republic of Panama; Agency Records Center, Building 42–D, Diablo, Republic of Panama; Cristobal Police Station, Administration Building, Cristobal, R.P.; and Police Headquarters, Bldg. 729, Balboa, R.P.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are or have been subjects of police investigations, including persons who have committed crimes or are alleged to have committed crimes; persons witnessing or reporting criminal activities; missing persons; and persons filing official complaints about the conduct of other persons when such conduct is not a violation of law.

CATEGORIES OF RECORDS IN THE SYSTEM:

Subject's and/or suspect's name, witness' or witnesses' names, complainant's name, identification or cedula number, residence, birth date, age, sex, citizenship, occupation, employer, date and time of incident, name of the investigating/arresting officer, investigative facts concerning the case. Subsystem contains subject's name, identification number, residence, birth date, age, sex, citizenship, photograph number, fingerprint classification, date and time of incident, location of case report, and notations of arrests and outstanding warrants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

6 Panama Canal Code 3701–44, 76A Stat. 503–5; 22 U.S.C. 3831 (Supp. III 1979); Article XI of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Released to law enforcement agencies, court officials, and local military commands as necessary to assist in the apprehension and identification of criminals, and to conduct investigations related thereto. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed forms 8½ by 11 inches; computer printouts; magnetic tape; punch cards; logbooks; and index cards.

RETRIEVABILITY:

Logbooks and index cards permit retrieval of case report by name of

arrestee, complainant, or person about whom complaint has been made. Information on computer not retrievable by personal identifier.

SAFEGUARDS:

Active files maintained in locked file cabinets in Police Records Section while not in use. Inactive files maintained in Agency Records Center, a building locked when not in use. Care Report files in Agency Records Center normally released only to designated Commission Police officials. Magnetic tapes stored in locked rooms when not in use. Access to and use of all records restricted to authorized personnel.

RETENTION AND DISPOSAL:

Case reports retained by police for four years, subsequently held for seven years at Agency Records Center, and then destroyed. Case information and arrest records on magnetic tape automatically expunged five years after date of report unless longer retention specifically requested. Computer-produced reports retained at Police Records Branch up to ten years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Police Division, Panama Canal Commission, APO Miami 34011.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.21 and 10.22.

PCC/GSPL-3

SYSTEM NAME:

Detective Confidential Files, PCC/GSPL-3.

SYSTEM LOCATION:

Balboa Police Station, Balboa, Republic of Panama, Cristobal Police Station, Administration Building, Cristobal, R.P. and the Police Records Section, Bldg. 729, R.P.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are or have been subjects of police investigations; persons who have made official complaints to the police, who have been reported to the police on offical complaints, persons involved in pending criminal investigations, and persons involved in incidents of police interest.

CATEGORIES OF RECORDS IN THE SYSTEM:

Subject's name, identifying number, residence, birth date, age, sex, citizenship, occupation, employer, date and time of incident, date and time of investigation, facts of investigation, confidential source information, the nature and disposition of the incident, and witnesses statements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

6 Panama Canal Code 3701–44, 76A Stat. 503–5; 22 U.S.C. 3831 (Supp. III 1979); Article XI of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to law enforcement units of the local military commands, U.S. Courts, etc., consistent with identifying and apprehending criminal offenders. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed and typed forms.

RETRIEVABILITY:

Filed by name of subject.

SAFEGUARDS:

Maintained in lockable file cabinet. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Retained indefinitely for reference purposes. Destroyed pursuant to Agency procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Police Division, Panama Canal Commission, APO Miami 34011.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 33 CFR 10.21 and 10.22.

PCC/GSPL-4

SYSTEM NAME:

Convict Files, PCC/GSPL-4.

SYSTEM LOCATION:

Cristobal Police Station, Administration Building, Cristobal, R.P., Agency Records Center, Bldg. 42–D, Diablo, R.P.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who have been sentenced and have served any length of time in the Panama Canal Commission Penitentiary.

CATEGORIES OF RECORDS IN THE SYSTEM:

Convict's number, name, fingerprint classification, entrance and discharge dates, charge against convict, residence, citzenship, names of family, and related personal information. Also has history record of stay in penitentiary, disciplinary comments, brief case history of arrest and conviction, other pertinent information concerning case involved.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

6 Panama Canal Code 6501–7, 76A Stat. 555–6; 22 U.S.C. 3831 (Supp. III 1979); Article XI of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to provide historical data and reference information, regarding release, parole, probation, pardon, and other pertinent data on former and present inmates of the Panama Canal Commission penal facilities; to police, courts, and investigatory agencies, with a legitimate interest in such information. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed forms and typed pages

RETRIEVABILITY:

Filed by convict number.

SAFEGUARDS:

Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

The original of the record is forwarded to the Current Records Section, Records Management Branch upon sentencing. Duplicates are maintained at the Police Records Section, Bldg. 729, and Cristobal Police Stations. The original record is maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Police Division, Panama Canal Commission, APO Miami 34011.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the

agency's regulations. See 35 CFR 10.21 and 10.22.

PCC/GSPL-5

SYSTEM NAME:

Prisoner Record Cards, PCC/GSPL–5.

SYSTEM LOCATION:

Police Records Section, Building 729, Balboa, R.P. and Cristobal Police Station, Cristobal, R.P.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who have been arrested by the Panama Canal Commission Police.

CATEGORIES OF RECORDS IN THE SYSTEM:

Subject's name, identifying number, residence, birth date, age, citizenship, occupation, employer, date and time of arrest, arresting officer, sex, convict number, alias, arrest charge, name of complainant, final disposition received, and brief account of activities while individual was incarcerated.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

6 Panama Canal Code; 22 U.S.C. 3831 and 3852 (Supp. III 1979); Article XI of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Released to law enforcement agencies, courts, and investigatory agencies. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A–8.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed forms, 8 by 10 inches and micro-film cassettes.

RETRIEVABILITY:

Filed by name of prisoner, and date of arrest.

SAFEGUARDS:

Records maintained at main desk until discharge, then stored in locked file cabinets, and in locked micro-film cabinets. Copies of micro-film are stored in security vault. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Retained indefinitely, no disposition schedule in effect.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Police Division, Panama Canal Commission, APO Miama 34011.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See CFR 10.21 and 10.22.

PCC/GSPL–8

SYSTEM NAME:

Pending Detective Investigation Records, PCC/GSPL–8

SYSTEM LOCATION:

Balboa Police Station, Balboa, Republic of Panama, Cristobal Police Station, Administration Building, Cristobal, R.P.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Offenders, alleged offenders, witnesses, victims, investigating officer, and informants who are subjects of or involved in cases pending investigation by the Dectective Unit, Panama Canal Commission Police.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names of offenders, alleged offenders, witnesses, victims, investigating officers, facts of investigations, statements of witnesses, type of crime or offense being committed, date and time of case actions, locations of offense, warrants, individual data; such as age, sex, residence, telephone number, citizenship, occupation, employer, etc. and informant information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

6 Panama Canal Code 3701–44, 76A Stat. 503–5; 22 U.S.C. 3831 (Supp. III 1979); Article XI of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosed in the process of investigations to interested law enforcement agencies, investigatory agencies, courts, and federal and state justice agencies. See also general routine use paragraph in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed forms, memorandums, and typed pages.

RETRIEVABILITY:

By case name or by name of person under investigation.

SAFEGUARDS:

Maintained in locked file cabinets and safe. Access and use are restricted to authoried personnel.

RETENTION AND DISPOSAL:

Maintained for the duration of the investigation. No fixed disposition schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Police Division, Panama Canal Commission, APO Miami 34011.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system is exempt from certain subsection of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.21 and 10.22.

PCC/GOPL–13

SYSTEM NAME:

Arrest Record File, PCC/GSPL–13.

SYSTEM LOCATION:

Police Records Section, Building 729, Balboa, R. P.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who have been arrested, fingerpinted, photographed for violations of law. Also includes those persons required to appear in Magistrates Court for traffic violations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, alias, age, birth date, marital status, color, sex, felony or misdemeanor, charge, type of arrest, convict number, photograph number, nationality, residence, occupation, employer, drivers license number, identifying numbers, complainant, location of arrest, court dates and disposition.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

6 Panama Canal Code 1691–1716, 3701–44, 76A Stat. 474–6, 503–5; 22 U.S.C. 3831 (Supp. III 1979); Article XI of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide statistical data, to identify criminal offenders, and to index such information for use by law enforcement agencies, courts, consular and diplomatic officials and others with a valid need to know. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed cards 4 by 6 inches and micro-film cassettes.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in locked Kard-Veyer (rotary file) and locked micro-film file cabinet. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Maintained indefinitely, no disposition schedule established.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Police Division, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated on Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Compiled from individual arrest reports, from person arrested, and from identifying case report serial numbers.

PCC/GSPL–15

SYSTEM NAME:

Complaints Against Policemen File, PCC/GSPL–15.

SYSTEM LOCATION:

Balboa Police Station, Balboa, Republic of Panama, Cristobal Police Station, Administration Building, Cristobal, R.P. and Police Headquarters, 729, Balboa, R.P.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All police personnel about whom written complaints have been submitted from citizens.

CATEGORIES OF RECORDS IN THE SYSTEM:

Subject's name, badge number, date and time of the complaint, facts of the complaint as stated by the complainant, officer's statement as to his actions, decision on complaint, actions taken by person investigating the complaint, results of the complaint.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3831 (Supp. III 1979); Article XI of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Original letter of complaint.

RETRIEVABILITY:

By name of subject-police officer.

SAFEGUARDS:

Maintained in lockable file cabinet. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Maintained indefinitely. No disposition schedule established.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Police Division, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Request should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

From person making complaint; from employee; witnesses; investigating officer(s).

PCC/GSPL–16

SYSTEM NAME:

Traffic Accident Reports, PCC/GSPL–16

SYSTEM LOCATION:

Police Records Section, Building 729, Balboa, Republic of Panama and Cristobal Police Station, Administration Building, Cristobal, R.P.; and the Data Processing Division, Administration Building, Balboa Heights, R.P.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons involved in traffic accidents occurring in the Canal area.

CATEGORIES OF RECORDS IN THE SYSTEM:

Driver's name, identifying number, license number, residence, birth date, age, sex, citizenship, occupation, employer, address of employer, description of vehicle or vehicles involved, name, address and telephone number of owner of vehicle, violations committed, notations of court proceedings and dispositions, investigating officer's name, and facts and observations of the investigation. Subsystem contains diver's name, identifying number or date of birth, and traffic accident number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3831 (Supp. III 1979); Article XI of the Panama Canal Treaty of 1977; 6 Panama Canal Code 1691.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routinely released to court officials, owners of vehicles, insurance companies, and law enforcement agencies with a need to know. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed forms 8½ by 11 inches; index cards; punch cards; magnetic tape; and computer-produced reports.

RETRIEVABILITY:

Accident reports filed by accident number and date, cross-indexed by name of driver. Information on magnetic tape not retrievable by personal identifier.

SAFEGUARDS:

Active files maintained in file cabinets in offices locked when not in use. Magnetic tapes stored in locked rooms when not in use. Inactive files maintained in Agency Records Center, a building locked when not in use. Accident report files in Agency Records Center normally released only to designated Panama Canal Commission Police officials. Access to and use of all records restricted to authorized personnel.

RETENTION AND DISPOSAL:

Manual files destroyed five year after final disposition of case. Information on magnetic tape automatically expunged three years after date of report unless longer retention is specifically requested. Computer-produced reports

retained at Police Records Branch up to ten years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, of Police Division. Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Compiled from information provided by the vehicle operator, witnesses, and the investigating officer.

PCC/HL-1

SYSTEM NAME:

Occupational Health Records, PCC/HL-1

SYSTEM LOCATION:

Occupational Health Division, Bldg. 721, Balboa, Republic of Panama; and at Occupational Health Centers in Balboa (Bldg. 10), Miraflores (Bldg. 11, Pedro Miguel (Bldg. 6), Gamboa (Bldg. 63), Mt. Hope (Bldg. 5106), Gatun (Bldg. 122), Coco Solo Army Hospital (Building 8906), Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Panama Canal Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Pre-employment and periodic physical examinations; medical examinations to determine continuing fitness for duty consistent with job qualifications and requirements. Documentation of medical treatment received by an individual on an outpatient basis from hospitals, clinics, occupational health centers, and other health facilities. Also may contain abstracts in inpatient hospitalizations, information on communicable diseases, or information on participation in alcohol rehabilitation program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

21 U.S.C. 1175 and 1180 (1976 and Supp. III 1979); 22 U.S.C. 3611 (Supp. III 1979); 42 U.S.C. 4561; Article III of the Panama Canal Treaty of 1977 and Annex thereto.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information that does not relate to alcohol or drug abuse may be released from these records to the extent needed as follows: To the Communicable Disease Center, Atlanta, Georgia, other Federal agencies, or Government of Panama health officials. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, individual forms, and cards.

RETRIEVABILITY:

Records of cross–reference index cards providing access to records are filed alphabetically by name.

SAFEGUARDS:

Stored in metal file cabinets in buildings locked when not in use, or buildings with around-the-clock guards. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Retained until employee terminates employment with the agency. Thereafter retired to the Agency Records Center for disposition in accordance with Federal retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Health and Safety, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained as appropriate from the following officials:

1. Assistant Director-Administration, Office of Health and Safety, Panama Canal Commission, APO Miami 34011.
2. Chief, Occupational Health Division, Panama Canal Commission, APO Miami 34011.

Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to the Systems Manager. Procedure for disclosure of information from the medical records of the individual requesting access are set forth in 35 CFR 10.9.

RECORD SOURCE CATEGORIES:

The individual to whom the occupational health record pertains, attending physicians and allied health personnel involved in the individual's treatment.

PCC/MRBL-2

SYSTEM NAME:

Marine Accident Investigation Reports/Statistics, PCC/MRBL–2.

SYSTEM LOCATION:

Board of Local Inspectors, Bldg. 5140, Diablo, Republic of Panama, and Data Processing Division, Administration Bldg., Balboa Heights, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED IN THE SYSTEM:

Panama Canal Commission pilots involved in marine accidents during transit operations; and persons injured in marine accidents during transit operations (since 1960).

CATEGORIES OF RECORDS IN THE SYSTEM:

Pilot's name, case number, vessel description (name, type, length, beam), date, time and location of accident, direction vessel was traveling, damage type and dollar estimate, fault or no fault, transcript of hearing held by the Board of Local Inspectors, administrative reports prepared by Navigation Division regarding marine accidents, name of injured parties, medical report on injured parties, and other information which may be pertinent to the Board's investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3777–3778 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977; 35 CFR Parts 115 and 117.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The final published report of findings of an investigation is available to the public. Information about an accident under investigation may be disclosed to parties having a legitimate interest therein, such as owners or operators of vessels, insurance underwriters, legal counsel. See also general routine uses in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer tapes, paper printouts; logs, and charts, tapes, paper files, transcripts of Board proceedings.

RETRIEVABILITY:

Pilot's name code, case number, and most other data elements in the system.

SAFEGUARDS:

On-line access restricted to a limited number of authorized personnel who use

a confidential identifying code and access code. One person has been designated to maintain control of all input documents and issuance of report information. Reports and tapes are kept in a locked cabinet or secure area when not in use.

RETENTION AND DISPOSAL:

No retention schedule established. Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chairman, Board of Local Inspectors, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individuals involved in accident, administrative reports from Marine Transit Operations Division personnel, investigations by the Board.

PCC/MRNV-1

SYSTEM NAME:

Marine Accident Reference Cards, PCC/MRNV-1.

SYSTEM LOCATION:

Navigation Division, 2nd floor, Building 28, Balboa Industrial Area, Balboa, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Panama Canal Commission. Pilots employed by the Navigation Division.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's name, identification number, date of birth, dates of promotion, and ship accident data; including the ship's name, description, date of occurrence and fault or no fault of employee involved. When a ship incident does not require a Board of Local Inspector's investigation, an administrative report noting the date, ship's name and description is included.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3777–3778 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977; 35 CFR Part 117.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper cards and sheets.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Kept in lockable file cabinet or desk. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

No retention schedule established. Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, Navigation Division, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Chairman, Board of Local Inspectors, Deputy for Support Operations.

PCC/MRNV-2

SYSTEM NAME:

Pilot Workload Statistics, PCC/MRNV-2

SYSTEM LOCATION:

Navigation Division, Transit Operations, Marine Traffic Control Center, Bldg. 910, La Boca, Republic of Panama; and Data Processing Division, Administration Building Balboa Heights, R.P.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Panama Canal pilots.

CATEGORIES OF RECORDS IN THE SYSTEM:

A pilot master file and information for producing reports on the workload of the pilot force. The master file contains information such as pilot's name, identification number, mailing address, home telephone number, residence, education level, professional licensing data, and officer and maritime experience. Also included is such Panama Canal Commission employment information as employee status, pilot's home district, qualification and group numbers, seniority number and date, and termination dates and reasons. Reports produced include, for each pilot, such information as daily details of transits, hours worked, travel hours, and available time.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3811 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977; 35 CFR Part 105.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and punched cards; computer printouts; computer input forms.

RETRIEVABILITY:

By name of pilot.

SAFEGUARDS:

Computer printouts and input forms kept in lockable cabinets in rooms locked when not in use. Magnetic tapes kept in locked rooms when not in use. Access and use restricted to authorized personnel.

RETENTION AND DISPOSAL:

Input forms kept at Marine Traffic Control Center up to three months then sent to Agency Records Center, where retained for three years and then destroyed. Pilot master file purged and updated weekly; workload data retained on magnetic tape indefinitely. Computer printouts retained up to one year at Transit Operations Center, then sent to Agency Records Center, where retained for three years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Adminstrative Officer, Navigation Division, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the system Manager or the Agency Records Officer, Administration Building, Balboa

Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Pilots.

PCC/OM-1

SYSTEM NAME:

Ombudsman Investigation Files, PCC/OM-1

SYSTEM LOCATION:

Office of the Ombudsman, Building 37, Balboa, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED IN THE SYSTEM:

Employees and former employees, and dependents of the Panama Canal Commission, Department of Defense, Smithsonian Tropical Research Institute, Federal Aviation Administration, and any other U.S. Government agency operating prior to October 1, 1979 in the former Canal Zone, who have submitted complaints, grievances, requests, or suggestions to the Ombudsman.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's or dependent's name, identifying number, residence, citizenship, employing unit, mailing address, description or history of problem, facts and observations of investigation, and other materials placed into the record to complete the case file and to document the actions, decisions, findings, or recommendations of the Ombudsman.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 and 3623 (Supp. III 1979); Article III of the Panama Canal Treaty of 1979.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in the system may be disclosed to other U.S. Government agencies or Government of Panama officials as necessary to investigate the matter under review by the Ombudsman. See also the general routine uses in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; and logs.

RETRIEVABILITY:

Filed by case number; reference to log enables retrieval by individual's name.

SAFEGUARDS:

Records maintained in locked security filing cabinet or safe in building which is locked after duty hours. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Retained 5 years after final disposition of case, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Ombudsman, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests from individuals should be addressed to either of addressees designated in Notification Procedure, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Information is obtained from the complainant/suggestor, and from various other sources in the course of investigations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.22.

PCC/PR-2

SYSTEM NAME:

Employee Benefits Records, PCC/PR-2

SYSTEM LOCATION:

Personnel Operations Division, Bldg. 366, Ancon, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees and their dependents or other members of their household.

CATEGORIES OF RECORDS IN THE SYSTEM:

Determinations of employees' eligibility for, or entitlement to, the tropical differential, home leave and repatriation travel, Commission housing, and other employee benefits. Determination of an individual's status as dependent or member of household of employee to establish his or her eligibility for residence in Commission housing, medical treatment, education, purchase authority, and transportation benefits. These records are maintained in addition to and interfiled with the records in Official Personnel Folders belonging to the Office of Personnel Management. See PCC/PR-8.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5701-42 and 5942; 22 U.S.C. 3641-3658 (Supp. III 1979); Articles III and X of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See General Routine Use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These paper records are maintained in addition to and interfiled with the records in Official Personnel Folders belonging to the Office of Personnel Management. See PCC/PR-8.

RETRIEVABILITY:

Filed alphabetically by name of employee.

SAFEGUARDS:

Stored in metal file cabinets in buildings locked when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Administration, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of the addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Subject employees and officials of the Canal agencies.

PCC/PR-4

SYSTEM NAME:

Personnel Security Files, PCC/PR-4

SYSTEM LOCATION:

Personnel Security Section, Office of Personnel Administration, Administration Building, Balboa Heights, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Panama Canal Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal history statements, security clearance, results of background investigations, and documents containing information obtained under a pledge of confidentiality.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450; E.O. 10865; Part 60.14, Sub-Chapter B of Chapter 1, Title 35 CFR; PCPM Chapters 732 and 736; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragrpahs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed forms, 8 by 10½ inches, microfilm.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in lockable file cabinets. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destory 20 years after date of last action.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Administration, Panama Canal Commission, APO Miami 34011.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations, See 35 CFR 10.21.

PCC/PR-9

SYSTEM NAME:

Incentive Awards Program Files, PCC/PR-9.

SYSTEM LOCATION:

Incentive Awards Office, Bldg. 5553, Diablo Heights, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of Panama Canal Commission who have filed suggestions or received honorary awards under the Incentive Awards Program since 1954. Supervisors of suggesters since 1974.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's name, identifying number, grade, occupation, employing unit, suggestion number, rejection or approval date, amount awarded, card control number. Supervisor's name, employing unit, number of suggestions submitted by his employees, amount awarded, and savings to the Commission.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4501 et seq.; 22 U.S.C. 3611 (Supp. III 1979) and Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system of records may be used to: (a) prepare reports for the Office of Personnel Management; (b) promote the awards program through the local news media; and (c) respond to inquiries from labor unions, award recipients, employee and professional organizations.

See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

3 by 5 inch cards; suggestion forms; related documents.

RETRIEVABILITY:

Filed or indexed by name.

SAFEGUARDS:

Records maintained in metal card files and lockable metal filing cabinets. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Held three years after employee's termination and then destroyed by fire.

SYSTEM MANAGER(S) AND ADDRESS:

Incentive Awards Secretary, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

From suggestion forms prepared by employees to whom the record pertains and from honorary award recommendations submitted by authorized management officials.

PCC/WO-1 (See PCC/WO/AE-2)

Title Listing of Inactive Panama Canal Commission Systems of Records
Advance Authorizations to Enter the Canal Zone, PCC-CZG/ADRM-2
Canal Zone Board of Registration for Architects and Professional Engineers Directory, PCC-CZG/BRAE-2
Canal Zone Board of Registration for Architects and Professional Engineers Reference Files, PCC-CZG/BRAE-1
Case Investigations, PCC-CZG/CAPS-2
Cash Register Receipt Shortages, PCC-CZG/FVGA-2
Civil and Amateur Radio Operator and Station license Files, PCC-CZG/CALS-4
Contract Employee Payroll Records, PCC/ECCN-2
Driver's License Investigatory File, PCC-CZG/CALS-7
Driver's License Revocation Lists, PCC-CZG/CAPL-20
Employee Application for Outside Employment, PCC/AMSA-2
Expert and Consultant Records, PCC/GSSP-1
Fishing Pass Application File, PCC-CZG/CALS-3
Health, Medical, Dental, and Veterinary Records Systems, PCC-CZG/HL-1
Hunting Permit Application File, PCC-CZG/CALS-2
Immigration Detention Orders, PCC-CZG/CACU-12
Inmate Trust Fund File, PCC-CZG/CAPL-14
Medical Administration System-

Exempt, PCC–CZG/HL–2
Medical Administration System-Nonexempt, PCC–CZG/HL–3
Motor Vehicle and Motorboat Registration and Operator's License Files, PCC–CZG/CALS–8
Official Permits to Have or Carry Firearms, PCC–CZG/CALS–11
Philatelic Program, PCC–CZG/CAPS–5
Purchase Authority Cards, PCC–CZG/ADGS–1
Refugee Records, PCC–CZG/SC–4
Runners, Peddlers, and Solicitors Application and License Files, PCC–CZG/CALS–10
Student Record System, PCC–CZG/CASC–1
U.S. Immigration and Naturalization Service, U.S. Citizenship Certificate Application and Appointment Records, PCC–CZG/CACU–10
Vehicle Registration for RP Series License Plates, PCC–CZG/CACU–9
Visa Records, PCC–CZG/GE–1 (STATE–39)

PCC–CZG/ADGS–1

SYSTEM NAME:

Purchase Authority Cards, PCC–CZG/ADGS–1

SYSTEM LOCATION:

Agency Records Center, Building 42–D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of private companies, organizations, and certain other government agencies, and other individuals that qualify for purchase authority.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, employment status, residence, mailing address, purchase-authority status, marital status, citizenship, age, names and ages of dependents, and history of identification cards issued.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Article III, 1936 General Treaty of Friendship and Cooperation, 53 Stat. 1807; Articles XI and XII, 1955 Treaty of Mutual Understanding and Cooperation, 6 U.S.T. 2273; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system may be disclosed to court officials for the purpose of compiling jury duty rosters. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed forms, 8 by 10½ inches.

RETRIEVABILITY:

Alphabetically by name.

SAFEGUARDS:

Lockable file cabinets. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Minimum of 5 years after individual ceases to qualify for purchase authority. Shredded.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

From individuals.

PCC–CZG/ADRM–2

SYSTEM NAME:

Advance Authorizations to Enter the Canal Zone, PCC–CZG/ADRM–2

SYSTEM LOCATION:

Agency Records Center, Building 42–D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals issued advance authorization to enter the Canal Zone.

CATEGORIES OF RECORDS IN THE SYSTEM:

Advance authorizations to enter the Canal Zone and related papers, such as extensions to stay and changes in Canal Zone immigration status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 841, 76A Stat. 32; E..O. 11305; 35 CFR 59.22–3; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM;

STORAGE:

Paper records on backers.

RETRIEVABILITY:

Filed alphabetically by name of entrant.

SAFEGUARDS:

Stored in metal file cabinets in file room locked when not in use in a building with around-the-clock guard. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

After 2 years, transferred to Agency Records Center; then destroyed after 2 more years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Sponsors of entrant.

PCC/AMSA–2

SYSTEM NAME:

Employee Application Outside Employment, PCC/AMSA–2.

SYSTEM LOCATION:

Administrative Services Division, Administration Building, Balboa Heights, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees or former employees who have applied for permission to engage in outside employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of employee, name of outside employer, location of outside employment, number of hours employed weekly, nature of work performed, beginning and ending dates of outside employment, and conditions placed on employee concerning outside employment permission. Also may include letters from the Government of Panama stating there is no objection to the proposed employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 and 3622 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977; E.O. 11222 of May 8, 1965.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Released to Internal Revenue Service and government of Panama officials upon request to inform them which employees engage in outside employment. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed form 8 by 10½ inches.

RETRIEVABILITY:

Filed by expiration date. Separate index maintained by name.

SAFEGUARDS:

Lockable file cabinet. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Minimum of 5 years after expiration of permit. Disposed of by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

From individual to whom application pertains.

PCC-CZG/BRAE-1

SYSTEM NAME:

Canal Zone Board of Registration for Architects and Professional Engineers Reference Files, PCC-CZG/BRAE-1

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active and inactive individuals certified as Engineers-In-Training (EIT) or registered as Professional Engineer (PE) or Architect (RA) in the Canal Zone.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complete applications detaining personal history, educational record and references and record of professional practice; reference letters from individuals, verification letters from schools, State Boards, National Council of Engineering Examiners (NCEE)/ National Council of Architectural Registration Boards (NCARB), etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 CFR 69(A) and 2 C.Z.C. 1171-75; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to National Council of Engineering Examiners (NCEE), National Council of Architectural Registration Boards (NCARB) and all State Board jurisdictions in connection with Publication of Roster, 35 CFR 69.141. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder 8½ by 11 inches.

RETRIEVABILITY:

Alphabetically by status of certification and registration.

SAFEGUARDS:

Active records maintained in locked file cabinet; inactive records maintained in office file cabinets. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Active files maintained indefinitely. Inactive files maintained indefinitely or three years after death. Files disposed of by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individual applicant, personal references, NCEE, NCARB, State Boards.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identify of confidential sources, or is testing or examination material is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.22.

PCC-CZG/BRAE-2

SYSTEM NAME:

Canal Zone Board of Registration for Architects and Professional Engineers Directory, PCC-CZG/BRAE-2.

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All certified Engineers-in-Training (EIT) and registered Professional Engineers (PE) and Architects (RA).

CATEGORIES OF RECORDS IN THE SYSTEM:

Numerical listing of Engineers-in-Training, Professional Engineers and Architects by number, name and methods or registration.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 CFR 69 and 2 C.Z.C. 1171-75 76-A Stat. 40-41; 22 U.S.C. 3611 (Supp. III

1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For routine use by the Board and for preparation of the annual report (35 CFR 69.232); and the Roster (35 CFR 69.141); Board members, Executive Secretary to the Board, and each architect and professional engineer and architect-in-training and engineer-in-training and other persons upon request as set forth in 35 CFR 69.144. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

8½ by 11 inch papers in file folders.

RETRIEVABILITY:

Numerically by certification/registration number; cross referenced by name.

SAFEGUARDS:

File cabinet. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Indefinite. Retained by Board for reference purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR, Part 10.

RECORD SOURCE CATEGORIES:

From applicant and other sources.

PCC/CZG/CACU-9

SYSTEM NAME:

Vehicle Registration for RP-Series License Plates, PCC–CZG/CACU–9.

SYSTEM LOCATION:

Agency Records Center, Building 42–D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. Government employees, military personnel and dependents resident in Panama but entitled to Canal Zone duty free entry of vehicles.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, number, citizenship, personal description, address, and vehicle description.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 CFR Part 57; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Cards—3 by 5 inches.

RETRIEVABILITY:

Name and number.

SAFEGUARDS:

File cabinet. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Retained for 1 year after close of calendar year in which records are created; then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg. Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

From individual applicant.

PCC-CZG/CACU-10

SYSTEM NAME:

U.S. Immigration and Naturalization Service, U.S. Citizenship Certificate Application and Appointment Records, PCC–CZG/CACU–10.

SYSTEM LOCATION:

Agency Records Center, Building 42–D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons born outside the United States who are requesting United States citizenship certificates issued by the Immigration and Naturalization Service pursuant to one or more of the statutes referred to in the authority portion of this notice.

CATEGORIES OF RECORDS IN THE SYSTEM:

The application forms with supporting documentation such as birth, death, and marriage certificates, affidavits and other related papers are forwarded directly to the U.S. Immigration and Naturalization Service for processing. An index card containing the applicant's name, address, the date the application was received locally, and the certificate number is retained locally for appointment scheduling purposes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

8 U.S.C. 1101 note, 1443–4, 1451–4; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine use includes the transmittal of the application and accompanying documents to the U.S. Immigration and Naturalization Service for processing. See also general routine use paragraphs in prefatory statement or in 35 CFR part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

8 by 10½ inch application form and paper certificates and documents; 3 by 5 inch file cards.

RETRIEVABILITY:

Name and address.

SAFEGUARDS:

Stored in unlocked file drawers in office locked when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed by paper shredder at end of useful life.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be address to either of addressees as designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individual to whom record pertains.

PCC–CZG/CACU–12.

SYSTEM NAME:

Immigration Detention Orders, PCC–CZG/CACU–12.

SYSTEM LOCATION:

Agency Records Center, Building 42–D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Stowaways, deserters, crewmembers and passengers in violation of Canal Zone Immigration Regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, number, date and place or birth, nationality, and facts relating to issuance or enforcement of the detention order.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 841–3, 76A Stat. 32; 22 U.S.C. 3611 (Supp. III 1979); article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routinely sent to local law enforcement officials as necessary to direct the apprehension, detention and repatriation of such persons. Information may also be disclosed to commercial carriers when such persons were passengers or crewmen/employees of a shipping company, airline, etc. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File cabinet folder.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

File cabinet (lockable). Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Maintained for two years then burned.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

From ship's documents and/or individual.

PCC–CZG/CALS–2

SYSTEM NAME:

Hunting Permit Application File, PCC–CZG/CALS–2

SYSTEM LOCATION:

Agency Records Center, Building 42–D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All applicants and holders of permits to engage in hunting in the Canal Zone.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, date of birth, place of employment, rank, photograph, signature.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 1471, 76A Stat. 49; 6 C.Z.C. 2573, 76A Stat. 495; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

8½ by 10 inch printed form and 3 by 7 inch card.

RETRIEVABILITY:

Recovered manually.

SAFEGUARDS:

Records maintained in lockable file. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Retained three years after expiration and thereafter forwarded to the Panama Canal Company Agency Records Center for disposition.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

PCC–CZG/CAL–3

SYSTEM NAME:

Fishing Pass Application File, PCC–CZG/CALS–3.

SYSTEM LOCATION:

Agency Records Center, Building 42–D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons applying for, or holding valid Canal Zone fishing passes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, rank, street and postal address, date of birth, citizenship, occupation, identification number, place of employment and signature.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 1491, 76A Stat. 50; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

8½ by 10 inch printed form and 3 by 7 inch card.

RETRIEVABILITY:

Filed by pass number and name, recovered manually.

SAFEGUARDS:

Records maintained in lockable file. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Forwarded to Panama Canal Company Agency Records Center three years after expiration of license.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin., Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

PCC–CZG/CALS–4

SYSTEM NAME:

Civil and Amateur Radio Operator and Station License files, PCC–CZG/CALS–4

SYSTEM LOCATION:

Agency Records Center, Building 42–D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons applying for, or issued Canal Zone Amateur, Citizen's Band and maritime Mobile Radio Operator and/or Station Licenses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of licensee or applicant, street and postal address, date of birth, citizenship, operator's qualification test scores and statements, phone number, station location, call sign, organization or affiliation. Also includes similar information on other persons who may be regularly operating radios licensed to other individuals, such as student or guest operators.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 31–33, 76A Stat. 7; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosed upon request to the Federal Communications Commission, local U.S. military frequency control coordinators, Government, State and local radio licensing authorities. Information may also be disclosed to licensing agencies of foreign governments where the applicant is claiming reciprocal licensing privileges in order to obtain a Canal Zone or foreign radio operator's license. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed forms, questionnaires and cards.

RETRIEVABILITY:

Filed by name, call sign or license number.

SAFEGUARDS:

Records maintained in lockable file cabinets. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Call sign logbook retained as a permanent record. Other materials retained for five years after expiration of the license.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Agency Records Officer, Admin. Bldg. Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained and the Federal Communications Commission.

PCC–CZG/CALS–7

SYSTEM NAME:

Driver's License Investigatory File, PCC–CZG/CALS–7

SYSTEM LOCATION:

Agency Records Center, Building 42–D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who have had their Canal Zone license or privilege to operate motor vehicles in the Canal Zone revoked, suspended, cancelled, or have a medical problem related to driving.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, street and postal address, date of birth, citizenship, identification number, color of hair, color of eyes, height, weight, type and place of employment, grade or rank, qualification statements, photographs, and legal documents pertaining to arrests, court actions, hearings and/or related investigations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 1001, 76A Stat. 37; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be released to the U.S. Department of Transportation, State licensing agencies, courts and others having a need to know. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

8½ by 10 inch file folders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records maintained in lockable file cabinet. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Retain record until operator dies or license is restored. Restored license material retained for the life of the license record. Non-renewed license records transferred to Agency Records Center, retained for ten years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.22.

PCC-CZG/CALS-8

SYSTEM NAME:

Motor Vehicle and Motorboat Registration and Operator's License File, PCC-CZG/CALS-8

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons registering motor vehicles, motorcycles, trailers, motorboats, etc., with the License Section, Ancon, Canal Zone. Persons who have been issued, or applied for, licenses or permits to operate motor vehicles, boats, etc. in the Canal Zone, or in Canal Zone waters

CATEGORIES OF RECORDS IN THE SYSTEM:

Owner/operator information normally includes the following: Name, identification number, home address, post office Box, date of birth, citizenship, height, weight, hair color. Certificate of Eligibility for active-duty members of U.S. Armed Forces who take advantage of special registration rates provided by law for such classes of persons. Information on the vehicle or craft includes engine number, manufacturer, model and color, license plate or registration number, and date of inspection.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 1001, 76A Stat. 37; 2 C.Z.C. 1331 and 1358-9, 76A Stat. 46-48; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

As necessary, vehicle and boat operator and registration information may be provided to:

1. Law enforcement agencies, court officials, and local military commands in connection with the investigation of violations of highway and vehicle regulations and the identification and apprehension of criminals;

2. Local air and sea rescue coordinators and local yacht clubs when a boat is overdue;

3. Officials of the Republic of Panama in connection with law enforcement and regulatory procedures;

4. Hospitals and dispensaries treating traffic accident victims;

5. The U.S. Department of Transportation, state licensing agencies, and other agencies to the extent of their need.

See also the general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Application for—forms, and related documentation; photomat cards; magnetic tapes/disks and punched cards; and computer printouts.

RETRIEVABILITY:

Retrievable by registration number; license plate number; operator/owner's name and identifying number.

SAFEGUARDS:

Paper records maintained in lockable file cabinets. Magnetic tapes/disks and punched cards maintained in rooms locked when not in use. Access and use restricted to authorized personnel.

RETENTION AND DISPOSAL:

Paper records other than computer printouts retained for three years after expiration of current license, then transferred to Agency Records Center; disposed of at end of ten-year retention period. Computer-produced reports destroyed when updated reports are issued.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Canal Commission Records, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained, and/or military command if the applicant is an active member of U.S. Armed Forces.

PCC-CZG/CALS-10

SYSTEM NAME:

Runners, Peddlers, and Solicitors-Application and License Files, PCC-CZG/CALS-10.

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons applying for, or issued licenses to act as runners, peddlers, and solicitors (Definitions of these terms set forth in 35 CFR 63.1).

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, street and postal address, date of birth, parents' names, citizenship, Sanitation certificate (if required), and facts of employment or affiliation with commercial concerns being represented. Also contains information as to color of hair, color of eyes, weight, height, cedula number, etc., needed for identification purposes when applying for licenses authorizing access to certain vital installations in the Canal Zone.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 1441, 76A Stat. 49; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Local U.S. military authorities, courts, and others responsible for the prevention of crime or the apprehension of criminals. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed froms 8 by 11 inches.

RETRIEVABILITY:

Filed by license number, retrieved manually.

SAFEGUARDS:

Records maintained in lockable file. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Disposed of three years after expiration of license, excluding records retained for police or security reasons.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained, police, employer.

PCC-CZG/CALS-11

SYSTEM NAME:

Official Permits to Have or Carry Firearms, PCC–CZG/CALS–11.

SYSTEM LOCATION:

Agency Records Center, Building 42–D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who apply for, or are issued official permits to have or carry firearms in the Canal Zone.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, date of birth, citizenship, identification number, place of employment, weapon serial number and description, and other information as may be required by the licensing officials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 1471, 76A Stat. 49; 6 C.Z.C. 2572–3, 76A Stat. 495; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed or referred routinely to Law enforcement agencies; courts, military agencies of the U.S. Government. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Forms, correspondence, 3 by 7 inch cards.

RETRIEVABILITY:

Filed by name of permit holder.

SAFEGUARDS:

Records maintained in lockable file cabinet. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Records routinely disposed of three years after expiration of permit. Certain records may be retained longer for police purposes, or to record the circumstances leading to a revocation or cancellation of a permit.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

System Manager or the information may be obtained from the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained, police officials, and at times the applicant's employer if certification is required that the permit may be essential for personal safety, etc.

PCC–CZG/CAPL–14

SYSTEM NAME:

Inmate Trust Fund File, PCC–CZG/CAPL–14

SYSTEM LOCATION:

Agency Records Center, Building 42–D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons actively serving sentences in the Canal Zone Penitentiary who are enrolled in the Inmate Trust Fund program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inmate's name, convict number, date of debit or credit to his account and the account balance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

6 C.Z.C. 6501–7, 76A Stat. 555–6; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosed as required to courts, probation, parole and pardon board officials, federal penal institutions. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed forms 8 by 10½ inches.

RETRIEVABILITY:

By convict number.

SAFEGUARDS:

Maintained in file cabinet. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Maintained until discharge of inmate, filed with convict record and transferred with record to Agency Records Center for storage.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR, Part 10.

RECORD SOURCE CATEGORIES:

From inmate and Trust Fund Officer.

PCC-CZG/CAPL-20

SYSTEM NAME:

Driver's License Revocation Lists, PCC–CZG/CAPL–20

SYSTEM LOCATION:

Agency Records Center, Building 42–D, Diablo, Republic of Panama

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who have had their driving privileges revoked in the Canal Zone.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, identifying number, residence, date of revocation, photograph and police number, and copy of order revoking driving privileges issued by the License Section.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 1001–3, 76A Stat. 7, 37; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed form 8 by 10 inches.

RETRIEVABILITY:

Filed by date received, cross-referenced by name of driver.

SAFEGUARDS:

Maintained at Police Dispatcher's desk. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed once revocation is suspended.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Police reports, license files.

PCC-CZG/CAPS-2

SYSTEM NAME:

Case Investigations, PCC–CZG/CAPS–2

SYSTEM LOCATION:

Agency Records Center, Building 42–D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons involved in, witnesses to, or suspected of activities related offenses involving narcotics, obscene literature, fraud, prohibited mail matter, rifling of mails, tampering of mail boxes, theft of mail, threatening letters, theft of money orders, theft of postal keys, vandalism of mail boxes, wrong payment of money orders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, addresses, dates and facts of case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 1131–32, 76A Stat. 38–39; 6 CZC. 2001, 76A Stat. 481; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in folders.

RETRIEVABILITY:

Filed by Case number, name of individual and/or offense or irregularity.

SAFEGUARDS:

Maintained in lockable metal cabinets. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses as designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individuals, employees, witnesses, law enforcement agencies, courts, postal patrons, U.S. and Foreign Postal Administrations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identify of confidential source is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.22.

PCC-CZG/CAPS-5

SYSTEM NAME:

Philatelic Program, PCC–CZG/CAPS–5

SYSTEM LOCATION:

Agency Records Center, Building 42–D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Stamp collectors and others making inquiries of a philatelic nature.

CATEGORIES OF RECORDS IN THE SYSTEM:

The record normally contains correspondence showing the names and addresses of persons ordering stamps, first day covers, etc. through the philatelic program. Records of, the date and amount of payment, items shipped, and related information is also contained in the system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 1031–1143, 76A Stat. 38.40; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Individual file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Maintained in metal lockable cabinet. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed two years after file becomes inactive.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains.

PCC–CZG/CASC–1

SYSTEM NAME:

Student Record System, PCC–CZG/CASC–1

SYSTEM LOCATION:

Agency Records Center, Building 42–D, Diablo, Republic of Panama, and Computer Operations Division, Room 146, Administration Bldg., Balboa Heights, R. P.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students in the former Canal Zone school system.

1. Student record files for U.S. Schools for 1970–1977. These include such data as: Student test record, student grade report, student permanent record, registration files, junior and senior high school record, consent forms for medical examinations, student health inventory, progress reports, Lippincotts basic reading tests, correspondence, transcripts of academic work at other educational institutions.

2. Student record files for Latin American schools for 1972–1974. These include such data as: Student's complete record, student's name, parent's address, place of birth, nationality of father and mother, occupation of father and mother, various schools attended, withdrawal, summary of attendance and scholarship, student's health record, test records.

3. Special Education record files include such data as: Referral forms, examination applications, progress reports, grades, home permanent record card, family background report, psychological reports.

4. Jackets of student records for the years 1920–1973 includes such data as: Student's complete record, student's name, parent's address, place of birth, nationality of father and mother, occupation of father and mother, various schools attended, withdrawal, summary of attendance and scholarships (year, name of school, grade, attendance, promotions, failures and grades, teachers' names).

5. Computer tapes, disks and printouts of the Student Scholastic Records Program include such data as: Information pertinent to scholastic records of students registered in the former Canal Zone Schools. Includes student's name and address; parent/sponsor's name and address; employee or sponsor status; class rosters; grade and class schedules; billing information (sponsored, non-sponsored or reimbursable rates for sponsoring agency); transportation and residence codes; contract information; scheduling information; student grades and attendance; student testing; analysis and evaluations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 31 and 33; Congressional appropriations acts providing for operation of Canal Zone schools; 22 U.S.C. 3611 (Supp. III 1979), Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to the following individuals or organizations outside the Canal agencies for the specific purposes indicated:

1. A school to which transcript of individual's record is sent and with which correspondence is exchanged in connection with individual's possible or actual transfer or entry into that school.

2. Prospective employers, when record of individual's academic history is requested in connection with individual's application for employment.

3. Organizations offering scholarships to students, and committees appointed by the Governor to screen and make recommendations to him for appointment to the U.S. Service and Merchant Marine academies.

4. President's Council for Physical Fitness to compile comparative data on physical fitness of students and to evaluate students and schools for achievements.

5. Community athletic leagues, youth programs, and other organizations sponsoring activities and events for students, to the extent that the information is public information or is required by the organization, under an agreement with the Schools Division, to assure that the student meets school standards for participation.

See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Microfilm, magnetic tape/disks, and computer printouts.

RETRIEVABILITY:

Student records are filed alphabetically by school and by name of student, and chronologically by school year. Information in the Student Scholastic Records Program is retrieved from the computer by student number.

SAFEGUARDS:

Microfilm stored in metal file equipment in buildings or offices locked when not in use. Magnetic tapes/disks and punched cards stored in locked

rooms when not in use. Access and use restricted to authorized personnel.

RETENTION AND DISPOSAL:

Elementary school records fifteen years; secondary and college records seventy-five years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of the officials designated in Notification Procedures, preceding. Written requests should contain the following information: current name and, if different, the name used while a student, date of birth, names of schools attended and dates of attendance.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Students, parents or guardians or responsible persons, counselors, teachers, other school staff, medical personnel, and other schools attended by students.

PCC/ECCN-2

SYSTEM NAME:

Contractor Employee Payroll Records. PCC/ECCN–2

SYSTEM LOCATION:

Construction Management Branch, Bldg. 29–X, Balboa, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of contractors working on Panama Canal Commission contracts when such employees are working in the Canal area and being paid hourly wages.

CATEGORIES OF RECORDS IN THE SYSTEM:

The contract number, contractor, employee's name, cedula number, hourly rate of pay, hours worked, total hours worked, total amount paid and other information as required to assure contractor's compliance with the Hours and Safety Standards Act.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 (Supp. III 1979); 40 U.S.C. 327 et seq.; Article III of the Panama Canal Treaty of 1977, and Articles IX and XI of the Agreements in Implementation of Article III of the Panama Canal Treaty.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

US Department of Labor, US Court of Claims, US Army Corps of Engineers Board of Contract Appeals, insurance companies (sureties), GOP Department of Labor, US Embassy and others as required to assure contractor's compliance with above Acts regarding minimum wage, and maximum daily and weekly hours of work. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10. Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Individual pay data and hours of work retrieved chronologically by date.

SAFEGUARDS:

Records maintained in file cabinets. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Retained by contracting officer for one year after final payment of contract, then transferred to Agency Records Center. Destroyed three years later unless claim pending.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are pubslished in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Provided by the contractor.

PCC–CZG/FVGA–2

SYSTEM NAME:

Cash Register Receipt Shortages, PCC–CZG/FVGA–2.

SYSTEM LOCATION:

Agency Records Center, Building, 42–D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who experience cash register shortages.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained to determine potential weakness in cash controls and may be referred to in routine cash audits or as the basis for a cash audit. Records contain information such as employee's name cash register number, retail unit, date and amount of cash shortage.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 65, 66, 76A Stat. 11.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10 Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Forms in file folders.

RETRIEVABILITY:

Filed by retail area in chronological sequence. Retrievable by employee name.

SAFEGUARDS:

Stored in locked file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed by shredding after two years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Retail unit managers.

PCC–CZG/GE–1 (STATE–39)

SYSTEM NAME:

Visa records, PCC–CZG/GE–1 (STATE–39).

SYSTEM LOCATION:

Agency Records Center, Building 42–D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have applied for visas aliens who may be eligible to receive visas.

CATEGORIES OF RECORDS IN THE SYSTEM:

Visa applications accompanied by documents such as birth certificates, marriage certificates, spouses' birth certificates, affidavits of support, police records, and medical examinations; letters from interested parties; and communications between the Visa Office and the Visa Office, Department of State, consulates, other U.S. Government agencies, international organizations, and foreign missions regarding the eligibility, issuance, revalidation, and extension of visas.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

8 U.S.C. 1101–1503; see in particular 8 U.S.C. 1101(a)(9); 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from these records may be released to the Visa Office, Department of State, other U.S. consular offices, and the Immigration and Nationalization Service to coordinate the issuance of visas; to other government agencies that have statutory or other lawful authority to maintain such information; and to interested parties inquiring as to the statute of a particular case. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, cards, and individual forms.

RETRIEVABILITY:

Filed alphabetically by name of applicant.

SAFEGUARDS:

Filed in a locked file cabinet in a building with around-the-clock guard. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Retention of these records varies from one year to an indefinite period of time, depending upon the specific type of record involved. They are retired or destroyed in accordance with published schedules of the Department of State.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of addresses in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

The individual; members of Congress; the public interested in the visa applicant's case; Department of State and other U.S. Government agencies; U.S. Consular offices; foreign missions; international organizations; and local sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT.

Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (h), and (I), and (f) by the Department of State. See 22 CFR 6a.6(i), and (j) (1)–3.

PCC/GSSP–1

SYSTEM NAME:

Expert and Consultant Records, PCC/GSSP–1.

SYSTEM LOCATION:

Chief, Purchasing and Contracts Branch, Storehouse Division, Panama Canal Commission, APO Miami 34011.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Experts and consultants procured by contract to furnish services to the Panama Canal Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Curriculum vitae of individuals, copies of contracts and charges, and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3109; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977 and Article XI of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed or retrievable alphabetically by name.

SAFEGUARDS:

Filed in locked metal file cabinets in building with around-the-clock guard. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed by shredding or burning six years after final payment.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Subject individual, references provided by individual and peers; and the component of the Canal Commission requesting expert or consultant services.

PCC–CZG/HL–1

SYSTEM NAME:

Health, Medical, Dental, and Veterinary Records Systems, PCC–CZG/HL–1.

SYSTEM LOCATION:

Agency Records Center, Building 42–D, Diablo, Republic of Panama; Federal Records Center, East Point, Georgia

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Canal agencies; individuals in the service of and sponsored by a U.S. Government agency (U.S. Armed Forces, State Department, Veterans Administration, U.S. Public Health Service, Federal Aviation Administration; Federal Highway Administration; Smithsonian Institute); retired U.S. Government employees; district dentists and their employees; concessionaires of the Canal organization; Canal Zone land licensees; Canal Zone religious, social, charitable, and educational workers; U.S. Government contractors and their employees; Canal Zone commercial company employers; and the dependents of individuals in the preceding categories who reside with the individuals. Persons other than dependents who are U.S. Government authorized Canal Zone visitors or residents; merchant seamen in transit and unsponsored individuals from ocean-going vessels; prisoners at the Canal Zone Penitentiary; charity cases sponsored by the Canal Zone United Way and teaching cases; non-resident private pay patients; and noneligible, nonsponsored individuals receiving emergency treatment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Qualification physical examinations: Pre-employment, and periodic medical examinations to determine fitness for duty consistent with job qualifications and requirements. Inpatient hospital medical charts: All medical information and records relating to an individual's hospitalization. Outpatient medical charts: Documentation of medical treatment received by an individual on an outpatient basis from hospital, clinics, first aid stations, and other health facilities. Also may contain abstracts of inpatient hospitalizations. Public health records: Information on individuals in community health programs for control of communicable diseases, industrial health, school health, quarantine, sanitation, and environmental quality control. Mental health records: All medical information and records which pertain to an individual's outpatient and/or inpatient treatment for psychiatric services, drug and alcohol rehabilitation, and other social service or psychological support. Dental care records: Information relating to an individual's history of dental care as documented in separate and distinct dental care records. Animal care and hospitalization records: Information which pertains to the quarantine, care and treatment of animals. Mortuary service records: Information regarding mortuary services furnished.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 911 and 912, 76A Stat. 36; 5 C.Z.C. 1631–56, 76A Stat. 353–360; 6 C.Z.C. 1101, 2, and 9, 76A Stat. 448 and 450; 6 C.Z.C. 4784, 76A Stat. 540; 21 U.S.C. 1171–5 and 1180; 42 U.S.C. 257 and 4561; P.L. 93–282; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information that does not relate to alcohol or drug abuse may be released from these records to the extent needed, as follows:

1. To other Federal agencies and offices that are responsible by statute or other competent authority for Federal programs to which the records are pertinent, such as the components of the U.S. Armed Forces, the Social Security Administration, the Veterans Administration, the Civil Service Commission, retired military pay centers.

2. To the Communicable Disease Center, Atlanta, Georgia, and private contractors providing benefits under the auspices of the Canal or other Federal agencies.

3. To the police or other competent authority when the director of the hospital or other Health Bureau unit determines that prompt release of such information is essential for the apprehension of a criminal, protection of the patient, or protection of the public. Examples would be cases involving suspected child abuse, death from unnatural causes, or communicable disease.

Information may be released from these records to the extent needed, as follows:

1. To officials of other Federal agencies when requested in writing for purposes of determination of cause of death, compilation of vital statistics, management or financial audits or program evaluation, and approved scientific research in which patient identity will not be disclosed.

2. Respond to general requests for statistical information, under the Freedom of Information Act while maintaining individual anonymity.

3. To provide documentation to sponsoring agencies or other foreign governments as regards their patients consistent with the need-to-know rules of confidentiality, and procedural security in the release of information.

4. To provide basis for administrative and professional decisions regarding the coordination with U.S. foreign, and international health agencies in disease prevention and control, including information related to zoonotic and agricultural disease; inspection, surveillance, and control of food products; and international quarantine measures.

5. To medical personnel to the extent necessary to meet a bona fide emergency.

6. To a court of competent jurisdiction if authorized by an appropriate order granted after application showing good cause therefor.

See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, individual forms, and cards.

RETRIEVABILITY:

Records or cross-reference index cards providing access to records are filed alphabetically by name.

SAFEGUARDS:

Stored in metal file cabinets or shelf files in either file rooms locked when not in use, buildings locked when not in use or buildings with around-the-clock guards. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Physical examination records except for those held for transfer into official personnel folder destroyed after 6 years; hospital inpatient medical charts destroyed 25 years after patient's discharge from hospital; outpatient medical charts destroyed 6 years after year of last entry in file; medical x-ray and radiographic reports filed separately from medical charts destroyed after 8 years except for selected items held indefinitely for teaching or claims purposes; veterans; case files destroyed 6 years after date of last papers in folder; veneral disease charts filed separately from medical charts destroyed 6 years after last entry; mental health patient records destroyed 6 years after last entry; patient index cards are permanent; program files are permanent; and duplicate records are destroyed after 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama.

Individuals requesting information should provide full name, date of birth, social security number (optional), agency affiliation at time of medical treatment inclusive dates, when medical treatment was rendered, or other specific information applicable to the inquiry that might assist in identification. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of the addresses in Notification Procedures, preceding. Procedures for disclosure of information from the medical records of the individual requesting access are set forth in 35 CFR 10.9.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

The individual to whom the medical record pertains; attending physicians and allied health personnel involved in the patient's treatment; medical records and information received from outside sources; and information from sponsoring agencies.

PCC-CZG/HL-2

SYSTEM NAME:

Medical Administration System Exempt, PCC-CZG/HL-2

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Canal agencies; individuals in the service of and sponsored by a U.S. Government agency (U.S. Armed Forces, State Department, Veterans Administration, U.S. Public Health Service, Federal Aviation Administration; Federal Highway Administration; Smithsonian Institute, etc.); retired U.S. Government employees; district dentists and their employees; concessionaires of the Canal organization; Canal Zone land licensees; Canal Zone religious, social, charitable, and educational workers; U.S. Government contractors and their employees; Canal Zone commercial company employees; and the dependents of individuals in the preceding categories who reside with the individuals. Persons other than dependents who are U.S. Government authorized Canal Zone visitors or residents; merchant seamen in transit and unsponsored individuals from ocean-going vessels; prisoners at the Canal Zone Penitentiary; charity cases sponsored by the Canal Zone United Way and teaching cases; nonresident private pay patients; noneligible, nonsponsored individuals receiving emergency treatment; and children placed for adoption or in foster homes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medico-legal: Documentation and correspondence which relates to medical records and is obtained in the processing of blood alcohol and urine drug screening procedures, rape cases, injury and claim cases, deaths and other unusual incidences. Investigation records: Detailed audits, special and routine investigations and inquiries regarding Health Bureau activities. Child abuse program: Files relating to the administrative and professional management of suspected and actual cases of child abuse. Social Services files: Files containing personal information resulting from case studies and social work counseling. Adoption program: Background information on social services management of pre-adoption home studies, child placement, counseling and follow-up actions. Foster home program: Personal data and background studies on persons interested in participation in the Foster Home Program. Complaints: Background information and investigative correspondence promulgated by complaints regarding medical care rendered. Utilization and peer review files: Sensitive information regarding the quality of care provided to patients, reasons for length of stay of patients, and other monitoring requirements as specified by accrediting agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 31–33, 911 and 912, 76A Stat. 7, 76A Stat. 36; 5 C.Z.C. 1631–56, 76A Stat. 353–360; 6 C.Z.C. 541 and 4784, 76A Stat. 429 and 540; 8 C.Z.C. 381–7, 76A Stat. 690–1; 21 U.S.C. 1171–5 and 1180; 42 U.S.C. 257 and 4561; and P.L. 91–513, and 93–282; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be released from these records to the extent needed, as follows;

1. To the Joint Commission for Accreditation of Hospitals for hospital accreditation.

2. To officials of other Governments and private organizations in the Canal Zone to coordinate the medical treatment of victims of child abuse and the provision of professional assistance for those involved in such cases.

3. To members of the community and other Government organizations who are serving on committees or are assigned to adoption, foster home, and other social service programs.

See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed or cross-referenced alphabetically by name.

SAFEGUARDS:

Stored in locked file cabinets in buildings locked when not in use or buildings with around-the-clock guards. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

Individuals requesting information should provide full name, date of birth, social security number (optional), agency affiliation at time of medical treatment, inclusive dates when medical treatment was rendered, or other specific information applicable to the inquiry that might assist in identification. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of the addresses designated in

Notification Procedures, preceding. Procedures for disclosure of information from the Medical records of the individual requesting access are set forth in 35 CFR 10.9.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

The individual to whom the medical record pertains; attending physicians and allied health personnel involved in the patient's treatment; medical records and information received from outside sources; administrative, professional, and investigatory personnel and records; testimonies and statements of individuals concerned with case; court, police, and personnel records; and information from sponsoring agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT.

All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.22.

PCC–CZG/HL–3

SYSTEM NAME:

Medical Administration System—Nonexempt, PCC–CZG/HL–3.

SYSTEM LOCATION:

Agency Records Center, Building 42–D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Panama Canal Company and Canal Zone Government; individuals in the service of and sponsored by other U.S. Government agencies (U.S. Armed Forces, State Department, Veterans Administration, U.S. Public Health Service, Federal Aviation Administration; Federal Highway Administration; Smithsonian Tropical Research Institute, etc.); retired U.S. Government employees; district dentists and their employees; concessionaries of the Canal Zone organization; Canal Zone land licensees; Canal Zone religious, social, charitable, and educational workers; U.S. Government contractors and their employees; Canal Zone commercial company employees; and the dependents of individuals in the preceding categories who reside with the individuals. Persons other than dependents who are U.S. Government-authorized Canal Zone visitors or residents; merchant seamen in transit and unsponsored individuals from ocean-going vessels; prisoners at the Canal Zone Penitentiary; charity cases sponsored by the Canal Zone United Way and teaching cases; nonresident private pay patients; and noneligible, nonsponsored individuals receiving emergency treatment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual registration, licensure, and certification records: Information maintained in connection with the monitoring of medical specialty training programs and certification of accreditation, including information on state and Canal Zone medical licenses held by individuals. Curriculum viates: Comprehensive information on qualifications and background of key Health Bureau employees and visiting consultants. Drug and controlled substances records: Administrative files maintained in accordance with regulations relating to the control of narcotics. Program accreditation and certification records: Correspondence and reports relating to the management and control of activities by the professional and administrative staff, including identification of deficiencies. Medical treatment indices: Records maintained by patient, disease code, physician, patient age, patient length of stay, discharge, diagnoses, and operative procedures to meet requirements of the Joint Commission for Accreditation of Hospital. Hospitals billing and bill reduction and cancellation records: Billings to insurance companies and through Agents Accounts and Payroll Branches and information obtained to make determinations regarding the ability of individuals to pay for medical treatment. Housing exceptions records: Medical backup information used in evaluating formal written requests from employees for assignment for medical reasons to government housing for which they are otherwise ineligible. Fiscal accounting records: Information regarding medical treatment rendered and tariff charges, including patient invoices. Blood bank and donor records: Information specifying donors' blood types, addresses, telephone numbers, and blood donations. Locator records: Information on location, status, and assignments of patients and employees. Hospital population records: Listings of patient. Veterans Administration data: Information pertinent to the hospitalization and treatment of Veteran Administration beneficiaries. Medical evaluation boards: Information on the composition and administration of medical evaluation boards. Aeromedical evacuation records: Information obtained for making determinations of the necessity of evacuating patients by air. Incident reports on such evacuations. Radiation exposure records: Data on individuals exposed to radiation. Community health and environmental reports. Medical Correspondence records.

The following portions of the system are on computer.

a. Hospital Census Program: Persons who are inpatients at Canal Zone medical facilities at the time the report is compiled. Includes the patient's name and/or name of sponsoring employee or agency; the patient's sex, marital status, religion, citizenship, residence, dates of admission, treatment and discharge.

b. Hospital Inpatient Billing and Statistical Information, including name of patient, name of employee/sponsor or sponsoring agency, employing unit, address, telephone number, citizenship, insurance carrier, etc. of persons who are obtaining inpatient service at Canal Zone Government medical facilities.

c. Hospital Outpatient Billing Program: Information, including name of person receiving treatment during the period for which the report is compiled, the name of employee/sponsor or his sponsoring agency, employing unit, address, citizenship, telephone number, insurance carrier, etc. of persons obtaining outpatient services at Canal Zone Government medical facilities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 31–33, 911 and 912 76A Stat. 7, 76A Stat. 36: 5 C.Z.C. 1631–56, 76A Stat. 353–360; 6 C.Z.C. 1101, 2 and 9, 76A Stat. 448 and 450; 6 C.Z.C. 4784, 76A Stat. 540; 21 U.S.C. 1171–5 and 1180; 42 U.S.C. 257 and 4561; and P.L. 91–513, and 93–282; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information that does not relate to alcohol or drug abuse may be released from these records to the extent needed, as follows:

1. To Federal agencies and other organizations responsible by statute or other competent authority for programs to which the information is pertinent, such as components of the U.S. Armed Forces, the Social Security Administration, the Veterans Administration, the Civil Service Commission, retired military pay centers, and the Joint Commission for Accreditation of Hospitals;

2. To law enforcement officials when Health Bureau officials determine that such disclosure is essential for the apprehension of a criminal, protection of the patient, or protection of the public;

3. To insurance companies and sponsoring agencies, organizations, or foreign governments for the purpose of documenting treatment or billings;

4. To officials of other agencies, foreign governments, and private organizations in the Canal Zone in connection with treatment and professional assistance in child abuse cases and in connection with adoption, foster home, and other social service programs; and

5. To United States, foreign and international health officials and agencies, including the Communicable Disease Center, in connection with the reporting of human and animal communicable diseases.

See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: PAPER RECORDS IN FILE FOLDERS; CARDS; INDIVIDUALS FORMS; MAGNETIC TAPE/DISKS AND PUNCHED CARDS; AND COMPUTER PRINTOUTS.

RETRIEVABILITY:

Paper records or cross-reference index cards providing access to records are filed alphabetically by name. Information retrievable from computer by patient's or employee's number.

SAFEGUARDS:

Paper records stored in file equipment in rooms or buildings locked when not in use or in buildings with around-the-clock guards. Magnetic tape/disks and punched cards filed in locked rooms-when not in use. Access and use restricted to authorized personnel.

RETENTION AND DISPOSAL:

Accounting and billing records destroyed after four years; blood donor cards, when donor no longer available or able to give blood; location records, when superseded; Veterans Administration beneficiaries, six years after date of last paper in folder; aeromedical evacuation records, after three years. Curriculum vitaes and individual registration, licensure, and certification records: for civilians, destroyed 1 year after separation; for military, retained 7 years after departure, transferred to Agency Records Center for 3 additional years, then destroyed. Drug and controlled substances records destroyed after 2 years. Program accreditation and certification records retained at least 3 years. Medical correspondence records retained 10 years before transfer to Agency Records Center. Computer-produced reports: Hospital Census Report destroyed when updated report issued; Hospital Inpatient and Statistical Report destroyed when updated report issued; Hospital Outpatient Billing Report retained for 2 months after processing by billing personnel. Other records permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

Individuals requesting information should provide full name, date of birth, social security number (optional), agency affiliation at time of medical treatment, inclusive dates when medical treatment was rendered, or other specific information applicable to the inquiry that might assist in identification. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding. Procedures for disclosure of information from the Medical records of the individual requesting access are set forth in 35 CFR 10.9

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains, medical and other administrative records, physicians and allied health personnel, other offices of the Canal agencies, schools and colleges, certifying and accrediting officials, the United States Armed Forces and the Veterans Administration, and other hospitals, physicians, boards, and committees.

PCC-CZG/SC-4

SYSTEM NAME:

Refugee Records, PCC-CZG/SC-4

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons granted temporary refuge in the Canal Zone because of civil disturbance or natural disaster or because they are seeking political asylum.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal information about refugees and their families; documentation establishing refugee status, conduct agreements, housing arrangements, information on entry and departure, and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 841, 76A Stat. 32; E.O. 11305; 22 U.S.C. 2601-5; E.O. 11077; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be released from these records on a need-to-know basis to officials of the U.S. and foreign governments in connection with the rehabilitation or relocation of refugees. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name of refugee.

SAFEGUARDS:

Stored in locked metal file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch,

Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg. Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Request should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Subject individuals and members of their families; personnel of the Community Services Division, and officials of the canal agencies, other U.S. Government agencies and foreign governments concerned with the rehabilitation or relocation of refugees.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

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Monday	Tuesday	Wednesday	Thursday	Friday
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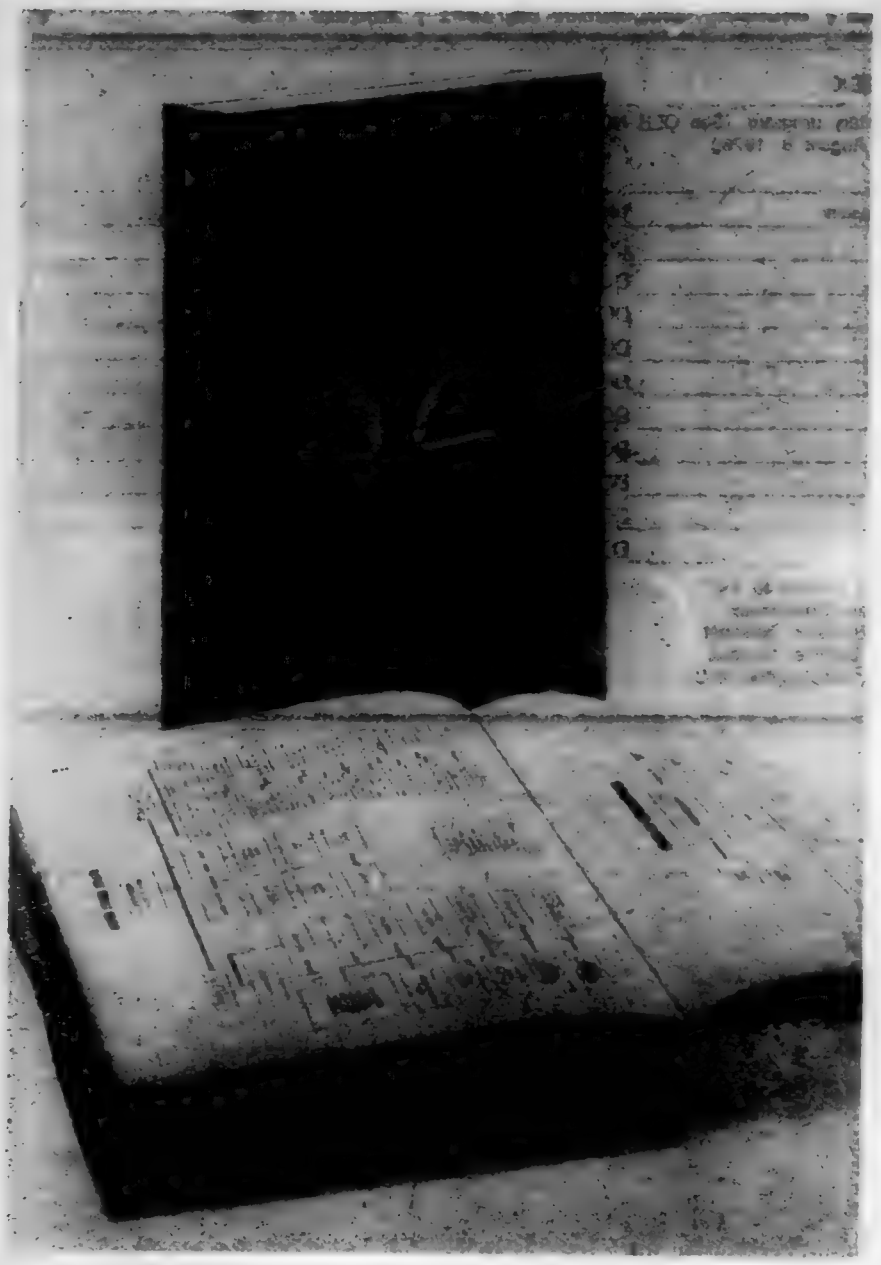
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REMINDERS

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federal register

Tuesday
December 29, 1981

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62836 **Exports—Communist Countries** Commerce/ITA eases policy on exports to People's Republic of China.

62882 **Food Assistance Programs—Surplus Cheese** USDA/FNS announces distribution of surplus process cheese to State agencies.

62808 **Food Stamps** USDA/FNS tightens criteria for authorizing wholesalers to accept and redeem food stamps.

62956 **Grant Programs—Public Health** HHS/HSA announces factors to be used in determining availability of FY 1982 project funds.

62868 **Loan Programs—Veterans' Housing** VA proposes to adopt geographical limitations for specially adapted housing benefits for seriously disabled veterans.

62894 **Grant Programs—Education** ED announces closing date for applications under the FY 1982 State Student Incentive Grant Program.

63026 **Grant Programs—Agriculture** USDA/SEA solicits applications for FY 1982 Alcohol Fuels and Special Research Grants Programs. (Part III of this issue)

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Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

62812 **International Banking** FRS interprets extent to which facilities may purchase or sell eligible assets from or to third parties.

62841 **Commodity Futures** CFTC prohibits merchants from making guarantees against commodity interest loss.

62864 CFTC proposes to require gross margining of positions held in omnibus accounts.

62888 **Steel—Trigger Price Mechanisms** Commerce/ITA issues quarterly review of specialty imports.

62954 **Nuclear Materials** HHS/FDA announces availability of "Guides for Naturally Occurring and Accelerator-Produced Radioactive Materials."

62958 **Coal Transportation** ICC announces decisions on ratemaking standards.

62885 **Air Transportation** CAB interprets Federal Aviation Act to permit airlines to service points in the United States without Board approval.

62994, 62996 **Government Securities** Treasury invites tenders for notes of Series C-1989 and bonds of 2002. (2 documents)

62853 **Government Procurement** EPA revises profit or fee guidelines for prenegotiation objectives in acquisitions requiring cost analysis.

62833 **Freedom of Information—Credit Unions** NCUA consolidates and clarifies policy.

62805 **Administrative Practice and Procedure—Government** Administrative Conference of the United States issues recommendations for procedures under the Freedom of Information Act and the "Bumpers Amendment".

62812 **Administrative Practice and Procedure—Banking** FDIC revises rules of conduct for proceedings.

63020 **Equal Access to Justice** Labor adopts procedural rules. (Part II of this issue).

62993 **Privacy Act Document** TVA

62998 **Sunshine Act Meetings**

Separate Parts of This Issue

63020 **Part II, Labor**
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ADMINIST THE UNITE

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AGENCY: A the United

ACTION: Re

SUMMARY: Conference Twenty-thi two recom concerns fo Freedom o concerns c called Bum Recommen Conference the Federal Complete l together wi Recommen continuing published i Regulation

DATES: Tho adopted De issued Dec

FOR FURTH Richard K. 254–7065).

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Rules and Regulations

Federal Register
Vol. 46, No. 249
Tuesday, December 20, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

1 CFR Part 305

Recommendations of the Administrative Conference

AGENCY: Administrative Conference of the United States.

ACTION: Recommendations.

SUMMARY: The Administrative Conference of the United States, at its Twenty-third Plenary Session, adopted two recommendations. The first concerns fee structures under the Freedom of Information Act; the second concerns current versions of the so-called Bumpers Amendment. Recommendations of the Administrative Conference are published in full text in the **Federal Register** upon adoption. Complete lists of Recommendations, together with the texts of those Recommendations deemed to be of continuing general interest, are published in the Code of Federal Regulations (1 CFR 304.2(a)).

DATES: These recommendations were adopted December 10–11, 1981 and issued December 23, 1981.

FOR FURTHER INFORMATION CONTACT: Richard K. Berg, General Counsel (202–254–7065).

SUPPLEMENTARY INFORMATION: The Administrative Conference of the United States was established by the Administrative Conference Act, 5 U.S.C. 571–576. The Conference studies the efficiency, adequacy and fairness of the administrative procedures used by federal agencies in carrying out administrative programs, and makes recommendations for improvements to the agencies, collectively or individually, and to the President, Congress, and the Judicial Conference of the United States (5 U.S.C. 574(1)).

The Administrative Conference of the United States at its Twenty-third Plenary Session, held December 10–11, 1981, adopted two recommendations.

Recommendation 81–1 addresses the standards and procedures for collecting fees charged for complying with requests for records under the Freedom of Information Act. The Recommendation urges that the Act be amended to permit agencies to collect fees which reflect the costs of routine review records to determine whether an exemption should be asserted. The Recommendation also calls for the Department of Justice to establish guidelines to be followed by the agencies in assessing and collecting fees. The Recommendation does not call for change in the present statutory provision for waiver or reduction of fees, nor does it have any application to information requests under the Privacy Act, 5 U.S.C. 552a.

Recommendation 81–2: Current Versions of the Bumpers Amendment is intended to up-date the Conference's previous statement on the Bumpers Amendment, Recommendation 79–6, 1 CFR 305.79–6, to take account of subsequent revisions in the language of the proposal. Recommendation 81–2 reiterates the Conference's opposition to any across-the-board legislation altering the weight reviewing courts afford to agency statutory interpretations or expertise, but it does endorse a proposed amendment to 5 U.S.C. 706 respecting the standard of judicial review of agency rules.

The Assembly of the Conference voted to recommit for further consideration a proposed recommendation regarding Exemption (b)(4) of the Freedom of Information Act and it declined to adopt a proposed recommendation regarding separation of functions and staff communications with decisionmakers in agency proceedings.

The transcript of the discussion of these recommendations is available for public inspection at the Conference's office, Suite 500, 2120 L Street, N.W., Washington, D.C.

PART 305—RECOMMENDATIONS OF THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

1. The table of contents to Part 305 of Title 1, CFR is amended to add the following new sections:

* * * * *

Sec.
305.81–1 Procedures for assessing and collecting Freedom of Information Act fees (Recommendation No. 81–1).
305.81–2 Current Versions of the Bumpers Amendment (Recommendation No. 81–2).

* * * * *

2. Section 305.81–1 is added to Part 305 as follows:

§ 305.81–1 Procedures for Assessing and Collecting Freedom of Information Act fees (Recommendation No. 81–1).

A decade has passed since the Administrative Conference of the United States last evaluated implementation of the Freedom of Information Act, 5 U.S.C. 552.[1] The goals of the Act have been widely accepted within the government and society, but the passage of time has revealed some discrete problems regarding the operation of the Act.

This Recommendation was prompted by reports that implementation of the Freedom of Information Act is much more costly than originally expected and, more importantly, that many information requests are made in the context of private activity unrelated to the Act's goal of informing the public about the operation of government or matters of public interest. Therefore, the Recommendation calls for amending the Freedom of Information Act to permit agencies to charge persons requesting records fees which reflect the cost of reviewing records and deleting exempt information from records, in addition to the direct costs of search and duplication now recoverable under the Act. This recommendation would not affect the rights of individuals under the Privacy Act, 5 U.S.C. 552a.

This Recommendation also contains advice on appropriate procedures for assessing and collecting fees, and recommends that the Department of Justice be required to establish guidelines for agencies to follow when adopting fee schedules and rules for assessing and collecting fees. The Conference believes uniformity in agency practice should be encouraged whenever practical.

Recommendation

1. Congress should amend the Freedom of Information Act to:

(a) permit agencies to collect from persons requesting records fees that reflect the costs of routine review of records to determine whether an exemption should be asserted, and of deleting exempt information, in addition to the search and duplication costs now recoverable under the Act. However, fees charged for such requests should not include (1) the cost of agency review conducted on appeal of initial agency denials

[1] *See* ACUS Recommendation 71–2, Principles and Guidelines for Implementation of the Freedom of Information Act (adopted May 7, 1971).

of Freedom of Information Act requests, or (2) the cost of review associated with development of general policy on releasing the type of information or records covered by the request;

(b) permit units within agencies to establish separate fee schedules where those units maintain separate FOIA operations and their costs are readily separable from other units of the agency;

(c) require that the Department of Justice, after allowing the agencies and the public the opportunity to comment, promulgate government-wide guidelines for agency fee schedules and for the assessment, collection and waiver of fees under the Freedom of Information Act. The guidelines should be consistent with the other sections of this recommendation, and should promote uniformity in agency regulations whenever practical.

2. Congress should retain the provision in section 552(a)(4)(A) of the Freedom of Information Act, which provides that persons requesting records shall have fees waived or reduced where the agency determines that furnishing the information will primarily benefit the general public.

3. Congress should not amend the Freedom of Information Act to permit agencies to recover in fees the overhead costs occasioned by the Act.

4. Congress should consider collecting accurate and uniform data on the cost of the Freedom of Information Act, since existing data is unreliable.

5. Department of Justice guidelines or, in their absence, agency rules should provide that:

(a) agencies waive Freedom of Information Act fees whenever the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee. The level of this waiver provision should be established by agency rule, and should be expressed in terms such as hours of staff time and pages furnished, rather than a fixed dollar amount;

(b) persons will ordinarily not be charged for the cost of search if no records are produced by the agency. However, with respect to a request not entitled to a fee waiver, an agency should be permitted to assess search fees if the requester insists on further search after being informed by the agency, based on a reasonable preliminary search, that the search is unlikely to be productive;

(c) agencies may by rule provide that the submission of a Freedom of Information Act request constitutes an agreement by the requester to pay an amount of fees specified in the rule, unless the requester is entitled to a fee waiver or specifies a different amount in the request;

(d) agencies should be required to notify requesters if fees are expected to exceed an amount fixed by rule or otherwise agreed to by the requester. If a requester does not agree to pay additional fees, the agency may suspend the search and processing of records;

(e) agencies may require advance payment of fees if a requester has failed to honor a previous commitment to pay fees that were owed an agency, or if the agency reasonably determines that the requester is likely to be unwilling or unable to pay the probable fees;

(f) agencies will provide an administrative appeal mechanism through which requesters may challenge fee and fee waiver decisions. Agency decisions on fee appeals should be maintained in a separate public file for use by requesters and agency employees.

3. Section 305.81–2 is added to Part 305 as follows:

§ 305.81–2 Current Versions of the Bumpers Amendment (Recommendation No. 81–2).

In Recommendation 79–6, adopted in December 1979, the Conference criticized the then current version of the so-called Bumpers Amendment to Section 706 of the Administrative Procedure Act. At that time, the Conference, expressing its belief that concern about the broad substantive reach of the rules of a host of agencies cannot be effectively addressed by legislation prescribing new across-the-board standards for review, made the following two recommendations:

1. Congress should not enact the so-called Bumpers Amendment * * * or, by any similar legislation, at this time alter or reverse any presumption of validity that attaches to agency rules or regulations; and

2. An across-the-board judgment that judicial deference to agency expertise or to an agency's interpretation of its statutory mandate is never warranted would be unwise, and Congress should not enact legislation precluding such deference.

The Conference continues to believe that Congress should not, through across-the-board legislative measures, alter the weight reviewing courts afford agency statutory interpretations or expertise, and it therefore maintains the position taken in Recommendation 79–6. Since that recommendation was made, however, the Bumpers Amendment has been substantially revised. Accordingly, we believe it appropriate to address the current text of the amendment, as embodied in three pending versions: section 5(b) of S. 1080, as reported by the Senate Judiciary Committee; section 5 of S. 1080, as reported by the Senate Governmental Affairs Committee; and section 203 of H.R. 746, as reported by the House Judiciary Committee. The Senate Judiciary Committee version of S. 1080, which includes the most new material of the three proposals, would divide section 706 into three subsections and make three changes in the present text of section 706:

(1) It would insert into what is now the opening sentence of the undivided section, which would become the opening sentence of subsection (a), the word "independently." It would thereby make the section provide that the reviewing court shall "independently" decide all relevant questions of law, interpret constitutional and statutory provisions and determine the meaning or applicability of the terms of an agency action.

(2) It would add to section 706(a)(2) a new clause (F) reading as follows:

[The reviewing court shall * * * hold unlawful and set aside agency action, findings, and conclusions found to be * * *]

* * * * *

(F) without substantial support in the rulemaking file, viewed as a whole, for the asserted or necessary factual basis, as distinguished from the policy or legal basis, of a rule adopted in a proceeding subject to section 553 of this title * * *

Old clause (F) of the present section 706(2) would become clause (G) of section 706(a)(2).

(3) It would add a new subsection (c), to read as follows:

(c) In making determinations concerning statutory jurisdiction or authority under clause (2)(C) of subsection (a) of this section [the clause that says that the reviewing court is to hold unlawful and set aside agency action found to be "in excess of statutory jurisdiction, authority, or limitations, or short of statutory right"] the court shall require that action by the agency is within the scope of the agency jurisdiction or authority on the basis of the language of the statute or, in the event of ambiguity, other evidence of ascertainable legislative intent. In making determinations on other questions of law, the court shall not accord any presumption in favor of or against agency action.[1]

For the reasons discussed below, the Conference opposes adoption of the Bumpers Amendment in any of its current forms (with the exception of the provisions concerning substantial support in the rulemaking file, also discussed below). If Congress does enact legislation of this type, however, we recommend certain revisions of the Amendment's current provisions.

A. The extent to which a reviewing court should take into account an agency's interpretation of a statute is a subtle and complicated issue. The Conference agrees that the courts are the ultimate authority on questions of statutory interpretation that arise in the review of an agency action, and that the proper exercise of this authority calls for an independent examination of all relevant materials that would contribute to a correct resolution of such questions. The primary sources for the resolution of questions of statutory interpretation are the statutory text and other manifestations of Congress' intent in enacting the law. The Conference does not believe that in the resolution of such questions the legal position taken by the administering agency is

[1] The House Judiciary Committee version of the bill would add the word "independently" and the first sentence of new subsection (c), revised to read: "In making determinations under paragraph (2)(C) of subsection (a) of this section, the court shall require that action by the agency is within the scope of agency jurisdiction or authority on the basis of the language of the statute and, in the event of ambiguity, other evidence of ascertainable legislative intent." Instead of the new clause (F) that is quoted in the text of the recommendation, it would add to section 706 a new subsection (d), reading: "In determining whether an agency action in adopting a rule in a proceeding subject to section 553 of this title is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, the court shall consider whether there is substantial support in the rulemaking file, viewed as a whole, for the asserted or necessary factual basis of the rule." The Senate Governmental Affairs Committee's version would not add "independently" or clause (F); it would add only the first sentence of subsection (c), as it reads in the Senate Judiciary Committee's version.

automatically entitled to special weight, but the Conference does believe that special weight may be justified by the circumstances surrounding the agency's adoption of or adherence to such position. These circumstances may include the fact that the agency interpretation was "a contemporaneous construction of the statute by [those] charged with the responsibility of setting its mechanism in motion," *Norwegian Nitrogen Products Co.* v. *United States*, 288 U.S. 294, 315 (1933); or that the agency interpretation has been asserted consistently, that it has received Congressional approval or acquiescence, that affected interests have relied on it, and that the interpretation is a direct outgrowth of the agency's experience in implementing the statute, *see Griggs* v. *Duke Power Co.*, 401 U.S. 424 (1971). The Conference does not favor legislation that would require courts to disregard such circumstances in reviewing the actions of agencies for conformity with the statutes they administer.

Many of the perceived problems with regulatory statutes and related agency practices are caused by statutory provisions and accompanying reports thereto which are imprecisely drafted or which fail to provide adequate guidance for application. Judicial review is, at best, an imperfect corrective for agency action that goes beyond an unarticulated mandate of the political processes. Further, by its very nature, it is insulated and removed from the legislative process, which is more directly responsive to the popular will on a given subject. Sounder policy judgments in the organic laws and other statutory grants of administrative power, more precise delegation, and systematic oversight and reevaluation of agency missions are far better ways to address these perceived problems than changing the standards of judicial review.

B. The current versions of the Bumpers Amendment contain ambiguous provisions that are susceptible of various interpretations. As a result, enactment of this legislation may produce undesirable consequences:

(i) To the extent that the insertion of the word "independently" in the first sentence of section 706(a) is intended simply to emphasize that the reviewing court is free to reject an agency interpretation or legal position with which it disagrees and to remind the court of its duty to undertake its own inquiry into the legal issues, we have no objection to the amendment, although we are not persuaded that such an admonition is needed. If the insertion of the word "independently" is intended to address the question of the weight that courts should accord to agency interpretations, we believe this question may be too subtle and difficult to be handled in such an elliptical manner.

(ii) We find the provisions of proposed section 706(c) confused and confusing in several respects, and believe that they should not be enacted.

a. The first sentence directs the courts to require that agency action is "within the scope of the agency jurisdiction or authority on the basis of the language of the statute or, in the event of ambiguity, other evidence of ascertainable legislative intent." The thrust of this direction is ambiguous. If it is intended to set forth a rule of construction that statutory grants of authority are to be construed narrowly, we believe such an indiscriminate rule would invite unintended results by failing to take into account particular statutory schemes. The preferable approach, in our view, is to permit the courts to interpret each statutory grant in the light of the terms and purpose of the statute and the specific intent of Congress. On the other hand, the sentence may be addressed solely to the question of what sources the courts may consult in determining the meaning of a statutory grant of authority. So interpreted, the sentence would further the professed goals of the proponents of the Bumpers Amendment by emphasizing reliance on statutory terminology and evidence of legislative intent in implied contradistinction to agency interpretation and practice, but some clarification of its intended effect is called for. The phrase "or, in the event of ambiguity, other evidence of ascertainable legislative intent" raises an additional problem, for it suggests that a court is to be directed to confine its consideration to the statutory language unless it first concludes that that language is ambiguous. The Conference believes the better rule is that stated by the Supreme Court in *Train* v. *Colorado PIRG*, 426 U.S. 1, 10 (1976): When aid to construction of the meaning of words, as used in the statute, is available, there certainly can be no "rule of law" which forbids its use, however clear the words may appear on superficial examination. *See also Watt* v. *Alaska*, 101 S. Ct. 1673, 1677–78 (1981); *Cabell* v. *Markham*, 148 F.2d 737, 739 (2d Cir. 1945).

b. The two sentences of subsection (c) strongly imply that the courts in making determinations concerning statutory jurisdiction or authority under section 706(a)(2)(C), are to apply a standard of review different from that to be applied in making determinations on "other questions of law." Yet it is by no means clear how the two categories are to be distinguished or how the two standards of review differ. For example, is the application of an assertedly erroneous legal standard to a fact situation within the agency's jurisdiction to be reviewed under the first sentence or under the second? *See, e.g., American Textile Mfrs. Institute, Inc.* v. *Donovan*, 101 S. Ct. 2478, 2489 (1981).

c. The meaning of the second sentence of subsection (c), directing that no presumption be accorded "in favor of or against agency action" as to "other questions of law," is unclear. The reference to presumptions as to questions of law is confusing, since presumptions, properly speaking, concern evidentiary matters, not legal questions. Moreover, if the sentence's purpose is to eliminate the weight courts now give to agency views on various legal questions, it would apparently reach issues such as the correctness of the agency's interpretation of its own regulation, *see Bowles* v. *Seminole Rock Co.*, 325 U.S. 410, 413–14 (1945), and the procedural regularity of agency action, *see Braniff Airways* v. *CAB*, 379 F. 2d 453, 460 (D.C. Cir. 1967). Thus interpreted, its scope is far too broad.

C. Both proposed new clause (F) of section 706(a)(2) and the alternative formulation, proposed new subsection (d) of section 706, promote the goals of Paragraph 3 of Conference Recommendation 74–4. We applaud these efforts to provide courts that review administrative regulations clearer guidance than is afforded by the present clause (2)(A) of section 706. We prefer proposed subsection (d) to proposed clause (F) because clause (F) can be read to create an independent ground for reversal of an agency rule. The better approach, in our view, is to direct the courts to consider whether the rule has substantial support in the rulemaking file as one factor in determining whether the agency's adoption of the rule was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

Recommendations

1. Congress should not enact the so-called Bumpers Amendment in any of its current versions, or any similar across-the-board legislation altering the weight reviewing courts afford agency statutory interpretations or expertise.

2. If Congress nevertheless believes it necessary to enact legislation directed to the weight to be accorded administrative interpretations, it should substitute for the currently pending provisions the following clearer, more effective formulation:

(a) Amend section 706(a) of the Administrative Procedure Act by adding the word "independently"; and

(b) Either eliminate proposed section 706(c) altogether or adopt the following version of the section, similar but not identical to the current House Judiciary and Senate Government Affairs versions:

(c) In making determinations concerning statutory jurisdiction or authority under clause (2)(c) of subsection (a) of this section the court shall determine whether action by the agency is within the scope of the agency jurisdiction or authority on the basis of the terms of the statute and other evidence of legislative intent.

3. Congress should amend section 706 of the Administrative Procedure Act by adding a new subsection, to read as follows:

In determining whether an agency action in adopting a rule in a proceeding subject to section 553 of this title is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, the court shall consider whether there is substantial support in the rulemaking file, viewed as a whole, for the asserted or necessary factual basis of the rule.

Dated: December 23, 1981.

Richard K. Berg,

General Counsel.

[FR Doc. 81-37088 Filed 12-28-81; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 271 and 278

[Amdt. No. 173]

Food Stamp Program; Authorizing Wholesalers

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This rule further tightens the criteria for authorizing wholesalers to accept and redeem food stamps, based on the Food Stamp Act of 1977. It sets criteria that will allow a wholesaler to be authorized.

This action is necessary because the Food and Nutrition Service (FNS) has found that rules issued in 1978 to implement the Act did not give sufficiently specific criteria to ensure that FNS officials could uniformly carry out the agency's policy on authorizing wholesalers. Section 9(b) of the Food Stamp Act of 1977 states, in part, that *"No wholesale food concern may be authorized to accept and redeem coupons* unless the Secretary determines that its participation is required for the effective and efficient operation of the Food Stamp Program." (Emphasis added.) This wording contrasts sharply with the language of the Food Stamp Act of 1964, which treated retailers and wholesalers as equally necessary to the program. The new wording was meant to exclude from participation all wholesalers except those absolutely vital to program operations. The regulations which initially implemented this requirement stated that a wholesaler could be authorized if "the FNS Officer in Charge determines that the firm is needed as a redemption outlet for authorized retail food stores." Based on this language, a uniform policy on the authorization of wholesalers has been impossible to implement.

The intended effect of this action is to ensure that FNS officials can carry out policy uniformly. It will:

Remove from the program all wholesalers except those needed as food stamp redemption outlets by specific treatment programs for alcoholics and drug addicts, by specific group living arrangements for the blind or disabled, by specific shelters for battered women and children, by specific nonprofit cooperative food-purchasing ventures, or by specific retailers who have no access to a bank;

Require that FNS Officials specify exactly which authorized retailer(s) may redeem food stamps with a specific authorized wholesaler which will ensure that wholesalers who are authorized under one or more of these criteria do not gain a competitive advantage over other wholesalers who are not authorized; and

Ensure that all actions to remove wholesalers take place at the same time, so that no wholesaler gains a competitive advantage over other wholesalers.

EFFECTIVE DATE: This rule is effective January 28, 1982.

FOR FURTHER INFORMATION CONTACT: Duane Maddox, Federal Operations Division, Food and Nutrition Service, U.S. Department of Agriculture, Alexandria, VA 22302, 703–756–3457.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures contained in Secretary's Memorandum 1512–1 and under Executive Order 12291 and has been classified as not major. The rule is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Although wholesalers are currently redeeming over $600 million a year in food stamps, under the new rule, wholesalers will continue to do business with retailers, but will receive payment in cash or check, rather than in food stamps, so there will not be an adverse effect on wholesalers or on the economy in general. In fact, wholesalers will be relieved of a significant reporting burden in changing from receiving payment in food stamps to payment in cash or checks. Also, retailers who need to redeem food stamps through a wholesaler will still be able to do so. Therefore, there will be little adverse economic effect on retailers.

This rule has also been reviewed with regard to the requirements of Pub. L. 96–354. The Administrator of the Food and Nutrition Service has certified that this rule will not have a significant adverse effect on a substantial number of small entities. Small wholesalers who now accept food stamps, but will not be able to accept them under this rule, will not be adversely affected, as they can receive payment in cash or check instead of food stamps. Small retail food stores, nonprofit cooperative food-buying clubs, and certain meal services which absolutely need to redeem their food stamps through a wholesaler will still be able to do so.

FNS received comments on the proposed rules (which appeared at 45 FR 74725, published on November 12, 1980) from 42 commentors. Two commentors made comments on bank charges for handling food stamps which were not relevant to the issues raised in the proposed rules, three commentors urged that the rules be made more stringent, and nine commentors recommended that the rules be published as proposed. The remaining 28 commentors said the proposed rules were too restrictive. Of these comments, the largest number came from wholesalers serving small retailers (ten), and from two wholesaler associations. Their main arguments were that wholesalers perform a necessary service for small retailers who may have physical access to banks, but who encounter a number of barriers to using banks to redeem their food stamps. These barriers include language, custom (the small retailer is reportedly often unfamiliar with banking procedures and intimidated by them), cash flow problems (small retailers often make one or two trips a day to a cash-and-carry wholesaler to exchange cash and food stamps for merchandise, whereas banks often do not credit food stamp deposits to the retailers' accounts for several days, and checks are not an accepted medium of exchange in some areas), security (keeping food stamps in the store until they can take them to the bank makes the retailers more vulnerable to robbery), the time lost in going to the bank, especially when the retailer has no one to look after the store while he/she is gone, and bank-imposed barriers, such as deposit fees and requirements that depositors bundle food stamps in bundles of 100 food stamps each.

FNS does not find these arguments convincing; the indication is that the majority of small retailers who redeem food stamps through wholesalers do so as a convenience, rather than as a necessity. Retailers who do not already have checking accounts can open them with ease and learn the relatively simple procedures for using them. The issue as to whether a bank will charge a deposit fee for food stamps, and whether the bank will accept less than 100 food stamps at a time are both subject to negotiation. The same is true of the issue concerning the delay which some retailers have experienced in crediting food stamp accounts. Many small retailers who redeem through wholesalers also maintain bank accounts for the purpose of obtaining

coins and small bills for changemaking. Moreover, accumulating food stamps to make a weekly or daily deposit (which can be done through a night deposit facility) should not present a security problem, since $5 and $10 food stamps can be canceled as soon as they are accepted. This limits their negotiability drastically and has the same effect as when a check is endorsed "For Deposit Only".

These objections fail to consider the fact that participation of wholesalers in the Food Stamp Program is limited to situations where wholesalers are determined to be required for the effective and efficient operation of the program. The overwhelming potential for fraud and abuse occasioned by participation by wholesalers far outweighs the inconvenience possibly resulting to retailers in the absence of participating wholesalers. Moreover, the availability in most locations of numerous banks actively soliciting the business of retail grocers leads FNS to believe that many of these objections may be relieved through negotiation with competing banks.

On the other hand, making this rule less restrictive would leave the program open to fraud and abuse. It would also mean that the Department would have to use its limited investigative resources to police activities in which violations are inherently difficult to identify and investigate. The investigations which the Department's Office of the Inspector General has been able to conduct bear this out. They have been difficult and expensive to conduct, and few in number, but they have uncovered an underground traffic in millions of dollars worth of illegally-acquired food stamps.

Five cooperative wholesalers, four cooperative buying clubs, a buying club member, and a public interest group all stated that the proposed rules would hurt cooperative food-buying clubs. This is because buying clubs usually have little or no working capital, and depend on taking their members' food stamps directly to a wholesaler and using them to buy food ordered by the members. FNS recognizes this as a valid concern and has added cooperative food-buying clubs to the list of organizations that require an authorized wholesaler for the redemption of their food stamps.

Subsequent to publication of the proposed rules on authorizing wholesalers, the Department, on January 16, 1981, at 46 FR 4642, published proposed regulations to implement certain segments of the 1980 amendments to the Food Stamp Act of 1977 (Pub. L. 96–249, 94 Stat. 357, May 26, 1980). Included in these proposed rules were provisions extending eligibility to residents of shelters for battered women and children and provisions for the authorization of such shelters wishing to redeem food stamps at retail food stores through wholesalers. Shelters for battered women and children, like drug addict and alcoholic treatment programs and group living arrangements, are prohibited by the Food Stamp Act of 1977, as amended, from redeeming food stamps through banks. Therefore, such shelters may also need the services of wholesalers to redeem their food stamps. Final regulations for implementing the participation in the program of shelters for battered women and children were published at 46 FR 60160 on December 8, 1981. Accordingly, these final regulations on authorizing wholesalers provide for the authorization of wholesalers needed as food stamp redemption outlets by specific shelters for battered women and children. In addition, these regulations also prevent shelters for battered women and children from redeeming food stamps for anything but food. The proposed regulations for authorizing wholesalers prohibited treatment programs and group living arrangements from redeeming their residents' food stamps for anything but food. As discussed in the proposed rules on authorizing wholesalers, the House Report (House Committee on Agriculture (H. Rept. 95–464, June 24, 1977), p. 337) shows that Congress, in drafting the Food Stamp Act of 1977, did not intend treatment programs to be able to convert their residents' food stamps to cash and, in prohibiting group living arrangements from redeeming through banks, similarly did not intend for group living arrangements to convert food stamps to cash. Since shelters for battered women and children are also prohibited, by the Food Stamp Act of 1977, as amended, from redeeming through banks, the Department has generalized the policy regarding group living arrangements and treatment programs to also restrict shelters for battered women and children to using their residents' food stamps to buy only food.

A public interest group commented that the proposed rule would limit the ability of treatment programs and group living arrangements to get the best value for their money by restricting the number of wholesalers from whom they can purchase. FNS will regard any wholesaler with whom a treatment program, group living arrangement, shelter for battered women and children, cooperative buying club, or retailer with no access to a bank wishes to redeem food stamps as needed for the effective and efficient operation of the program. The fact that one wholesaler is authorized to serve as a redemption outlet for a retail firm or organization will not prevent FNS from authorizing another wholesaler or other wholesalers to serve the same retailer. This was implicit in the proposed rules and no change is needed in the final rules.

The regulation provides that all currently authorized wholesalers be terminated from program participation 120 days from the date of publication of this rulemaking. Another public interest group commented that the rules should allow continued participation by wholesalers after the 120-day period, if the reapplication process is delayed within FNS. FNS anticipates that the decisions on applicants will be made within the 120-day period and will issue instructions to its field offices to that effect.

The Department is modifying the definition of accessory foods (in the definition of staple foods) to make it clear that the definition applies to wholesalers as well as to retailers. This has historically been the Department's policy. However, it has been suggested that the current definition of staple and accessory foods appears to apply only to retailers. The amendment makes it clear that the definition also applies to wholesalers.

Information collection requirements contained in this regulation (Section 278) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0591–0014.

Accordingly, 7 CFR Parts 271 and 278 are amended as follows:

PART 271—GENERAL INFORMATION AND REGULATIONS

§ 271.2 [Amended]

1. The definition of staple food in § 271.2 is amended by adding the phrase "or as a wholesale food concern" before the period in the last sentence of the paragraph.

PART 278—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS AND BANKS

2. Paragraph 278.1(c) is revised to read as follows:

§ 278.1 Approval of retail food stores and wholesale food concerns.

* * * * *

(c) *Wholesalers.* A wholesale food concern may be authorized to accept

coupons only from a specified customer or customers if it meets the requirements of paragraphs (a) and (b) of this section, and FNS determines it is required as a redemption outlet (1) for one or more specified authorized drug addict or alcoholic treatment programs, (2) for one or more specified authorized group living arrangements, (3) for one or more specified authorized shelters for battered women and children, (4) for one or more specified authorized nonprofit cooperative food-purchasing ventures, or (5) for one or more specified authorized retail food stores which are without access to a bank which will redeem their coupons. No firm may be authorized to accept and redeem coupons concurrently as both a retail food store and a wholesale food concern. Authorizations of wholesale food concerns granted prior to January 28, 1982 shall expire on May 31, 1982. Wholesale food concerns desiring to participate in the program after that date must reapply for authorization in accordance with the provisions of this paragraph.

* * * * *

3. Paragraph 278.3(a) is revised to read as follows:

§ 278.3 Participation of wholesale food concerns.

(a) *Accepting coupons.* An authorized wholesale food concern may accept endorsed coupons from one or more specified authorized retail food stores, from one or more specified authorized nonprofit cooperative food-purchasing ventures, from one or more specified authorized group living arrangements, from one or more specified authorized drug addict or alcoholic treatment programs, or from one or more specified authorized shelters for battered women and children if the coupons are accompanied by a properly filled-out and signed redemption certificate, and are not marked "paid," "canceled," or "specimen." A wholesaler authorized to accept coupons from an authorized drug addict or alcoholic treatment program, or from an authorized group living arrangment, or from an authorized shelter for battered women and children, may accept coupons from that treatment program, or group living arrangement, or shelter for battered women and children, only in exchange for food.

* * * * *

(91 Stat. 958 (7 U.S.C. 2011–2027))

(Catalog of Federal Domestic Assistance Programs No. 10.551 Food Stamps)

Dated: December 23, 1981.

Patricia M. Kearney,

Confidential Assistant to the Assistant Secretary.

[FR Doc. 81-37119 Filed 12-28-81; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 1135

[Docket No. AO-380-A1]

Milk in the Southwestern Idaho-Eastern Oregon Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action amends the Southwestern Idaho-Eastern Oregon order provisions pertaining to the basis for pooling a distributing plant and to how much milk may be moved directly from producers' farms to nonpool manufacturing plants and still be priced under the order. The amendments are based on industry proposals considered at a public hearing held July 15, 1981. The changes, which have been approved by more than two-thirds of the producers in the market, are necessary to reflect current marketing conditions and to assure orderly marketing in the area.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued June 22, 1981; published June 25, 1981 (46 FR 32873).

Order Suspending certain provisions: Issued August 28, 1981; published September 3, 1981 (46 FR 44147).

Recommended Decision: Issued October 27, 1981; published November 2, 1981 (46 FR 54374).

Final Decision: Issued December 11, 1981.

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southwestern Idaho-Eastern Oregon marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to Section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than January 1, 1982. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Deputy Administrator, Marketing Program Operations, was issued October 27, 1981, and the decision of the Deputy Assistant Secretary containing all amendment provisions of this order was issued December 11, 1981. The changes effected by this order will not require extensive preparation or substantial alteration in the method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective January 1, 1982, and that it would be contrary to the public interest to delay the effective date of

this amendment for 30 days after its publication in the **Federal Register**. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Southwestern Idaho-Eastern Oregon marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended as follows:

PART 1135—MILK IN THE SOUTHWESTERN IDAHO-EASTERN OREGON MARKETING AREA

1. In § 1135.7, paragraph (a)(2) is revised to read as follows:

§ 1135.7 Pool plant.

* * * * *

(a) * * *

(2) Total route disposition (except filled milk) during the month equal to not less than 40 percent of such receipts. A unit consisting of two or more distributing plants operated by a handler shall be considered as one distributing plant for the purpose of meeting this requirement if the handler notifies the market administrator in writing before the first day of the month that the plants should be considered as a unit. The unit shall continue from month to month thereafter without further notification. If, however, there is any change in the composition of the unit, the handler shall notify the market administrator in writing on or before the first day of the month such change is to be made.

* * * * *

2. In § 1135.13, paragraph (f) (3), (4), and (5) are revised to read as follows:

§ 1135.13 Producer milk.

* * * * *

(f) * * *

(3) The total quantity of milk diverted by a cooperative association during the month may not exceed 70 percent in the months of September through February, and 80 percent in other months, of the producer milk that the cooperative association causes to be delivered to or diverted from pool plants during the month. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of the producer milk which the associations cause to be delivered to pool plants or diverted from pool plants during the month if each association has filed a request in writing with the market administrator on or before the first day of the month the agreement is to be effective. This request shall specify the basis for assigning over-diverted milk to the producer deliveries of each cooperative according to a method approved by the market administrator;

(4) The total quantity of milk diverted during the month by a proprietary bulk tank handler described in § 1135.9(d) may not exceed 70 percent in the months of September through February, and 80 percent in other months, of the producer milk that the handler causes to be delivered to or diverted from pool plants during the month;

(5) The operator of a pool plant may divert for its account any milk that is not under the control of a cooperative association or a proprietary bulk tank handler that diverts milk during the month pursuant to paragraph (f) (3) and (4) of this section. The total quantity so diverted during the month may not exceed 70 percent in the months of September through February, and 80 percent in other months, of the producer milk received at or diverted from such pool plant during the month that is eligible to be diverted by the plant operator; and

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Effective date: January 1, 1982.

Signed at Washington, D.C., on December 23, 1981.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 81-37112 Filed 12-28-81; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 92

Restrictions on Importation of Horses From Denmark

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document makes final the interim rule that extended to Denmark the prohibitions previously placed on the importation into the United States of certain horses from or that have been in countries affected with contagious equine metritis (CEM). This action is necessary to protect the livestock of the United States from such disease.

EFFECTIVE DATE: December 30, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. D. E. Herrick, USDA, APHIS, VS, Federal Building, Room 821, Hyattsville, Maryland 20782, 301–436–8530.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final rule has been determined to be not a "major rule" under Executive Order 12291. Based on information received by the Department, it has been determined that this rule will not have an annual effect on the economy of $100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Background

A document published in the **Federal Register** on July 20, 1981 (46 FR 37240–37241) amended the regulations (9 CFR 92.2(i)(1)), to extend to Denmark the prohibitions previously placed on the importation into the United States of certain horses from or that have been in countries affected with contagious equine metritis (CEM).

The Department is responsible for protecting the livestock of the United States against the introduction and dissemination of communicable diseases of livestock. CEM is a communicable disease of horses. Under the circumstances, the prohibition of the importation of certain horses from Denmark is the only alternative

available which protects the livestock of the United States against the introduction and dissemination of CEM into the United States.

It appears that the benefits of preventing the introduction and dissemination of CEM into the United States far outweighs the minimum costs that could be imposed by the final rule.

Written comments were solicited for 60 days after publication of the amendment. No comments were received in response to the amendment. The factual situation which was set forth in the document published in the **Federal Register** on July 20, 1981, still provides a basis for the amendment.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

After careful consideration of all relevant information available to the Department, the Deputy Administrator has determined that the interim rule revising 9 CFR 92.2(i)(1) should be made a permanent regulation as it appeared in the **Federal Register** on July 20, 1981.

(Sec. 2, 32 Stat. 792, as amended, secs. 4 and 11, 76 Stat. 130, 132, (21 U.S.C. 111, 134c, 134f); 37 FR 28464, 28477; 38 FR 19141)

Done at Washington, D.C., this 22nd day of December 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-37121 Filed 12-28-81; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Docket No. R-0380; Reg. D]

Reserve Requirements of Depository Institutions; International Banking Facilities

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final interpretation.

SUMMARY: The Board of Governors has issued an interpretation concerning the extent to which international banking facilities ("IBFs") may purchase or sell IBF-eligible assets such as loans (including loan participations), securities, Eurocurrency certificates of deposit, and bankers' acceptances from (or to) third parties under Regulation D—Reserve Requirements of Depository Institutions. The interpretation generally provides that IBFs may purchase IBF-eligible assets from, or sell such assets to, any domestic or foreign customer provided that the transactions are at arm's length without recourse. The requirement that the proceeds of IBF assets be used to finance business outside the United States will apply to assets acquired by IBFs from third parties.

EFFECTIVE DATE: December 16, 1981.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Associate General Counsel (202/452-3625) or Paul S. Pilecki, Senior Attorney (202/452-3281), Legal Division; or Sydney J. Key, Economist (202/452-3522), Division of International Finance, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: Pursuant to the Board's authority under sections 19, 25, and 25(a) of the Federal Reserve Act (12 U.S.C. 461 *et seq.*, 601 *et seq.*, 611 *et seq.*) and section 7 of the International Banking Act of 1978 (12 U.S.C. 3105), Regulation D (12 CFR Part 204) is amended by adding a new § 204.122 as follows:

§ 204.122 Secondary market activities of International Banking Facilities.

(a) Questions have been raised concerning the extent to which International Banking Facilities may purchase (or sell) IBF-eligible assets such as loans (including loan participations), securities, CDs, and bankers' acceptances from (or to) third parties. Under the Board's regulations, as specified in § 204.8 of Regulation D, IBFs are limited, with respect to making loans and accepting deposits, to dealing only with certain customers, such as other IBFs and foreign offices of other organizations, and with the entity establishing the IBF. In addition, an IBF may extend credit to a nonbank customer only to finance the borrower's non-U.S. operations and may accept deposits from a nonbank customer that are used only to support the depositor's non-U.S. business.

(b) Consistent with the Board's intent, IBFs may purchase IBF-eligible assets [1] from, or sell such assets to, any domestic or foreign customer provided that the transactions are at arm's length without recourse. Therefore, an IBF may not purchase such assets from, or sell such assets to, affiliates of the institution establishing the IBF. (However, this restriction does not affect the IBF's ability to purchase (or sell) assets directly from (or to) the institution establishing the IBF; such purchases from the institution establishing the IBF would continue to be subject to Eurocurrency reserve requirements except during the initial four-week transition period.) Since repurchase agreements are regarded as loans, transactions involving repurchase agreements are permitted only with customers who are otherwise eligible to deal with IBFs, as specified in Regulation D.

(c) In the case of purchases of assets, in order to determine that the Board's use-of-proceeds requirement has been met, it is necessary for the IBF (1) to ascertain that the applicable IBF notices and acknowledgments have been provided, or (2) in the case of loans or securities, to review the documentation underlying the loan or security, or accompanying the security (e.g., the prospectus or offering statement), to determine that the proceeds are being used only to finance the obligor's operations outside the U.S., or (3) in the case of loans, to obtain a statement from either the seller or borrower that the proceeds are being used only to finance operations outside the U.S., or in the case of securities, to obtain such a statement from the obligor, or (4) in the case of bankers' acceptances, to review the underlying documentation to determine that the proceeds are being used only to finance the parties' operations outside the United States.

(d) Under the Board's regulations, IBFs are not permitted to issue negotiable Euro-CDs, bankers' acceptances, or similar instruments. Accordingly, consistent with the Board's intent in this area, IBFs may sell such instruments issued by third parties that qualify as IBF-eligible assets provided that the IBF, its establishing institution and any affiliate of the institution establishing the IBF do not endorse, accept, or otherwise guarantee the instrument.

By order of the Board of Governors, December 22, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-37020 Filed 12-28-81; 8:45 am]

BILLING CODE 6210-01-M

[1] In order for an asset to be eligible to be held by an IBF, the obligor or issuer of the instrument, or in the case of bankers' acceptances, the customer and any endorser or acceptor, must be an IBF-eligible customer.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 308

Rules of Practice and Procedures

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The Federal Deposit Insurance Corporation ("FDIC") has amended its Rules of Practice and Procedures, which contain rules for the conduct of administrative proceedings before the FDIC. A new subpart M to the Rules of Practice and Procedures implements the Equal Access to Justice Act. That act allows certain parties who prevail against the FDIC in contested administrative proceedings to recover litigation expenses from the FDIC, if the position of the FDIC in the proceeding was not substantially justified. The new subpart establishes procedures to be used in applying for fee awards and in determining whether the conditions for a fee award have been met and, if so, the proper amount for the award. Additionally, the FDIC has amended preexisting subparts of the Rules of Practice and Procedures to delegate certain responsibilities to the FDIC's Executive Secretary and to correct certain procedural impediments to efficient operation. These changes are intended to enhance agency capability and responsiveness. The changes delegate authority to the Executive Secretary to perform many ministerial functions similar to duties of clerks of court, and they transfer to the administrative law judge certain duties formerly handled by the Executive Secretary.

EFFECTIVE DATE: December 29, 1981.

FOR FURTHER INFORMATION CONTACT: On fee awards, Brian D. Alprin, Attorney, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429 (202–389–4637); on all other subjects, James L. Meador, Attorney, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429 (202–389–4422).

SUPPLEMENTARY INFORMATION: Proposed rulemaking was published on pages 43,431–43,452 of the Federal Register of August 28, 1981, and comments were invited for sixty days ending October 27, 1981. Written comments were received from officials of three banks and from the Office of the Chairman of the Administrative Conference of the United States ("ACUS"). The following summarizes the comments and actions taken.

Equal Access to Justice Act

Two commentators suggested that the FDIC should undertake to pay fees of all parties who prevail against it when the position of the FDIC was not substantially justified, rather than pay awards only to prevailing parties who meet standards relating to net worth and number of employees. The Equal Access to Justice Act ("EAJA") defines eligible parties to exclude "any individual whose net worth exceeded $1,000,000 at the time the adversary adjudication was initiated, and any sole owner of an unincorporated business, or any partnership, corporation, association, or organization whose net worth exceeded $5,000,000 at the time the adversary adjudication was initiated" and "any sole owner of an unincorporated business, or any partnership, corporation, association, or organization, having more than 500 employees at the time the adversary adjudication was initiated." 5 U.S.C. 504(b)(1)(B). Since Congress deliberately set financial criteria that limit the EAJA's applicability to those eligible parties specified in the FDIC's proposal, the FDIC is reluctant to amend its proposal to mandate the payment of fees of prevailing parties regardless of their size and financial means—a result apparently not desired by Congress. *See* H.R. Rep. No. 96–1418, 96th Cong., 2d Sess. 15 (1980). For a similar reason, the FDIC declines to follow the recommendation of a commentator who suggested that the FDIC pay all actual expenses of an applicant entitled to an award (rather than "reasonable expenses" as desired by Congress) and pay punitive damages in some situations (a matter not provided for by Congress).

The ACUS observed that § 308.98 of the proposed rule, which clarifies the meaning of the term "prevailing party," fails to mention that a party may prevail through the obvious course of winning a fully litigated proceeding on the merits. The section has accordingly been revised to accommodate this point.

The ACUS recommended the deletion of § 308.97(f) of the proposed rule, which includes in an applicant's net worth the value of assets disposed of, and excludes the value of liabilities incurred, for the purpose of meeting an eligibility standard. The ACUS also recommended the deletion of proposed § 308.102(e), which requires an applicant to describe any transactions within six months before the initiation of the proceeding which reduced the applicant's net worth below the relevant net-worth ceiling. In the view of the ACUS, the likelihood of sham transactions is small compared to the burden of the proposed disclosure requirement, since potential applicants will normally have great difficulty in anticipating the date of initiation of administrative proceedings. The FDIC believes that potential respondents are often able to predict when formal administrative proceedings will begin, given the preliminary informal discussions that typify the early stages of an FDIC proceeding. The FDIC does agree, however, that in most cases the disclosure requirement is not necessary, and accordingly the requirement has been eliminated. The rule requiring net worth to be determined without giving effect to transactions undertaken to meet an eligibility standard has been retained. It should be noted that when disclosure of such transactions is thought necessary, the administrative law judge and the Board of Directors retain power to call for disclosure of them under the last sentence of § 308.102(c).

The ACUS objected to the omission of several rules that were in the model rules published by the ACUS. The ACUS thought that clarity and completeness would be served by their inclusion. Rather than reflect substantive disagreement on any legal matter, these comments reflect differences of rulemaking style between the FDIC and the ACUS. With respect to these omissions the FDIC adheres to its original decisions.

The ACUS recommended the alteration of the requirement of § 308.101(2) that an application contain "an identification of each issue" with regard to which the applicant believes that the position of the FDIC was not substantially justified. The ACUS would prefer an identification of "the position in the proceeding" that the applicant alleges was not substantially justified. The FDIC prefers the language it proposed, which it hopes will allow the questions on substantial justification to be identified more narrowly in the application. The fear of the ACUS, that the reference to individual issues may imply that parties may receive awards for their success on mere procedural issues or on one of the FDIC's alternative theories of a case, is dispelled by § 308.98. That section, which clarifies the meaning of the term "prevailing party," permits awards in connection with victory on the merits, a favorable settlement, a dismissal, substantial vindication on the significant substantive matters at issue, or success on a discrete significant substantive issue or issues. Section 308.98 does not permit an award for success on a procedural point or on an alternative FDIC theory.

The ACUS criticized § 308.104(d) as too narrow. This section permits an application to be filed whenever an applicant has "prevailed" but not later than thirty days after final disposition of the proceeding. In the view of the ACUS, provision should be made for an immediate filing by a party who has

prevailed on a separable issue in the proceeding prior to final disposition of the entire proceeding. The issue is not expected to arise in an FDIC proceeding, as interim orders are normally not entered on significant substantive matters. The ACUS is correct, however, that the EAJA countenances fee awards following final disposition of interim matters. Section 308.104(d) has been changed to reflect the comment of the ACUS.

Section 308.105(d) permits the applicant to file a reply pleading only when the answer of counsel for the FDIC raises affirmative defenses. The ACUS recommended that replies be permitted in all cases. The FDIC believes that such a rule would move applicants to file replies in virtually all cases, whether needed or not, rather than forsake a perceived litigative advantage. Should full and fair resolution of an issue require that an applicant be permitted to file a reply when a reply is not otherwise permitted, however, a request for permission may be made under § 308.107.

A commentator suggested that the Board of Directors of the FDIC be required to abide by any recommended decision of the administrative law judge which recommends a fee award. The FDIC believes that the purport of the EAJA is to vest the ultimate decision on the fee award in the body that adjudicated the underlying controversy. With respect to all contested FDIC proceedings covered by the EAJA, the function of the administrative law judge is recommendatory only, and the Board of Directors renders the actual decision. Thus the conferral or recommendatory authority on the administrative law judge and the retention of decision-making authority by the Board of Directors would be consistent with FDIC practice and would appear the suitable apportionment of roles for fee-award proceedings.

A technical change has been made in the proposed regulation on the recommendation of the staff of the FDIC. Proposed §§ 308.97(d) and 308.102(d) established that a bank's net worth at the time of the initiation of a proceeding would be considered to be the total equity capital as reported on the bank's last Consolidated Report of Condition filed before the initiation of the proceeding. In recognition that the date of actual submission should not receive priority over the reporting date the rule now refers to the report that is filed for the last reporting date before the initiation of the proceeding.

Minor stylistic or clarifying changes have been made to §§ 308.97(f), 308.98(b) (which had been proposed as §§ 308.98(a)), and 308.102(d). A new § 308.105(e) has been added to make it clear that filings in the nature of pleadings, if not permitted by a specific rule, may be submitted only with the permission of the administrative law judge.

Technical Changes to Rules of Practice and Procedures

No comments were received on the proposed technical changes to preexisting subparts of Part 308. These changes have been adopted as proposed, except that the heading to Subpart B has been reworded for the sake of accuracy, and minor technical, stylistic, or clarifying changes have been made to §§ 308.01(d), 308.01(j), 308.03, 308.07(b), and 308.21(b).

Certification Under Regulatory Flexibility Act

A certification that this rule will not have a significant economic impact on a substantial number of small entities was published at 46 FR 43,433 (1981).

Effective Date

This rule is effective December 29, 1981. The requirement of thirty days' advance notice does not apply because the rule establishes or changes procedures for the conduct of administrative proceedings. As a procedural rule it is not "substantive" under 5 U.S.C. 553(d) (1976). In addition, good cause exists for the rule to be made effective immediately. Since the effective date of the EAJA, October 1, 1981, the FDIC has been without formal, published procedures for the submission and consideration of fee applications. An immediate effective date for the present rule will clarify the procedures that are available to applicants, thus promoting the timely pursuit of appropriate redress under the EAJA by eligible parties.

For the reasons set out in the preamble, Part 308 of chapter III of title 12 of the *Code of Federal Regulations* is revised to read as set forth below.

PART 308—RULES OF PRACTICE AND PROCEDURES

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308.02 Rules of construction.

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308.07 Conduct of hearings.
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308.44 Grounds for suspension or prohibition.
308.45 Issuance and effective date of suspension or prohibition order.
308.46 Extraterritorial acts of officials of foreign banks.

Subpart F—Procedures Applicable to Proceedings Pursuant to Section 10(c) of the Federal Deposit Insurance Act

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Authority: Sec. 2(9), Pub. L. No. 797, 64 Stat. 881 (12 U.S.C. 1819); sec. 18, Pub. L. No. 94–29, 89 Stat. 155 (15 U.S.C. 78w); sec. 801, Pub. L. No. 95–630, 92 Stat. 3641 (12 U.S.C. 1972); sec. 203, Pub. L. No. 96–481, 94 Stat. 2325 (5 U.S.C. 504).

Subpart A—Definitions and Rules of Construction

§ 308.01 Definitions.

For purposes of this part, except where explicitly stated to the contrary,

(a) The term "bank" means, in general, any bank to which reference is being made. For purposes of subpart F, the term means an insured bank or its affiliate, an institution applying to become an insured bank, or a branch of a foreign bank (except where used in § 308.54);

(b) The term "Board of Directors" or "Board" means the Board of Directors of the Federal Deposit Insurance Corporation;

(c) The term "FDIC" means the Federal Deposit Insurance Corporation;

(d) The term "depositors" as used in subpart D, notwithstanding any limitation in any other paragraph of § 308.01, includes the customers of any municipal securities dealer, participants in a clearing agency, and persons doing business with a transfer agent, if for the municipal securities dealer, clearing agency, or transfer agent the FDIC is the appropriate regulatory agency;

(e) The term "Executive Secretary" means the Executive Secretary of the Federal Deposit Insurance Corporation;

(f) For the purposes of § 308.07(c), the term "ex parte communication" means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given. This does not include requests for status reports;

(g) The term "foreign bank" means any company which engages in the business of banking and which is organized under the laws of a foreign country, a territory of the United States, Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, or the Virgin Islands. "Foreign bank" includes, without limitations, foreign commercial banks, foreign merchant banks and other institutions which engage in banking activities usual in connection with the business of banking in the countries where such foreign institutions are organized or operating;

(h) The term "insured bank" means any bank or banking institution (including a foreign bank having an insured branch) the deposits of which are insured in accordance with the Federal Deposit Insurance Act;

(i) The term "insured branch" means a branch of a foreign bank any deposits of which are insured in accordance with the Federal Deposit Insurance Act;

(j) The term "insured nonmember bank" means any bank or banking institution the deposits of which are insured in accordance with the Federal Deposit Insurance Act and which is not a national bank, a District bank, or a member of the Federal Reserve System. The term also includes a foreign bank having an insured branch, and any municipal securities dealer, clearing agency or transfer agent for which the FDIC is the appropriate regulatory agency (notwithstanding any limitation in any other paragraph of § 308.01);

(k) For the purposes of enforcing any law, rule, regulation, or cease-and-desist order in connection with an interlocking relationship, the term "officer" as used in subpart E means an employee or officer who has management functions and the term "director" includes an advisory or honorary director, a trustee of a bank under the control of trustees, or any person who has a representative or nominee serving in any such capacity.

For other purposes, the terms "officer" and "director" as used in this part are defined according to common usage in the banking industry;

(l) The term "official" means any director, trustee, officer, employee or agent of a bank to which reference is being made, or any other person participating in the conduct of the affairs of a bank;

(m) The term "party" means a person or agency named or admitted as a party, or any person or agency who has filed a written request and is entitled as of right to be admitted as a party, unless the context otherwise suggests. A person or agency may be admitted for a limited purpose;

(n) For purposes of subparts I and J, the term "person" means an individual or a corporation, partnership, trust, association, joint venture, pool, syndicate, sole proprietorship, unincorporated organization, or any other entity;

(o) The term "presiding officer" means any person designated by the Board of Directors to conduct a hearing, or proceedings pursuant to section 10(c) of the Federal Deposit Insurance Act;

(p) The term "proceedings pursuant to section 10(c)" means the exercise of any power specified in section 10(c) or 8(n) of the Federal Deposit Insurance Act, or any proceeding conducted pursuant to the exercise of such powers.

§ 308.02 Rules of construction.

Throughout this part, any use of a term in the singular shall include the plural, and the plural shall include the singular, if such use would be appropriate.

Subpart B—Rules of Practice Generally

§ 308.03 Scope.

This subpart prescribes rules of practice and procedures followed by the FDIC in hearings pursuant to the provisions of the Federal Deposit Insurance Act or other applicable law pertaining to:

(a) Involuntary termination of the insured status of any bank including an insured branch of a foreign bank;

(b) Issuance of cease-and-desist orders against any insured nonmember bank or its official;

(c) Assessment of civil penalties against (1) an insured nonmember bank or its official, for violation of a cease-and-desist order which has become final, or (2) an insured nonmember bank or its official, for violation of (i) the provisions of section 22(h) or 23A of the Federal Reserve Act, made applicable by section 18(j) of the Federal Deposit Insurance Act, or (ii) the provisions of section 106(b)(2) of the Bank Holding Company Act Amendments of 1970, as amended;

(d) Issuance of orders that remove or suspend from office or prohibit from further participation in the conduct of the affairs of an insured nonmember bank, a director or officer, or that prohibit any other person from further participation in the conduct of the affairs of such a bank, except where the removal or suspension or prohibition is within the scope of subpart G as set forth in § 308.55;

(e) Disapproval of a proposed acquisition of control of an insured nonmember bank; and

(f) Imposition of sanctions upon (1) any municipal securities dealer for which the FDIC is the appropriate regulatory agency, (2) any person associated or seeking to become associated with such a municipal securities dealer, or (3) any clearing agency or transfer agent for which the FDIC is the appropriate regulatory agency (except for hearings on postponement of registration by such clearing agency or transfer agent pending registration denial proceedings, and for hearings on suspension of registration by such clearing agency or transfer agent pending registration revocation proceedings).

§ 308.04 Appearance and practice before the FDIC.

(a) *Qualification, authorization and notice of appearance.* Any member in good standing of the bar of the highest court of any State, Commonwealth, possession, territory, or the District of Columbia, may represent others before the FDIC upon filing with the Executive Secretary a written declaration of current qualification to practice and an authorization to represent the particular party. Any other person desiring to appear before, or transact business with, the FDIC in a representative capacity may be required to file with the Executive Secretary a power of attorney showing authority to act in such capacity, and may be required to demonstrate to the satisfaction of the Executive Secretary possession of the requisite qualifications. Attorneys and representatives of parties shall file a written notice of appearance with the Executive Secretary or the administrative law judge.

(b) *Summary suspension.* Contemptuous conduct at an argument before the Board of Directors or at a hearing before an administrative law judge shall be grounds for exclusion and suspension for the duration of the argument or hearing.

§ 308.05 Notice of hearing.

Whenever a hearing within the scope of this subpart is ordered by the Board of Directors, a notice of hearing shall be given by the Executive Secretary (or designee of the Board) to the party afforded the hearing and to any appropriate supervisory authority. The notice shall indicate the time, place, and nature of the hearing, the legal authority and jurisdiction for the hearing, and shall contain a statement of the matters of fact or law constituting the grounds for the hearing. The notice shall be delivered by personal service, by registered or certified mail to the party's last known address, or by other appropriate means, sufficiently in advance of the hearing date to comply with the provisions of the Federal Deposit Insurance Act.

§ 308.06 Answer.

(a) *Filing.* Every party to a proceeding shall file an answer with the Executive Secretary within 20 days after service of the notice of hearing upon the party afforded the hearing, unless the Board specifies a different filing period of not less than 10 days after service of the notice. For good cause shown, the Board, the Executive Secretary or the administrative law judge may permit filing of an answer after expiration of the filing period.

(b) *Requirements; effect of failure to deny.* An answer filed under this section shall specifically admit, deny, or state that the party lacks sufficient information to admit or deny each allegation. A statement of lack of information shall have the effect of a denial. When a party intends to deny part of an allegation, that part shall be denied and the remainder specifically admitted. Any allegation not denied shall be deemed admitted.

(c) *Admitted allegations.* If a party elects not to contest any of the allegations of fact in the notice, the party's answer shall consist of a statement that all of the allegations are admitted to be true. Such an answer shall constitute a waiver of hearing on the facts and allegations contained in the notice. This answer and the notice shall provide a record basis upon which the administrative law judge shall make a recommended decision (containing findings of fact, conclusions of law and proposed order) that shall be filed with the Executive Secretary. The recommended decisions shall be served on the party, who may file exceptions thereto within the time period provided in § 308.14(a).

(d) *Effect of failure to answer.* Failure of a party to file an answer required by

this section within the time provided shall be deemed a waiver of the right to appear and contest the allegations of the notice of hearing and shall authorize the administrative law judge, without further notice to the party, to find the facts to be as alleged in the notice and to file with the Executive Secretary a recommended decision containing such findings and appropriate conclusions.

§ 308.07 Conduct of hearings.

(a) *Selection of administrative law judge.* Unless otherwise directed by the Board, a hearing within the scope of this subpart shall be held before an administrative law judge selected by the Office of Personnel Management. The provisions of this section shall not apply to a hearing before the Board.

(b) *Authority of administrative law judge.* Hearings governed by this subpart shall be conducted in accordance with the provisions of the Administrative Procedure Act (5 U.S.C. 554–557), and the provisions of this subpart. The administrative law judge shall conduct the hearing in a fair and impartial manner and shall avoid delay in the disposition of proceedings. The administrative law judge shall have all powers necessary to that end, including the power:

(1) To administer oaths and affirmations;

(2) To issue subpenas and subpenas duces tecum as authorized by law, and to revoke, quash, or modify any such subpena;

(3) To take depositions or cause depositions to be taken;

(4) To hold conferences for the settlement or simplification of issues or for any other proper purpose;

(5) To regulate the course of the hearing and the conduct of the parties and their counsel;

(6) To receive relevant evidence and rule upon the admission of evidence and offers of proof;

(7) To grant extensions of time for filing or performing any act required or permitted within a specified time during the course of a proceeding for good cause shown;

(8) To continue or adjourn a hearing from time to time and place to place, as permitted by law or as agreed by the parties;

(9) To consider and rule upon all procedural and other motions appropriate in an adversary proceeding, except that an administrative law judge shall not have power to decide any motion to dismiss the proceedings or other motion resulting in final determination of the merits of the proceeding; and

(10) To call for the production of further evidence, to permit oral argument and submission of briefs, and to reopen a hearing in accordance with § 308.07(j).

(11) Without limitation on the foregoing provisions of this paragraph, the administrative law judge shall, subject, to the provisions of this part, have all the authority provided in section 556(c) of title 5 of the United States Code.

(c) *Ex parte communications prohibited.* (1) The following prohibitions against ex parte communications apply from the time a proceeding is noticed for hearing: However, when the person responsible for the communication has knowledge that the proceeding will be noticed, the prohibitions apply from the time such knowledge is acquired.

(i) No interested person outside the FDIC shall make or knowingly cause to be made an ex parte communication relevant to the merits of the proceeding to anyone who is or may reasonably be expected to be involved in the decisional process.

(ii) No person who is or may reasonably be expected to be involved in the decisional process shall make or knowingly cause to be made an ex parte communication relevant to the merits of the proceeding to any interested person outside the FDIC.

(2) Except as authorized by law, the administrative law judge shall not consult anyone within the FDIC on any fact in issue, unless upon notice and opportunity for all parties to participate. The administrative law judge shall not be responsible to, or subject to the supervision or direction of, any officer, employee, or agent of the FDIC engaged in the performance of investigative or prosecuting functions. An officer, employee or agent engaged in the performance of such functions in any case shall not, in that case or a factually related case, participate or advise in the decision of the administrative law judge, except as a witness or counsel in the proceedings, or as otherwise authorized by law.

(3) If an ex parte communication is made or knowingly caused to be made, all such written communications, any written responses, and memoranda stating the substance of any oral responses, shall be placed on the public record.

(4) Upon receipt of a communication knowingly made or caused to be made in violation of § 308.07(c)(1)(i), the responsible party may be required to show cause why such party's claim or interest should not be dismissed, denied, or otherwise adversely affected. To the extent consistent with the interests of justice and the policy of the Federal Deposit Insurance Act, knowing violation of § 308.07(c)(1)(i) may be ground for a decision adverse to a party in violation of that section.

(d) *Prehearing conferences.* (1) Upon the initiative of the administrative law judge, or at the request of any party, counsel for all parties may be directed to meet at a specified time and place prior to the hearing, or to make written submissions, for the purpose of considering the following:

(i) Simplification and clarification of the issues;

(ii) Stipulations, admissions of fact, admissions of contents and authenticity of documents;

(iii) Matters of which official notice will be taken; and

(iv) Other matters which may aid in the orderly disposition of the proceeding, including disclosure of the names of witnesses and of documents or other exhibits to be introduced in evidence.

(2) At the request of any party, the conference shall be recorded. The administrative law judge shall enter in the record an order reciting the results of the conference, any rulings upon matters considered at the conference, and any directions to the parties. The subsequent course of the proceeding shall be controlled by this order, which may be modified to prevent manifest injustice.

(e) *Attendance at hearings.* A hearing shall ordinarily be private and shall be attended only by the parties, their representatives or counsel, witnesses while testifying, and other persons having an official interest in the proceedings. To the extent authorized by law, the Board of Directors in its discretion may permit other persons to attend on written request by a party or on the Board's own motion, or the Board may order a public hearing.

(f) *Order of procedure.* The counsel for the FDIC shall open and close.

(g) *Transcript of testimony.* Hearings shall be recorded and copies of the transcript made available to any party upon payment of the cost therefor. When the hearing is public, copies of the transcript shall be similarly available to other interested persons.

(h) *Filing and transmittal of the record.* A copy of the transcript duly certified by the reporter, and all exhibits, papers and requests filed in the proceeding, shall be filed by the reporter with the administrative law judge. The administrative law judge shall promptly serve notice upon all parties of such filing and transmittal.

(i) *Changes of time; change of hearing location; continuance.* Except as otherwise expressly provided by law, the Board of Directors may provide time limits different from those specified in this subpart or in a notice of hearing, upon its own initiative or for good cause shown, and the Board may change the time and place for a hearing to commence. The administrative law judge may continue or adjourn a hearing in accordance with § 308.07(b)(8).

(j) *Reopening of hearing.* The administrative law judge, upon appropriate notice, may reopen a hearing at any time prior to certification of the administrative law judge's recommended decision to the Executive Secretary. The Board of Directors may reopen a case in accordance with § 308.18.

(k) *Opportunity for informal settlement.* At any time, and without prejudice to the rights of the parties, any interested party may submit to the Executive Secretary for consideration by the Board of Directors, written offers or proposals for settlement of a proceeding. An offer, proposal, or counter-offer shall not be admissible in evidence over the objection of any party. Steps taken toward informal settlement shall not preclude settlement of any proceeding through the regular adjudicatory process by filing an answer or exceptions as provided in § 308.06 and § 308.76, or by submission of the case to the administrative law judge on a stipulation of facts and an agreed order.

§ 308.08 Subpenas.

(a) *Issuance.* The administrative law judge, or the Executive Secretary in the event the administrative law judge is unavailable, may issue subpenas or subpenas duces tecum at the request of any party, requiring the attendance or deposition of witnesses or the production of documentary evidence in connection with a hearing pursuant to subparts B, C, D, E, H, I or K of this part, from any State, Commonwealth or territory at any designated place of hearing. Notice of issuance of the subpena or subpena duces tecum shall be served upon each of the parties within a reasonable time not less than 10 days before the date fixed for taking the deposition or production of documents.

(1) The party seeking the subpena shall include a statement showing the general relevance and reasonable scope of the testimony or other evidence sought. If, after consideration of all circumstances, the administrative law judge or the Executive Secretary determines the subpena in whole or in part is unreasonable, oppressive, excessive in scope or unduly burdensome, the administrative law judge or the Executive Secretary may refuse to issue the subpena or may issue it upon such conditions as fairness requires.

(2) The administrative law judge or the Executive Secretary by subpena may order that a deposition be taken, upon a showing that (i) the proposed witness will be unable to attend or may be prevented from attending the hearing because of age, sickness or infirmity, or will otherwise be unavailable, and (ii) the testimony will be material, and (iii) taking the deposition will not result in any undue burden to any other party or in undue delay of the proceeding. The subpena shall name the witness whose deposition is to be taken and specify the time and place for taking the deposition and the person before whom the deposition is to be taken. The time, place and person before whom the deposition is to be taken may differ from those stated in the application.

(b) *Application.* A party requesting the deposition of a witness or the production of documents, shall apply in writing to the administrative law judge, or to the Executive Secretary in the event the administrative law judge is unavailable, stating the reasons for the application, the name and address of the witness or the person who is to produce the documents, the matters concerning which the witness is expected to testify or the contents of the documents, the relevance of the testimony or documents, the time and place for taking the deposition or production of documents, and the name and address of the person before whom the deposition is to be taken or the documents are to be produced. The party making the application shall serve a copy of the subpena and application on every other party to the proceeding. Any party opposing the issuance of the subpena may file a response or opposition to the application within 10 days. Failure to do so within the time allowed will be deemed a waiver of objection to the subpena.

(c) *Service of subpena.* Service of a subpena shall be made by delivering a copy of the subpena to the person named therein and by tendering the fees for one day's attendance and mileage as specified in § 308.10. A subpena issued on behalf of the FDIC shall be similarly served, however, the fees for attendance and mileage need not be tendered at the time of service. If service is made by the U.S. Marshal, a deputy U.S. Marshal or an employee of the FDIC, a return of service shall be made. If service is made by any other person, that person shall make a return of service by affidavit on or with the original subpena that states how service was made. The reasons for failure of service shall be stated. The original subpena with the required return shall be promptly delivered to the administrative law judge.

(1) *Natural persons.* Delivery of a copy of a subpena and tender of fees to a natural person may be made by handing them to the person; or by leaving them at the person's office with someone in charge; or by leaving them in a conspicuous place in the office if there is no one in charge; or by leaving them at the person's dwelling place or usual place of abode with someone of suitable age and discretion residing there; or by mailing them by registered or certified mail to the last known address of the person; or by any method that gives actual notice to the person and makes the fees available prior to the return date.

(2) *Other entities.* When the person to be served is not a natural person, delivery of a copy of the subpena and tender of the fees may be effected by handing them to a registered agent for service or to an officer or director or agent in charge of any office of the person; or by mailing them by registered or certified mail to the representative at the person's last known address; or by any method that gives actual notice to the person's authorized representative and makes the fees available prior to the return date. Any service on a foreign bank may be made on any branch or agency located within any State or the District of Columbia, but if the service is in connection with an action or proceeding involving one or more such branches or agencies, service shall be made on at least one branch or agency so involved.

(d) *Motion to quash.* A person named in a subpena or subpena duces tecum who is not a party to the proceeding and who has not had the opportunity to oppose the issuance of the subpena pursuant to § 308.08(b) may apply to the administrative law judge, or to the Executive Secretary if the administrative law judge is unavailable, to revoke, quash, or modify the subpena. A statement of the reasons for the application must accompany it and notice of the application must be given to the party requesting the subpena. The application must be made prior to the time for compliance specified in the subpena and not more than 10 days after the date of service of the subpena.

§ 308.09 Procedure on depositions.

(a) *When taken.* The administrative law judge, or the Executive Secretary in the event the administrative law judge is

unavailable, may order by subpena evidence to be taken by deposition at any stage of a proceeding. A deposition may be taken by the administrative law judge, or before any person having power to administer oaths and who is designated by the Executive Secretary or the administrative law judge. A deposition shall be taken no sooner than 10 days after the parties to the proceeding have received notice of the deposition, where such notice has not been waived.

(b) *Procedure.* Each witness testifying upon oral deposition shall be duly sworn, and the adverse party shall have the right to cross-examine. Objections to questions or evidence shall be in short form, stating the grounds for the objection. The person taking the deposition shall not have power to rule upon questions of competency or materiality or relevance of evidence. Failure to object to questions or evidence shall not be deemed a waiver except where the ground for the objection is one which might have been avoided or removed if presented at that time. All questions, answers, and objections (not including argument or debate) shall be recorded by the person taking the deposition, or under such person's direction. The deposition shall be subscribed by the witness, unless the parties by stipulation have waived the signing, or the witness is ill or cannot be found or has refused to sign. If the deposition is not subscribed by the witness, the person taking the deposition shall state this on the record and the reason therefor. The transcript shall be certified as a true and complete transcript of the deposition by the person taking it. Such person shall promptly send by registered or certified mail, the original of the deposition, and the originals of all exhibits, to the administrative law judge, unless otherwise directed in the order authorizing the deposition. Interested parties may make their own arrangements with the person taking the deposition for copies of the transcript and exhibits.

(c) *Introduction as evidence.* The deposition or any part of it may be read in evidence by any party to a proceeding, subject to appropriate rulings on objections to questions or evidence noted during the taking of the deposition and objections that would be valid were the witness testifying in person. This does not include objections waived in accordance with the fourth sentence of paragraph (b) of this section. Only those portions of a deposition received in evidence at the hearing shall constitute a part of the record upon which a decision shall be based.

§ 308.10 Payment of witness fees.

Witnesses who testify or whose depositions are taken shall be paid the same fees for attendance and mileage paid in the United States district courts. Fees of the witness, the reporter and the person taking a deposition shall be paid by the party requesting attendance at a proceeding or deposition.

§ 308.11 Rules of evidence.

(a) *Evidence.* All parties shall have the right to present their case or defense by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(b) *Objections.* Objections to the admission or exclusion of evidence shall be in short form, stating the grounds therefor. The record need not include argument on objections except as ordered, allowed, or requested by the administrative law judge. Rulings on such objections and on any other matters shall be a part of the record. Failure to object to the admission or exclusion of evidence or to any ruling shall be considered a waiver of the objection.

(c) *Official notice.* All matters officially noticed by the administrative law judge shall appear on the record.

§ 308.12 Motions.

(a) *In writing.* An application or request for an order or ruling not otherwise specifically provided for in this subpart shall be made by motion. Applications or requests shall be addressed to and filed with the administrative law judge prior to filing of the recommended decision with the Executive Secretary pursuant to § 308.13. At all other times, motions shall be addressed to and filed with the Executive Secretary. Motions may be made orally upon the record at a session of a hearing, unless the administrative law judge requires a written motion. All other motions shall be in writing. All written motions shall state with particularity the order or relief sought and the grounds therefor. All written motions and oppositions shall be accompanied by a form of proposed order.

(b) *Oppositions.* Within 10 days after service of any written motion, or within such other period of time fixed by the administrative law judge or the Executive Secretary, any party may file a written answer or opposition to the motion. The moving party shall not have a right to reply, except as permitted by the administrative law judge or the Executive Secretary. As a matter of discretion, the administrative law judge or the Executive Secretary may waive the requirements of this section as to motions for extensions of time, and may rule upon such motions ex parte.

(c) *Oral argument.* Oral argument shall not be heard on motions, except as directed by the administrative law judge or the Board of Directors. Supporting memoranda or briefs may be filed with motions or answers or oppositions thereto.

(d) *Rulings on motions.* The administrative law judge or the Executive Secretary shall rule upon all motions properly submitted in accordance with the provisions of this part, and upon such other motions as directed by the Board of Directors. If the administrative law judge or the Executive Secretary finds that a prompt decision by the Board on a motion is essential to the proper conduct of the proceeding, the motion may be referred to the Board for decision.

(e) *Appeal from rulings on motions.* All motions, answers, oppositions and rulings shall become part of the record. Rulings of an administrative law judge or the Executive Secretary on any motion may not be appealed to the Board of Directors prior to its consideration of the administrative law judge's recommended decision, findings and conclusions, except by special permission of the Board. Such rulings shall be considered by the Board in reviewing the record. Requests to the Board for special permission to appeal from such rulings shall be filed promptly in writing, and shall briefly state the grounds for the request. The moving party shall immediately serve a copy of the request on every other party to the proceeding.

(f) *Proceeding with hearing.* The hearing shall proceed pending the determination of any motion by the Board of Directors, unless otherwise ordered by the administrative law judge or the Board.

§ 308.13 Proposed findings and conclusions, supporting and reply briefs, and recommended decision.

(a) *Proposed findings and conclusions by parties.* After service of the notice by the administrative law judge that the record has been filed and transmitted as provided in § 308.07(h), each party to a hearing shall have 30 days to file with the administrative law judge proposed findings of fact, conclusions of law and a proposed order. For good cause, the administrative law judge may allow

additional time for filing. The proposals may be accompanied by a supporting brief or memorandum citing statutes, decisions, other authorities, and page references to the record. All proposals, briefs and memoranda shall become part of the record. Reply briefs may be filed within 15 days of service of initial briefs and shall be confined to matters in original briefs of opposing parties.

(b) *Recommended decision and filing of record.* Within 45 days after expiration of the time allowed for filing of proposed findings, conclusions and order by the parties, the administrative law judge shall file with the Executive Secretary and shall certify to the Board of Directors for decision, the record of the hearing. For good cause, the Board may extend the period for filing and certification. The record shall include a recommended decision, findings of fact, conclusions of law, and proposed order, the transcript, exhibits, exceptions, rulings, and briefs and memoranda filed in connection with the hearing. Upon request of any party, the record shall include exhibits excluded from evidence or tenders of proof. At the time of filing of the record with the Executive Secretary the administrative law judge shall serve upon each party a copy of the recommended decision, findings, conclusions, and proposed order. The provisions of this paragraph shall not apply to a hearing before the Board of Directors.

§ 308.14 Exceptions to proposed findings and conclusions and recommended decision.

(a) *Filing.* Within 20 days after service of the recommended decision, findings, conclusions, and proposed order of the administrative law judge, a party may file with the Executive Secretary written exceptions thereto, exceptions to the failure of the administrative law judge to make any recommendation or finding or conclusion, exceptions to the admission or exclusion of evidence, and exceptions to any other rulings, subject to the provisions of this section. A supporting brief may also be filed. For good cause, the Executive Secretary may allow additional time for filing. A party who has not filed an answer in accordance with paragraphs (a) and (d) of § 308.06, or exceptions in accordance with § 308.76 may not file exceptions pursuant to this section.

(b) *Waiver.* Failure of a party to file exceptions to those matters specified in paragraph (a) of this section within the time prescribed shall be a waiver of objection thereto.

(c) *Hearing before the Board of Directors.* The provisions of § 308.14 shall not apply to a hearing before the Board of Directors.

§ 308.15 Briefs in support of exceptions.

(a) *Contents.* All briefs in support of exceptions shall be confined to the particular matters in issue, citing statutes, decisions, other authorities, and page references to the record or recommended decision of the administrative law judge. If the exception relates to the admission or exclusion of evidence, the substance of the evidence admitted or excluded shall be set forth in the brief with appropriate references to the transcript.

(b) *Late filing.* Briefs not filed on or before the time fixed in this subpart and documents not provided for in this subpart shall be received only with the special permission of the Board of Directors.

§ 308.16 Notice of submission to the Board of Directors.

The Executive Secretary shall submit the case to the Board after expiration of the time for filing exceptions and notify the parties that the case has been submitted to the Board of Directors for final decision.

§ 308.17 Oral argument before the Board of Directors.

(a) *Scheduling of Argument.* Upon the written request of a party or upon its own initiative, the Board of Directors may order an oral argument on the findings, conclusions and recommended decisions of the administrative law judge, when it considers justice will best be served thereby. The request must be made within the time prescribed for filing exceptions, and briefs in support of exceptions. The oral argument shall be before the Board or one or more members of the Board, and shall be recorded, unless otherwise ordered by the Board. Counsel will be notified of the exact time, date and place of the argument.

(b) *Order of Procedure.* Presentation of oral argument will be limited to a total of 45 minutes. Counsel for the respondent will open with a presentation limited to 20 minutes. Counsel for FDIC will follow with a presentation and response also limited to 20 minutes. Counsel for the respondent will then be given 5 minutes for a rebuttal. The Board may make adjustments to this schedule as it deems appropriate.

§ 308.18 Decision of the Board of Directors.

(a) *Decision and reopening of case.* The Board of Directors shall render its decision within 90 days after the Executive Secretary has notified the parties pursuant to § 308.17 that the case has been submitted to the Board for final decision. Within the 90-day period, the Board may order that the notice be set aside and the case reopened.

(b) *FDIC staff participation.* Appropriate members of the staff, who are not participating in the performance of investigative or prosecutorial functions in the particular case, or in a factually related case, may advise and assist the Board of Directors in the consideration of the particular case and in the preparation of documents for its disposition.

(c) *Copies.* The Executive Secretary shall furnish copies of the decision and order of the Board to the parties and to the bank concerned. Copies shall also be furnished to the appropriate State supervisory authority in the case of an insured nonmember bank, including a State branch of a foreign bank. Where the proceedings involve involuntary termination of the insured status of a State member bank, copies shall also be furnished to the Board of Governors of the Federal Reserve System. Where the proceedings involve involuntary termination of the insured status of a national bank, a District bank or a Federal branch of a foreign bank, copies shall also be furnished to the Comptroller of the Currency.

§ 308.19 Filing papers with the Executive Secretary.

(a) *Filing.* Papers required or permitted to be filed with the Board of Directors or the Executive Secretary, shall be filed with the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429. The papers may be sent to the Executive Secretary by mail or express, but must be postmarked or received by the FDIC in Washington, D.C., within the prescribed time limit for filing.

(b) *Formal requirements.* All papers filed under this subpart shall be printed or typewritten, and copies shall be clear and legible. The original of all papers filed by a party not a natural person shall be signed by the party's duly authorized representative. Papers filed by a party who is a natural person shall be signed by the party or a duly authorized representative. The signer's address and telephone number must appear on the original. Counsel for the FDIC shall sign the original of all papers filed on behalf of the FDIC. All papers filed must name in the heading or on a title page, the party, the FDIC, the docket number and the subject of the papers.

(c) *Copies.* An original and four copies of all documents and papers required or permitted to be filed or served upon the Board of Directors or the Executive Secretary under this subpart (except the transcript of testimony and exhibits), shall be furnished to the Executive Secretary, unless otherwise specifically provided in the notice of hearing.

§ 308.20 Documents in proceedings confidential.

Unless otherwise ordered by the Board or required by law, the notice of hearing, the transcript, the recommended decision of the administrative law judge, exceptions thereto, proposed findings or conclusions, the findings and conclusions of the Board of Directors and other papers filed in connection with any hearing shall be for the confidential use of the Board, the administrative law judge or presiding officer, and appropriate supervisory authorities.

§ 308.21 Service of papers other than subpenas.

(a) *By the Board of Directors.* All documents or papers required to be served by the Board of Directors upon any party afforded a hearing shall be served by the Executive Secretary or the Board's designee. Service shall be made by personal service or by registered or certified mail, addressed to the last known address as shown on the records of the Board, of a party's attorney or representative of record. If there is no attorney or representative of record, service shall be made upon a party at the party's last known address as shown on the records of the Board. Service may also be made in such other manner reasonably calculated to give actual notice, as the Board may provide by regulation or otherwise. The foregoing provisions do not apply to service by the Board on counsel for the FDIC.

(b) *By the parties.* Except as otherwise expressly provided, a party filing papers in accordance with this subpart shall serve them upon the attorneys or representatives of record of all other parties to the proceeding, or upon such other parties if there is no attorney or representative. Service may be made by personal service or by registered, certified, or regular first class mail addressed to the last known address of such parties, or their attorneys or representatives of record. When filed with the Board of Directors or the administrative law judge, all papers shall show that service has been made.

§ 308.22 Computing time.

(a) *General rule.* In computing any period of time prescribed or allowed by this part, the date of the act or event or default from which the designated period of time begins to run is not to be included. The last day so computed shall be included, unless it is a Saturday, Sunday, or Federal holiday. When the last day is a Saturday, Sunday, or Federal holiday, the period shall run until the end of the next day that is not a Saturday, Sunday or Federal holiday, and intermediate Saturdays, Sundays and Federal holidays shall be included in the computation; however, when the period of time within which an act is to be performed is seven days or less, intermediate Saturdays, Sundays and Federal holidays shall not be included.

(b) *Service by mail.* Under this part, when a party has the right or is required to perform an act within a prescribed time period after the service by mail of any papers upon the party, three days shall be added to the prescribed time period for performance.

Subpart C—Rules and Procedures Applicable to Proceedings for the Involuntary Termination of Insured Status

§ 308.23 Scope.

Under the authority of section 8 of the Federal Deposit Insurance Act, the Board of Directors may terminate the insured status of an insured bank or an insured branch of a foreign bank upon the grounds set forth in section 8 and enumerated in § 308.24, § 308.26, and § 308.31. Hearings required to terminate insured status shall be conducted in accordance with the rules and procedures of subpart B and this subpart.

§ 308.24 Notice of finding grounds for termination of insurance.

The Board of Directors shall notify the Comptroller of the Currency in the case of a national bank or a District bank or an insured Federal branch of a foreign bank, and shall notify the appropriate supervisory authority in the case of an insured nonmember bank, including an insured State branch of a foreign bank, and shall notify the Board of Governors of the Federal Reserve System in the case of a State member bank, when the Board finds (a) that an insured bank (including a foreign bank having an insured branch) or its directors or trustees have engaged or are engaging in unsafe or unsound practices in conducting the business of such bank, or (b) that such bank is in an unsafe or unsound condition to continue operations as an insured bank, or (c) that such bank or its directors or trustees have violated an applicable law, rule, regulation, order, or any condition imposed in writing by the FDIC in connection with the granting of any application or other request by the bank, or have violated any written agreement entered into with the FDIC. The appropriate supervisory authorities shall be notified for the purpose of securing correction of the practices or violations of a bank or its directors or trustees, or of the condition of the bank. The Board shall furnish a copy of the notice to the bank.

§ 308.25 Extraterritorial acts of foreign banks or their directors or trustees.

An act or practice committed outside the United States by a foreign bank or its directors or trustees, which act or practice in and of itself would otherwise be a ground for termination of the insured status of a branch of the foreign bank under this subpart, shall be a ground for such termination only if the Board of Directors finds either that: (a) The act or practice has been, is, or is likely to be a cause of or carried on in connection with or in furtherance of, an act or practice committed within any State of the United States or the District of Columbia that in and of itself would be an appropriate basis for action by the FDIC, or (b) the act or practice committed outside the United States, if proven, would adversely affect the insurance risk of the FDIC.

§ 308.26 Failure of a foreign bank to secure removal of personnel.

When any person associated with a foreign bank fails to appear promptly as a party to a proceeding pursuant to § 308.40 or § 308.44 for removal or suspension of that person, or fails to comply with an effective order or judgment issued in such proceeding, any failure by the bank to secure that person's removal from office and preclude the person from further participation in the conduct of the affairs of the bank, shall be a ground for termination of insurance of deposits in any branch of the bank.

§ 308.27 Notice of intention to terminate insured status and hearing.

(a) *Notice and period of correction.* Unless correction of the practices, condition or violations specified in the notice issued pursuant to § 308.24 is made within 120 days of service of the notice, or a specified period of correction of not less than 20 days, the Board of Directors, if it determines to proceed further, shall give the bank or insured branch of a foreign bank not

less than 30 days written notice of its intention to terminate insured status. The period of correction of not less than 20 days shall be fixed by the Board in any case where the Board in its discretion has determined that the insurance risk of the FDIC is unduly jeopardized, or fixed by the Comptroller of the Currency in the case of a national bank, or a District bank or an insured Federal branch of a foreign bank, or fixed by the State authority in the case of an insured nonmember bank, including an insured State branch of a foreign bank, or fixed by the Board of Governors of the Federal Reserve System in the case of a State member bank.

(b) *Hearing.* The notice shall fix a time and place for a hearing on the proposed termination of insurance, before an administrative law judge selected by the Office of Personnel Management. The rules and procedures of subpart B of this part and the provisions of the Administrative Procedure Act (5 U.S.C. 554–557) shall apply. After consideration of the record made at the hearing, the Board shall make written findings which shall be conclusive.

§ 308.28 Order terminating insured status.

If the Board of Directors finds that any unsafe or unsound practice or condition, or violation specified in the notice issued pursuant to § 308.24 has been established and has not been corrected within the time prescribed in § 308.27(a), the Board may order that the insured status of the bank or branch be terminated on a subsequent date not earlier than the expiration of the time period specified in the notice of intention issued pursuant to § 308.27(a).

§ 308.29 Consent to termination of insured status.

If the bank does not appear by a duly authorized representative at the hearing pursuant to § 308.27(b), the bank shall be deemed to have consented to termination of the insured status of the bank or branch. The administrative law judge shall promptly report this failure to appear to the Board of Directors. The Board may then issue an order terminating the insured status of the bank or branch.

§ 308.30 Notice to depositors of termination of insured status.

Within the time specified by the Board of Directors and prior to the date of termination of the insured status of a bank or branch, the bank shall mail a notice of termination of insured status to each depositor at the depositor's last address of record on the books of the bank or branch. The bank shall publish the notice in two issues of a local newspaper of general circulation and shall furnish the FDIC with proof of such publications. The notice shall be as follows:

Notice

(Date) ————————.

1. The status of the ————————, as an (insured bank) (insured branch) under the provisions of the Federal Deposit Insurance Act, will terminate as of the close of business on the ——day of ————, 19—;

2. Any deposits made by you after that date, either new deposits or additions to existing deposits, will not be insured by the Federal Deposit Insurance Corporation;

3. Insured deposits in the (bank) (branch) on the ——day of ————, 19— will continue to be insured, as provided by the Federal Deposit Insurance Act, for 2 years after the close of business on the ——day of ————, 19—: Provided, however, that any withdrawals after the close of business on the ——day of ————, 19—, will reduce the insurance coverage by the amount of such withdrawals.

(Name of bank or branch)

(Address)

The notice may include any additional information the bank deems advisable.

§ 308.31 Termination of insured status of bank not engaged in the business of receiving deposits, other than trust funds.

(a) *Notice to show cause.* When the Board of Directors has evidence that an insured nonmember bank or an insured bank is not engaged in the business of receiving deposits, other than trust funds, the Board shall give written notice of this to the bank and shall direct the bank to show cause why its insured status should not be terminated under the provisions of section 8(p) of the Federal Deposit Insurance Act. The bank shall have 30 days after receipt of the notice, or such longer period prescribed by the Board, to submit affidavits or other written proof that it is engaged in the business of receiving deposits, other than trust funds.

(b) *Hearing and notice of termination date.* Upon written request of the bank, the Board shall authorize a hearing before an administrative law judge selected by the Office of Personnel Management. The rules and procedures of subpart B of this part and the provisions of the Administrative Procedure Act (5 U.S.C. 554–557) shall apply to the hearing. If, upon consideration of the record made at the hearing, the Board finds that the bank is not engaged in the business of receiving deposits, other than trust funds, the finding shall be conclusive and the Board shall notify the bank that its insured status will terminate at the expiration of the first full semiannual assessment period following issuance of the notice.

(c) *Notice to depositors of termination of insured status.* Within the time specified by the Board and prior to the date of termination of its insured status, the bank shall mail a notice of termination of insured status to each depositor at the depositor's last address of record on the books of the bank. The bank shall publish the notice in two issues of a local newspaper of general circulation and shall furnish the FDIC with proof of such publications. The notice shall be as follows:

Notice

(Date) ————————.

The status of the ———————— as an (insured bank) (insured branch) under the Federal Deposit Insurance Act, will terminate on the ——day of ————, 19—, and its deposits will thereupon cease to be insured.

(Name of bank or branch)

(Address)

The notice may include any additional information the bank deems advisable.

Subpart D—Rules and Procedures Applicable to Proceedings Relating to Cease-and-Desist Orders

§ 308.32 Scope.

(a) The rules and procedures of subpart B and this subpart apply to proceedings by the Board of Directors to order an insured nonmember bank or its official to cease and desist from practices and violations described in section 8 of the Federal Deposit Insurance Act and enumerated in § 308.33.

(b) The rules and procedures of subpart B and this subpart apply to proceedings by the Board of Directors to order a municipal securities dealer or a person associated with the municipal securities dealer to cease and desist from any violation of law or regulation specified in section 15B(c)(5) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78o–4(c)(5)), where the municipal securities dealer is an insured nonmember bank as defined in § 308.01, a subsidiary or department or division thereof.

(c) The rules and procedures of subpart B and this subpart apply to proceedings by the Board of Directors to order a clearing agency or transfer agent to cease and desist from failure to comply with the applicable provisions of section 17, 17A, and 19 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78q, 78q–1, 78s), and the applicable rules and regulations thereunder, where the clearing agency

or transfer agent is an insured nonmember bank as defined in § 308.01, or a subsidiary thereof.

§ 308.33 Grounds for cease-and-desist orders.

The Board of Directors may issue and serve upon any insured nonmember bank or its official a written notice of charges and of hearing as specified in § 308.35, if (a) in the Board's opinion the bank or official is engaging or has engaged in an unsafe or unsound practice, or (b) the Board has reasonable cause to believe the bank or official is about to engage in an unsafe or unsound practice or (c) in the Board's opinion the bank or official has violated or the Board has reasonable cause to believe that the bank or official is about to violate a law, rule or regulation, or any condition the Board has imposed in writing in connection with granting an application or request of the bank, or any written agreement with the FDIC.

§ 308.34 Notice to State supervisory authority.

The Board of Directors shall give the appropriate State supervisory authority timely notice of its intent to institute a proceeding pursuant to subpart D, and the grounds therefor. The proceeding shall be conducted according to subpart D, unless within the time period specified in the notice pursuant to § 308.35, the State supervisory authority has effected satisfactory corrective action.

§ 308.35 Notice of charges and of hearing, and consent.

The notice issued pursuant to § 308.33 shall contain a statement of the facts constituting any alleged violation or unsafe or unsound practice, and shall fix a time and place for a hearing to determine whether an order to cease and desist should issue against the bank or its official. The hearing shall be not earlier than 30 days nor later than 60 days after service of the notice, unless an earlier or later date is set by the Board of Directors in its discretion at the request of any party served with the notice. If such party does not appear at the hearing personally or by a duly authorized representative, the party will be deemed to have consented to issuance of the cease-and-desist order.

§ 308.36 Issuance and effective date of cease-and-desist order.

(a) *Issuance.* Upon consent, or if upon the record made at any hearing referred to in § 308.35, the Board of Directors finds that any violation or unsafe or unsound practice specified in the notice of charges has been established, the Board may issue and cause to be served upon the bank or its official, an order to cease and desist from any such violation or practice and to take affirmative action to correct any conditions resulting therefrom.

(b) *Effective date.* A cease-and-desist order shall become effective at the expiration of 30 days after the service of the order upon the bank or its official. A cease-and-desist order issued upon consent shall become effective at the time specified therein. All cease-and-desist orders shall remain effective and enforceable, except to the extent they are stayed, modified, terminated, or set aside by the Board of Directors or a reviewing court.

§ 308.37 Issuance and effective date of temporary cease-and-desist order.

(a) *Issuance.* When the Board of Directors determines that the violation, threatened violation or the unsafe or unsound practice (or the continuation of any of the foregoing) as specified in the notice of charges pursuant to § 308.35, is likely to cause insolvency or substantial dissipation of assets or earnings of the bank, or is likely to weaken seriously the condition of the bank or otherwise to prejudice seriously the interests of its depositors prior to the completion of the proceedings pursuant to section 8(b) of the Federal Deposit Insurance Act and § 308.35, the Board may issue a temporary order requiring the bank or its official to cease and desist from any such violation or practice and to take affirmative action to prevent such insolvency, dissipation, condition, or prejudice pending completion of the proceedings.

(b) *Effective date.* A temporary order shall become effective when served upon the bank or its official. Unless the order is set aside, limited or suspended by a court in proceedings authorized under the Federal Deposit Insurance Act, it shall remain effective and enforceable pending completion of administrative proceedings pursuant to the notice of charges issued under § 308.35 and until the Board of Directors dismisses the charges.

§ 308.38 Extraterritorial acts of foreign banks or their officials.

An act or practice committed outside the United States by a foreign bank or its official that would otherwise be a ground for issuing a cease-and-desist order under § 308.36, or a temporary cease-and-desist order under § 308.37, shall be a ground for an order only if the Board of Directors finds either that (a) the act or practice has been, is, or is likely to be a cause of, or carried on in connection with or in furtherance of, an act or practice committed within any State of the United States or the District of Columbia which act or practice in and of itself would be an appropriate basis for action by the FDIC, or (b) the act or practice, if proven, would adversely affect the insurance risk of the FDIC.

Subpart E—Rules and Procedures Applicable to Proceedings Relating to Removal and Suspension Orders

§ 308.39 Scope.

The rules and procedures of subpart B and this subpart apply to proceedings by the Board of Directors to remove or suspend directors or officers of an insured nonmember bank or any other person participating in the conduct of the affairs of such bank, or proceedings to prohibit such director, officer or other person from further participation in the conduct of the affairs of such bank, upon the grounds set forth in section 8(e) of the Federal Deposit Insurance Act and enumerated in this subpart. The rules and procedures of this subpart and subpart B do not apply to suspension, removal, or prohibition proceedings upon the grounds set forth in section 8(g) of the Federal Deposit Insurance Act and enumerated in subpart G.

§ 308.40 Grounds for removal or prohibition.

(a) The Board of Directors may issue and serve upon a director or officer of any insured nonmember bank a written notice of its intention to remove the individual from office when the Board determines that (1) the individual has committed a violation of law, rule, regulation or of a cease-and-desist order which has become final, or has engaged or participated in any unsafe or unsound practice in connection with the bank, or has engaged in any act or omission or practice constituting a breach of fiduciary duty as a director or officer; and (2) the bank has suffered or will probably suffer substantial financial loss or other damage, or that the interests of its depositors could be seriously prejudiced by the violation or practice or breach of fiduciary duty, or that the director or officer has received financial gain by reason of the violation or practice or breach of fiduciary duty. The violation, practice, or breach of fiduciary duty must be one that involves personal dishonesty on the part of the individual, or that demonstrates the individual's willful or continuing disregard for the safety or soundness of the bank.

(b) The Board may issue and serve a written notice of its intention to remove any director or officer or an insured nonmember bank from office when the

Board determines that the individual by conduct or practice with respect to another insured bank or other business institution that resulted in substantial financial loss or other damage, has evidenced either personal dishonesty or a willful or continuing disregard for its safety or soundness, and, in addition, has evidenced unfitness to continue as a director or officer.

(c) The Board may issue and serve upon any other person participating in the conduct of the affairs of an insured nonmember bank a written notice of its intention to prohibit the individual's further participation in the conduct of the affairs of the bank when the Board determines that the individual by conduct or practice with respect to such bank or other insured bank or other business institution that resulted in substantial financial loss or other damage, has evidenced either personal dishonesty or a willful or continuing disregard for the safety or soundness of such insured bank and has evidenced unfitness to participate in the conduct of the affairs of such insured bank.

§ 308.41 Notice to State supervisory authority.

The Board of Directors shall give the appropriate State supervisory authority timely notice of its intent to institute a proceeding pursuant to subpart E, and the grounds therefor. The proceeding shall be conducted according to subpart E unless within the time specified in the notice pursuant to § 308.42, the State supervisory authority has effected satisfactory corrective action.

§ 308.42 Notice of intention to remove, hearing and consent.

A written notice issued pursuant to § 308.40 shall be served upon the director, officer or other person named therein, and a copy shall be served upon the bank concerned. The notice shall state the facts constituting the grounds for removal or prohibition and shall fix a time and place for a hearing. The hearing shall not be earlier than 30 days nor later than 60 days after the date of service of the notice, unless an earlier or a later date is set by the Board of Directors at the request of (a) the director or officer or other person, and for good cause shown, or (b) the Attorney General of the United States. Failure of the individual to appear at the hearing in person or by a duly authorized representative shall be deemed a consent to issuance of an order of removal or prohibition.

§ 308.43 Issuance and effective date of removal or prohibition order.

When the Board of Directors finds upon the record made at a hearing referred to in § 308.42 that any of the grounds specified in the notice have been established, the Board may issue orders of removal or prohibition that shall become effective at the expiration of 30 days after the date of service of the order upon the individual and the bank. A consent order issued by the Board in accordance with § 308.42 shall become effective at the time specified therein. All orders shall remain effective and enforceable except to the extent they are stayed, modified, terminated or set aside by the Board or a reviewing court.

§ 308.44 Grounds for suspension or prohibition.

The Board of Directors may suspend from office or prohibit from further participation in the conduct of the affairs of an insured nonmember bank, a director or officer of such bank or any other person participating in the conduct of the affairs of such bank, as referred to in § 308.40, when the Board deems it necessary for the protection of the bank or the interests of its depositors.

§ 308.45 Issuance and effective date of suspension or prohibition order.

(a) *Notice of suspension or prohibition.* Notice of suspension or prohibition shall be given by written order accompanying a notice issued pursuant to § 308.42, and setting forth the grounds for the suspension or prohibition as specified in § 308.44. The order shall be served upon the officer, director, or other person participating in the conduct of the affairs of the bank, and a copy shall be served upon the bank.

(b) *Effective date.* A suspension or prohibition shall become effective upon service of the order of suspension or prohibition and unless stayed by a court in proceedings authorized by the Federal Deposit Insurance Act, the order shall remain in effect pending completion of the administrative proceedings pursuant to the notice served under § 308.42 and until the Board of Directors dismisses the charges specified in such notice.

§ 308.46 Extraterritorial acts of officials of foreign banks.

An act or practice committed outside the United States by a director or officer of a foreign bank or by any other person participating in the conduct of the affairs of a foreign bank, that would otherwise be a ground for suspension, removal, or prohibition proceedings under this subpart, shall be a ground for such proceedings only if the Board of Directors finds that (a) the act or practice has been, is, or is likely to be a cause of or carried on in connection with or in furtherance of an act or practice within any State of the United States or the District of Columbia which act or practice in and of itself would be an appropriate basis for action by the FDIC, or (b) the act or practice, if proven, would adversely affect the insurance risk of the FDIC.

Subpart F—Procedures Applicable to Proceedings Pursuant to Section 10(c) of the Federal Deposit Insurance Act

§ 308.47 Scope.

The procedures in this subpart shall be followed in proceedings pursuant to section 10(c) of the Federal Deposit Insurance Act, conducted in connection with examinations or investigations of banks.

§ 308.48 Order to conduct proceedings.

A proceeding pursuant to section 10(c) shall be initiated only upon issuance of an order by the Board of Directors, the General Counsel or designee thereof, or the Director of the Division of Bank Supervision or designee thereof. The order shall designate a presiding officer as the FDIC's representative to conduct such proceedings. Upon application and for good cause shown, the Board or the person issuing the order may limit, quash, modify or withdraw the order.

§ 308.49 Powers of presiding officer.

The presiding officer in a section 10(c) proceeding shall have the power, among other things, to administer oaths and affirmations, to take and preserve testimony under oath, to issue subpenas and subpenas duces tecum and to apply for their enforcement to the United States District Court for the judicial district or the United States court in any territory in which the main office of the bank is located or in which the witness resides or conducts business. The Board or a person issuing the order initiating the proceeding may limit, quash, or modify any subpena or subpena duces tecum, upon application and for good cause shown. The presiding officer shall report to the Board of Directors any instance where any person has been guilty of dilatory, obstructionist, or contumacious conduct during the proceeding, or any other instance involving a violation of these rules. The Board shall thereupon take such action as the circumstances warrant, and in addition may exclude the person from further participation in the proceeding.

§ 308.50 Proceedings confidential.

Proceedings pursuant to section 10(c) shall be confidential unless otherwise provided by § 308.51(c). Information or documents obtained by the FDIC in the course of such proceedings shall be disclosed in accordance with Part 309 of the FDIC's rules and regulations, and as otherwise required by law.

§ 308.51 Rights of witnesses.

In a proceeding pursuant to section 10(c):

(a) Any person compelled or requested to furnish testimony, documentary evidence, or other information, shall upon request be shown the order initiating the proceeding. At the discretion of the presiding officer, a copy of the order may be furnished to such person;

(b) Any person compelled, requested or permitted to appear and testify has the right to be accompanied, represented and advised by counsel. While testifying, such person may have counsel present who may (1) advise the witness before, during and after such testimony; (2) briefly question the witness at the conclusion of such testimony for clarification of answers; (3) make summary notes during such testimony solely for the use of the witness;

(c) All persons testifying shall be sequestered. Such persons and their counsel shall not be present during the testimony of any other person, unless permitted in the discretion of the presiding officer;

(d) If the record developed in the course of the proceeding contains allegations of wrongdoing by any person with respect to the affairs or ownership of any bank, such person shall be advised of the alleged wrongdoing and shall be afforded a reasonable opportunity, consistent with administrative efficiency, to produce rebuttal evidence in documentary form (including depositions and statements under oath), or in the form of testimony given before the presiding officer. The evidence shall be on the record;

(e) Witness fees shall be paid in accordance with § 308.10.

§ 308.52 Service of subpena.

Service of a subpena shall be in accordance with § 308.08(c).

§ 308.53 Transcripts.

Transcripts of testimony, if any, in a proceeding pursuant to section 10(c) shall be recorded by the official reporter, or by any other person or means designated by the presiding officer. A person submitting documentary evidence or testimony may obtain a copy of the transcript, if any, upon payment of the cost thereof.

§ 308.54 Special examinations and examinations of closed banks.

Procedures in this subpart shall be followed when proceedings pursuant to section 10(c) are instituted in connection with the special examination of any State member bank, any national or District bank, any insured Federal branch of a foreign bank, or the examination of any closed insured bank or branch, or the examination of an affiliate of any of the foregoing.

Subpart G—Procedures and Standards Applicable to Suspension, Removal and Prohibition Where Felony Charged, and Petition for Reconsideration of Denial of an Application Under Section 19 of the Federal Deposit Insurance Act

§ 308.55 Scope.

The rules and procedures set forth in this subpart apply to proceedings by the Board of Directors (a) to suspend any director or officer of an insured nonmember bank or any other person participating in the conduct of the affairs of such a bank, or to prohibit such individuals from further participation in the conduct of the affairs of the bank where the individual is charged in any State, Federal or territorial information or indictment, or charged in any complaint authorized by a United States attorney, with the commission of, or participation in, a crime involving dishonesty or breach of trust punishable by imprisonment exceeding one year under State or Federal law; (b) to remove from office any such director or officer or other person, or to prohibit such individuals from further participation in the conduct of the affairs of the bank, except with the consent of the Board, where a judgment of conviction not subject to further appellate review has been entered against the individual for the commission of, or participation in, a crime involving dishonesty or breach of trust punishable by imprisonment exceeding one year under State or Federal law; and (c) to consider a petition for reconsideration of a denial of an application by an insured bank under section 19 of the Federal Deposit Insurance Act (hereafter in this subpart "section 19") to engage the services of an individual who has been convicted of any criminal offense involving dishonesty or a breach of trust.

§ 308.56 Relevant considerations.

(a) In deciding whether to suspend, remove or prohibit under this subpart, the Board of Directors shall consider (1) whether the alleged offense is a crime which is punishable by imprisonment for a term exceeding one year under State or Federal law, and which involves dishonesty or breach of trust; and (2) whether the presence of the individual in a position with an insured bank may pose a threat to the interest of the bank's depositors or may threaten to impair public confidence in the bank. The Board of Directors may consider additional factors in the specific case that appear relevant to its decision to continue in effect, rescind, terminate or modify a suspension, removal or prohibition order. The Board shall not consider the guilt or innocence of the individual charged with the crime.

(b) In proceedings for reconsideration of a denial of an application under section 19, the Board of Directors shall consider: (1) Whether the conviction is for a criminal offense, either misdemeanor or felony, involving dishonesty or breach of trust; (2) whether service of the individual to the bank constitutes a significant threat to the safety and soundness of the applicant bank or the interests of its depositors, or may threaten to impair public confidence in the bank; (3) evidence of the affected individual's rehabilitation; (4) the position to be held by the affected individual; and (5) applicable fidelity bond coverage for the affected individual. In evaluating these factors, significant weight will be given to the judgment of the applicant bank's boards of directors and bonding company, provided the judgments are made at arm's length.

§ 308.57 Notice of suspension or prohibition.

Proceedings by the Board of Directors to suspend an individual from office or prohibit further participation in the conduct of the affairs of the bank as referred to in § 308.55(a), shall be initiated by written notice of suspension or prohibition served on the individual, upon prior determination by the Board that the offense alleged in the information or indictment or complaint involved dishonesty or breach of trust, and that the individual's participation in the conduct of the affairs of the bank may pose a threat to the bank's depositors or may threaten to impair public confidence in the bank. The suspension or prohibition shall remain in effect until final disposition of the information or indictment or complaint, and until the Board terminates the suspension or prohibition. A copy of the notice shall be served upon the bank concerned.

§ 308.58 Order of removal or prohibition.

When a final judgment of conviction not subject to further appellate review is entered against a director or officer of an insured nonmember bank or any other person participating in the conduct of the affairs of such bank for a crime referred to in § 308.55(b), the Board of Directors may issue and serve upon the individual an order removing the individual from office or prohibiting further participation in the conduct of the affairs of the bank except with the Board's consent where continued service or participation by the director, officer, or other person may pose a threat to the interests of the bank's depositors or may threaten to impair public confidence in the bank. A copy of the order shall be served upon the bank, at which time the director or officer named in the order shall be removed from office. The order shall remain effective until completion of the hearing or appeal authorized under section 8(g) of the Federal Deposit Insurance Act and this subpart, unless the order is terminated by the Board. A finding of not guilty or other disposition of the case will not preclude the Board from thereafter instituting proceedings to remove an individual from office or prohibit further participation in the conduct of the affairs of the bank, pursuant to section 8(e) of the Federal Deposit Insurance Act and subpart E.

§ 308.59 Notice of opportunity and request for hearing.

A notice pursuant to § 308.57, an order pursuant to § 308.58 and a denial of an application under section 19 shall be accompanied by (a) a statement that within 15 days of receipt of such notice or order, the individual or, in the case of a section 19 denial, the affected individual or the bank may file with the Executive Secretary a written request for a hearing stating the relief desired and the grounds therefor and that is accompanied by supporting evidence when available; and (b) a description of the hearing procedure and relevant considerations specified in § 308.56.

§ 308.60 Waiver of hearing.

Failure to request a hearing pursuant to § 308.59 shall constitute a waiver of the opportunity of hearing. Failure to appear at a hearing in person, through an authorized bank officer, through counsel, or personally with counsel shall constitute a waiver of hearing. The individual or, in the case of a section 19 denial, the affected individual or the bank may in writing waive a hearing and elect to have the matter determined by the Board of Directors on the basis of written submissions.

§ 308.61 Hearing.

(a) The Executive Secretary shall order a hearing to commence within 30 days after receipt of a request for hearing pursuant to § 308.59, except in the case of a petition for reconsideration of denial of a section 19 application, for which the time periods set forth in § 303.10(e) shall apply. The hearing shall be held in Washington, D.C., or at another designated place, before a presiding officer designated by the Board of Directors. The Board may order a later hearing date upon petition of the individual or, in the case of a section 19 denial, the affected individual or the bank afforded the hearing.

(b) The provisions of § 308.04, § 308.05, § 308.20 and § 308.22 apply to proceedings conducted under this subpart, except as otherwise specifically provided. The formal rules of evidence and the adjudicative procedures of the Administrative Procedure Act (5 U.S.C. 554–557) shall not apply to the hearing.

(c) The individual or, in the case of a section 19 denial, the affected individual or the bank may appear at the hearing personally, through an authorized bank officer, through counsel, or personally with counsel, and shall have the right to introduce relevant and material documents and to present oral argument.

(d) Staff members of the FDIC's Office of the General Counsel may attend the hearing and participate as a party.

(e) The proceedings shall be recorded and a transcript shall be furnished to the individual or, in the case of a section 19 denial, the affected individual or the bank afforded the hearing upon request and after payment of the cost thereof. At the discretion of the presiding officer witnesses may be presented within specified time limits, provided that a list of witnesses is furnished to the presiding officer prior to the hearing. Witnesses shall be sworn, unless otherwise directed by the presiding officer. The presiding officer may ask questions of any witness. Each party shall have the opportunity to cross-examine any witness presented by an opposing party.

(f) In the course of, or in connection with any proceeding under this subpart, the Board of Directors or the presiding officer shall have the power to administer oaths and affirmations, to take or cause to be taken depositions, and to issue, revoke, quash, or modify subpenas and subpenas duces tecum. Where the presentation of witnesses is permitted, the presiding officer may require the attendance of witnesses from any State, territory or other place subject to the jurisdiction of the United States at any location where the proceeding is being conducted. Witness fees shall be paid in accordance with § 308.10. The Board or the presiding officer may require the production of documents from any such State, territory, or other place subject to the jurisdiction of the United States.

(g) Upon the request of the individual or, in the case of a section 19 denial, the affected individual or the bank afforded the hearing or the staff members of the FDIC's Office of the General Counsel, the record shall remain open for 5 business days following the hearing for the parties to make additional submissions to the record. The record shall thereafter be closed.

(h) The presiding officer shall make recommendations to the Board, where possible, within 10 days after the record is closed.

§ 308.62 Decision of the Board of Directors.

Within 60 days following the hearing or receipt of written submissions pursuant to § 308.60, the Board of Directors shall notify the individual or, in the case of a section 19 denial, the affected individual and the bank whether the suspension or prohibition or denial will be continued, terminated, or otherwise modified, or whether the order of removal or prohibition or denial will be rescinded or otherwise modified. The notification shall state the basis for any decision of the Board adverse to the individual or, in the case of a section 19 denial, the affected individual and the bank. The Board shall promptly rescind or modify an order of removal or prohibition or denial where the decision is favorable to the individual or, in the case of a section 19 denial, the affected individual and the bank.

§ 308.63 Reconsideration by the Board of Directors.

The individual, except for the affected individual or the bank in the case of a section 19 denial, afforded a hearing pursuant to § 308.61 shall have 10 days following receipt of the decision of the Board of Directors to petition the Board for reconsideration. The individual or, in the case of a section 19 denial, the affected individual or the bank shall be entitled to petition the Board for reconsideration of its decision after the expiration of 12 months from the date of the Board's decision. A petition shall state with particularity the basis for reconsideration, the relief sought, and any exceptions to the findings of the Board. It may be accompanied by a supporting memorandum and by other documentation. Promptly following

receipt of the petition for reconsideration, the Board shall determine whether to grant a hearing.

Subpart H—Rules and Procedures Applicable to Proceedings Relating to Assessment and Collection of Civil Penalties for the Violation of Cease-and-Desist Orders or Certain Federal Statutes

§ 308.64 Scope.

(a) The rules and procedures in this subpart and subpart B apply to proceedings by the Board of Directors to assess and collect civil penalties from (1) an insured nonmember bank or its official (as defined in § 308.02(l)) where the bank or official has violated the terms of any cease-and-desist order which has become final, or (2) an insured nonmember bank or its official where the bank or official has violated the provisions of section 22(h) or 23A of the Federal Reserve Act (as made applicable by section 18(j) of the Federal Deposit Insurance Act), or (3) the provisions of section 106(b)(2) of the Bank Holding Company Act Amendments of 1970, as amended.

(b) As used in § 308.65, § 308.66, and § 308.67, the term "has violated" includes, but is not limited to, any action (alone or with another) for or towards causing, bringing about, participating in, counseling, or aiding or abetting a violation.

§ 308.65 Violation of order as ground for assessment.

If, in the opinion of the Board of Directors, an insured nonmember bank or its official has violated any final order issued pursuant to section 8(b) or 8(c) of the Federal Deposit Insurance Act and subpart D, the Board may assess upon the bank or official a civil penalty of not more than $1,000 per day for each day the violation continues.

§ 308.66 Violation of laws limiting dealings with bank officials and affiliates as ground for assessment.

If, in the opinion of the Board of Directors, an insured nonmember bank or its official has violated any provision of section 22(h) or 23A of the Federal Reserve Act, as amended (made applicable by section 18(j) of the Federal Deposit Insurance Act), or has violated any lawful regulation issued pursuant thereto, the Board may assess upon the bank or official a civil penalty of not more than $1,000 per day for each day the violation continues.

§ 308.67 Violation of law governing correspondent accounts as ground for assessment.

If, in the opinion of the Board of Directors, an insured nonmember bank or its official has violated any provision of section 106(b)(2) of the Bank Holding Company Act Amendments of 1970, as amended, the Board may assess upon the bank or official a civil penalty of not more than $1,000 per day for each day the violation continues.

§ 308.68 Relevant considerations.

In determining the amount of the penalty assessed pursuant to § 308.65, § 308.66, or § 308.67, the Board of Directors shall consider the financial resources and good faith of the insured nonmember bank or its official, the gravity of the violation, any previous violations, and such other matters as justice may require.

§ 308.69 Notice of assessment of civil penalty, and opportunity and request for hearing.

(a) Civil penalties pursuant to § 308.65, § 308.66, or § 308.67 shall be assessed by written notice served upon the bank or official. The notice shall state the amount of the penalty, the period for payment, the legal authority for assessment, and the matters of fact or law constituting the grounds for assessment.

(b) The notice shall further indicate that within 10 days of receipt of the notice, the individual assessed may file with the Executive Secretary or other designee of the Board of Directors a written request for a hearing. A description of the hearing procedure shall accompany the notice.

(c) The notice shall be delivered by personal service, by registered or certified mail, or by other appropriate means, to the last known address of the party assessed.

§ 308.70 Waiver of hearing.

Failure to request a hearing pursuant to § 308.69(b) shall constitute a waiver of the opportunity of hearing and the notice of assessment pursuant to § 308.69(a) shall constitute a final and unappealable order.

§ 308.71 Hearing and order.

The Executive Secretary or designee of the Board of Directors shall order a hearing to commence within 60 days after receipt of a request for a hearing pursuant to § 308.69(b). The provisions of the Administrative Procedure Act (5 U.S.C. 554–557) and subpart B shall apply to the hearing. If, upon the record made at the hearing, the Board finds that the grounds for assessing the civil penalty have been established, the Board shall issue its final order and cause it to be served upon the party. The final order shall require payment of the penalty, as specified in the notice of assessment, or the Board, in its discretion, may reduce the amount of the penalty.

§ 308.72 Payment of civil penalty.

Civil penalties assessed pursuant to § 308.65, § 308.66, or § 308.67 are payable and to be collected within the 60-day period after issuance of the notice of assessment, unless the Board of Directors shortens the period for payment or makes the amount payable upon receipt of the notice, where the Board determines the purpose of the penalty would be better served thereby. Notwithstanding any other provision of this subpart, if a party has requested a hearing pursuant to § 308.69(b) to challenge a penalty or an antecedent finding, the party shall not be required to pay the penalty until the Board has issued a final order following the hearing. Checks in payment of civil penalties shall be forwarded to the Division of Accounting and Corporate Services, Federal Deposit Insurance Corporation, and made payable to the Treasurer of the United States. The Office of the Director of Accounting and Corporate Services shall prepare a receipt and notify the Executive Secretary who shall close the record on the case.

Subpart I—Rules and Procedures Applicable to Proceedings Relating to Disapproval of Acquisition of Control

§ 308.73 Scope.

The rules and procedures in this subpart and subpart B apply to proceedings by the Board of Directors in connection with the disapproval by the Board of a proposed acquisition of control of an insured nonmember bank.

§ 308.74 Grounds for disapproval.

The following are grounds for disapproval of a proposed acquisition of control:

(a) The proposed acquisition of control would result in a monopoly or would be in furtherance of any combination or conspiracy to monopolize or attempt to monopolize the banking business in any part of the United States;

(b) The effect of the proposed acquisition of control in any part of the United States would be to substantially lessen competition or tend to create a monopoly or would in any other manner be in restraint of trade, and anticompetitive effects of the proposed acquisition of control are not clearly

outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served;

(c) The financial condition of any acquiring person might jeopardize the financial stability of the bank or prejudice the interest of the depositors of the bank;

(d) The competence, experience, or integrity of any acquiring person or of any of the proposed management personnel indicates that it would not be in the interest of the depositors of the bank, or in the interest of the public to permit such person to control the bank; or

(e) Any acquiring person neglects, fails, or refuses to furnish to the FDIC all the information required by it.

§ 308.75 Notice of disapproval and opportunity and request for hearing.

(a) Within 3 days of its decision to disapprove a proposed acquisition of control of an insured nonmember bank, the Board of Directors shall serve a written notice of disapproval upon the party seeking to acquire control. The notice shall state the legal authority and the basis for the disapproval.

(b) The notice shall further indicate that within 10 days of receipt the individual may file with the Executive Secretary a written request for a hearing. A description of the hearing procedure shall accompany the notice.

(c) The notice shall be delivered by personal service, by registered or certified mail, or by other appropriate means to the last known address of the party being afforded the notice.

(d) Failure to request a hearing pursuant to this section shall constitute a waiver of the opportunity of hearing and the notice of disapproval shall constitute a final and unappealable order.

§ 308.76 Exceptions.

(a) *Filing.* The Board of Directors may direct the party requesting a hearing pursuant to § 308.75(b) or the party may elect to file exceptions to the statement of the basis for disapproval contained in the notice of disapproval. Exceptions shall be filed with the Executive Secretary within 20 days after receipt of the notice by the party, unless the Board specifies a different filing period of not less than 10 days after receipt of the notice. For good cause shown, the Executive Secretary or the administrative law judge may permit filing of exceptions after expiration of the filing period.

(b) *Requirements.* Exceptions filed under this section to a statement of the basis for disapproval of a proposed acquisition of control shall specifically designate the part of the statement to which exception is taken. Only those parts of a statement of the basis for disapproval so designated may be challenged by the party at the hearing.

(c) *Effect of failure to except.* Failure of a party to timely file required exceptions to a statement of the basis for disapproval of a proposed acquisition of control shall be deemed a waiver of the party's right to appear and contest the disapproval and shall authorize the administrative law judge to conduct the hearing without further notice to that party. If every party has waived the right to appear in a disapproval proceeding, the administrative law judge is authorized to recommend to the Board that it dispense with further proceedings.

§ 308.77 Hearing and order.

The Executive Secretary shall order a hearing to commence within 60 days after receipt of a request for hearing pursuant to § 308.75(b). If the appropriate State bank supervisory agency has submitted views and recommendations on the proposed acquisition, it shall be entitled as of right to appear as a party. The provisions of the Administrative Procedure Act (5 U.S.C. 554–557) and subpart B shall apply to the hearing. If, upon the record made at the hearing, and after giving due considerations to any views or recommendations previously submitted by an appropriate State bank supervisory agency, the Board of Directors finds that there are adequate grounds for approving or disapproving the acquisition, the Board shall issue its final order approving or disapproving the acquisition and cause it to be served on the party seeking control.

Subpart J—Rules and Procedures Applicable to Proceedings Relating to Assessment of Civil Penalties for Willful Violation of the Change in Bank Control Act

§ 308.78 Scope.

The rules and procedures of this subpart apply to proceedings by the Board of Directors to assess civil penalties against any person for willful violation of the Change in Bank Control Act of 1978 (12 U.S.C. 1817(j)) or any regulation or order issued pursuant thereto, in connection with the affairs of an insured nonmember bank.

§ 308.79 Notice of intention to assess civil penalty and opportunity and request for hearing.

(a) If, in the opinion of the Board of Directors, any person has willfully violated the Change in Bank Control Act of 1978 (12 U.S.C. 1817(j)) or any regulation or order issued pursuant thereto, in connection with the affairs of an insured nonmember bank, the Board may cause notice to be served upon the person of its intention to assess a civil penalty of not more than $10,000 per day for each day the violation continues. The notice shall state the legal authority and grounds for assessment and the amount of the penalty.

(b) The notice shall further state that within 10 days of receipt of the notice the individual may file with the Executive Secretary a written request for a hearing. A description of the hearing procedure shall accompany the notice.

(c) The notice shall be delivered by personal service, by registered or certified mail, or by other appropriate means, to the last known address of the person assessed.

§ 308.80 Waiver of hearing.

Failure to request a hearing pursuant to § 308.79(b) shall constitute a waiver of the opportunity for hearing. The Board of Directors, for good cause shown, may extend the period to request a hearing. A party may in writing waive a hearing and elect to have the propriety of the penalty determined by the Board solely on the basis of written submissions.

308.81 Hearing.

The Executive Secretary shall order a hearing to commence within 30 days after receipt of a request for a hearing pursuant to § 308.79(b), in Washington, D.C., or another place designated by the Executive Secretary, before a presiding officer designated by the Board of Directors. The provisions of § 308.61 (b), (c), (d), (e), and (g) shall apply to the hearing.

§ 308.82 Assessment.

If, after considering the data, views, and arguments presented at the hearing pursuant to § 308.81, or any written submissions made pursuant to § 308.80, and the gravity of the violation and the financial resources and good faith of the party, the Board concludes that a civil penalty is warranted, it shall assess against the party a penalty of not more than $10,000 per day for each day the violation continues. Based upon the same consideration, the Board, in its discretion, may reduce the penalty from the amount stated in the notice of intention. The Board shall cause a final order of assessment to be served upon the party.

§ 308.83 Collection.

The FDIC may collect the civil penalty assessed pursuant to § 308.82 by agreement with the party, or the FDIC may bring an action against the party to recover the penalty amount in the appropriate United States District Court.

Subpart K—Rules and Procedures for Imposition of Sanctions Upon Municipal Securities Dealers or Persons Associated With Them, and Upon Clearing Agencies or Transfer Agents

§ 308.84 Scope.

The rules and procedures in this subpart and subpart B apply to proceedings by the Board of Directors (a) to censure, limit the activities of, suspend, or revoke the registration of, any municipal securities dealer for which the FDIC is the appropriate regulatory agency; and (b) to censure, or suspend or bar from being associated with such a municipal securities dealer, any person associated with such a municipal securities dealer; and (c) to deny registration to, censure, limit the activities of, suspend, or revoke the registration of, any transfer agent or clearing agency for which the FDIC is the appropriate regulatory agency. This subpart and subpart B shall not apply to proceedings to postpone or suspend registration of a transfer agent or clearing agency pending final determination of denial or revocation of registration.

§ 308.85 Grounds for imposition of sanctions.

(a) The Board of Directors may issue and serve upon any municipal securities dealer for which the FDIC is the appropriate regulatory agency, a written notice of its intention to censure, limit the activities or functions or operations of, suspend, or revoke the registration of, such municipal securities dealer, when the Board determines (1) that such municipal securities dealer (i) has committed any prohibited act or omitted any required act specified in subparagraph (A), (D), or (E) of section 15(b)(4) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78o), or (ii) has been convicted of any offense specified in section 15(b)(4)(B) of that Act within 10 years of commencement of proceedings under this section, or (iii) is enjoined from any act, conduct or practice specified in section 15(b)(4)(C) of that Act; and (2) that it is in the public interest to impose any of the foregoing sanctions of this paragraph (a).

(b) The Board of Directors may issue and serve upon any person associated or seeking to become associated with a municipal securities dealer for which the FDIC is the appropriate regulatory agency a written notice of its intention to censure, suspend or bar the person from being associated with the municipal securities dealer, when the Board determines (1) that such person (i) has committed any prohibited act or omitted any required act specified in subparagraph (A), (D) or (E) of section 15(b)(4) of the Securities Exchange Act of 1934, as amended, or (ii) has been convicted of any offense specified in section 15(b)(4)(B) of that Act within 10 years of the commencement of proceedings under this section, or (iii) is enjoined from any act, conduct or practice specified in section 15(b)(4)(C) of that Act; and (2) that it is in the public interest to censure, suspend or bar such person.

(c) The Board of Directors may issue and serve upon any transfer agent or clearing agency for which the FDIC is the appropriate regulatory agency, a written notice of its intention to deny registration to, censure, place limitations on the activities or functions or operations of, suspend, or revoke the registration of, the transfer agent or clearing agency, when the Board determines (1) that the transfer agent or clearing agency has willfully violated, or is unable to comply with, any applicable provision of section 17 or 17A of the Securities Exchange Act of 1934, as amended, or any applicable rule or regulation issued pursuant thereto; and (2) that it is in the public interest to impose any of the foregoing sanctions of this paragraph (c).

§ 308.86 Notice and consultation with the Securities and Exchange Commission.

Before initiating any proceedings under § 308.85 (a) or (b), the Board of Directors shall (a) notify the Securities and Exchange Commission of the identity of the municipal securities dealer or associated person against whom proceedings are to be initiated, and the nature of and basis for the proposed action, and (b) consult with the Securities and Exchange Commission concerning the effect of the proposed action on the protection of investors and the possibility of coordinating the action with any proceeding by the Commission against the municipal securities dealer or associated person.

§ 308.87 Notice of intention to impose sanctions.

A notice of intention to impose sanctions referred to in § 308.85 shall contain a statement of the proposed sanctions and the grounds for imposition of the sanctions, and shall fix a time and place for a hearing. The notice shall be delivered by personal service, by registered or certified mail, or by other appropriate means, to the last known address of the party upon whom sanctions are to be imposed.

§ 308.88 Hearing.

The hearing shall not be earlier than 30 days nor later than 60 days after the date of service of the notice, unless an earlier or later date is set by the Board of Directors at the request of the municipal securities dealer, associated person, or transfer agent or clearing agency, and for good cause shown. The procedures of subpart B and the provisions of the Administrative Procedure Act (5 U.S.C. 554–557) shall apply to the hearing. Failure to appear at the hearing in person or by a duly authorized representative shall be deemed a consent to issuance of the order by the Board.

§ 308.89 Issuance and effective date of order imposing sanctions.

If the Board of Directors finds upon the record made at the hearing pursuant to § 308.88 that the grounds specified in the notice pursuant to § 308.87 have been established, the Board may issue an order containing the sanctions specified in the notice. The order shall be effective at the expiration of 30 days after the service of the notice, except that an order of censure, denial or revocation of registration is effective when served. A consent order in accordance with § 308.88 shall become effective at the time specified therein. All orders shall remain effective and enforceable except to the extent they are stayed, modified, terminated or set aside by the Board or a reviewing court; however, orders of suspension shall continue in effect no longer than 12 months.

Subpart L—Rules and Procedures Relating to Exemption Proceedings Under Section 12(h) of the Securities Exchange Act of 1934

§ 308.90 Scope.

The rules and procedures of this subpart apply to proceedings by the Board of Directors to exempt in whole or in part, an issuer of securities from the provisions of section 12(g), 13, 14(a), 14(c), 14(d), or 14(f) of the Securities Exchange Act of 1934, as amended, or to exempt an officer or director or beneficial owner of securities of such an issuer from the provisions of section 16 of that Act.

§ 308.91 Application for exemption.

Any interested person may file a written application for an exemption under this subpart with the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429. The application shall specify the exemption sought and the reason therefor, and shall include a statement indicating why the exemption would be consistent with the public interest or the protection of investors.

§ 308.92 Newspaper notice.

If the Board of Directors decides to further consider the application for exemption, it shall serve upon the applicant instructions to publish one notice in a newspaper of general circulation in the community where the main office of the issuer is located. The applicant shall furnish proof of such publication to the Executive Secretary. The notice shall contain (a) the name and address of the issuer and the name and title of the applicant, (b) the exemption sought, (c) a statement that a hearing will be held, and (d) a statement that within 30 days of publication of the newspaper notice, interested persons may submit to the FDIC written comments on the application for exemption and a written request for an opportunity to be heard. The address of the FDIC must appear in the notice.

§ 308.93 Notice of hearing.

Within 10 days after expiration of the period for receipt of comments pursuant to § 308.92, the Executive Secretary shall serve upon the applicant and any person who has requested an opportunity to be heard, a notice indicating the place and time of the hearing, to be held not later than 30 days after service of the notice of hearing. The notice shall contain the name and address of the presiding officer designated by the Board of Directors and a statement of the matters to be considered.

§ 308.94 Hearing.

Parties to the hearing may appear personally, through counsel, or personally with counsel. Parties shall have the right to introduce relevant and material documents and to make an oral statement. The formal rules of evidence, the adjudicative procedures of the Administrative Procedure Act (5 U.S.C. 554–557), and subpart B shall not apply. The Board of Directors or the presiding officer shall have discretion to permit presentation of witnesses within specified time limits, provided that a list of witnesses is furnished to the presiding officer prior to the hearing. Witnesses shall not be sworn. The presiding officer may ask questions of any witness and each party may cross-examine any witness presented by an opposing party.

§ 308.95 Decision of the Board of Directors.

Following submission of the hearing transcript to the Board of Directors, the Board may grant the exemption where it determines by reason of the number of public investors, the amount of trading interest in the securities, the nature and extent of the issuer's activities, the issuer's income or assets, or otherwise, that the exemption is consistent with the public interest or the protection of investors. An exemption shall be granted by an order specifying the terms of the exemption, the person to whom it is granted, and the period for which it is granted. A copy of the order shall be served upon each party to the proceeding.

Subpart M—Rules and Procedures Relating to the Recovery of Attorney Fees and Other Expenses

§ 308.96 Scope.

This subpart, and the Equal Access to Justice Act (5 U.S.C. 504 and 504 note) which it implements, apply to adversary adjudications that are pending before the FDIC at any time between October 1, 1981, and September 30, 1984. The types of adjudication covered by this subpart are those listed in § 308.03.

§ 308.97 Eligibility of applicants.

(a) To be eligible for an award under this subpart, an applicant must have been named or admitted as a party to the proceeding. In addition, the applicant must show that it meets all other conditions of eligibility set out in this subpart.

(b) The types of eligible applicant are as follows:

(1) An individual with a net worth of not more than $1 million;

(2) A sole owner of an unincorporated business who has a net worth of not more than $5 million, including both personal and business interests, and not more than 500 employees; and

(3) A corporation, association, partnership, or public or private organization with a net worth of not more than $5 million and not more than 500 employees.

(c) An applicant who owns an unincorporated business will be considered as an "individual" rather than a "sole owner of an unincorporated business" if the issues on which he or she prevails are related primarily to personal interests rather than to business interests.

(d) For the purpose of determining eligibility, the net worth of an applicant shall be its net worth as of the date the underlying proceeding was initiated. As provided in § 308.102(d), in the case of a bank, net-worth information reported in conformity with applicable instructions and guidelines on the bank's Consolidated Report of Condition filed for the last reporting date before the initiation of the underlying proceeding will be used in establishing the bank's net worth as of the date the underlying proceeding was initiated.

(e) The employees of an applicant include all those persons who were regularly providing services for remuneration for the applicant, under its direction and control, on the date the proceeding was initiated. Part-time employees are included as though they were full-time employees.

(f) An applicant's net worth includes the value of any assets disposed of for the purpose of meeting an eligibility standard and excludes the value of any obligations incurred for this purpose. Transfers of assets or obligations incurred for less than reasonably equivalent value will be presumed to have been made for this purpose.

(g) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. The aggregated net worth shall be adjusted if necessary to avoid counting the net worth of any entity twice. As used in this subpart, "affiliates" are (1) individuals, corporations, and entities that directly or indirectly or acting through one or more entities control a majority of the voting shares of the applicant, and (2) corporations and entities of which the applicant directly or indirectly owns or controls a majority of the voting shares. The Board of Directors may, however, on the recommendation of the administrative law judge or otherwise, determine that such aggregation with regard to one or more of the applicant's affiliates would be unjust and contrary to the purposes of this subpart in light of the actual relationship between the affiliated entities. In such a case the net worth and employees of the relevant affiliate or affiliates will not be aggregated with those of the applicant. In addition, the Board may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(h) An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that

would be ineligible is not itself eligible for an award.

§ 308.98 Prevailing party.

(a) An eligible applicant who, following litigation, has gained victory on the merits in the proceeding is a "prevailing party."

(b) An eligible applicant may be a "prevailing party" if a settlement of the proceeding was effected on terms favorable to it or if the proceeding against it has been dismissed. In appropriate situations an applicant may also have prevailed if the outcome of the proceeding has substantially vindicated the applicant's position on the significant substantive matters at issue, even though the applicant has not totally avoided adverse final action.

(c) When a proceeding has presented a number of discrete substantive issues, an applicant may have prevailed even though all the issues were not resolved in its favor. If such an applicant is deemed to have prevailed, any award shall be based on the fees and expenses incurred in connection with the discrete significant substantive issue or issues on which the applicant's position has been upheld. If such segregation of costs is not practicable, the award may be based on a fair proration of those fees and expenses incurred in the entire proceeding which would be recoverable under § 308.99 if proration were not performed.

(d) Whether separate or prorated treatment under the preceding paragraph is appropriate, and the appropriate proration percentage, shall be determined on the facts of the particular case. Attention shall be given to the significance and nature of the respective issues and their separability and interrelationship.

§ 308.99 Standards for awards.

(a) A prevailing applicant may receive an award for fees and expenses unless the position of the FDIC during the proceeding was substantially justified. To avoid an award, counsel for the FDIC must carry the burden of proof that its position was reasonable in fact and law.

(b) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceedings or if special circumstances make the award sought unjust.

(c) Awards for fees and expenses incurred before the date on which a proceeding was initiated are allowable if their incurrence was necessary to prepare for the proceeding.

§ 308.100 Measure of awards.

(a) Except as limited by the next subsection, awards will be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents, and expert witnesses, even if the services were made available without charge or at a reduced rate.

(b) No award under this subpart for the fee of an attorney or agent may exceed $75 per hour. No award to compensate an expert witness may exceed the highest rate at which the FDIC pays expert witnesses. An award may also, however, include the reasonable expenses of the attorney, agent, or expert witness as a separate item, if the attorney, agent, or expert witness ordinarily charges clients separately for such expenses.

(c) In determining the reasonableness of the fee sought for an attorney, agent, or expert witness, the administrative law judge shall consider the following:

(1) If the attorney, agent, or expert witness is in private practice, his or her customary fee for like services, or, if he or she is an employee of the applicant, the fully allocated cost of the services;

(2) The prevailing rate for similar services in the community in which the attorney, agent, or expert witness ordinarily performs services;

(3) The time actually spent in the representation of the applicant;

(4) The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding; and

(5) Such other factors as may bear on the value of the services provided.

(d) The reasonable cost of any study, analysis, test, project, or similar matter prepared on behalf of an applicant may be awarded to the extent that the charge for the service does not exceed the prevailing rate payable for similar services, and the study or other matter was necessary for preparation of the applicant's case and not otherwise required by law or sound business or financial practice.

§ 308.101 Contents of application.

(a) An application for an award of fees and expenses under the Act shall contain (1) the name of the applicant and an identification of the proceeding, (2) showing that the applicant has prevailed, and an identification of each issue with regard to which the applicant believes that the position of the FDIC in the proceeding was not substantially justified, (3) a statement of the amount of fees and expenses for which an award is sought, (4) if the applicant is not an individual, a statement of the number of its employees on the date the proceeding was initiated, (5) a description of any affiliated individuals or entities, as defined in § 308.97(g), or a statement that none exist, (6) a declaration that the applicant, together with any affiliates, had a net worth not more than the ceiling established for it by § 308.97(b) as of the date the proceeding was initiated, and (7) any other matters that the applicant wishes the FDIC to consider in determining whether and in what amount an award should be made.

(b) The application shall be signed by the applicant or an authorized officer or attorney of the applicant. It shall also contain or be accompanied by a written verification under oath or under penalty of perjury that the information provided in the application and supporting documents is true and correct.

§ 308.102 Statement of net worth.

(a) A statement of net worth must be filed with the application. It need not be served on parties to the underlying proceeding other than counsel for the FDIC. Unless otherwise ordered by the Board or required by law, the statement shall be for the confidential use of the Board and the administrative law judge.

(b) The statement of net worth shall reflect the net worth of the applicant and all affiliates of the applicant as affiliates are defined in § 308.97(g). To determine eligibility for an award, net worth of affiliates will be aggregated with that of the applicant according to § 308.97(g).

(c) The statement of net worth may be in any form convenient to the applicant which fully discloses all the assets and liabilities of the applicant and all the assets and liabilities of its affiliates, as of the time of the initiation of the underlying proceeding. Unaudited financial statements are acceptable unless the administrative law judge or the Board shall otherwise require. Financial statements or reports to an agency of the Federal Government or to a State, prepared before the initiation of the underlying proceeding for other purposes, and accurate as of a date not more than three months prior to the initiation of the underlying proceeding, are acceptable in establishing net worth as of the time of the initiation of the underlying proceeding, unless the administrative law judge or the Board shall otherwise require. If the applicant or any of its affiliates is a bank, the portion of the statement of net worth which relates to the bank shall consist of a copy of the bank's last Consolidated Report of Condition filed before the initiation of the underlying proceeding. In all cases the administrative law judge or the Board may call for additional information needed to establish the applicant's net worth as of the initiation of the underlying proceeding.

(d) In the case of banks, except as adjusted by additional information that was called for under the preceding sentence, net worth shall be considered for the purposes of this subpart to be the total equity capital (or, in the case of mutual savings banks, the total surplus accounts) as reported, in conformity with applicable instructions and guidelines, on the bank's Consolidated Report of Condition filed for the last reporting date before the initation of the underlying proceeding. In the case of applicants or affiliates that are not banks, net worth shall be considered for the purposes of this subpart to be the excess of total assets over total liabilities, as of the date the underlying proceeding was initiated, except as adjusted under § 308.97(f). Assets and liabilities of individuals shall include those beneficially owned within the meaning of § 335.102(e) of the FDIC's rules and regulations.

§ 308.103 Statement of fees and expenses.

The application shall be accompanied by a statement fully documenting the fees and expenses for which an award is sought. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the application, showing the hours spent in work in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services performed. The administrative law judge or the Board of Directors may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

§ 308.104 Filing and service of documents.

(a) Any application for an award and any other pleading or document related to an application shall be filed with the Executive Secretary. It shall conform to the requirements of § 308.19 (on filing papers) and shall be served on all parties to the underlying proceeding in accordance with § 308.21(b) (on service), except as provided in § 308.102(a) for statements of net worth.

(b) An application may be filed with the Executive Secretary whenever the applicant has prevailed in the proceeding or in a discrete significant substantive portion of the proceeding but in no case later than 30 days after service of the final order of the Board of Directors in disposition of the proceeding.

§ 308.105 Answer to application.

(a) Within 20 days after service of an application, counsel for the FDIC may file an answer to the application. Unless counsel for the FDIC requests and is granted an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file an answer within the 20-day period will be treated as a consent to the award requested.

(b) If counsel for the FDIC and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 20 days, and further extensions may be granted by the administrative law judge upon the joint request of counsel for the FDIC and the applicant.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of counsel's position. If the answer is based on any alleged facts not already in the record of the proceeding, counsel shall include with the answer either supporting affidavits or a request for further proceedings under § 308.107.

(d) Reply to answer. The applicant may file a reply if counsel for the FDIC has addressed in his or her answer any of the following issues: That the position of the FDIC was substantially justified, that the applicant unduly protracted the proceedings, or that special circumstances make an award unjust. The reply shall be filed within 15 days after service of the answer. If the reply is based on any alleged facts not already in the record of the proceeding, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under § 308.107.

(e) Additional filings in the nature of pleadings may be submitted only by leave of the administrative law judge.

§ 308.106 Comments by other parties.

Any party to the proceeding, other than the applicant and counsel for the FDIC, may file comments on an application within 20 days after service of the application. If the applicant is entitled to file a reply to an answer under § 308.105(d), another party may file comments on the answer within 15 days after service of the objection. A commenting party may not participate further in proceedings on the application unless the administrative law judge determines that the public interest requires such participation in order to permit additional exploration of matters raised in the comments.

§ 308.107 Further proceedings.

(a) *General.* Ordinarily, the determination of a recommended award will be made by the administrative law judge on the basis of the written record. However, on request of either the applicant or counsel for the FDIC, or on his or her initiative, the administrative law judge may order further proceedings such as an informal conference, oral argument, additional written submissions, or an evidentiary hearing. Such further proceedings will be held only when necessary for full and fair resolution of the issues arising from the application and will be conducted as promptly and expeditiously as possible.

(b) *Request for further proceedings.* A request for further proceedings under this section shall specifically identify the information sought or the issues in dispute and shall explain why additional proceedings are necessary.

(c) *Hearing.* The administrative law judge shall hold an oral evidentiary hearing only on disputed issues of material fact which cannot be adequately resolved through written submissions.

§ 308.108 Recommended decision.

The administrative law judge shall file a recommended decision on the fee application with the Executive Secretary no later than 90 days after the filing of the application or 30 days after the conclusion of the hearing, whichever is later. The recommended decision shall include written proposed findings and conclusions on the applicant's eligibility and its status as a prevailing party and an explanation of the reasons for any difference between the amount requested and the amount of the recommended award. The recommended decision shall also include, if at issue, proposed findings on whether the FDIC's position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust. The administrative law judge shall also file with the Executive Secretary the record of the proceeding on the fee application and a proposed order and at the same time serve upon each party a copy of the recommended decision, findings, conclusions, and proposed order.

§ 308.109 Decision of the Board of Directors.

(a) Within 15 days after service of the recommended decision, findings, conclusions, and proposed order, the

applicant or counsel for the FDIC may file with the Executive Secretary written exceptions thereto. A supporting brief may also be filed.

(b) The Board of Directors shall render its decision within 60 days after the matter is submitted to it. The Executive Secretary shall furnish copies of the decisions and order of the Board to the parties. Judicial review of the decision and order may be obtained as provided in 5 U.S.C. 504(c)(2).

§ 308.110 Payment of awards.

An applicant seeking payment of an award shall submit to the Executive Secretary a statement that it will not seek review of the decision or order in the United States courts. The FDIC will pay the amount awarded within 30 days after receiving the applicant's statement, unless judicial review of the award or of the underlying decision of the adversary adjudication has been sought by the applicant or any other party to the proceeding.

By order of the Board of Directors, December 21, 1981.

Federal Deposit Insurance Corporation

Alan J. Kaplan,

Assistant Executive Secretary.

[FR Doc. 81-36948 Filed 12-28-81; 8:45 am]

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NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 701 and 720

Description of Office, Disclosure of Official Records, Availability of Information, and Promulgation of Regulations

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: The National Credit Union Administration (NCUA) has reviewed its existing regulations governing the disclosure of official records, the availability of information and the promulgation of regulations. As a result, NCUA is revising its regulations to consolidate and clarify NCUA policy on the availability of information.

EFFECTIVE DATE: December 29, 1981.

ADDRESS: National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Anne K. Scully, Attorney-Advisor, Office of General Counsel, at the above address, telephone (202) 357-1030.

SUPPLEMENTARY INFORMATION: On August 13, 1981, the NCUA Board issued for public comment proposed rules regarding NCUA policy on availability and disclosure of information under the Freedom of Information Act. A discussion of the significant issues raised by the comments as well as a section by section analysis of the provisions revised in the final rule follow.

Unpublished Confidential and Privileged Information

Section 720.4 adds clarifying language to the Freedom of Information Act exemptions to avoid conflicting interpretations of the exemptions and to provide additional examples of agency records to which each exemption applies. The commentors supported the additional language because it clarifies NCUA's interpretation of the Freedom of Information Act and how requests will be treated.

One commentor questioned whether the proposed § 720.4(a)(2) would affect public availability of the NCUA Examiners' Manuals and/or Guides. The language in § 720.4(a)(2) indicates that all manuals and instructions to examiners could be subject to release, but only to the extent that the information, if released, would not permit a circumvention of law. For example, portions of a manual describing examination techniques and procedures would not be publicly available if knowledge of these techniques and procedures would permit credit union officials to alter records to hide violations of law. The commentor favored public availability of NCUA's Examiner's Guide because it would be beneficial to credit unions as well as consistent with the intent of the Freedom of Information Act. The additional language is intended to enunciate NCUA's general policy of authorizing release of the applicable examiners' guides edited in accordance with the FOIA exemption. The manuals are available to the public through a Freedom of Information Act request.

One commentor favored deletion of the last sentence of § 720.4(a)(4), regarding trade secrets and commercial or financial information. This sentence provides that assurances of confidentiality given by NCUA staff are not binding upon the agency. The commentor objected to this provision because of its chilling effect on NCUA's relationship with credit unions, thereby undermining the integrity of the examination process.

However, § 720.4(a)(4) applies only to business information and trade secrets obtained by NCUA outside of the examination process. Any and all information obtained by NCUA pertaining to particular credit unions would fall under the exemption set forth in § 720.4(a)(8). Thus, there should be no chilling effect on the examiners' relations with credit unions. In addition, while the issue as to whether assurances of confidentiality by staff are binding upon NCUA is addressed by existing caselaw, the purpose of this explicit provision is to ensure that such promises of confidentiality are only made by the appropriate officials of NCUA who are authorized to bind the agency. This provision is not intended to indicate that clearly exempt material will not be accorded confidential treatment.

Release of Exempt Records

Section 720.5 establishes NCUA's policy for the discretionary release of information otherwise protected by the Freedom of Information exemptions. The United States Supreme Court has clearly established that the Freedom of Information Act exemptions are permissive rather than mandatory, *Chrysler. Corp.* v. *Brown*, 441 U.S. 281 (1979). The establishment of clear guidelines for the release of exempt material will help to assure that NCUA will not act in an arbitrary and capricious manner. This provision will also bring NCUA's regulations in line with the regulations of the other Federal financial institution regulatory agencies, which, to varying extents, permit the release of exempt material. *See* 12 CFR 4.16 (Comptroller of the Currency), 261.6 (Federal Reserve Board), 309.4 and 309.6 (Federal Deposit Insurance Corporation), and 505.5 (Federal Home Loan Bank Board).

Two commentors addressed the issue of release of exempt material to third parties under proposed § 702.5(b)(3). Both objected to the disclosure of credit union records, particularly examination reports, to third parties. The first commentor was concerned that the section represents a further weakening of the level of confidentiality in the examination process. Further, he felt that the language broadened the scope of NCUA's position in reference to its Interpretive Ruling and Policy Statement (IRPS) on release of consumer examination reports to a limited group of third parties. The commentor proposed a modification of this section to provide that NCUA not be vested with any discretion to release any examination reports to third parties (to maintain a continued confidential relationship between NCUA and credit union staff needed to ensure an effective examination process). The second commentor stated that no credit union records of any kind should be disclosed

to a third party absent a court order. However, he felt that if a member of a credit union is not adequately protected under existing consumer regulations, then that member should have the ability to obtain information concerning its credit union's violation of consumer laws from NCUA through a FOIA request.

After considering the issues raised, the NCUA Board believes that inclusion of this section will neither impair the confidential nature of the examination process nor supercede or alter any existing law or policy with respect to release of certain exempt materials to specified third parties. Setting forth the basic guidelines for the discretionary release of exempt material is not intended to create a departure from NCUA's past treatment of examination records. Rather, it is intended to foster the confidential relationships created during the examination process by ensuring, first, that *only* the NCUA Board or specific persons designated in writing by the Board can release this information; second, that the person requesting the information provides justification for the request; third, that conditions are imposed on the release to protect the confidential nature of the information; and fourth, that the information be released *only* upon a finding of good cause. A total, absolute prohibition against the release of exempt material would unrealistically and unnecessarily hamstring this agency's clear discretionary authority. Therefore, the NCUA Board believes that the strict ground rules set forth in § 720.5(b)(3) are preferable.

Release of Exempt Records Subject to Subpoena

Section 720.6 sets forth NCUA's policy when the Agency is subject to requests for exempt material by legal process, particularly when and under what circumstances exempt information that is the subject of a subpoena will be released. This provision is necessary to protect NCUA's interest in the exempt material.

Fee Schedule for Document Search and Duplication

One change is made to § 720.8(a) regarding charges for publications to clarify that requestors may be charged at cost for documents and publications that NCUA has available for release in printed form. While these publications are normally available to the public through the Government Printing Office for standard fees, NCUA also has copies of the same materials.

Publications Available to the Public

Section 720.8, includes former §§ 701.16, and 701.17, consolidating into one rule the publications that are available to the public for inspection and copying, and the procedures for making a FOIA request for these publications.

Promulgation of Rules and Regulations

Section 720.10 sets forth NCUA's procedures for developing regulations, incorporating the requirements of the Administrative Procedures Act (5 U.S.C. 551, *et seq.*), the Regulatory Flexibility Act (5 U.S.C. 605 *et seq.*), the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Financial Regulation Simplification Act (12 U.S.C. 3521 *et seq.*), and the Board's Interpretive Ruling and Policy Statement.

Regulatory Flexibility Act

The NCUA Board certifies that these rules will not have a significant economic impact on a substantial number of small credit unions because the rules concern only agency organization, procedure or practice pertaining to public access to official records and development of regulations. Therefore, a regulatory flexibility analysis is not required pursuant to 5 U.S.C. 605(b).

Accordingly, 12 CFR 701.16, 701.17 and 701.18 are removed and 720.4 through 720.9 are revised as set forth below.

Rosemary Brady,

Secretary of the Board.

Dated: December 17, 1981.

Authority: Sec. 120, 73 Stat. 635 (12 U.S.C. 1766); sec. 209, 84 Stat. 1104 (12 U.S.C. 1789).

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

§§ 701.16—701.18 [Removed]

1. Sections 701.16, 701.17, and 701.18 are proposed to be removed.

PART 720—DESCRIPTION OF OFFICE, DISCLOSURE OF OFFICIAL RECORDS—AVAILABILITY OF INFORMATION, PROMULGATION OF REGULATIONS

§ 720.4 [Amended]

2. 12 CFR 720.4(a) is revised to read as follows:

(a) All records of the Administration, or any officer, employee, or agent thereof, are confidential and privileged and not subject to disclosure, except as otherwise provided in this Part, if such records are:

(1) Records specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to an Executive Order.

(2) Records related solely to the internal personnel rules and practices of the Administration. This exemption applies to internal rules or instructions to Administration personnel which must be kept confidential in order to assure effective performance of the functions and activities for which the Administration is responsible and which do not affect members of the public. This exemption also applies to manuals and instructions to examiners to the extent that release of the information contained therein would permit circumvention of laws or regulations.

(3) Specifically exempted from disclosure by statute (other than the Privacy Act of 1974, 5 U.S.C. 552a), where the statute either makes non-disclosure mandatory or establishes particular criteria for withholding information.

(4) Records which contain trade secrets and commercial or financial information which relates to the business, personal or financial affairs of any person or organization, is furnished to NCUA and is confidential or privileged. This exemption includes, but is not limited to, information such as various types of confidential sales and cost statistics, trade secrets, and names of key customers and personnel. Assurances of confidentiality given by Administration staff are not binding upon the Administration.

(5) Inter-agency or intra-agency memoranda or letters which would not be available by law to a private party in litigation with the Administration. This exemption preserves the existing freedom of Administration officials and employees to engage in full and frank written or taped communications with each other and with officials and employees of other agencies. It includes, but is not limited to, inter-agency and intra-agency reports, memoranda, letters, correspondence, work papers, and minutes of meetings, as well as staff papers prepared for use within the Administration or between the Administration and other governmental agencies.

(6) Personnel and medical files and similar files (including financial files), the disclosure of which without written permission would constitute a clearly unwarranted invasion of personal privacy. Examples of files exempt from disclosure include, but are not limited to (i) the personnel records of the Administration; (ii) the personnel records voluntarily submitted by private parties in response to the

Administration's requests for proposals; (iii) files containing reports, records or other material pertaining to individual cases in which disciplinary or other administrative action has been or may be taken.

(7) Contained in investigatory files compiled for law enforcement purposes: *Provided,* That disclosure of the records would (i) interfere with enforcement proceedings; (ii) deprive a person of a fair trial or an impartial adjudication; (iii) result in an unwarranted invasion of personal privacy; (iv) reveal the identity of a confidential source, or any confidential information furnished by a confidential source in the course of a criminal investigation or a lawful national security intelligence investigation; (v) disclose investigative techniques and procedures; or (vi) endanger the safety of law enforcement personnel. This includes, but is not limited to, information relating to enforcement proceedings upon which the Administration has acted or will act in the future.

(8) Contained in or related to examination, operating or condition reports prepared by, or on behalf of, or for the use of the Administration or any agency responsible for the regulation or supervision of financial institutions. This includes all information, whether in formal or informal report form, the disclosure of which either would harm the financial security of credit unions or would interfere with the relationship between the Administration and member credit unions.

* * * * *

§§ 720.5—720.9 [Redesignated as §§ 720.7—720.11]

3. Existing §§ 720.5 through 720.9 are redesignated as §§ 720.7 through 720.11 and new §§ 720.5 and 720.6 are added to read as follows:

§ 720.5 Release of exempt records.

(a) *Prohibition against disclosure.* Except as provided in §§ 720.3, 720.4 and 720.5(b) no officer, employee, or agent of the Administration or of any federally chartered or insured credit union shall disclose or permit the disclosure of any exempt records of the Administration to any person other than those officers, employees, or agents of the Administration or of the credit union properly entitled to such information for the performance of their official duties.

(b) *Disclosure authorized.* Exempt records of the Administration may be disclosed only in accordance with the following conditions and requirements.

(1) *Exempt records—disclosure to credit unions, financial institutions and to State and Federal Agencies.* In its sole discretion, the NCUA Board, or any person designated by it in writing, may make available to certain Governmental agencies and insured financial institutions copies of reports of examination and other documents, papers or information for their use, when necessary, in the performance of their official duties or functions. All reports, documents and papers made available pursuant to this paragraph shall remain the property of the National Credit Union Administration. No person, agency or its employee shall disclose the reports or exempt records without express written authorization of the Administration.

(2) *Exempt records—disclosure to investigatory agencies.* The Board, or any person designated by it in writing, may in its discretion and in appropriate circumstances, disclose to proper Federal or State authorities copies of exempt records pertaining to irregularities discovered in credit unions which may constitute either unsafe or unsound practices or violations of Federal or State civil or criminal law.

(3) *Exempt records—disclsoure to third parties.* The Board, or any person designated by it in writing, may disclose copies of exempt records to any third party where requested to do so in writing. The request shall: (i) Specify the record or records to which access is requested; and (ii) give the reasons for the request. Any Administration employee authorized to disclose exempt Administration records to third parties may disclose the records only upon determining that good cause exists for the disclosure. The Administration official shall impose such terms and conditions as are deemed necessary to protect the confidential nature of the record, the financial integrity of any credit union or other organization or person to which the record relates, and the legitimate privacy interests of any individual named in such records.

§ 720.6 Subpoenas.

(a) *Service.* Any subpoena or other legal process requesting agency records shall be served upon the General Counsel, National Credit Union Administration, 1776-G Street, NW., Washington, D.C. 20456, or upon the Regional Director of the NCUA Region where the legal action from which the legal process issued is pending.

(b) *Advice to person served.* (1) If any officer, employee or agent of the Administration is served with a subpoena, court order or other legal process requiring that person's attendance as a witness concerning written information or the production of documents that cannot be disclosed under § 720.4, that person should promptly inform the Office of General Counsel of such service and of all relevant facts, including the nature of the documents and information sought in the subpoena and any facts and circumstances which may be of assistance to the General Counsel in determining whether such documents or information should be produced.

(2) If any third party who is not an officer, employee or agent of the Administration is served with a subpoena, court order or other legal process requiring that party to produce such records or to testify with respect to the requested records, such party should notify the Office of General Counsel in accordance with the procedures set forth in § 720.6(b)(1).

(c) *Appearance by person served.* Absent the authorization of the Office of General Counsel to disclose the requested information, any officer, employee or agent of the Administration (and any third party having custody of exempt records of the Administration) who is required to respond to the subpoena or other legal process shall attend at the time and place specified and shall respectfully decline to produce the documents and records or to disclose the information called for, basing his refusal upon this paragraph.

4. Redesignated § 720.7(a) is revised to read as follows:

§ 720.7 Fee schedule for document search and duplication.

(a) A fee shall be assessed for the searching and processing of requested documents on the following basis:

Direct cost of: Clerical time, $5.97 per hour; professional time, $15.50 per hour; charge per page of material duplicated, $.25.

Computer costs shall be assessed in accordance with a standard formula based on computer time required. A computer cost estimate shall be furnished to the requestor at the time the request is granted.

Actual cost of transportation of people or records if required to process the request.

The fees assessed for searching and processing requests are subject to an annual review and may be revised to reflect the prevailing wage and cost rates. Requestors may be charged at cost for those documents and publications which NCUA has available for release in printed form.

§§ 720.8 and 720.9 [Amended]

5. Redesignated §§ 720.8(a)(1), (c)(1) and (c)(2) and 720.9(c)(1) are amended: by removing the words "Deputy Director" and inserting, in their place, the words "Freedom of Information Officer".

6. Redesignated § 720.8(b) is revised to read as follows:

§ 720.8 Requests for information and determinations.

* * * * *

(b) *Certain Publications.* (1) A master list of Federal credit unions, arranged by state, is maintained at NCUA headquarters and is available for inspection and copying. Each Regional Office maintains a similar list for the states for which it has jurisdiction. These lists are also available for inspection and copying. In addition, a directory of all Federally insured credit unions, which is updated periodically, is available for purchase at NCUA cost. The directory may be obtained by contacting the Freedom of Information Officer, National Credit Union Administration, 1776 G Street, NW., Washington, D.C. 20456.

(2) Interpretive Rulings and Policy Statements which do not appear in NCUA publications shall be available for inspection and copying at each Regional Office and at NCUA headquarters in Washington, D.C.

(3) Section 701.14 of this chapter describes certain manuals, booklets and other materials which are available and the places where they may be obtained, inspected or copied.

7. Redesignated § 720.9(a)(1) is revised to read as follows:

§ 720.9 Agency determination.

(a) * * *

(1) Determine within 10 working days (except legal public holidays) after the receipt of any such request whether, or the extent to which, to comply with such request; will upon such determination notify the person making the request that any adverse determination is not a final agency action, and that such person may appeal any adverse determination to the Director of the Office of Administration; and

* * * * *

§ 720.10 [Amended]

8. Redesignated § 720.10 is revised to read as follows:

(a) The Administration's procedures for developing regulations shall be governed by the Administrative Procedures Act (5 U.S.C. 551), the Financial Regulation Simplification Act of 1980 (12 U.S.C. 3521 et seq.), the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.), the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), and the Administration's policies for the promulgation of rules as set forth in its Interpretive Ruling and Policy Statement (IRPS) number 81–4, dated June 3, 1981.

(b) *Petitions.* Any interested person may petition the Board for the issuance, amendment, or repeal of any regulation by submitting such petition in writing together with a complete and concise statement of the petitioner's interest in the subject matter and the reasons why the petition should be granted. Such petition shall be submitted to the Regulatory Development Coordinator, Office of General Counsel, National Credit Union Administration, 1776 G St., NW., Washington, D.C. 20456.

* * * * *

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DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 370, 371, 372, 376 and 385

Revision of Policy on Exports to the People's Republic of China

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: An Administration review of relations with China has resulted in a more liberal export control policy. The Export Administration Regulations are amended to explain the new policy and set forth likely approval levels for certain items.

EFFECTIVE DATE: December 29, 1981.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377–4811).

SUPPLEMENTARY INFORMATION: Section 5(b) of the Export Administration Act of 1979 provides that, in administering national security export controls, "United States policy toward individual countries shall not be determined exclusively on the basis of a country's Communist or non-Communist status but shall take into account such factors as the country's present and potential relationship to the United States, its present and potential relationship to countries friendly or hostile to the United States, its ability and willingness to control retransfers of United States exports in accordance with United States policy, and such other factors as the President considers appropriate."

The United States has reviewed its relationship with China in order to formulate a more mutually beneficial policy. The review determined that it is in our national interest to foster a strong, secure and friendly China, capable of deterring potential aggressors and contributing to peace and stability, and to participate in China's economic development for the benefit of China and the United States. The Administration recognizes the need for a clear trade policy that will lend certainty and predictability to American business in trading with China, while ensuring our national security, promoting U.S. foreign policy and protecting U.S. commercial interests.

The export licensing policy resulting from this review will permit approval of export licenses for commodities at significantly higher technical levels than allowed previously. In general, there will be a predisposition for approval for products with technical levels twice those previously approved to China. When doubling previous levels is impractical, the Department will use the interagency review process to determine the acceptability of proposed exports, and will issue advisory notes on specific commodities whenever possible.

To implement this policy, the Export Administration Regulations are amended to remove the People's Republic of China (Country Group P) from § 385.2, which describes policy toward country groups Q, W, and Y, and place it separately in § 385.3. In addition, new notes are added to Supplement No. 1 to Part 385 to provide advice on the likelihood of approving commodities for China when the general notes in Supplement No. 1 are not applicable.

Finally, these regulations make a number of minor amendments to Parts 370–372 and 376. These amendments mostly involve changes to the provisions governing exports under several types of general licenses.

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under section 13(a) of the Export Administration Act of 1979 (Pub. L. 96–72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act. This rule does not impose new controls on exports, and is therefore exempt from section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

4. This rule relates to a foreign affairs function of the United States and is therefore exempt from the requirements of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

Accordingly the Export Administration Regulations (15 CFR Parts 368–399) are amended as follows:

PART 370—EXPORT LICENSING GENERAL POLICY AND RELATED INFORMATION

§ 370.6 [Amended]

1. Section 370.6 is amended by:

I. Removing the symbol "P," from the title of paragraph (a)(1);

II. Removing the symbol "P," from the first sentence of paragraph (a)(1);

III. Revising the title of paragraph (a)(2) to read "Country Group P or Q.";

IV. Revising the introductory text of paragraph (a)(2) to read "Shipments to Country Group P or Q require a validated license—."

§ 370.7 [Amended]

2. Paragraph (c)(2) of § 370.7 is amended by removing the phrase "P or."

§ 370.9 [Amended]

3. Section 370.9 is amended by:

I. Removing the symbol "P," from the following places: the title; the introductory paragraph (2 places); paragraph (b), (2 places); and the footnote to the section title (2 places);

II. Revising in the introductory paragraph the phrase "Country Group Q, S, T, V, or W" to read "Country Group P, Q, S, T, V, or W."

PART 371—GENERAL LICENSES

§ 371.2 [Amended]

4. Paragraph (c)(2) of § 371.2 is amended by removing the symbol "P," (2 places).

§ 371.3 [Amended]

5. Paragraph (a) of § 371.3 is amended by removing the symbol "P."

§ 371.4 [Amended]

6. Section 371.4 is amended by:

I. Removing the symbols "P," and "P or" in paragraph (a)(2) (2 places), and

II. Revising the phrase "Country Group Q" to read "Country Group P or Q" in paragraph (a)(3).

§ 371.5 [Amended]

7. Paragraph (a)(2) of § 371.5 is amended by revising the phrase "Country Group Q" to read "Country Group P or Q."

§ 371.6 [Amended]

8. Paragraph (a) of § 371.6 is amended by revising in the next to the last sentence the phrase "Country Group P, S, W, Y, or Z" to read "Country Group P, Q, S, W, Y, or Z."

§ 371.12 [Amended]

9. Section 371.12 is amended by removing the symbol "P," in paragraphs (a), (b), (c) and (c)(2).

§ 371.15 [Amended]

10. Section 371.15 is amended by:

I. Removing the symbol "P," in paragraph (c)(2); and

II. Revising in paragraph (c)(3) the phrase "Country Group Q" to read "Country Group P or Q."

§ 371.18 [Amended]

11. Paragraph (b)(1)(ii) of § 371.18 is amended by revising the phrase "Country Group P, Y or Z" to read "Country Group P, Q, S, W, Y, or Z."

§ 371.19 [Amended]

12. Paragraph (b)(2) of § 371.19 is amended by removing the symbol "P,".

PART 372—INDIVIDUAL VALIDATED LICENSES AND AMENDMENTS

§ 372.8 [Amended]

13. Paragraph (b) of § 372.8 is amended by:

I. Removing the symbol "P," in the following places: the title of the paragraph; paragraph (b)(1), (4 places); paragraph (b)(2); and paragraph (b)(3), (3 places); and

II. Revising in paragraph (b)(1) the phrase "Country Group Q, S, T, V, or W" to read "Country Group P, Q, S, T, V, or W."

§ 372.11 [Amended]

14. Paragraph (g) of § 372.11 is amended by revising the phrase "Country Group P, S, Y, or Z" in paragraph (g)(3)(i) to read "Country Group P, Q, S, W, Y, or Z."

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

§ 376.2 [Reserved]

15. Section 376.2 is removed and reserved.

PART 385—SPECIAL COUNTRY POLICIES AND PROVISIONS

16. (a) The title of § 385.2 is revised to read as follows:

§ 385.2 Country Groups Q, W, and Y[1]; U.S.S.R., Other Warsaw Pact Countries, Albania, Mongolian People's Republic, and Laos.

* * * * *

(b) the phrase "People's Republic of China" is removed from paragraph (a) of § 385.2; and

(c) the symbol "P," is removed from paragraph (a) of § 385.2.

17. A new § 385.3 is added as follows:

§ 385.3 Country Group P: People's Republic of China

(a) As authorized by section 5 of the Export Administration Act of 1979, a validated license is required for the export of certain commodities and technical data to the People's Republic of China (PRC). Such licenses permit a review of applications to assure that exports are consistent with the policy set forth in section 3(2)(A) of the Export Administration Act "to restrict the export of goods and technology which would make a significant contribution to the military potential of any other country or combination of countries which would prove detrimental to the national security of the United States." The review under this licensing standard generally includes an analysis of the kinds and quantities of commodities or technologies to be exported; whether the same or comparable items are available abroad without restriction; the use pattern of the items to be exported; the intended end-use; and the ultimate end-users.

(b) The general licensing policy is to approve exports for China (Country Group P) at significantly higher technical levels than for Country Groups Q, W, and Y. Licenses may be approved even when the end-use is military or the end-user engages in military activity, if the proposed export is otherwise appropriate for a stated and accepted end-use. Potential for use of equipment or data in the design, development, or manufacture of tactical military items will not necessarily preclude approval. Approval is not likely when the potential military application is so significant that the export would present an unacceptable risk regardless of the stated end-use. Of particular concern are technologies that would make a direct and significant contribution to nuclear weapons and their delivery systems, electronic and anti-submarine warfare, and intelligence gathering. Licenses will not be denied solely because of the technical level of the equipment, provided the equipment does not substantially exceed the

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[1] * * *

requirements of the stated and accepted end-use.

(c) Although each application will be considered individually, certain goods on the CCL are more likely to be approved than others. The Advisory Notes in Supplement No. 1 to this Part 385 describe goods likely to be approved for China, as well as certain other country groups. Those notes in Supplement No. 1 headed "Note for Country Group P only" provide guidance on equipment more likely to be approved for China than for Country Groups Q, W and Y.

(d) Applications covering commodities and technical data approved by the United States that are controlled by the COCOM international export control system may have to be forwarded to COCOM for consideration in accordance with established procedures before a license is issued.

(e) Section 6(j) of the Export Administration Act provides for validated license control to all destinations except the NATO members, Japan, Australia, and New Zealand of crime control and detection equipment identified in section 378.14, in support of U.S. foreign policy.

18. New Advisory Notes for Supplement No. 1 to Part 385 are added as follows:

I. The existing NOTE to entry 1081A is numbered 1, and a new NOTE numbered 2 is added as follows:

1081A * * *

* * * * *

Notes: 1. * * *

Note for Country Group P Only

2. Licenses are likely to be approved for export to satisfactory end-users of skin mills for civil aircraft (*i.e.*, for non-strategic, non-nuclear use) covered by sub-entry (b) above.

II. The existing NOTE to entry 1091A is numbered 1 and a NOTE 2 is added as follows:

1091A * * *

* * * * *

Notes: 1. * * *

Note for Country Group P Only

2. Licenses are likely to be approved for export to satisfactory end-users of computer numerical control units not exceeding four (4) axes capability, mounted on and exported with machine tools not exceeding four (4) axes, for aircraft and civil industries use.

III. A new entry 1203A is added (in numerical order, disregarding the first digit) reading as follows:

1203A Electric vacuum furnaces, as follows:
(a) Consumable electrode vacuum arc furnaces with a capacity in excess of 20 tons;
(b) Skull type vacuum arc furnaces; and
(c) Specialized parts and controls for the above furnaces.

Note for Country Group P Only

Licenses are likely to be approved for export to satisfactory end-users of electric vacuum furnaces with a capacity up to 40 tons for suitable end-uses and end-users.

IV. Entry 1355A is amended by adding sub-entry (b)(2)(vii), by numbering the existing NOTE as 1, and by adding a NOTE 2 reading as follows:

1355A * * *

* * * * *

(b) * * *
(2) * * *
(vii) Align and expose equipment using photo-optical methods, including projection image transfer equipment, capable of performing any of the following functions:
(a) Production of a useful pattern size of less than 5 micrometers;
(b) Alignment with a precision finer than 1 micrometer;
(c) Field coverage greater than 76.2 x 76.2 mm (3 x 3 inches);
(d) Wafer backside alignment;
(e) Automatic alignment by the sensing of patterns or index marks on the substrate;
(f) Projection image transfer for processing slices (wafers) of 50.8 mm (2 inches) or greater in diameter;

(Non-contacting (proximity) image transfer equipment is covered only by sub-entry 1355(b)(2)(vii)(a) to (vii)(e).)

* * * * *

Notes: 1. * * *

Note for Country Group P Only

2. Licenses are likely to be approved for export to satisfactory end-users of conventional optical (not including projection equipment) equipment used for mask fabrication and processing provided that the equipment was introduced into industry prior to 1977. For example, photolithographic contact mask align and exposure systems with resolution in the 3 to 4 micrometer range may be approved.

V. A new entry 1357A is added (in numerical order, disregarding the first digit) reading as follows:

1357A Filament winding, tape-laying and interlacing machines using materials described in entry No. 1763, as follows:
(a) Machines of which the motions for positioning, wrapping, and winding of fibers are coordinated and programed in three or more axes, specially designed to fabricate composite structures or laminates from fibrous and filamentary materials, and the mechanical parts of the machines, coordinating, and programing controls; or
(b) * * *
(c) * * *
(d) * * *

Note for Country Group P Only

Licenses are likely to be approved for export to satisfactory end-users of machines capable of positioning, wrapping and winding fibers, programmable up to three (3) axes, for non-strategic, non-nuclear related applications.

VI. Entry 1519A is amended by adding a NOTE 4 reading as follows:

1519A * * *

* * * * *

Notes: * * *

Note for Country Group P Only

4. Licenses are likely to be approved for export to satisfactory end-users of data communications equipment, including fiber optics systems, using digital input and output and which are designed for a data signalling rate not exceeding 9,600 bits per second, regardless of the end-use.

VII. Entry 1529A is amended by revising sub-entry (a), adding sub-entries (b)(3)(i), (b)(6), and (c), and adding NOTES 4 through 8 reading as follows:

1529A Electronic measuring, calibrating counting, testing, and/or time interval measuring equipment, whether or not incorporating frequency standards, having any of the following characteristics:
(a) Equipment, as follows:
(1) Designed as reference frequency standards for laboratory use, with a stability over 24 hours or more of 1 part in 10^{10} or better;
(2) Designed for fixed ground use and containing frequency standard(s), with a stability over 24 hours of 1 part in 10^{9} or better; or
(3) Designed for portable or mobile use and containing frequency standard(s), with a stability over 24 hours of 1 part in 10^{8} or better;
(b) * * *
(3) * * *
(i) Network analyzers (for automatic measurement of equivalent circuit parameters over a range of frequencies);
(4) * * *
(5) * * *
(6) Digital instruments incorporating computing facilities, as follows:
(i) Digital test instruments with user accessible reprogramming capability (including digital circuit testers, logic (state and/or timing) analyzers, bus analyzers, serial data analyzers, digital word generators) specially designed for examining and/or comparing the absolute or relative information content (*e.g.*, logic states, mnemonics, etc.), or the timing of one or more digital bit streams, *except:*
(a) Logic probes, logic pulsers, digital current tracers (or current "sniffers"), signature analyzers and other digital circuit testers capable of observing single events and/or providing stimulus at single test points;
(b) Logic clips and logic comparators;
(c) Logic (state and/or timing) analyzers with not more than eight (not including qualifier channel) data channels and a maximum clock rate capability of 2 MHz or less;
(d) Digital word generators capable of operating at a maximum clock rate of 2 MHz or less with word lengths of 8 bits or less;
(ii) Microprocessor and microcomputer development instruments and systems,

specially designed for use in debugging, diagnosing, emulating, simulating, designing, evaluating, programming or reprogramming firmware/software of signal processor-, computer- or memory-based devices, system or microsystems (*e.g.*, emulators, simulators, memory programmers, etc.) *except those which are used only with microprocessors and microcomputers not covered by entry No. 1564;*

(c) Digital counters, as follows:

(1) Capable of counting successive input signals with less than 5 nanoseconds time difference without prescaling (digital division) of the input signal (for counter/timers having a time interval measurement mode, see also sub-entry (d) below);

(2) Employing prescaling of the input signal, in which the prescaler is capable of resolving successive input signals with less than 1 nanosecond time difference; or

(3) Capable of measuring burst frequencies exceeding 100 MHz for a burst duration of less than 5 milliseconds;

* * * * *

Notes: * * *

Notes for Country Group P Only

4. Licenses are likely to be approved for export to National Bureau of Standards type end-users of limited quantities of Cesium atomic standards covered by sub-entry (a) above.

5. Licenses are likely to be approved for export to satisfactory end-users of network analyzers designed for use at frequencies up to 18 GHz covered by sub-entry (b)(3)(i) above.

6. Licenses are likely to be approved for export to satisfactory end-users of microprocessor software development systems and microprocessor software training system covered by sub-entry (b)(6) above for microprocessors which are also approvable under the Advisory Notes to entry No. 1564.

7. Licenses are likely to be approved for export to satisfactory end-users of in-circuit emulators covered by sub-entry (b)(6) and required for use with equipment released by Advisory Note 7 above. PROM and EPROM programmers are specifically excluded from approval with the above systems (See also 1564A).

8. Licenses are likely to be approved for export to satisfactory end-users of non-programmable microwave counters covered by sub-entry (c) above designed for use at frequencies up to 18GHz provided that they are not capable of pulsed RF Measurements.

VIII. Entry 1531A is amended by numbering the existing NOTE as 1 and adding NOTES 2 and 3 reading as follows:

1531A * * *

* * * * *

Notes: 1. * * *

Notes for Country Group P Only

2. Licenses are likely to be approved for export to satisfactory end-users of non-programmable frequency synthesizers provided that their operating frequency is 18 GHz or less.

3. Licenses are likely to be approved for export to satisfactory end-users of programmable frequency synthesizers designed for use at frequencies up to 1.3 GHz with switching times of 5 milliseconds or more.

IX. Entry 1533A is amended by numbering the existing NOTE as 1 and by adding a NOTE 2 reading as follows:

1533A * * *

* * * * *

Notes: 1. * * *

2.Note for Country Group P Only: Licenses are likely to be approved for export to satisfactory end-users of microwave spectrum analyzers designed to operate up to an operating frequency of 18 GHz.

X. Entry 1534A is amended by adding a NOTE 3 reading as follows:

1534A * * *

* * * * *

Notes: * * *

Note for Country Group P Only

3. Licenses are likely to be approved for export to satisfactory end-users of flatbed microdensitometer units with a scanning rate up to *10,000* data points per second with rectilinear apenture and with a figure of merit not exceeding 0.05.

XI. Entry 1564A is amended by adding NOTES 5 through 8 reading as follows:

1564A * * *

* * * * *

Notes: * * *

Notes for Country Group P Only

5. Licenses are likely to be approved for export to satisfactory end-users of silicon single-chip microcomputer microcircuits that are mask programmed for a civil application prior to export and have an operand (data) word length of less than or equal to 8 bits (such as sewing machines, etc.). This entry does *not* include bit-slice microprocessors.

6. Licenses are likely to be approved for export to satisfactory end-users of silicon microprocessor microcircuits having an operand (data) word length of less than or equal to 8 bits, a word/speed ratio of 1.0 or less and a speed power product of 4 microjoules or greater.

7. Licenses are likely to be approved for export to satisfactory end-users of memory microcircuits, as follows:

(a) MOS dynamic RAM's having a maximum number of bits per package of 16,384 bits and an access time of 200 nanosecond or greater;

(b) Mask programmed ROM's with a maximum number of bits per package of 32,768 and 250 nanosecond access time or greater;

(c) MOS static RAM's with a maximum number of bits per package of 4,096 bits and an access time of 250 nanoseconds or greater;

(d) Bipolar RAM's with a maximum number of bits per package of 64 bits and an access time of no less than 30 nanoseconds;

(e) Programmable ROM's having a maximum number of 16,384 bits per package, including stand alone (no external interfacing capability) PROM programmers specially designed for and limited to programming the above devices; and

(f) UV erasable programmable ROM's provided that they have a maximum number of bits per package of 16,384 bits, including stand alone (no external interfacing capability) EPROM programmers specially designed for and limited to programming the above ROM's.

8. Licenses are likely to be approved for export to satisfactory end-users of analog-to-digital converter microcircuits and digital-to-analog converter microcircuits covered by sub-entry II (c)(ii)(21) above, as follows:

(a) Analog-to-digital converter microcircuits provided that they have a linear conversion time not less than 10 microseconds and have a non-linearity characteristic of not better than 0.015 percent; and

(b) Digital-to-analog converter microcircuits provided that they have a settling time of not less than 2 microseconds and not less than 200 nanoseconds when not incorporating an output amplifier and, in addition, do not have a non-linearity of better than 0.02 percent.

XII. Entry 1565A is amended by adding a NOTE 11 reading as follows:

1565A * * *

* * * * *

Notes: * * *

Note for Country Group P Only

11. Licenses are likely to be approved for export to satisfactory end-users of digital computers provided that specifications do not exceed the following:

a. I/O bus rate, or total effective bit transfer rate, whichever is less, plus CPU bus rate=290 Mbits/sec.

b. Processing Data Rate=68 Mbits/sec.

c. Internal Memory=16.8 Mbits.

d. Total effective bit transfer rate=16 Mbits/sec.

e. Effective bit transfer rate of any peripherial memory device or data channel=5.2 Mbits/sec.

f. Number of magnetic tape units=12.

G. Total Connected Net Capacity of Peripheral Memory Devices, (excluding tape)=9,600 Mbits.

h. Memory Performance Factor (MPF) of 360,000 at an average access time of 30 millisec or greater.

i. Total number of accesses/sec.=350.

j. Effective bit transfer rate of any one remote terminal device=9,600 bits/sec.

k. Total effective bit transfer rate of all remote terminal devices=28,800 bits/sec.

l. Effective bit transfer rate of any interfaced communications channel=4,800 bits/sec.

m. Interface Equipment *total effective* bit transfer rate =115.2 Kbits/sec.

n. Interface Equipment *single channel* effective bit transfer rate =7,200 bits/sec.

XIII. Entry 1568A is amended by revising sub-entry (k)(1), numbering the existing NOTE as 1 and adding a NOTE 2 reading as follows:

1568A * * *

* * * * *

(k) Analog-to-digital and digital-to-analog converters other than digital voltmeters or counters (see CCL entry No. 1529), as follows:

(1) Electrical input type analog-to-digital converters having any of the following characteristics:

(i) a peak conversion rate in excess of 200,000 complete conversions per second;

(ii) An accuracy in excess of 1 part in more than 10,000 of full scale; or

(iii) A figure of merit of 1×10^8 or more (derived from the number of complete conversions per second divided by the accuracy);

2. * * *

3. * * *

4. * * *

* * * * *

Notes: 1. * * *

Note for Country Group P Only

2. Licenses are likely to be approved for export to satisfactory end-users of analog-to-digital converter modules having an accuracy of 1 part in 20,000 and a figure of merit of 5×10^8.

XIV. Entry 1572A is amended by adding NOTES 5 and 6 reading as follows:

1572A * * *

* * * * *

Notes: * * *

Notes for Country Group P Only

5. Licenses are likely to be approved for export to satisfactory end-users of analog (instrumentation) magnetic tape recorders covered by sub-entry (a) above having a bandwidth capability of 2 MHz, provided that they have less than 28 tracks, are equipped with a tape-derived servo speed control and have a time displacement error of not less than 1 microsecond at a tape speed of 60 inches per second.

6. Licenses are likely to be approved for export to satisfactory end-users of incremental recorders having a maximum stepping rate not exceeding 6 inches per second.

XV. Entry 1584A is amended by revising sub-entry (e), numbering the existing NOTE as 1 and adding NOTES 2 and 3 reading as follows:

1584A * * *

* * * * *

(e) Using sampling techniques for the analysis of recurring phenomena which increase the effective bandwidth of an oscilloscope or time domain reflectometer to a frequency greater than 1,000 MHz; or

* * * * *

Note: 1. * * *

Notes for Country Group P Only

2. Licenses are likely to be approved for export to satisfactory end-users of sampling oscilloscopes covered by sub-entry (e) above provided that they have an effective bandwidth of 5 GHz or less.

3. Licenses are likely to be approved for export to satisfactory end-users of time domain reflectometers.

XVI. A new entry 4590B is added (in numerical order, disregarding the first digit) reading as follows:

4590B Multispectral image processing systems or digital image display enhancement equipment which provide or accept signals of sufficient composite information that when connected to an optical display device will have all of the following capabilities:

(a) Image construction of at least 60 Raster lines (*i.e.*, 60x60 resolvable elements, 60x60 resolution cells or Pixels, or 60x60 images);

(b) Each image element is capable of being displayed in at least 16 different shades of color or gray; and

(c) The system has conversion and synchronization circuitry suitable for driving a TV monitor, storage display, graphic memory, memory refreshment, or other type of optical display devices; and

(d) Parts, components, and assemblies therefor.

Note for Country Group P Only

1. Licenses are likely to be approved for export to satisfactory end-users of multispectral image processing systems having image construction not exceeding 1024x512 Pixels, image element display in 256 shades of gray or color, and a memory refresh rate of 8 megabytes per second.

XVII. Entry 1757A is amended by numbering the existing NOTE as 1 and adding a NOTE 2 reading as follows:

1757A * * *

* * * * *

Notes: 1. * * *

Note for Country Group P Only

2. Licenses are likely to be approved for export to satisfactory end-users of monocrystalline silicon wafers or ingots of 3 inches in diameter or less when doped for commercial bipolar and MOS devices.

(Secs. 5, 6, 13 and 15, Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.*; Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10–3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41–1 (45 FR 11862, February 22, 1980) and 41–4 (45 FR 65003, October 1, 1980))

Dated: December 23, 1981.

Bohdan Denysyk,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 81–37047 Filed 12–28–81; 8:45 am]

BILLING CODE 3510–25–M

15 CFR Part 399

Transfer of Export Licensing Jurisdiction From NRC to OEA for Certain Forms and Amounts of Depleted Uranium: New Entries on the Commodity Control List

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: This rule adds two new entries to the Commodity Control List of the Export Administration Regulations. The addition of these entries reflects the transfer authorized by statute of export licensing jurisdiction for certain forms and amounts of depleted uranium from the Nuclear Regulatory Commission to the Office of Export Administration.

EFFECTIVE DATE: December 29, 1981.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377–4811).

SUPPLEMENTARY INFORMATION: The Office of Export Administration (OEA) maintains the Commodity Control List (CCL), which includes all commodities restricted for export except those specifically controlled for export by another department or agency of the U.S. Government. Section 110 of the International Security and Development Cooperation Act of 1980 (Pub. L. 96–533) granted OEA export licensing jurisdiction for certain forms and weight amounts of depleted uranium that were previously controlled by the Nuclear Regulatory Commission. The transfer of this licensing authority requires the addition of new entries to the CCL (Supplement No. 1 to § 399.1 of the Export Administration Regulations) to reflect new OEA jurisdiction over depleted uranium fabricated into counterweights or used as shielding against radiation in specific types of commodities. This transfer continues the control on these forms of depleted uranium for nuclear nonproliferation reasons. Also, with the concurrence of the Department of Defense, the control of this commodity for national security reasons is continued. Pursuant to section 4(c) of the Export Administration Act of 1979, it has been determined that, notwithstanding some degree of foreign availability, the absence of this control would prove detrimental to the national security of the United States.

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under section 13(a) of the Export Administration Act of 1979 (Pub. L. 96–72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Adminstrative Procedure Act. This rule does not impose new controls on exports, and is therefore exempt from section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. *et seq.*

4. This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

Accordingly, Part 399 of the Export Administration Regulations (15 CFR Parts 368–399) is amended as follows:

§ 399.1 [Amended]

The Commodity Control List (Supplement No. 1 to § 399.1) is amended by adding two new entries (in numerical order, disregarding the first digit) reading as follows:

Export control commodity number and commodity description	Unit	Validated license required	GLV $ value limits T&V	Processing code	Reason for control
4698B Depleted uranium (any uranium containing less than 0.711% of the isotope U-235), the following only: shipments of more than 1000 kilograms in the form of shielding contained in X-ray units, radiographic exposure or teletherapy devices, radioactive theremoelectric generators, or packaging for the transportation of radioactive materials.[1]	Lbs/kgs.	FQSTVWYZ	0	MG	1, 4[2]
4699G Depleted uranium (any uranium containing less than 0.711% of the isotope U-235) fabricated into commodities solely to take advantage of high density unrelated to radioactivity (e.g., aircraft, ship or other counterweights); and shipments of 1000 kilograms or less in the form of shielding contained in X-ray units, radiographic exposure or teletherapy devices, radioactive thermoelectric generators, or packaging for the transportation of radioactive materials.	Lbs./kgs.	SZ		MG	1, 4

[1] Depleted uranium in fabricated forms for use in munitions requires export authorization from the U.S. Department of State, Office of Munitions Control (See Supp. No. 2 to Part 370). All forms of depleted uranium not specifically described in entries 4698B and 4699G, and not controlled by the Department of State, require export authorization from the Nuclear Regulatory Commission (see 10 CFR Part 110).

[2] A validated license is not required for export of these commodities to Spain and the countries listed in Supps. No. 2 and No. 3 to Part 373.

(Sections 5, 6, 13 and 15, Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. app. section 2401 *et seq.*; Section 110, Pub. L. 96–533; Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10–3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41–1 (45 FR 11862, February 22, 1980) and 41–4 (45 65003, October 1, 1980))

Dated: December 4, 1981.

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 81–37046 Filed 12–28–81; 8:45 am]

BILLING CODE 3510–25–M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Prohibition of Guarantees Against Loss

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission ("Commission") has adopted rule 1.56 which prohibits a futures commission merchant ("FCM") from representing that it will guarantee any person for or on behalf of which it carries a commodity interest account against loss, or that it will limit the loss of such person, of not call for or try to collect margin from that person as established by the contract markets upon which the commodity interests carried for such person's account are traded. This rule also prohibits another person from representing that an FCM will do any of the above activities. Notwithstanding the prohibition of rule 1.56, an FCM may assume, and another person may represent that an FCM will assume, financial responsibility for any loss which results from an error or from the mishandling of a customer order. An FCM may also act as the general partner in a commodity pool which is a limited partnership. Rule 1.56 only applies prospectively and thus does not affect any representation made or any guarantee agreement entered into prior to its effective date if such representation or contract is otherwise lawful under the Commission's regulations. The rule does, however, apply to any extension, renewal or modification of such an existing agreement. Adoption of this rule is intended to prohibit a recently emergent practice among FCMs which, if unchecked, could undermine the effectiveness of the Commission's segregation rules and could subvert the primary purpose of margin to such firms' financial detriment.

EFFECTIVE DATE: January 28, 1982.

FOR FURTHER INFORMATION CONTACT: Suzanne W. Ryder, Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. *Background.* On February 10, 1981, the Commission published proposed rule 1.56. (46 FR 11668) In response to the proposal, the Commission received eighteen [1] comment letters: Seven from FCMs; [2] four from boards of trade; one from a trade association; two from lawyers and one from a non-profit, "public interest" law firm; one from a commodity pool operator ("CPO") which is also an investment company registered with the Securities and Exchange Commission under the Investment Company Act of 1940; one from a certified public accounting firm; and one from a commodity futures customer.[3]

[1] One of the commentators sent two separate letters, each of which has been counted in the total.

[2] One of the commentators is registered with the Commission as an FCM and as a commodity trading advisor ("CTA"). For purposes of this summary, that firm has been treated as having commented in its capacity as an FCM.

[3] In addition, the Commission received several Congressional inquiries about the proposal requesting information on behalf of constituents, all of whom were employees of one of the commentators. These inquiries were made a part of the administrative record and the views expressed in the letters were considered by the Commission

Continued

B. *Major Difference between Proposed and Final rule.* The Commission has carefully considered all of the comments received in response to the proposed rule, and as a result has determined to adopt a modified version. Although a significant number of commentators strongly supported the basic objective of the Commission's proposal, specifically the prevention of representations by an FCM that it will guarantee customers against loss, there was disagreement as to the necessity of paragraph (c) of the proposal. As proposed, this paragraph would have made each FCM responsible for ensuring that its customers deposit initial and maintenance margin within a reasonable time, and thereafter maintain margin, in an amount equal to that established by the applicable contract market for contracts made or executed thereon.[4] As such, it was designed to meet the Commission's concern that any rule prohibiting an FCM from making guarantees could be circumvented by a firm representing to its customers that it would not call for or collect margin. In response to the concerns of the commentators, the rule, as adopted, eliminates the requirement proposed in paragraph (c). As adopted the rule will only prohibit an FCM from representing that it will not call for or collect margin. The Commission wishes to make clear that this prohibition applies equally to non-member as well as member FCMs. In addition, this provision should not be read to prevent the collection of margin in excess of that established by the applicable board of trade. The Commission intends that the prohibition on representations contained in the final rule apply equally to oral and written representations made in connection with soliciting funds or accounts and to contractual representations made in an oral or written agreement.

II. Analysis of the Comments

As explained more fully in its proposal, the Commission believes that the use of limited-risk and guarantee-against-loss agreements has often been associated with patterns of allegedly unlawful conduct by FCMs or other registrants or with the financial instability of such persons.[5]

Several commentators concurred in the Commission's analysis of the risks posed by these types of agreements. Of these commentators, many indicated that they considered the giving of guarantees to be an irresponsible and unsound business practice. These commentators pointed out that an FCM which agrees to absorb customer deficits is placed in constant jeopardy of becoming undercapitalized and of being forced into bankruptcy as a result unless it is extremely well capitalized, and further, that the FCMs likely to offer such contracts are generally the less well-capitalized firms. In fact, in two of the recent FCM insolvencies monitored by the Commission, the use of guarantees was apparently a significant contributing factor.[6]

Commentators also agreed with the Commission's view that the practice of assuming customer losses increases the risk that customer segregated funds will be misused. One commentator even suggested that guarantees and other such practices are inherently deceptive because an FCM which offers the same would never intentionally allow the loss limitations to operate but would either impose much higher commission charges or would seek to liquidate guaranteed accounts while there was equity in them.

Opposition to the prohibition on limited-risk agreements and guarantees-against-loss came essentially from two parties [7] which offered the following reasons for their position: (1) Existing regulations provided sufficient protection for customer funds; (2) alternatives short of a ban would accomplish the same result; (3) such a prohibition placed the Commission in the position of appearing to favor indeterminate loss for customers; and (4) the proposal was anti-competitive.

The Commission finds that weighed against the wide-spread support for the proposed ban on limited-risk agreements, the arguments asserted by these few commentators are not compelling for the following reasons. First, as the Commission noted in its proposal,[8] the practice which rule 1.56 prohibits may not in all cases constitute a violation of the antifraud provision of the Commodity Exchange Act ("Act") [9] or the Commission's segregation regulations.[10] Opponents to the rule have argued that if a particular activity arising out of the use of limited-risk agreements was fraudulent or if the segregation rules were actually violated, the Commission could, at that point, address the problem by an appropriate enforcement proceeding. However, the Commission believes that to intervene at that point would be too late. Indeed, a primary purpose of this rule is early intervention—to provide the Commission a basis for interceding before irreparable loss is incurred or customer funds are impaired. The Commission believes that this prophylactic approach is appropriate in view of the likelihood of harm resulting from the practices the rule prohibits.

Second, the Commission does not believe that, as some commentators have suggested, the imposition of higher capital and/or segregation requirements for those FCMs which have entered into limited-risk agreements with customers is a viable alternative. It would be extremely difficult to quantify the amount of risk to which an FCM would be exposed with respect to each particular trade, and further, the number of limited-risk agreements carried by an FCM would fluctuate constantly. In some cases, the risk could even exceed the full face value of the commodity contracts covered by such a guarantee.

Third, although the Commission clearly does not favor customer loss, the Commission believes that the risks of the marketplace should not be obscured to the potential detriment of customers.[11] Even if an FCM agrees to

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but are not included in the total. Similar treatment was accorded a letter received by the Division of Trading and Markets concerning an unrelated matter, but which discussed problems in a recent bankruptcy caused by the use of limited-risk agreements.

[4] Proposed paragraph (c) read:

Each futures commission merchant must require that each customer for which it carries an account containing any commodity interest which is traded or executed on a contract market be obligated for and deposit within a reasonable time, and thereafter be obligated for and maintain, money, securities or property to margin, guarantee or secure such commodity interest in an amount or value not less than the applicable initial and maintenance margin requirement of such contract market.

46 FR at 11672.

[5] *Id.* at 11669.

[6] Incomco, Inc. filed a voluntary petition in bankruptcy on August 1, 1980 and had marketed commodities using a "managed accounts program" in which customer liability was limited. Approximately 20% of Incomco's accounts were of this kind, and approximately 70% of these accounts were in deficit as of August 1, 1980 based on a Commission interim audit of Incomco. On November 4, 1980, another commodity broker, Chicago Discount Commodity Brokers ("CDCB"), filed a voluntary petition in bankruptcy. According to a March 11, 1981 communication from the trustee in bankruptcy, there was evidence of CDCB guarantees of account debit balances which the trustee believed to be one of several factors contributing to that firm's failure.

[7] One of these commentators is a firm which currently offers a form of limited-liability trading. This firm, itself, sent two letters; several of its employees also sent letters; an attorney on retainer to this firm sent a separate comment; and, in addition, a company which recently took over some of the offices and clients of the firm commented on the proposal.

[8] 46 FR at 11669–70.

[9] Section 4b of the Act, 7 U.S.C. 6b (1976).

[10] Commission regulations 1.20–1.30, 46 FR 54500, 54518–20 (Nov. 2, 1981), and Commission regulation 32.6, 17 CFR 32.6 (1981).

[11] In addition, rule 1.56 will not affect currently available commodity investments which limit the risk to which a customer is exposed but which do

Continued

limit its customer's losses, it is the Commission's view that such losses may ultimately be borne by such customers, or by other customers adversely affected by the uncollectibility of deficits in an ensuing bankruptcy proceeding.[12]

Fourth, although the practice of guaranteeing customer accounts may in some cases force an FCM to act more conservatively than it would otherwise by collecting higher margin, this is accomplished only by relinquishing the financial cushion of variation and maintenance margin. When the customer will lose money if his position is not liquidated, out of self-interest he will be inclined to exercise prudence in his trading decisions. If, however, a customer is permitted to shift the risk of his losses onto the FCM, not only is the firm exposed to losses it may not have adequately protected against, but other customers whose accounts may not be so guaranteed are subjected to an extra risk of loss of which they are probably not aware.[13]

Finally, in response to the suggestion that the rule would disproportionately affect smaller more innovative firms, the Commission notes that although it must of course consider the effect on competition of any rule it adopts and must endeavor to take the least anti-competitive approach, Section 15 of the Act does not require the Commission to in fact take the least anti-competitive approach.[14] The Commission must also strive to carry out the objectives of the Act as well as its underlying policies and purposes.[15] One of the fundamental concepts contained in the Act is the protection accorded customer funds by the application of the principle of segregation of customer funds.[16] Equally basic to the overall statutory scheme is that FCMs must at all times be in compliance with the financial requirements prescribed by the Commission.[17] Thus, when a particular practice could significantly impair either of these two elements of the overall regulatory program, the Commission has determined that it may proscribe such practice even if there are incidental anti-competitive effects. In addition, the newer, smaller firms which may feel competitively disadvantaged by the Commission's action generally have smaller reserves of capital than the larger, more established FCMs and therefore are precisely those firms which are least able to absorb the losses arising from any guarantee provided their customers.

The Commission also received one very specialized comment which it wishes specifically to address. That comment, made by a firm which is registered with the Commission as a CPO and is also registered with the Securities and Exchange Commission ("SEC") as an investment company, was that compliance by it with the Commission's prohibition would be a violation of Section 18 of the Investment Company Act of 1940 ("1940 Act").[18] The Commission disagrees with this analysis for several reasons. First, as proposed and as adopted, the rule exempts existing guarantee agreements from the ban and therefore the company's current non-recourse agreement with an FCM would not be affected. Furthermore, the Commission does not understand section 18 of the 1940 Act to require an investment company to enter into a non-recourse agreement with the FCM through which it purchases commodity futures contracts although such an agreement may be one way to satisfy the requirements of that section.[19] Moreover, rule 1.56 concerns activities over which the Commission has exclusive jurisdiction.

III. Scope of Final Rule

As proposed and as adopted, regulation 1.56 would prohibit an FCM from representing that it will guarantee any person against loss with respect to any commodity interest, including without limitation commodity interests which are futures, commodity options, and leverage contracts.[20] Also as proposed, the prohibition extends to commodity interests held by an FCM for or on behalf of any person and, as such, would apply to proprietary as well as customer accounts.[21] The **Federal Register** release accompanying the proposed rule indicated that it was not intended to prevent and FCM from participating as a general partner in a commodity pool which is a limited partnership.[22] The Commission agrees with the suggestion of some commentators that this exception should be contained in the rule itself, and therefore, a statement to that effect has been added to the final rule.[23]

The Commission wishes to confirm the point made by one commentator that the rule only applies to the legal or equitable owner of an account for losses in that account, and does not apply to guarantees given to third parties which do not relieve the owner of the account of any liability to the FCM. Further, as noted in the proposal, rule 1.56 is not intended to affect Commission rule 1.30 which, subject to certain conditions and procedures, permits an FCM to make loans to commodity customers secured by securities or property pledged by such customers.[24]

IV. Certification Under Regulatory Flexibility Act

In the proposal, the Chairman certified, pursuant to the Regulatory Flexibility Act, that if rule 1.56 were promulgated as proposed, it would not have a significant economic impact on a substantial number of small entities. However, the Commission specifically invited comment from any small firms which thought they would be significantly affected.[25]

One commentator responded that, consistent with the Senate Report accompanying the bill later enacted into

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not expose the firm offering such investments to undue risks. For example, certain types of commodity pool investments are limited-risk investments. Moreover, the Commission's recently approved pilot program permitting exchange-traded options on futures also permits a limitation on the customer's exposure to loss. *See* 46 FR 54500 (Nov. 3, 1981).

[12] In a futures commission merchant bankruptcy, customer funds are distributed pro rata, and hence any shortfall is borne pro rata. 11 U.S.C. 766(h) (Supp. III 1979). *See also* 46 FR at 11669 for a discussion of the effect of such agreements on the general creditors of a debtor FCM.

[13] For example, in the recent bankruptcy of an FCM, the Commission learned that the customers of one CTA which managed accounts for some of the FCM's customers were not given guarantees while the customers of another CTA were. The deficits incurred by the customers with guarantees were illegally paid out of funds segregated for all customers. However, these payments were concealed in the statements sent to the CTA whose customers did not receive guarantees. Thus, the customers without guarantees unknowingly bore the losses of those customers given guarantees, and as there is a shortfall in the segregated funds, the customers without guarantees will not be reimbursed.

[14] 7 U.S.C. 19 (1976).

[15] *See, e.g., id.* and Section 8a(5) of the Act, 7 U.S.C. 12a(5) (1976).

[16] Section 4d(2), 7 U.S.C. 6d(2) (Supp. III 1979).

[17] Section 4f(2), 7 U.S.C. 6f(2) (1976).

[18] 15 U.S.C. 80a–18 (1976).

Although the Commission is aware of other pools which are so registered, this same objection was not raised by any other commentator.

[19] An interpretative release issued by the SEC in connection with Section 18 of the 1940 Act provides that non-compliance with Section 18 will not be charged if companies registered under the 1940 Act adopt certain practices, none of which involve the use of non-recourse agreements. SEC Interpretative Release, "General Statement of Policy Regarding Securities Trading Practices of Registered Investment Companies," Release No. IC–10066, 44 FR 25128 (April 18, 1979), [1980] 5 Fed. Sec. L. Rep. [CCH] ¶[illegible].

[20] *See* 1.56(a).

[21] These terms are defined in sections 1.3(y) and 1.3(k) of the Commission's regulations, respectively. 17 CFR 1.3(y) (1981), *as amended by* 46 FR 54500, 54515 (Nov. 3, 1981), and 17 CFR 1.3(k) (1981).

[22] 46 FR at 11671.

[23] *See* 1.56(d)(2).

[24] 46 FR at 11668.

[25] *Id.* at 11671.

law as the Regulatory Flexibility Act, an analysis of the extent of economic impact should include a study of the dispersion of that impact with respect to investors' access to the markets as well as of the rule's impact on businesses. The Commission disagrees with this view because, although the Senate Report does contain references to the impact of regulations upon individuals, as enacted, the Regulatory Flexibility Act speaks in terms of small entities, small businesses, small organizations and small governmental jurisdictions and does not include non-entreprencurial individuals.[26]

As noted above, a few commentators stated that the proposed regulation would have a detrimental effect on smaller FCMs because they are more likely to offer limited-risk trading as a means of competing with the larger, more established firms. The Commission believes that any competitive disadvantage to a small FCM is *de minimus* compared to the damage to small FCMs and their customers that the Commission has observed as a result of the practices the Commission is now prohibiting. In addition, the Commission believes that there is no satisfactory alternative to the rule which would as effectively accomplish the objectives and policies of the Act. Finally, the comments received by the Commission do not indicate that the Commission was incorrect in its estimate that a relatively small number of firms engage in such practices.[27]

For all of the above reasons, pursuant to Section 3(a) of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1168 (5 U.S.C. 605(b)), the Chairman, on behalf of the Commission, certifies that this rule will not have a significant economic impact on a substantial number of small entities.

In consideration of the foregoing and pursuant to the authority contained in the Commodity Exchange Act, and in particular, Sections 4b, 4d, 4f, and 8a of the Act, as amended, 7 U.S.C. 6b, 6d, 6f and 12a (1976 & Supp. III 1979), the Commission hereby revises Chapter I of Title 17 of the Code of Federal Regulations by adding § 1.56. In adopting this rule, the Commission has taken into consideration the public interest to be protected by the antitrust laws and has endeavored to take the least anti-competitive means of achieving the regulatory objectives of the Commodity Exchange Act.

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Chapter I of 17 CFR is revised by adding a new § 1.56 to read as follows:

§ 1.56 Prohibition of guarantees against loss.

(a) For purposes of this section "commodity interest" means

(1) Any contract for the purchase or sale of a commodity for future delivery; and

(2) Any contract, agreement or transaction subject to Commission regulation under sections 4c or 19 of the Act.

(b) No futures commission merchant may in any way represent that it will, with respect to any commodity interest in any account carried by the futures commission merchant for or on behalf of any person:

(1) Guarantee such person against loss;

(2) Limit the loss of such person; or

(3) Not call for or attempt to collect initial and maintenance margin as established by the rules of the applicable board of trade.

(c) No person may in any way represent that a futures commission merchant will engage in any of the acts or practices described in paragraphs (b) (1), (2) or (3) of this section.

(d) This section shall not be construed to prevent a futures commission merchant from:

(1) Assuming or sharing in the losses resulting from an error or mishandling of an order; or

(2) Participating as a general partner in a commodity pool which is a limited partnership.

(e) This section shall not affect any guarantee entered into prior to [the effective date of this section], but this section shall apply to any extension, modification or renewal thereof entered into after such date.

Issued in Washington, D.C. on December 22, 1981 by the Commission.

Jane K. Stuckey,
Secretary of the Commission.

[FR Doc. 81-36869 Filed 12-28-81; 8:45 am]
BILLING CODE 6351-01-M

[26] *Compare* S. Rep. No. 96-878, 96th Cong., 2d Sess. 14 (1980) *with* Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.* (1980).

[27] It should be noted that the prohibition of rule 1.56 pertains primarily to FCMs and that in a Federal Register release published subsequent to its rule 1.56 proposal, the Commission proposed to exclude registered FCMs from the definition of the term "small business" for purposes of applicability of the Regulatory Flexibility Act to Commission rulemaking. 46 FR 23940, 23941 (April 29, 1981).

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. V and VI

29 CFR Chs. V, XVII, and XXV

41 CFR Ch. 60

Display of Office of Management and Budget Control Numbers for Recordkeeping Requirements

AGENCY: Office of the Secretary, Labor.

ACTION: Technical amendments.

SUMMARY: This document amends the Department of Labor regulations to include OMB control numbers at the places in the regulations where current information collection requirements are described. It also removes obsolete references to previous GAO and OMB approvals of information collection requirements.

EFFECTIVE DATE: December 29, 1981.

FOR FURTHER INFORMATION CONTACT: Paul Larson, Director, Office of Management Reports and Analysis, Directorate of Management Policy and Systems, Room S-5526, Frances Perkins Building, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210, Telephone 202-523-6331.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The information collection requirements contained in the regulatory sections listed below have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and assigned the control numbers contained in the listing.

Guide to Agency Abbreviation Code

BLS—Bureau of Labor Statistics
ESA—Employment Standards Administration
ETA—Employment and Training Administration
LMSA—Labor-Management Services Administration
MSHA—Mine Safety and Health Administration
OSHA—Occupational Safety and Health Administration

Text of Amendments

Following the text of each paragraph cited in the second column of the table, add parenthetically the corresponding OMB number listed in the third column:

Agency	Regulatory citation	OMB No.
BLS	29 CFR 1904.2	1220-0029
	29 CFR 1904.4	1220-0029
	29 CFR 1904.5	1220-0041
ESA	29 CFR 516 Subpart A and B	1215-0017
	29 CFR 702.111	1215-0117
	29 CFR 575.3	1215-0128
	41 CFR 60-1.7(a)(3), 60-1.40, 60-140, 60-250.52, 60-741.52, 60-250.53, 60-741.53, 60-4.3, 60-250.5, 60-741.5, 60-250.26, and 60-741.26.	1215-0072
ETA	20 CFR 653.103, 653.108, 653.107, 653.108, 653.109, 653.111, 653.112, 653.501, 653.503.	1205-0039
	20 CFR 658.410 and 658.413	1205-0039
LMSA	29 CFR 2520.101 and 2520.104	1210-0016
OSHA	29 CFR 1910.95	1218-0048
	29 CFR 1910.96(n)	1218-0010

Signed at Washington, D.C., this 23rd day of December 1981.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 81-37105 Filed 12-28-81; 8:45 am]

BILLING CODE 4510-23-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 610

[Docket No. 79N-0408]

General Biological Products Standards; Pyrogen Test Requirements

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the biologics regulations to conform with the requirements of the latest revision of the Pyrogen Test appearing in the United States Pharmacopeia (U.S.P.) XX which became official on July 1, 1980. There is no substantive change in the requirements or procedures of this test. The agency is also amending the regulations to clarify that the requirement for testing each lot of a product for pyrogenic substances means testing of the product when packaged in final containers and not as bulk material; and to permit the use of a different test for pyrogenic substances equal or superior to the U.S.P. test provided that such test has been approved for use by the Director, Bureau of Biologics.

EFFECTIVE DATE: January 28, 1982.

FOR FURTHER INFORMATION CONTACT: Richard E. Fisher, Bureau of Biologics (HFB-620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: In the Federal Register of November 14, 1980 (45 FR 75229), FDA proposed to amend the biologics regulations in § 610.13(b)(2) (21 CFR 610.13(b)(2)) to refer the requirements of the Pyrogen Test of the current edition of the U.S.P. The agency also proposed to amend § 610.13(b) to clarify that the requirement for testing each lot of a product for pyrogenic substances means testing of the product when packaged in final containers and not as bulk material; and § 610.13(c) to permit the use of a different test for pyrogenic substances equal or superior to the U.S.P. test, provided that the test has been approved for use by the Director, Bureau of Biologics.

The proposed rule stated that, in order to simplify and shorten the regulation and to expedite FDA's regulation development process, the agency has determined that it is appropriate to incorporate these revised procedures by reference rather than to reprint them.

Interested persons were given until January 13, 1981 to submit written comments regarding the proposal. The one comment that was received supported the proposed change. The comment stated that this action "is a positive step which (the comment) supports". The comment suggested, however, that under proposed § 610.13(c), if a different test is used, the rabbit test appearing in U.S.P. XX should serve as the referee test for pyrogenicity.

FDA advises that because the rabbit test is the only test for pyrogenic substances appearing in U.S.P. XX, it is therefore the official test for pyrogenic substances and would automatically serve as the referee test for pyrogenicity when a different test for pyrogenicity is used in accordance with § 610.13(c).

Accordingly, FDA is adopting the proposed rule as originally published.

The economic impact of this rule has been assessed in accordance with Executive Order 12291. This rule in not a "major rule" as defined by that Order. Specifically, this rule, to incorporate the requirements of the pyrogen test as specified in U.S.P. XX, will not have a significant impact on the economy or the availability of biological products, nor cause a major increase in costs for manufacturers, physicians, or consumers. The assessment that led to the determination that this is not a "major rule" is available from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857 from 9 a.m. to 4 p.m., Monday through Friday.

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 610 is amended in § 610.13 by revising the introductory text of paragraph (b), and by revising paragraphs (b)(2) and (c) to read as follows:

§ 610.13 Purity.

* * * * *

(b) *Test for pyrogenic substances.* Each lot of final containers of any product intended for use by injection shall be tested for pyrogenic substances by intravenous injection into rabbits as provided in paragraph (b) (1) and (2) of this section: *Provided,* That notwithstanding any other provision of Subchapter F of this chapter, the test for pyrogenic substances is not required for the following products: Products containing formed blood elements; Cryoprecipitated Antihemophilic Factor (Human); Single Donor Plasma (Human); Source Plasma (Human); Normal Horse Serum; bacterial, viral, and rickettsial vaccines and antigens; toxoids; toxins; allergenic extracts; venoms; diagnostic substances and trivalent organic arsenicals.

* * * * *

(2) *Test procedure, results, and interpretation; standards to be met.* The test for pyrogenic substances shall be performed according to the requirements specified in United States Pharmacopeia XX.

(c) *Different tests equal or superior.* A different test for residual moisture or pyrogenic substances may be performed provided that prior to its performance the manufacturer submits data which the Director, Bureau of Biologics finds adequate to establish that the different test is equal or superior to the test described in paragraph (a) or (b) of this section and makes the finding a matter of official record.

Effective date. This regulation becomes effective on January 28, 1982.

(Sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262))

Dated: December 2, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-36804 Filed 12-28-81; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD Regulation 6010.8–R]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Postmastectomy Reconstructive Breast Surgery; Correction

AGENCY: Department of Defense.

ACTION: Correction of Amendment of Final Rule.

SUMMARY: This corrects Amendment No. 9 to DoD Regulation 6010.8–R (32 CFR 199) which implements the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS). This correction deletes the unintentional requirement for preauthorization prior to postmastectomy reconstructive breast surgery and corrects a typographical error. The correction will reduce the administrative requirements for beneficiaries desiring postmastectomy reconstructive breast surgery by eliminating the need for preauthorization from the Office of CHAMPUS and will identify the subparagraph that was erroneously changed.

EFFECTIVE DATE: This correction is retroactively effective to services rendered on or after October 1, 1980.

FOR FURTHER INFORMATION CONTACT: Charles M. Gallegos, Chief, Policy Branch, OCHAMPUS, telephone (303) 361–8808.

SUPPLEMENTARY INFORMATION: In FR Doc. 77–7834, appearing in the **Federal Register** on April 4, 1977 (42 FR 17972), the Office of the Secretary of Defense published its regulation, DoD 6010.8–R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)," as Part 199 of this title.

Amendment No. 9, published in the **Federal Register** on November 10, 1981 (46 FR 55515), authorized benefits for postmastectomy reconstructive breast surgery when the mastectomy was performed as a result of carcinoma, fibrocystic disease, other nonmalignant tumors, or traumatic injuries. However, the placement of this benefit in the CHAMPUS Regulation unintentionally subjected it to the same preauthorization requirement as all other reconstructive, cosmetic, and plastic surgery.

The intent was not to require preauthorization for the post-mastectomy reconstruction procedure included as a benefit in Amendment No. 9. However, language to make an exception to this requirement for this procedure was erroneously omitted when the amendment was submitted for publication in the **Federal Register.**

As a result, this correction will revise the language to specify that preauthorization is not required for post-mastectomy reconstructive breast surgery as outlined in Amendment No. 9.

Additionally, when the amendment was submitted there was a typographical error which identified an incorrect paragraph for change. The existing paragraph (e)(8)(ii)(*c*) in Section 199.10 was deleted in error and a new subparagraph was added. While the language of the subparagraph was correct, it should have been identified as paragraph (e)(8)(ii)(*d*).

PART 199—IMPLEMENTATION OF THE CIVILIAN AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES

Accordingly, 32 CFR, Chapter I is corrected reading as follows:

Section 199.10 is corrected as follows:

a. By correcting the designation in paragraph (e)(8)(ii)(*c*) as submitted incorrectly in Amendment No. 9 to paragraph (e)(8)(ii)(*d*). As corrected, paragraphs (e)(8)(ii) (*c*) and (*d*) read as set forth below.

b. By removing the existing paragraph (e)(8)(iv) and adding a new paragraph (e)(8)(iv).

§ 199.10 Basic program benefits.

* * * * *

(e) * * *

(8) * * *

(ii) * * *

(*c*) Procedures performed for elective correction of minor dermatological blemishes and marks or minor anatomical anomalies are also excluded.

(*d*) In addition to whether or not they would otherwise qualify for benefits under paragraph (e)(8)(i) of this section, the breast augmentation mammoplasty (except as specifically authorized in (e)(8)(i)(d) of this section), surgical insertion of prosthetic testicles and the penile implant procedure are specifically excluded.

(*e*) * * *

(8) * * *.

(iv) *Preauthorization required.* In order for CHAMPUS benefits to be extended for cosmetic, reconstructive and plastic surgery procedures which might qualify under paragraph (e)(8) of this section, preauthorization is required from the Director, OCHAMPUS (or a designee), except for reconstructive breast surgery following a medically necessary mastectomy performed for the treatment of carcinoma, fibrocystic disease, nonmalignant tumors, or traumatic injuries.

* * * * *

(10 U.S.C. 1086, 5 U.S.C. 301)

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

December 21, 1981.

[FR Doc. 81–36861 Filed 12–28–81; 8:45 am]

BILLING CODE 3810–01–M

POSTAL SERVICE

39 CFR Part 958

Amendment of Rules of Practice in Proceedings Relative to the Refusal To Rent or Renew Post Office Boxes (or Extend Caller Service) and the Closing of Post Office Boxes (or Termination of Caller Service)

AGENCY: Postal Service (Judicial Officer).

ACTION: Final rule.

SUMMARY: The Postal Service recently adopted amended procedures, to be effective January 17, 1982, for determining whether post office box or caller service should be refused or terminated. These new procedures, which are in 951 and 952 of the Domestic Mail Manual, were designed to simplify and expedite the entire determinative process by increasing the authority of local postmasters, requiring notice to every unsuccessful applicant for service, providing alternative methods for notifying customers of adverse determinations and for filing petitions for review, and establishing practical time limits for required action.

The adoption of these new procedures requires conforming revision of the Rules of Practice governing review by the Judicial Officer Department. Moreover, the new procedures' potential for increasing the number of cases to be reviewed may require expanded use of summary judgment, upon the motion of either party or the presiding officer's own initiative, to dispose of cases lacking genuine or material issues of fact. Consequently, it appears appropriate to describe this summary method of disposition in the Rules of Practice to enhance petitioners' awareness of it.

EFFECTIVE DATE: January 17, 1982.

FOR FURTHER INFORMATION CONTACT: John F. Ventresco, (202) 245–4385.

SUPPLEMENTARY INFORMATION: Acting in accordance with the authority delegated to him by 39 CFR 224.1(c)(4)(ii)(D), the Judicial Officer of the Postal Service

adopts amendments of 39 CFR Part 958 as outlined above in the Summary. The effective date is delayed to coincide with the effective date of the amendments to the Domestic Mail Manual, which were published in the Federal Register at 46 FR 61460.

Accordingly, 39 CFR is amended as follows:

1. The heading of Part 958 is revised to read as follows:

PART 958—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO THE REFUSAL TO PROVIDE POST OFFICE BOX OR CALLER SERVICE AND THE TERMINATION OF POST OFFICE BOX OR CALLER SERVICE

2. Section 958.2 is revised to read as follows:

§ 958.2 Scope of rules.

The rules in this part shall be applicable to cases in which a postmaster has issued a Determination denying an application for post office box or caller service, or terminating the box or caller service being provided to a customer, and in which a Petition in opposition to that Determination has been filed.

3. Section 958.3 is revised to read as follows:

§ 958.3 Petition; notice of hearing; answer; summary judgment.

(a) *Petition.* Any applicant or customer who receives a postmaster's Determination may oppose it by filing, in triplicate, a written Petition stating his reasons for opposing the Determination. The Petition, signed by the Petitioner or his attorney, shall be filed by sending the Petition via certified mail to the postmaster who issued the Determination, or by otherwise delivering it to the postmaster's office. The Petition must be filed within twenty days (Sundays and holidays included) after the date on which the Petitioner received the Determination. The postmaster shall immediately forward two copies of the Petition to the Recorder, Judicial Officer Department, U.S. Postal Service, Washington, D.C. 20260–6100.

(b) *Notice of hearing.* On receipt of the Petition, the Recorder shall schedule a hearing on a date not later than 30 days after the date of receipt. A Notice of Hearing shall be sent to the Petitioner. A copy of the Notice of Hearing and the Petition shall be sent to the General Counsel of the U.S. Postal Service.

(c) *Answer.* The General Counsel of the Postal Service shall file an Answer to the Petition within fifteen days after the date the General Counsel received a copy of the Petition from the Recorder.

(d) *Summary judgment.* Upon motion of either the General Counsel or the Petitioner, or on his or her own initiative, the presiding officer may find that the Petition and Answer present no genuine or material issues of fact requiring an evidentiary hearing and may thereupon render an initial decision granting or dismissing the Petition. The initial decision shall become the final agency decision if a timely appeal is not taken.

(39 U.S.C. 204, 401(2))

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 81-36870 Filed 12-28-81; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL-1990-4]

Approval and Promulgation of Implementation Plans; Approval of Revision of the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The State of Maryland has submitted for EPA approval a revision of the Maryland State Implementation Plan. The revision consists of a Secretarial Order for the Reading-Whitehall Paperboard Company, Baltimore County, Maryland. The Order allows the company to burn 2.0 percent sulfur residual fuel oil at its Whitehall facility contrary to requirements of the Maryland Code (COMAR 10.18.09.07A(2)(c)) for a period of two years beginning September 22, 1981, and grants the company a permit to construct a more fuel efficient steam boiler of larger capacity. EPA is considering only the change to 2.0 percent sulfur fuel oil.

EFFECTIVE DATE: This action will be effective on March 1, 1982, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the revision and the accompanying documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Curtis Building, 10th Floor, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, ATTN: Patricia Sheridan

State of Maryland, Air Management Administration, Department of Health and Mental Hygiene, 201 West Preston Street, Baltimore, Maryland 21201, ATTN: Mr. George Ferreri

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street SW (Waterside Mall), Washington, D.C. 20460

Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20405

All comments should be addressed to: Henry J. Sokolowski, P.E. (3AH12), Chief, MD–DE–DC Metro Section, U.S. Environmental Protection Agency, 6th & Walnut Streets, Philadelphia, PA 19106, ATTN: AH032MD.

FOR FURTHER INFORMATION CONTACT: Edward A. Vollberg (3AH12), U.S. Environmental Protection Agency, 6th & Walnut Streets, Philadelphia, PA 19106, Telephone (215) 597–8990.

SUPPLEMENTARY INFORMATION: On September 21, 1981, the Director of the Air Management Administration for the State of Maryland submitted to EPA, Region III, a proposed revision of the Maryland State Implementation Plan. The proposed revision consists of a Secretarial Order for the Reading-Whitehall Paperboard Company, Baltimore County, Maryland.

The Secretarial Order allows the company to burn 2.0 percent sulfur residual fuel oil at its Whitehall facility for a period of two years beginning September 22, 1981. COMAR 10.18.09.07A(2)(c) limits the sulfur content of residual fuel oil burned to 1.0 percent by weight. The Order also grants the company a permit to construct a 45.7 million British Thermal Units (BTU) per hour residual oil fired steam boiler to replace the existing 33 million BTU/hour boiler. EPA is considering only the use of 2.0 percent sulfur fuel oil. The State of Maryland's permitting regulations are already part of the approved SIP, therefore, EPA need not act upon individual permits.

EPA has reviewed the Secretarial Order and supporting documentation submitted by the State of Maryland. The impacts predicted by the air quality demonstration do not violate the PSD increments or the National Ambient Air Quality Standards. The modeling analysis is consistent with EPA's guidelines and therefore satisfactorily supports the provisions of the exception.

The public is advised that this action will be effective March 1, 1982. However, if notice is received within 30

days that someone wishes to submit adverse or critical comments, this action will be withdrawn and subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under sections 107 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 46 FR 8709 (January 27, 1981). This action constitutes a SIP approval under sections 107 and 172 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

Under section 307(b)(1) of the Clean Air Act, judicial review of these actions is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of publication of this notice.

(42 U.S.C. 7401–642)

Dated: December 8, 1981.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Maryland was approved by the Director of the Federal Register on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Title 40, Code of Federal Regulations is revised as follows:

Subpart V—Maryland

Section 52.1070 is amended by adding a new paragraph (c)(55) to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(55) A revision submitted by the State of Maryland on August 7, 1981 consisting of an exception to COMAR 10.18.09.07A(2)(c) for the Reading-Whitehall Paperboard Company.

[FR Doc. 81-36854 Filed 12-28-81; 8:45 am]

BILLING CODE 6560-26-M

40 CFR Part 52

[A-5-FRL 1997-8]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: On April 30, 1981, Ohio submitted as a revision to its State Implementation Plan (SIP), an alternative emission control program "bubble" for total suspended particulate (TSP) emissions from the Owens-Corning Fiberglas Corporation plant in Newark, Ohio. EPA is approving these alternative emissions limits. This action will be effective on March 1, 1982 unless notice is received within 30 days that someone wishes to submit comments on it.

EFFECTIVE DATE: This final rulemaking is effective as of March 1, 1982.

ADDRESSES: Copies of this revision to the Ohio SIP are available for inspection at: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C.

Copies of the State's SIP revision request is available for inspection at the following addresses: (It is recommended that you telephone Robert B. Miller at (312) 886-6031 before visiting the Region V Office).

Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460

Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, Columbus, Ohio 43216

FOR FURTHER INFORMATION CONTACT: Robert B. Miller, Air Programs Branch, Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 886-6031.

SUPPLEMENTARY INFORMATION: On April 30, 1981, Ohio submitted as a revision to its SIP revised emission limits for the Owens Corning Fiberglas Corporation plant in Newark, Ohio. Newark is an attainment area for TSP.

The revised limits are as follows:

Process	Pounds of TSP/hour	
	Previous limits	New limits
Aerocor Furnaces 11, 14, 15 and 16 (for all 4 combined)	18.78	8.0
Aerocor Forming 11	9.11	15.0
Aerocor Forming 14	4.89	9.5
Aerocor Forming 15	4.89	9.5
Aerocor Forming 16	4.91	9.5
Aerocor Forming A-3	4.89	9.5
Glass Fiber Forming B-4	18.58	16.6
Fibrous Glass Forming C-4	21.72	15.4
Glass Fiber Forming D-5	16.17	12.9
Glass Fiber Forming D-6	17.96	13.0
Fibrous Glass Forming F-5	23.49	17.0
Fibrous Glass Forming F-6	23.49	15.8
Totals	164.66	147.7

The compliance schedule with these emission limits requires that physical changes in the Aerocor Furnaces be completed by April 30, 1981 and the furnaces be in final compliance with the revised emission limits by May 31, 1981. All of the sources are in compliance except the D-6 Forming line, which has experienced unexpected difficulties. It is anticipated that the D-6 Forming line will be in compliance by December 31, 1981.

Total emissions under the revised emission limits will be 89% of those allowed under the present EPA approved SIP. A dispersion modeling analysis was performed which shows that the TSP National Ambient Air Quality Standards (NAAQS) are protected under the revised emission limits.

Therefore, EPA is approving as a revision to Ohio's SIP the revised emission limits for the Owens-Corning Newark plant because these changes will not interfere with the maintenance of the NAAQS. The Newark area has already attained the standards.

In order to expedite Federal rulemaking, EPA is approving today's action without prior proposal. The public is advised that this action will be effective March 1, 1982. However, if notice is received by EPA within 30 days that someone wishes to submit comments on today's action, the action will be withdrawn and a subsequent notice will be published before the effective date. The notice will withdraw the final action and begin a new rulemaking by announcing a proposal of the action and a comment period.

Pursuant to the provisions of 5 U.S.C. section 605(b), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities, because it only approves emission limits for a single source. Furthermore, this action only approves a State action. It will impose no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the

requirement of a Regulatory Impact Analysis. Today's action is not Major because it only approves a State action and does not impose any additional requirements in and of itself.

If no comments are received on today's action and it, therefore, becomes final, judicial review of this action under Section 307(b)(1) of the Clean Air Act is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days from today. If comments are received on today's action, as discussed earlier, EPA will withdraw its final approval and propose today's action for public comment. Under these circumstances, a petition for review must then be filed within 60 days from the date of EPA's ultimate final rulemaking. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Note.—Incorporation by reference of the State Implementation Plan for the State of Ohio was approved by the Director of the Federal Register on July 1, 1981.

(Sec. 110 of the Clean air Act, as amended)

Dated: December 21, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40 of the Code of Federal Regulations, Chapter I, Part 52 is amended as follows:

1. Section 52.1870 is amended by reserving paragraphs (c)(35) and (c)(36) and adding paragraph (c)(37) as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

(35) Reserved

(36) Reserved

(37) On April 30, 1981 Ohio submitted revised TSP emission limits for the Owens-Corning Fiberglas plant in Newark, Ohio.

* * * * *

[FR Doc. 81-37088 Filed 12-28-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-3-FRL-2003-4]

Approval of a Revision of the Pennsylvania State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On May 18, 1981, the Commonwealth of Pennsylvania submitted a proposed revision to its State Implementation Plan (SIP) which provides for attainment of the Total Suspended Particulate (TSP) National Ambient Air Quality Standards (NAAQS) in the area around Neville Island (the North Boroughs area) in Allegheny County, and establishes an alternative emission reduction plan (bubble) at the Shenango, Inc., Coke and Iron Works (Shenango) facility on Neville Island. The revision was developed in accordance with EPA's Bubble Policy as published in the **Federal Register** on December 11, 1979 (44 FR 71788) and other applicable SIP requirements. The plan allows the trade-off of cast-house fugitive particulate emissions for particulate emissions from roads and parking areas within the plant boundaries. Control of emissions from roads and parking areas will result in a net air quality benefit while costing much less than traditional cast-house controls.

The Environmental Protection Agency (EPA) invited public comment on this revision in a **Federal Register** notice of September 8, 1981 (46 FR 44786).

This notice announces the Administrator's approval of the revision of the Pennsylvania SIP for Allegheny County.

EFFECTIVE DATE: January 28, 1982.

ADDRESSES: Copies of the SIP revision and the accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Media and Energy Branch, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106, Attn.: Gregory Ham (3AH11)

Bureau of Air Quality Control, Pennsylvania Department of Environmental Resources, Fulton Bank Building, Third and Locust Streets, Harrisburg, PA 17120, Attn.: Gary L. Triplett

Allegheny County Health Department, Bureau of Air Pollution Control, 301 Thirty-Ninth Street, Pittsburgh, PA 15201

Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW (Waterside Mall), Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. David L. Arnold, U.S. Environmental Protection Agency, Region III, Air Media and Energy Branch, Curtis Building, 10th Floor, 6th & Walnut Streets, Philadelphia, PA 19106.

SUPPLEMENTARY INFORMATION:

Introduction

The changes to the Pennsylvania SIP being approved today were submitted by Secretary Clifford L. Jones on May 18, 1981. A public hearing on this revision was held on March 24, 1981, and the amendments were approved by the Allegheny County Commissioners on April 30, 1981.

The North Boroughs area of Allegheny County is currently designated as a primary and secondary nonattainment area for Total Suspended Particulates under section 107 of the Clean Air Act. In nonattainment areas, the Act requires states to develop plans which demonstrate attainment of the TSP NAAQS as expeditiously as practicable, but not later than December 31, 1982.

On April 4, 1979, (44 FR 20372) EPA published a proposed rule entitled "General Preamble for Proposed Rulemaking on Approval of State Implementation Plan Revisions for Nonattainment Areas," and published the following supplements on July 2, 1979, 44 FR 38583; August 28, 1979, 44 FR 50371; September 17, 1979, 44 FR 53761; and November 23, 1979, 44 FR 67182. The general preamble supplements this proposal, by identifying the major considerations that will guide EPA's evaluation of the submittal.

This revision to the Pennsylvania SIP provides for the attainment of the TSP NAAQS in the North Boroughs area, and establishes an alternative emission reduction plan at the Shenango facility on Neville Island. The attainment demonstration for TSP in this area consisted of diffusion modeling using the EPA-approved Industrial Source Complex model for the base year 1979 and for 1982. Data from three monitors in the area was available, and additional monitors were established. The modeling showed that no exceedances of the annual standard would occur in 1982 under the alternative plan being approved today. In addition, analyses of available information showed that the primary 24-hour and secondary standards would also be met.

The alternative emission reduction plan (bubble) submitted by the Commonwealth involves the Coke and Iron Works of Shenango, Incorporated, located on Neville Island in the North Boroughs area. This bubble would allow the control of in-plant fugitive emissions

from road surfaces in lieu of controlling fugitive blast furnace cast-house emissions. This plan was developed in accordance with EPA's Bubble Policy as published in the Federal Register on December 11, 1979, 44 FR 71780, and would result in a net air quality benefit in addition to significant cost savings to Shenango, Incorporated. The emission reduction from road and parking area controls amounts to 297 tons per year while control of fugitive cast-house emissions would yield 90 tons per year according to EPA estimates. The net air quality benefit is the result of this reduction in TSP emission of 207 tons per year.

It should be noted that EPA's approval of Shenango's alternative control strategy should not be interpreted as necessarily establishing reasonably available control technology (RACT) levels of control for the sources involved. RACT determinations for these sources are not required because an approved modeling analysis demonstrates that attainment will be achieved by 1982 using the Shenango bubble.

This revision was proposed in the Federal Register on September 8, 1981 (46 FR 44786), and public comment was invited. This notice of September 8, 1981 contains a detailed description of both the attainment demonstration and the bubble. Persons wishing more information on this revision were referred to the proposed notice.

Public Comments

During the comment period, two comments were received. The following discussion indicates the nature of these comments and any EPA responses.

One commenter supported the SIP revision and cited information in support of it.

The Allegheny County Bureau of Air Pollution Control (BAPC) submitted comments clarifying two statements in the proposed notice. It was stated that section 902 of the County regulations replaced sections 401 and 402, dealing with visible emissions and particulate mass emissions for the Shenango facility. However, section 902 replaces only section 401. The particulate mass emission limits in section 402 are still applicable. The proposed notice also stated that monitoring requirements of the bubble may be reduced by the BAPC after January 1, 1983 depending on improvements in air quality. Although air quality improvement may be a factor in the Director's decision, that is not the only factor to be considered. EPA agrees with the comments raised by the County on these two issues.

EPA Action

The attainment demonstration for the North Boroughs area of Allegheny County, and the alternative emission reduction plan for the Shenango, Inc. Coke and Iron Works in this area, are being approved and become effective on January 28, 1982.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

Pursuant to the Provisions of 5 U.S.C. section 605(b) I hereby certify that this approval will not have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(42 U.S.C. (§§ 7401–7642))

Dated: December 21, 1981.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Pennsylvania was approved by the Director of the Federal Register on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

Subpart NN—Pennsylvania

1. In § 52.2020, paragraph (c)(42) is added as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(42) A document entitled "Attainment Demonstration for Total Suspended Particulate in Nonattainment Area #3, Based Upon Alternate Emission Reduction Plan for Shenango, Inc." in Allegheny County, including the new section 902 of Article XX, submitted by the Commonwealth of Pennsylvania on May 18, 1981.

[FR Doc. 81-37064 Filed 12-28-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-4-FRL 1981-3]

Approval and Promulgation of Implementation Plans; South Carolina and Florida: Removal of Conditions on Part D Approvals

Correction

In FR Doc. 81-35940, published at page 61268, on Wednesday, December 16, 1981, on page 61269, in the second column, in the *"Actions:"* paragraph, in the last line "not" should be corrected to read "now".

BILLING CODE 1505-01-M

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40 CFR Part 62

[Docket No. AH201MD; A-3-FRL-2001-7]

Maryland Plan for Controlling Sulfuric Acid Mist

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice approves Maryland's plan for controlling sulfuric acid mist emissions from existing sulfuric acid production facilities. Maryland's plan was submitted pursuant to the requirements of Section 111(d) of the Clean Air Act. This action will be effective on March 1, 1982, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATES: This action is effective March 1, 1982.

ADDRESSES: Written comments should be submitted to the following address:

U.S. Environmental Protection Agency Region III, Air Media & Energy Branch, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106, ATTN: Henry J. Sokolowski, P.E., Chief, MD–DE–DC Metro Section (3AH12).

Copies of Maryland's submittal and accompanying support documentation are available for inspection during normal business hours at the above-listed and the following locations:

Air Management Administration, State of Maryland, 201 West Preston Street, Baltimore, MD 21201, ATTN: Mr. George P. Ferreri.

Public Information Reference Unit (PIRU), EPA Library—Room 2922, U.S.

Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

The Office of the Federal Register, 1100 L St., NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Ms. Joanne T. McKernan, Environmental Protection Specialist (3AH12), at the EPA Region III address cited above or by telephone at 215/597–8182.

SUPPLEMENTARY INFORMATION: Section 111(d) of the Clean Air Act requires States to submit plans to control emissions of "designated pollutants" from designated facilities. EPA is responsible for designating the facilities and pollutants for which States must develop plans. The pollutants which have been designated for control under Section 111(d) are *not* those for which ambient air quality standards have been established under Section 108 of the Act (referred to as "criteria" pollutants) nor are they listed as hazardous pollutants under Section 112. Section 111(d) requires control of certain pollutants at existing sources whenever standards of performance have been established under Section 111(b) for those pollutants from new sources of the same type.

EPA's actions in determining approval, disapproval, and promulgation of State plans must be made public.

On November 3, 1978, EPA published a Final Rulemaking (43 FR 51393) establishing a new Part 62, "Approval and Promulgation of State Plans for Designated Facilities and Pollutants," to title 40 of the Code of Federal Regulations (CFR). Today's action, as well as future actions involving other "designated facilities" and other non-criteria pollutants, will be proposed for public comment under 40 CFR Part 62.

The Secretary of Health and Mental Hygiene, State of Maryland, submitted to EPA the State's plan for controlling sulfuric acid mist from existing sulfuric acid mist production facilities. Supplemental information was submitted on October 9, 1981, by the Acting Director, Maryland Air Management Administration. The plan is required by Section 111(d) of the Clean Air Act and was developed pursuant to the requirements contained in 40 CFR Part 60, Subpart B. EPA published a final guideline document entitled "Control of Sulfuric Acid Mist Emissions from Existing Sulfuric Acid Production Units (EPA–450/2–77–019) in September, 1977.

Plans submitted to meet the requirements of regulations promulgated pursuant to Section 111(d) of the Clean Air Act must contain provisions to provide for control of sulfuric acid mist emissions from existing sulfuric acid plants, including: a statement and/or summary of the necessary legal authority to control sulfuric acid mist emissions; the applicable emission standard prescribing the allowable rates of emissions; a reference to the test methods and procedures to be used to determine compliance; source compliance schedules or a commitment to submit individual source compliance schedules as they are adopted; an emission inventory; and a description of the public availability of emissions data procedures to be used by the State. 40 CFR Part 60 allows EPA to approve a standard which was previously in effect if the standard was adopted after a public hearing and is as stringent as the corresponding emission guideline published under § 60.22(a).

Maryland's emission standard for controlling gases containing sulfuric acid, sulfur trioxide, or any combination (of gases) is located in the Code of Maryland Regulations (COMAR) at Section 10.18.06.05, paragraphs A through D (previously codified as .34C2 of COMAR 10.18.02 through 10.18.07). These regulations were previously approved by EPA in 40 CFR Part 52. Maryland requested that EPA consider this standard as meeting the requirements of 40 CFR Part 60, Subpart B for a plan controlling sulfuric acid mist emissions from existing sulfuric acid production units. By letter of October 9, 1981, Maryland also provided information required under §§ 60.25 and 60.26 of Chapter 40 of the Code of Federal Regulations, relating to legal authority and regulatory requirements.

EPA has evaluated Maryland's request, the procedures followed in approving Maryland's regulations, and the actual emission standard and has determined that the requirements of 40 CFR Part 60, Subpart B have been met. EPA's determination is based on the following evaluation. The State's legal authority to carry out its responsibilities under this plan was specifically identified in a letter dated October 9, 1981 from the Acting Director, Air Management Administration. The State has demonstrated that its emission standard is equivalent to, if not more stringent than, that contained in EPA's Guideline Document (EPA–450/2–77–019, September 1977) for Control of Sulfuric Acid Mist Emissions from Existing Sulfuric Acid Production Units. The State standard is (not to exceed) 70 milligrams per cubic meter of sulfuric acid, sulfur trioxide, or any combination of them, reported as sulfuric acid. EPA's emission guideline is (not to exceed) 0.25 gram sulfuric acid mist per kilogram of sulfuric acid produced (0.5 lb./ton), the production being expressed as 100 percent H_2SO_4. Maryland's emission inventory consists of one source, the Olin Corporation, located in Baltimore City, Maryland. This source is meeting the emission standard prescribed in the regulation. Therefore, the requirements of § 60.24 relating to the submission of compliance schedules is met since no schedule is required. The State regulations require testing of sulfuric acid mist by using EPA Reference Method 8, which is the EPA-recommended method. This method is described in Maryland's Stack Test Methods for Stationary Sources, TM 73–116 (revised November 1980). Therefore, the requirements of Subpart C of 40 CFR Part 60 have been met. Maryland's monitoring, record-keeping, source surveillance and public inspection procedures, as contained in COMAR Section 10.18.01.04, paragraphs A, B and C of Maryland's air quality regulations (formerly codified as COMAR Section 10.18.01.06A, .06B, and 10.18.01.12) have been previously approved as a part of Maryland's implementation plan contained in Part 52 of the Code of Federal Regulations and are found to be satisfactory to meet the requirements contained in Part 60, Subpart B.

In summary, EPA has determined that the plan submitted by the State of Maryland to control sulfuric acid mist from existing sulfuric acid production units meets the requirements of Section 111(d) of the Clean Air Act and the provisions of Part 60 of 40 CFR, Chapter I. Therefore, the Administrator is approving this plan as submitted.

The public should be advised that this action will be effective 60 days from the date of this Federal Register notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and subsequent notices will be published before the effective date. One notice will withdraw the final action, and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this action will not have a significant economic impact on a substantial number of small entities. This action constitutes a SIP approval under Section 111(d) of the

Clean Air Act and only approves State actions. It imposes no new requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(42 U.S.C. 7411(d))

Dated: December 21, 1981.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Maryland was approved by the Director of the Federal Register on July 1, 1981.

Part 62 of Chapter I, Title 40 of the Code of Federal Regulations is amended by adding the following sections to Subpart V:

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

* * * * *

Subpart V—Maryland

* * * * *

Sulfuric Acid Mist Emissions From Existing Sulfuric Acid Plants

Sec.
62.5101 Identification of plan.
62.5102–62.5109 [Reserved]

* * * * *

Authority: Secs. 111 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7413 and 7601).

Subpart V—Maryland

Sulfuric Acid Mist Emissions From Existing Sulfuric Acid Plants

§ 62.5101 Identification of plan.

(a) Title of plan: "Control of Sulfuric Acid Mist From Existing Sulfuric Acid Production Units."

(b) The plan was officially submitted by the Secretary of Health and Mental Hygiene, State of Maryland on August 30, 1978.

(c) Identification of sources: The plan includes the following sulfuric acid plants:

Olin Corporation, Baltimore City, Maryland.

§§ 62.5102–62.5109 [Reserved]

[FR Doc. 81-37152 Filed 12-28-81; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 62

[A-4-FRL-2085-1]

North Carolina: Fluoride Emissions From Existing Primary Aluminum Plants; Sulfuric Acid Mist From Existing Sulfuric Acid Plants, Correction

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA announces its approval of North Carolina's plan for controlling fluoride emissions from existing primary aluminum plants. The plan was submitted on April 16, 1981, to comply with the requirements of Section 111(d) of the Clean Air Act and EPA's implementing regulations and guidelines; supplemental information was submitted on August 24, 1981. This notice also corrects errors in EPA's approval on August 14, 1981 (46 FR 41055), of North Carolina's plan to control sulfuric acid mist emissions from existing sulfuric acid plants. These actions will be effective March 1, 1982, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATE: These actions are effective March 1, 1982.

ADDRESSES: Copies of the materials submitted by North Carolina may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460
Library, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365
Library, Office of the Federal Register, 1100 L St., NW., Room 8401, Washington, D.C. 20005
Division of Environmental Management, North Carolina Department of Natural Resources and Community Development, Archdale Building, 512 N. Salisbury Street, Raleigh, North Carolina 27611

FOR FURTHER INFORMATION CONTACT: Walter Bishop of the Region IV Air Programs Branch at 404/881–3043 (FTS 257–3043).

SUPPLEMENTARY INFORMATION: Following notice and public hearing in conformity with 40 CFR 60.23, the North Carolina Environmental Management Commission adopted regulation 2D.0529, Fluoride Emissions from Primary Aluminum Reduction Plants, and submitted it to EPA on April 16, 1981, to comply with the requirements of Section 111(d) of the Clean Air Act and EPA's implementing regulations and guidelines. On August 24, 1981, the State submitted additional information needed to complete its 111(d) plan for this category of existing facilities.

EPA has evaluated the North Carolina plan by comparing it with the requirements for State plans for designated facilities, as set forth in Subpart B of 40 CFR Part 60, Adoption and Submittal of State Plans for Designated Facilities, and with the EPA guideline document, Primary Aluminum: Control of Fluoride Emissions from Existing Primary Aluminum Plants (EPA–450/2–78–049b).

The provisions of regulation 2D.0529 apply to all primary aluminum plants which are not subject to EPA's Standards of Performance for New Stationary Sources. In effect, this means the two potlines of prebake cells at the Badin facility of the Aluminum Corporation of America. Under the regulation, fluoride emissions must be captured at an efficiency of 95 percent, and 99 percent of the captured emissions must be removed before discharge of the exhaust gas to the atmosphere. The regulation also specifies operating and maintenance procedures which must be observed. The facility is currently achieving the prescribed level of control, according to information submitted to the State. In order to receive a PSD (prevention of significant deterioration) permit needed to construct a third potline, however, the company has agreed to upgrade the hooding of the two existing potlines to achieve a capture efficiency of at least 96.5 percent. The new potline cannot begin operation until the upgraded controls on the existing lines are operational. When this capture efficiency is achieved, fluoride emissions from the existing lines will be 2.5 pounds per ton of aluminum produced, according to the company.

Action. EPA approves the North Carolina plan for controlling primary aluminum fluorides from existing sources. This action is taken without prior proposal since the plan is noncontroversial and no comments are anticipated. The public should be advised that this action will be effective 60 days from the date of this Federal Register notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be

published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

A letter from the State dated August 27, 1981, pointed out several errors in a notice of final rulemaking published on August 14, 1981 (46 FR 41055) to approve the North Carolina plan for controlling emissions of sulfuric acid mist from existing sulfuric acid plants: only the plants of Texasgulf, Inc. (formerly Texas Gulf Sulfur Company) are large enough to be subject to the requirement for continuous emission monitoring; also, all acid plants in the State are sulfur-burning. The identification of the plan in Subpart II of this part is corrected below.

Under Section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of this plan is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before March 1, 1982. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the present rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements. In addition, it applies to a single facility.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it imposes no new burden on sources.

Note.—Incorporation by reference of State plans for designated facilities and pollutants was approved by the Director of the Federal Register on July 1, 1981.

(Sec. 111(d) of the Clean Air Act (42 U.S.C. 7411(d))

Dated: December 21, 1981.

Anne M. Gorsuch,
Administrator.

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

Part 62 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart II—North Carolina

1. Section 62.8350 is amended to read as follows:

Sulfuric Acid Mist From Existing Sulfuric Acid Plants

§ 62.8350 Identification of plan.

(a) Untitled.

(b) The plan was officially submitted on October 27, 1978, and November 14, 1979.

(c) The plan includes the following sulfuric acid plants:

(1) Sulfur-burning plants operated by Texasgulf, Inc. in Beaufort County, Swift Agricultural Chemical Corporation in Brunswick County, USS Agri-Chemicals in Brunswick County, Wright Chemical Corporation in Columbus County, and Northeast Chemical Company in New Hanover County.

(2) There are no oleum plants.

(3) There are no bound sulfur feedstock plants.

2. A new § 62.8360 is added as follows:

Fluoride Emissions From Existing Primary Aluminum Plants

§ 62.8360 Identification of plan.

(a) Untitled.

(b) The plan was officially submitted on April 16, 1981; supplemental information was submitted on August 24, 1981.

(c) The plan applies to two potlines of prebake cells at the Badin (Stanly County) facility of the Aluminum Corporation of America.

[FR Doc. 81-37101 Filed 12-28-81; 8:45 am]
BILLING CODE 6560-38-M

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41 CFR Part 15-3

[AAA-FRL-2015-5]

Profit or Fee Guidelines

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is revising its procurement regulation for establishing the profit or fee portion of prenegotiation objectives in acquisitions requiring cost analysis. The revision eliminates procedures for imposing administrative ceilings on profits or fees and establishes the method for treating facilities capital cost of money (imputed cost) when computing profit or fee objectives. The basis for this revision is Federal Procurement Regulation (FPR) Temporary Regulation 61 which, among other things, prescribes uniform policies for determining Government profit or fee prenegotiation objectives. The intended effect of the revision is to bring EPA's profit and fee policies in compliance with FPR Temporary Regulation 61.

EFFECTIVE DATE: Effective December 29, 1981.

FOR FURTHER INFORMATION CONTACT: Pamela John, Procurement and Contracts Management Division (PM-214), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460 (202/755-0900).

SUPPLEMENTARY INFORMATION: (a) FPR Temporary Regulation 61 directs agencies not to establish administrative ceilings on profits or fees. This rule deletes material which implies that administrative ceilings on profits or fees may be established at certain organizational levels within EPA.

(b) FPR Temporary Regulation 61 also prescribes a facilities capital cost of money cost principle and requires agencies to ensure that contractors are not compensated for facilities capital cost of money both as a direct or indirect cost and in profit or fee. FPR Temporary Regulation 61 requires that profit or fee prenegotiation objectives be reduced by means of offsets when facilities capital cost of money is allowed. Specifically, the reductions are to be accomplished by using a dollar-for-dollar offset in the Government's prenegotiation profit or fee objective or by incorporating a common offset factor under an agency's structured approach for determining profit or fee.

(c) Prior to FPR Temporary Regulation 61, EPA did not recognize facilities capital cost of money as an allowable cost. Since all agencies are now required to recognize this cost, it is necessary for EPA to revise its regulation on profit or fee guidelines to provide for reductions in the profit or fee prenegotiation objective when facilities capital cost of money is allowed. This rule requires that the reduction be accomplished by using a dollar-for-dollar offset in the Government's prenegotiation profit or fee objective.

(d) The Agency has not invited public comments on this rule as it deletes material in conflict with FPR Temporary Regulation 61 and specifies which of the methods prescribed by FPR Temporary Regulation 61 is to be used to ensure that contractors are not compensated for facilities capital cost of money both as a direct or indirect cost and in profit or fee.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

PART 15–3—PROCUREMENT BY NEGOTIATIONS

For the reasons set out in the preamble, 41 CFR 15–3.808–50 is amended by revising paragraphs a(3), b(2), and b(3) to read as follows:

§ 15–3.808–50 Profit or fee guidelines.

(a) * * *

(3) *Limitations.* In the event that any of the methods used would result in establishing a fee objective in violation of limitations established by statute (see FPR 1–3.405–5(c)(2)), the maximum fee objective shall be the percentage allowed pursuant to such limitations. No administrative ceilings on profits or fees shall be established.

(b) * * *

(2) The contracting officer shall first measure the "Contractor's Input to Total Performance" by the assignment of a profit percentage within the designated weight ranges to each element of contract cost recognized by the contracting officer. Such costs are multiplied by the specific percentages to arrive at specific dollar profits. The amount calculated for facilities capital cost of money shall not be included as part of the cost base for the computation of profit or fee. A complete discussion of how facilities capital cost of money is determined and how it is applied and administered is set forth in FPR Temporary Regulation 61.

(3) After computing a total dollar profit for the Contractor's Input to Total Performance, the contracting officer shall calculate the specific profit dollars assigned for cost risk and performance. This is accomplished by multiplying the total Government cost objective, exclusive of any facilities capital cost of money, by the specific weight assigned to cost risk and performance. The contracting officer shall then determine the profit or fee objective by adding the total profit dollars for the Contractor's Input to Total Performance to the specific dollar profits assigned to cost risk and performance. The profit or fee objective shall then be reduced by an amount equal to the amount of facilities capital cost of money allowed. EPA Form 1900–2 shall be used to facilitate the calculation of this profit or fee objective.

* * * * *

Dated: November 20, 1981.

John P. Horton,

Assistant Administrator for Administration.

[FR Doc. 81–37180 Filed 12–28–81; 8:45 am]

BILLING CODE 6820–36–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80–755; RM–3626]

Radio Broadcast Services; TV Broadcast Stations in Sacramento, California; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns UHF television Channel 29 in lieu of UHF television Channel 15 at Sacramento, California, in response to a petition from Shamrock Broadcasting, Co., Inc.

DATE: Effective February 16, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Roger D. Holberg, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Report and Order

(Proceeding Terminated)

Adopted: December 11, 1981.

Released: December 17, 1981.

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Sacramento, California), BC Docket No. 80–755, RM–3626.

1. Before the Commission for consideration is the *Notice of Proposed Rule Making*, 45 FR 84834, published December 23, 1980, proposing the assignment of UHF television Channel 29 to Sacramento, California, and the deletion of UHF television Channel 15 from Sacramento. Comments were filed by Shamrock Broadcasting Company, Inc. ("Shamrock"), the Association of Maximum Service Telecasters, Inc. ("MST"), Northern California Broadcasting ("NCB"), and Koplar Communications of California, Inc. ("Koplar").[1] Reply comments were filed by Shamrock and Koplar. In addition, Shamrock filed a response pertaining to arguments raised by Koplar for the first time in its reply comments.

The Comments

2. In its Petition for Rule Making, Shamrock had proposed that UHF television Channel 15, currently assigned to Sacramento but unavailable for new station applications,[2] would be replaced with Channel 29, which could be allocated to Sacramento in full compliance with all mileage separation requirements and without adversely affecting existing assignments or authorizations. In its comments Shamrock states that if Channel 29 is assigned, it will apply for a construction permit and, if granted, it will construct a facility in accordance with the application.

3. In a jointly filed comment, NCB and Koplar object to the assignment of Channel 29 to Sacramento. NCB (and later Koplar) operates a television station on Channel 31 in Sacramento. In their comment they contend that second adjacent UHF channels have never been assigned to the same community. A station on Channel 29, they argue, will have to have its transmitter placed some twenty miles from the Channel 31 transmitter to avoid intermodulation taboos. This, they contend, will result in the Channel 29 antenna having to be placed away from the location of all other Sacramento television station antennas. In order to avoid shortspacing to the Channel 31 transmitter by the required 20 miles, and at the same time to place a city grade signal over all of Sacramento, a Channel 29 transmitter would have to be placed in Sacramento itself, or to the north, east or west of the city. They assert that if the transmitter is placed in Sacamento, it will not afford the coverage to other communities in the "Sacramento-Stockton-Modesto market" that other Sacramento stations are able to provide. This would, they continue, cause difficulty in reception of Channel 29 in those other communities and would make the Channel 29 facility a marginal one. Furthermore, the assignment would block Channel 31's ability to relocate its transmitter in the future because of the need to maintain a twenty mile separation from the Channel 29 transmitter. To avoid these asserted difficulties it is proposed that the Commission assign Channel 61 or Channel 66 to Sacramento. Both channels, it is argued, could be assigned consistent with all separation

[1] NCB was the licensee of television Station KMUV–TV (now KRBK–TV), Channel 31, in Sacramento. During the pendency of this proceeding, it assigned its license to Koplar. The comments filed by NCB were joined in by Koplar.

[2] In 1970, the Commission permitted shared use of UHF television Channels 14 through 20 by land mobile radio services (Docket No. 18261). Specific channels were designated for land mobile use in 10 (later expanded to 13) major urban areas. While none of these channels were in Sacramento, Channel 15 is unavailable because adjacent channels within 140 miles of a channel designated for land mobile use were considered unavailable and Channels 19 and 17 in San Francisco were designated for land mobile use. Because Sacramento is less than 140 miles from San Francisco, Channel 15 in Sacramento was rendered unavailable for a new television station.

requirements, would enable an operator on the channel to locate its antenna at Walnut Grove with the other Sacramento stations, and would provide coverage that would be competitive with other stations. Moreover, unlike Channel 29, the assignment of Channel 61 or 68 would not inhibit the future relocation of Channel 31's transmitter. NCB/Koplar argue that changes to its station's facilities, including a move to a taller tower, are necessary for the station to remain viable in view of the station's prior, unsuccessful, history. Koplar says it is actively considering alternate transmitter sites in conjunction with plans to upgrade the station's facilities and, accordingly, asks that if the Commission does assign Channel 29 to Sacramento, that it also restrict the transmitter location to exclude not only sites within 20 miles of Channel 31's existing site but, additionally, within 20 miles of three other transmitter sites under consideration for Channel 31.[3]

4. In its reply comments [4] Shamrock contends that the objections of NCB/Koplar are without merit and are either factually erroneous or based upon speculation. Shamrock points out that, contrary to NCB/Koplar's allegation, in several other markets UHF channels have been assigned that are within two channels of each other (*e.g.*, Channels 36 and 38 in San Francisco, Channels 50 and 52 in Los Angeles, *etc.*). Moreover, Shamrock asserts that Channel 29 can be assigned to Sacramento in compliance with all existing Commission rules and that if NCB and Koplar object to those rules, they should challenge the rules themselves. Shamrock similarly rejects the characterization of a Channel 29 station as being a "substandard" station. It points out that a Channel 29 station would not be short-spaced to any other television station, would not have to provide "equivalent protection" and could operate at maximum antenna height and power. It argues that at heart NCB/Koplar's assertion is that Channel 29 would not be able to adequately serve communities other than that to which it would be assigned. Shamrock asserts that there is no requirement that Channel 29 in Sacramento be able to serve Stockton and notes that Stockton has three channels assigned to it. Nor does Shamrock believe that the inhibitions on its ability to locate its transmitter will cause it any competitive difficulty. It bases its predictions of the economic viability of a Channel 29 station on its extensive broadcast experience. Shamrock argues too that relocation of the Channel 31 transmitter is purely speculative, is unnecessary to that station's viability, and should not be considered by the Commission as a basis for rejecting the assignment of Channel 29 to Sacramento or limiting the placement of the Channel 29 transmitter more than it is limited by existing regulations and assignments. Shamrock disputes the NCB/Koplar contention that television receivers with automatic frequency control might tend to "pull away" from Channel 31 if the Channel 29 signal is particularly strong. It asserts that in other markets where two UHF stations operate on channels only two numbers apart (San Francisco-San Jose) no such difficulty was discovered by Shamrock's consulting engineer who studied the market with regard to this phenomenon. Finally Shamrock argues that the allocation of either Channel 61 or 68 would have preclusive effects over twice the geographical area of a Channel 29 assignment (making the assignment of Channel 29 more efficient) and argues that both Channel 61 and Channel 68 may not be sited at a transmitter site in the Walnut Grove area given a pending application for a station on Channel 64 in Stockton.

5. In reply comments, Koplar reasserts that the assignment would have adverse consequences upon Channel 31 and asserts that Channel 29 would create "undesirable intermodulation products * * * between the Channel 29 aural and visual carriers," as distinguished from intermodulation between Channels 29 and 31. Koplar fears that this intermodulation could impair its station's visual quality in areas where Channel 29's signal is particularly strong. Indeed, it believes that its ability to provide an "acceptable level of technical service to viewers," in Sacramento itself could be prejudiced. The interference that a station on Channel 29 would allegedly cause, together with restrictions that the placement of Channel 29's transmitter would place on possible future movement of Channel 31's transmitter are claimed to have the effect of undermining the viability of Channel 31. Accordingly, Koplar again asks that the Commission consider the assignment of either Channel 61 or 68 to Sacramento in lieu of Channel 29.

6. Because Koplar presented an engineering theory for the first time in its reply comment, Shamrock filed a response to that reply comment.[5] Shamrock asserts that the intermodulation product that Koplar argued would be created between the aural and visual carriers of a station on Channel 29 does not exist in the real world. Such intermodulation products are described as being "extremely weak" and diminished by the substantial difference in signal strength between the Channel 29 aural and visual carriers. Indeed, when Shamrock's consulting engineer studied what Shamrock believes to be a comparable situation (in the San Francisco-San Jose market), no such intermodulation could be detected. Shamrock concludes that Channel 29 can be assigned to Sacramento consistent with all Commission allocations criteria and asks that we amend the Table of Assignments accordingly.

Discussion

7. We believe that the public interest would be served by the assignment of Channel 29 to Sacramento together with the deletion of Channel 15 from that community. The arguments raised in opposition to this assignment simply are not persuasive. When broken down into their simplest form these arguments are: (a) That the Commission does not assign UHF channels less than six channels apart to the same community; (b) that a Channel 29 licensee would not adequately serve the same market as is served by other Sacramento stations; (c) the relocation of Channel 31's transmitter would be unduly restricted; and (d) that Station KRBK–TV (Channel 31) would receive one or more types of intermodulation products from a Channel 29 station and could otherwise have its signal interfered with. We will discuss these arguments *seriatim*.

8. It is clear that the Commission has, indeed, assigned UHF channels within six channel numbers of each other to the same community. Such an assignment exists in California in, for instance, Modesto (Channels 19– and *23+). While it is true that we do not routinely make such assignments, the fact is that UHF assignments within six channels of each other in the same community are not unprecedented and our general predilection to avoid such assignments

[3] MST filed a brief comment supporting Shamrock's position on the condition that the Commission make it clear that Channel 29 must be used consistent with all mileage requirements. Absent such a commitment, it asks that the Commission assign another channel to Sacramento.

[4] Shamrock filed a Motion for Extension of Time after the deadline for reply comments and obtained the concurrence of all other participants in this proceeding. Given the agreement of all parties and it appearing that no prejudice will result to the public or the Commission, we shall consider the late filed pleading.

[5] In its reply comment Koplar stated that it would have no objection to the filing of such a pleading under the circumstances. On the basis that Shamrock should have the opportunity to comment on new matters raised by Koplar, *i.e.*, the question of intermodulation between the audio and video carriers, we will accept its response.

does not, of itself, preclude our action herein.[6]

9. Even assuming that a station operating on Channel 29 in Sacramento would have to place its antenna in a location that would hinder its ability to completely cover Stockton or Modesto, such is not a reason to reject the instant proposal. A Sacramento station clearly owes its principal obligation to its community of license. If a Sacramento station places the requisite quality signal over the entire principal community to be served [7] and otherwise serves its principal community, its inability to reach other communities is irrelevant here except with regard to its potential audience and potential for generating revenue based thereon. This, contrary to Koplar's inference, is a business judgment that should be made by an applicant to operate on Channel 29 and not by the Commission. If such an applicant believes that market forces will render a Channel 29 station a viable concern, it will apply for, construct and operate such a station. If it does not believe such a station would be viable it is hardly likely that it would even file the application. And even if its belief that such a station would be viable turns out to be erroneous, it, not the public, would suffer the unfortunate consequences of business failure. Any licensee on Channel 29 will be expected to operate consistent with all Commission regulations and, accordingly, we do not consider Koplar's suggestion that such a station would provide less than full service to be credible. So too, the argument concerning the inhibitory effects of a Channel 29 assignment on Channel 31's ability to relocate its transmitter in the future is unpersuasive. When taken to its logical conclusion such an argument would prevent the Commission from taking almost any assignment action as an existing licensee could always argue that to take the action would inhibit its ability to alter its facilities in some fashion at some time in the future. We must deal with the facts before us. In this case those facts are that Channel 31's transmitter is at Walnut Grove, no change in its location has been applied for, and a full-service television station could operate in Sacramento on Channel 29 without violating any Commission separation requirement.

10. Finally, there is the issue of interference to the existing Channel 31 station. In various filings, Koplar has contended that it would receive one or more types of interference to its signal from a station on Channel 29. Shamrock, of course, disputes this. But this argument between the parties ignores a crucial point. That point is that no station is completely protected from all interference to its signal. To minimize objectionable interference the Commission has adopted certain regulations pertaining to power limitations, antenna heights and placements, and channel assignments. If a proposal is in compliance with all such strictures, the fact that an existing television station might receive some interference under some conditions is not a reason to reject the proposal. Accordingly, even if a Channel 29 station might, under some conditions, cause some slight interference to Channel 31 (and there is considerable dispute in the record over whether it would cause any) so long as the Channel 29 station complied with all Commission regulations there would be no basis to uphold a complaint from the Channel 31 station. In this situation it would be receiving what it was entitled to in terms of protection—no more and no less. Against this is the clear benefit to the public resulting from an additional television service in Sacramento.

11. That having been said we also must say that Koplar's predictions of intermodulation interference are, in our view, unwarranted and unrealistic. As noted above, UHF television channel assignments in a community are generally spaced six channels apart. Channel spacings of fewer channels are generally avoided because of the possibility of intermodulation interference. However, this type of interference only occurs where two very strong signals are present at a receiver, which is precisely why the Commission established a twenty-mile distance separation requirement for stations separated by 2, 3, 4, or 5 channels. Therefore, in instances where transmitter sites close to the city of license are used, channel assignments typically are 6 or more channels apart. However, in this instance, where Channel 31's transmitter is located at Walnut Grove which is some distance south of Sacramento, it is clear that any eventual licensee on Channel 29 will easily be able to provide adequate coverage to Sacramento from a transmitter located at least twenty miles distant from Channel 31's; therefore the intermodulation product should not exist. This appears to coincide with the experiences of Shamrock's consulting engineer who conducted studies in markets with two UHF channels spaced less than six channels apart and found no perceptible intermodulation interference.

12. The assignment of Channel 29 to Sacramento makes eminent sense and is in the public interest. Rather than maintaining Channel 15 in Sacramento, where it cannot currently be utilized, deleting that assignment, and substituting in its place Channel 29, will permit a new television service in Sacramento thereby promoting the goals of diversity, competition, and the efficient utilization of the frequency spectrum.

13. Accordingly, it is ordered, That the Television Table of Assignments, § 73.606(b) of the Commission's Rules, is amended, effective February 16, 1982, as follows for the community listed:

City	Channel No.
Sacramento, California	3, *6, 10, 29—, 31—, 40—

14. Authority for the action taken herein is found in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

15. It is further ordered, That this proceeding is terminated.

16. For further information concerning this proceeding contact Roger D. Holberg, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-36636 Filed 12-28-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-515; RM-3850]

FM Broadcast Station in Hilo, Hawaii; Changes Made in Table of assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Class C Channel 234 to Hilo, Hawaii, in response to a petition filed by Hawaii Broadcasting Company, Inc. The assigned channel could provide a third FM service to Hilo.

DATE: Effective February 16, 1982.

[6] See paragraph 11, *infra*.

[7] See § 73.685(a) of the Commission's Rules.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order—Proceeding Terminated

Adopted: December 16, 1981.

Released: December 22, 1981.

In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Hilo, Hawaii), BC Docket No. 81-515, RM-3850.

1. The Commission has under consideration a Notice of Proposed Rule making, 46 FR 42474, published August 21, 1981, proposing the assignment of Class C Channel 234 to Hilo, Hawaii, as its third FM assignment. The Notice was issued in response to a petition filed by Hawaii Broadcasting Company, Inc. ("petitioner"), licensee of AM Station KPUA, Hilo, Hawaii. Supporting comments were filed by the petitioner, restating its intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Hilo (population 37,017),[1] located on the island of Hawaii (population 92,053) is approximately 336 kilometers (210 miles) southeast of Honolulu, Hawaii. It is served locally by three full-time AM stations (KHLO, KIPA, KPUA), and two FM stations KFSH (Channel 246, CP), and KKBG (Channel 250).

3. The Notice requested the petitioner to furnish economic and demographic data, to demonstrate the need for an additional FM assignment at Hilo. In its comments the petitioner asserts that Hilo's population showed an estimated 33% increase from 1970 to 1980, and the growth pattern is expected to continue. According to the petitioner, the economic development at Hilo has surpassed the population growth, with tourism the primary factor of the economy. The region's business and governmental activities are centered in Hilo. The petitioner alleges that the proposed assignment would provide an additional source of information to the community while supporting its interests and needs.

4. As stated in the Notice the assignment of Channel 234 to Hilo will cause preclusion on Channels 231, 232A, 233, 234 and 235. Alternate channels are available to those communities precluded by the assignment.

5. After careful consideration of the proposal, we believe that the petitioner has provided an adequate showing for the need of an additional allocation at Hilo and that the public interest would be served by the proposed assignment. The assignment would provide a third FM assignment to this growing community. The preclusion impact is insignificant since other channels are available to the precluded areas. As indicated in the Notice, a third assignment to Hilo exceeds current population guidelines. However, where, as here, the preclusion impact is considered to be insignificant, due to the availability of channels to the precluded areas, the guidelines are applied with flexibility and assignments are made in excess of the population criteria, see Waycross, Georgia, 47 R.R. 2d 319 (1980).

6. Accordingly, pursuant to the authority contained in §§ 4(i), 5(d)(1), 303(g) and (r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, it is ordered, that effective February 16, 1982, the FM Table of Assignments, §73.202(b) of the Commission's rules, is amended with regard to the following community:

City	Channel No.
Hilo, Hawaii	234, 246, 250

7. It is further ordered, that this proceeding is terminated.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Marlin Blumenthal,

Acting Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 81-37092 Filed 12-28-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1980 U.S. Census.

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47 CFR Part 73

[BC Docket No. 81-436; RM-3772]

Radio Broadcast Services; FM Broadcast Station in Natchitoches, Louisiana; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 240A to Natchitoches, Louisiana, in response to a petition filed by Ben Barron. The proposed station would provide a second commercial FM service to Natchitoches.

DATE: Effective February 16, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order (Proceeding Terminated)

Adopted: December 14, 1981.

Released: December 18, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Natchitoches, Louisiana), BC Docket No. 81-436, RM-3772.

1. The Commission has under consideration a *Notice of Proposed Rule Making,* 46 FR 36058, published July 17, 1981, proposing the assignment of Channel 240A to Natchitoches, Louisiana, as its second commercial FM assignment. The *Notice* was issued in response to a petition filed by Ben Barron ("petitioner"). Comments were filed by the petitioner and by Natchitoches Broadcasting Company, Inc., licensee of Stations KNOC(AM) and KDBH(FM), Natchitoches, Louisiana.

2. Natchitoches (pop. 15,974),[1] seat of Natchitoches Parish (pop. 35,219) is located 352 kilometers (220 miles) northwest of New Orleans, Louisiana. It is presently served by AM Station KNOC, FM Station KDBH (Channel 249A) and noncommercial FM Station KNWD (Channel 219).

3. In comments, the petitioner stated that he would submit supplemental comments, providing the information requested in para. 5 of the Notice, to demonstrate that city grade service to Natchitoches could be provided from the proposed restricted site. Petitioner also reiterated his intent to apply for the channel, if assigned.

4. Natchitoches Broadcasting in comments, argues that Channel 240A should not have been substituted for Channel 272A, which was originally requested by the petitioner, since the proposal was made without an engineering showing for the substituted channel. Natchitoches Broadcasting states that it has no objection to the petitioner's request to file supplemental comments. It asserts it is also entitled to a fair and reasonable opportunity to review and to submit a supplemental showing and to object to any later filings of technical data in further consideration of the proposal.

[1] Population figures are taken from the 1970 U.S. Census.

5. In the *Notice* we stated that a site restriction of 12 kilometers (7.5 miles) north of the city was necessary for the proposed assignment, and we requested the petitioner to demonstrate that a city grade signal could be provided over the entire community from the restricted site. The site restriction was incorrectly stated. A Channel 240A assignment to Natchitoches requires only a 9 kilometer (5.5 miles) restriction (northeast of the city). Therefore, the information requested in para. 5 of the Notice is unecessary. For this reason, petitioner did not submit the requested data. The comments of Natchitoches Broadcasting, wherein it desired an opportunity to respond to any late filed comments from the petitioner, are therefore rendered moot.

6. The Commission believes that the petitioner has adequately demonstrated the need for an additional FM assignment to Natchitoches, and that the public interest would be served by assigning Channel 240A to that community. The transmitter site is restricted to 9 kilometers (5.5 miles) northeast of the city.

7. Accordingly, pursuant to sections 4(i), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, it is ordered, that effective February 16, 1982, the FM Table of Assignments, § 73.202(b) of the Rules, is amended with respect to the following community:

City	Channel No.
Natchitoches, Louisiana	240A, 249A

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 623–7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Divison Broadcast Bureau.

[FR Doc. 81-36807 Filed 12-28-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-155; RM-3660, RM-3708, RM-3858]

FM Broadcast Stations, Bend and Coos Bay, Oregon; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Class C FM Channels 248 and 289 to Bend, Oregon, in response to separate petitions filed by Terry A. Cowan and KBND, Inc. The proposals could provide a third and fourth FM service to Bend.

DATE: Effective February 16, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

First Report and Order

Adopted: December 15, 1981.

Released: December 22, 1981.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (*Bend* and Coos Bay, Oregon [1]), BC Docket No. 81–155, RM–3660, RM–3708, RM–3858.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 46 FR 17811, published March 20, 1981, proposing the assignment of Class C Channels 248 and 289 [2] to Bend, Oregon, as that community's third and fourth FM assignments. The first proposal, filed by Terry A. Cowan ("Cowan"), requests assignment of Channel 248 (RM–3660), while the second, filed by KBND, Inc. ("KBND"), licensee of AM Station KBND in Bend, Oregon, requests assignment of Channel 289 (RM–3708) to that community. Opposing comments were filed by Sequoia Communications ("Sequoia"), licensee of KICE(FM) (Channel 264), in Bend, as well as by Capps Broadcasting Group, Inc. ("Capps"), licensee of Stations KGRL and KXIQ(FM) (Channel 231), also in Bend, and by High Lakes Broadcasting Company ("High Lakes"), licensee of Stations KRCO and KLJK(FM) (Channel 237A) in Prineville, Oregon. Both petitioners filed supporting comments reaffirming their intention to apply for the channels, if assigned. Reply comments were filed by Sequoia and Capps, to which KBND responded.

2. Bend (population 17,263), in Deschutes County (population 62,142),[3] is located approximately 197 kilometers (123 miles) southeast of Portland, Oregon. It is currently served by full-time AM Station KBND, daytime-only AM Station KGRL and by FM Stations KXIQ (Channel 231) and KICE (Channel 264).

3. As the Notice stated, Capps had argued that because Bend is already served by local and nearby stations, it cannot support two additional Class C channels. We noted therein that such economic considerations are deferred to the application stage. FCC v. Sanders Bros. Radio Station, 309 U.S. 470, 60 S. Ct. 693 (1940); Carroll Broadcasting Co. v. FCC, 258 F. 2d 440 (D.C. Cir. 1958); Melbourne and Satellite Beach, Florida, 47 FCC 2d 717, 721 (1974). However, Capps pointed out that a similar request for a third FM assignment to Bend was rejected in 1975 [4] on the basis of our finding that its showing of increasing economic and population growth were not sufficient circumstances to warrant deviation from the population guidelines, and we noted particularly the adverse economic impact that the assignment would have had on an independent Bend FM station. Therefore, petitioners were requested to demonstrate in their comments how conditions in Bend have changed to warrant assignment of a third and fourth FM channel at the present time. Also, our Notice indicated that the Commission's strict adherence to population criteria had given way recently to an emphasis on the proposed assignment's efficiency in terms of its preclusive impact on other communities.[5] And, we stated that although a preclusion study had been submitted by KBND which would justify our proposing a third assignment, the need for, and the impact of, a fourth assignment had not been sufficiently shown. Proponents were therefore provided the opportunity to submit such a showing.

4. In the opposing comments of Sequoia, Capps and High Lakes, the prevalent theme is the threat of economic harm to their respective operations. In particular, Sequoia asserts that while it is not concerned with healthy competition since the present service in the Bend area is highly competitive, the addition of two FM stations would increase the intensity

[1] This community has been added to the caption.

[2] Subsequent to the issuance of the *Notice* herein, a *Public Notice* was given on March 27, 1981, Report No. 1277, of a rule making proposal filed by SGB Broadcasting, Inc. ("SGB"), licensee of Station KYNG–FM (Channel 288A), in Coos Bay, requesting substitution of Channel 289 for its current channel (RM–3858). Therein, we advised that such petition would be treated as a counterproposal to the Bend proceeding. However, a staff study reveals that Channels 248 and 289 are the only two available to Bend, yet several others are attainable for the Coos Bay proposal. Therefore, in order to accommodate all three proposals, the Coos Bay petition will be treated separately rather than as a counterproposal.

[3] Population figures are extracted from the 1980 U.S. Census.

[4] See, Bend, Oregon, Docket No. 20461, 35 R.R. 2d 836 (1975); *recons. den.*, 37 R.R. 2d 33 (1976).

[5] Citing Waycross, Georgia, 45 FR 25808, published April 16, 1980, 47 R.R. 2d 319 (1980).

of competition for the limited quantity of advertising to such a degree that the overall level of service would be affected. Further, it states that the area's economic difficulties have been intensified by a high unemployment rate, an erosion of its tourism, and a decline in its lumber industry.

5. Capps reiterates that there is presently an abundance of existing service in the area and that the proposed assignments would cause a severe financial strain on existing stations since they now compete in a three-county market. The added competition would result in a net loss of broadcast service, according to Capps. Despite our finding in the Notice (and see para. 3, *supra*), it cites FCC v. Sanders Bros., supra and Carroll Broadcasting Co. v. FCC, *supra* in support of its position of economic injury. It asserts that less powerful daytime and Class A FM stations would suffer to the point of extinction if these assignments are made.

6. As a final note, Capps adds that the Commission's population criteria envisioned a plan of at least 25,000 people in a community for each FM assignment. Thus, it claims that although Bend's population falls short of that mark, it is possible that the Class C stations could sustain themselves, but that there are no special circumstances here to warrant additional assignments to a well-served area which could preclude assignments to communities that may be presently unserved.

7. High Lakes asserts that the Commission erred in refusing to consolidate the proposal herein with two other petitions to assign Class C channels to two other communities in the area, Redmond and Madras.[6] It adds that the proposals herein are unrealistic in light of the close proximity of Bend to Redmond and Prineville, and states that such assignments would result in a derogation of service by existing area facilities since all area stations, it claims, rely on income from nearby communities.

8. In supporting comments, KBND supplied 1980 Census figures [7] which it states reflect that Deschutes County experienced a growth rate exceeding 104% during the past decade and more than doubled its population now in excess of 62,000. Thus, it adds, its originally anticipated growth of 85% has been substantially exceeded.

9. Further, KBND relies on the Commission's decision in El Dorado, Arkansas (BC Docket No. 78–143), Memorandum Opinion and Order adopted March 16, 1981, Mimeo. No. 06208, as controlling here. That decision followed a policy trend established several years ago in which the efficiency of a proposed assignment is given greater weight than in the past with respect to the location where demand is present. And, it stated that the Bend decision, 37 R.R. 2d 333 (1976), had effectively been discredited in view of recent policy pronouncements. In conclusion, KBND states that if the assignments are made and the stations remain viable, then the public interest would be served by the provision of additional radio service to a substantial area and population, in total harmony with the mandate of Section 307(b) of the Communications Act of 1934, as amended. To the extent that one or both should fail, it adds that the marketplace will have decided that no such need existed, but that such channels would then be available for reassignment elsewhere in the future.

10. As requested in the Notice, Cowan supplied a preclusion study which indicates that the proposed assignment of Channel 248 to Bend will cause preclusion to occur on Channels 245, 246, 247, 248, 249A and 251. The following communities containing a population in excess of 1,000 are said to lie within the precluded areas: Lakeview (population 2,705), Burns (population 3,293), John Day (population 1,566), Prineville (population 4,101), Redmond (population 3,721), and Madras (population 1,689). According to Cowan, each of the above-listed communities either presently has an FM assignment, or an alternate channel is available to it.

11. In an effort to demonstrate the continuing growth of Deschutes County, Cowan submitted population projections, as supplied by the Bonneville Power Administration of Oregon for the years 1985 (66,500 population) to 2000 (97,625 population), which indicates an anticipated growth in excess of 42% during that period.

12. In justification of a fourth assignment, Cowan cites the minimal preclusive effects the proposed assignments would have, the present and projected growth of Bend and its county, and the Commission's recent policy toward marketplace forces to establish and control the need for and implementation of additional services. In support thereof, he cites recent Commission precedent contained in Anchorage, Alaska, 48 R.R. 2d 1633 (1981), and Santa Fe, New Mexico, 48 R.R. 2d 1431 (1981), with regard to placing less emphasis on population criteria in favor of the preclusive impact and expression of interest for an assignment.

13. In its reply comments, Sequoia disputes that Waycross, Ga., 45 FR 25806, 47 R.R. 2d 319 (1980), is controlling here to justify waiver of the population criteria since it alleges that KBND has not shown the need for two additional assignments. Although it does not oppose the assignments *per se*, it urges that if a fourth channel is assigned to Bend, it should be one other than Channel 289 due to the conflicting proposal of SGB (see fn. 1, *supra*), at Coos Bay, Oregon.[8]

14. Capps replies that petitioners have not shown what impact a fourth assignment would have on Bend and that Bend's population growth should not be persuasive since it has been at a standstill for the last several years. It therefore urges the Commission to adhere to its earlier Bend ruling, *supra*.

15. In its reply, KBND disputes the contention that tourism has declined and reiterates that the area has shown a substantial economic and population growth. It asserts that the opponents herein are simply seeking economic protectionism. KBND has included a comprehensive community profile as provided by the City of Bend Planning Director, which, *inter alia*, reports favorably on the economic forecast for Bend, as well as provides a detailed analysis of its population projections.

16. As the Notice reflected, although a similar request for Bend was rejected (see para. 3, *supra*), that earlier denial is not controlling because our assignment policies have since been modified. The Commission now considers a proposed assignment's utility in terms of its preclusive impact on other communities in lieu of its earlier emphasis on

[6] Capps had requested that the petitions herein be consolidated with two other petitions to assign Class C channels to Redmond and Madras, Oregon. The Redmond proposal, filed by Oregon Broadcasting Company (BC Docket No 81–438, RM–3725), requested assignment of Channel 275, while the Madras petition, filed by Peregrine Broadcasting Co. (BC Docket No. 80–491, RM–3611), requests assignment of Channel 243. Capps argued that individual consideration may have an adverse impact on total service offered by existing area stations if most, or all, are adopted since the communities are closely related economically and geographically. In refusing this request, we stated that because the Commission does not allocate FM channels according to a state-wide or regional plan and each community's needs are typically considered separately, we were not convinced that the four proposals should be treated together as if they were in some way mutually exclusive. Further, we stated that the fact that each proposal involves wide-area coverage assignments does not, in itself, require consolidation.

[7] Population figures were contained in an excerpt from the Bend Bulletin of March 11, 1981, which reported these figures from the 1980 U.S. Census.

[8] Sequoia's interest in protecting the SGB proposal stems from the fact that the two have substantially the same ownership.

stringent population factors. See, Eldorado, Arkansas, *supra*, and Naples, Florida, BC Docket No. 80–415, 46 FR 25461, published May 7, 1981. We are also influenced by the on-going emphasis for additional FM stations in Bend despite our earlier denial to that community. Such insistence implies to us that the proponents believe that additional stations can endure despite the alleged competitive nature of the market.

17. As the parties recognize, the population criteria are flexible guidelines and not immutable standards. Petitioners have shown that Bend is expected to grow, and that as the hub of the County, it is also the regional retail sales center and the location of numerous state and Federal offices.

18. In the early 1960's the Commission reviewed the availability of channels and made channel assignments to communities with populations in excess of 25,000 people, even without stated expressions of interest. At the same time, it dealt separately with several petitions requesting assignments to specific communities of less than 25,000 people. By limiting unrequested assignments to communities with more than 25,000 people, the Commission maintained flexibility in the Table, permitting later assignments to smaller communities where interest developed. Here, interests have been expressed in two new assignments which could provide Bend with additional diverse local outlets of self-expression designed to meet its special needs, interests and issues.

19. We note that the preclusive effect of a third and fourth assignment to Bend upon the neighboring communities would be negligible since alternate channels are available for assignment to the relevant precluded communities. See Poplar Bluff, Missouri (BC Docket No. 78–188, 45 FR 21630, published April 2, 1980; and North Platte, Nebraska, (BC Docket No. 79–114), 44 FR 67866, published November 27, 1979. In any event, no interest was submitted herein for an FM channel in any of the listed precluded communities. Where an interest has been shown for an assignment, to allow the allocation to remain fallow on the chance of some future expression of interest elsewhere would be to "artificially restrain" the provision of broadcast service to the detriment of the public interest. Therefore, we find that the population guidelines are not an obstacle to the proposed assignments.

20. The alleged economic impact these proposed assignments could have on the existing Bend stations is a matter which can best be assessed at the application stage where it would be feasible to investigate and consider the merits of various allegations, rather than in a rule making proceeding. See, Rome, New York 42 R.R. 2d 618 (1978); Healdsburg, California, 52 F.C.C. 2d 244 (1975); Beaverton, Michigan, 44 R.R. 2d 55 (1978).

21. In view of the foregoing considerations, we believe that the public interest would be served by the assignment of Channels 248 and 289 to Bend, Oregon, as that community's third and fourth FM assignments.

22. Accordingly, it is ordered, That effective February 16, 1982, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended as follows:

City	Channel Nos.
Bend, Oregon	231, 248, 284, 289

23. Authority for the action taken herein is contained in sections 4(i), 5(d)(1), 303 (g) and (r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

24. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (42 U.S.C. 154, 303))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81–37083 Filed 12–28–81; 8:45 am]

BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Twenty-ninth Rev. S. O. 1473]

Various Railroads Authorized To Use Tracks and/or Facilities of Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Twenty-ninth Revised Service Order No. 1473.

SUMMARY: Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. 96–254, this order authorizes various railroads to provide interim service over the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE: 12:01 a.m., December 28, 1981, and continuing in effect until 11:59 p.m., December 31, 1981, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT:

M. F. Clemens, Jr., (202) 275–7840.

SUPPLEMENTARY INFORMATION:

Decided: December 22, 1981.

Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. 96–254 (RITEA), the Commission is authorizing various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for those operations.

In view of the urgent need for continued service over RI's lines pending the implementation of long-range solutions, this order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

Appendix A, to the previous order, is revised by adding at Item 23, the authority for Kyle Railroad Company (Kyle) to operate between Belleville and Phillipsburg, Kansas, a distance of approximately 92.6 miles. Pursuant to this authority, Kyle will establish rates and necessary interchanges to permit the routing of traffic via the Atchison, Topeka and Santa Fe Railway (ATSF) at Courtland, Kansas. This should provide shippers at Phillipsburg with a previously unavailable routing option. At present, Burlington Northern Railroad (BN) will be responsible to switch all industries located at Phillipsburg and arrange with Kyle on a mutually agreed upon point at which interchange of eastbound traffic can occur.

Appendix B of Thirteenth Revised Service Order No. 1473 is unchanged, and becomes Appendix B of this order.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the attached appendices be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1473 Twenty-ninth Revised Service Order No. 1473.

(a) Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI) debtor (William M. Gibbons, Trustee), as listed in Appendix A to this order, in order to provide interim service over the RI; and as listed in Appendix B to this order, to provide for continuation of joint or common use facility agreements essential to the operations of these carriers as previously authorized in Service Order No. 1435.

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service as authorized in paragraph (a) of this section.

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Pub. L. 96–254.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations. Termination of interim operations will require at least thirty (30) days notice to the Railroad Service Board and affected shippers.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of the operations over the RI lines authorized in paragraph (a) of this section, operators shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(1) In those instances where more than one railroad is involved in the joint use of RI tracks and/or facilities described in Appendix B, one of the affected carriers will perform the maintenance and have supervision over the operations in behalf of all the carriers as may be agreed to among themselves, or in the absence of such agreement, as may be decided by the Commission.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) Application. The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) Rate applicable. Inasmuch as the operations described in Appendix A by interim operators over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

(1) The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(k) In transporting traffic over these lines, all interim operators described in Appendix A shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) To the maximum extent practicable, carriers providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this Order.

(m) Effective date. This order shall become effective at 12:01 a.m., December 28, 1981.

(n) Expiration date. The provisions of this order shall expire at 11:59 p.m., December 31, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304, 10305, and Section 122, Pub. L. 96–254.

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

Appendix A—RI Lines Authorized to be Operated by Interim Operators

1. *Louisiana and Arkansas Railway Company (LA):*

A. Tracks one through six of the Chicago, Rock Island and Pacific Railroad Company's (RI) Cadiz yard in Dallas, Texas, commencing at the point of connection of RI track six with the tracks of The Atchison, Topeka and Santa Fe Railway Company (ATSF) in the southwest quadrant of the crossing of the ATSF and the Missouri-Kansas-Texas Railroad Company (MKT) at interlocking station No. 19.

2. *Peoria and Pekin Union Railway Company (PPU):* All Peoria Terminal Railroad property on the east side of the Illinois River, located within the city limits of Pekin, Illinois

3. *Union Pacific Railroad Company (UP):*

A. Beatrice, Nebraska

B. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 581.5 north of Hallam, Nebraska

4. *Toledo, Peoria and Western Railrood Company (TPW):*

A. Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois

5. *Chicago and North Western Transportation Company (CNW):*

A. from Minneapolis-St. Paul, Minnesota, to Kansas City, Missouri

B. from Rock Junction (milepost 5.2) to Inver Grove, Minnesota (milepost 0)

C. from Inver Grove (milepost 344.7) to Northwood, Minnesota

D. from Clear Lake Junction (milepost 191.1) to Short Line Junction, Iowa (milepost 73.6)

E. from Short Line Junction Yard (milepost 354) to West Des Moines, Iowa (milepost 364)

F. from Short Line Junction (milepost 73.6) to Carlisle, Iowa (milepost 64.7)

G. from Carlisle (milepost 64.7) to Allerton, Iowa (milepost 0)

H. from Allerton, Iowa (milepost 363) to Trenton, Missouri (milepost 415.9)

I. from Trenton (milepost 415.9) to Air Line Junction, Missouri (milepost 502.2)

J. from Iowa Falls (milepost 97.4) to Estherville, Iowa (milepost 206.9)

K. from Bricelyn, Minnesota (milepost 57.7) to Ocheyedan, Iowa (milepost 246.7)

L. from Palmer (milepost 454.5) to Royal, Iowa (milepost 502)

M. from Dows (milepost 113.4) to Forest City, Iowa (milepost 158.2)

N. from Cedar Rapids (milepost 100.5) to Cedar River Bridge, Iowa (milepost 96.2) and

to serve all industry formerly served by the RI at Cedar Rapids

O. from Newton (milepost 320.5) to Earlham, Iowa (milepost 368.0)

P. Sibley, Iowa

Q. Worthington, Minnesota

R. Altoona to Pella, Iowa

S. Carlisle to Indianola, Iowa

T. Omaha, Nebraska (between milepost 502 to milepost 504)

U. Earlham (milepost 368.6) to Dexter, Iowa (milepost 393.5)

V. Peoria Terminal Company trackage from Iowa Junction (RI milepost 164.32/PTC milepost .91) through Hollis, Illinois to the Illinois River bridge (milepost 7.40)

6. *Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW):*

A. from West Davenport, through and including Muscatine, to Fruitland, Iowa, including the Iowa-Illinois Gas and Electric Company near Fruitland

B. Washington, Iowa

C. from Newport, to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota

D. from Davenport to Iowa City, Iowa

E. at Davenport, Iowa

7. *Davenport, Rock Island and North Western Railway Company (DRI):*

A. Moline, Illinois

B. Rock Island, Illinois, including 26th Street yard

C. from Rock Island through Milan, Illinois, to a point west of Industrial complex

D. from Rock Island, Illinois, to Davenport, Iowa, sufficent to include service to Rock Island Arsenal

8. *St. Louis Southwestern Railway Company (SSW):*

A. from Brinkley to Briark, Arkansas, and at Stuttgart, Arkansas

B. at North Topeka and Topeka, Kansas

9. *Little Rock & Western Railway Company (LRWN):* from Little Rock, Arkansas (milepost 135.2) to Perry, Arkansas (milepost 184.2); and from Little Rock (milepost 136.4) to the Missouri Pacific/RI Interchange (milepost 130.6).

10. *Missouri Pacific Railroad Company (MP):* from Little Rock, Arkansas (milepost 135.2) to Hazen, Arkansas (milepost 91.5); Little Rock, Arkansas (milepost 135.2) to Pulaski, Arkansas (milepost 142.0); Hot Springs Junction (milepost 0.0) to and including Rock Island milepost 4.7.

11. *Norfolk and Western Railway Company (NW):* is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four plus miles to the point, approximately 2,500 feet beyond the railroad bridge over the Calumet Expressway, at which point the RI track connects to Chicago Regional Port District track, for the purpose of serving industries located adjacent to such tracks. Any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers, and which extend to the Chicago Regional Port District Lake Calumet Harbor, West Side, will be continued so that shippers at the port can have NW rates and routes regardless of which carrier performs switching services.

12. *Southern Railway Company (SOU):*

A. At Memphis, Tennessee.

13. *Cadillac and Lake City Railroad (CLK):*

A. from Sandown Junction (milepost 0.1) to and including junction with DRGW Belt Line (milepost 2.7) all in the vicinity of Denver, Colorado

B. from Colorado Springs (milepost 609.1) to and including all rail facilities at Colorado Springs and Roswell, Colorado (milepost 602.8), all in the vicinity of Colorado Springs, Colorado

C. from Limon, Colorado (milepost 532) to but not including Caruso, Kansas (milepost 429.3), with over-head rights from Caruso to Colby, Kansas, in order to effect interchange with the Union Pacific

D. Rock Island trackage rights over Union Pacific Railroad Company between Limon and Denver, Colorado.

14. *Baltimore and Ohio Railroad Company (BO):*

A. from Blue Island, Illinois (milepost 15.7) to Bureau, Illinois (milepost 114.2), a distance of 98.5 miles

B. from Bureau, Illinois (milepost 114.12) to Henry, Illinois (milepost 126.94) a distance of approximately 12.8 miles.

15. *Keota, Washington Transportation Company (KWTR):*

A. from Keota to Washington, Iowa; to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Washington, Iowa, and to serve any industries on the former RI which are not being served presently

B. at Vinton, Iowa (milepost 120.0 to 123.0)

C. from Vinton Junction, Iowa (milepost 23.4) to Iowa Falls, Iowa (milepost 97.4).

16. *The La Salle and Bureau County Railroad Company (LSBC):*

A. from Chicago (milepost 0.60) to Blue Island, Illinois (milepost 16.61), and yard tracks 6, 9 and 10; and crossover 115 to effect interchange at Blue Island, Illinois.

B. from Western Avenue (Subdivision 1A, milepost 16.6) to 119th Street (Subdivision 1A, milepost 14.8), at Blue Island Illinois.

C. from Gresham (subdivision 1, milepost 10.0) to South Chicago (subdivision 1B, milepost 14.5) Chicago, Illinois.

D. From Pullman Junction, Chicago, Illinois, (milepost 13.2) running southerly to the entrance of the Chicago International Port, a distance of approximately five miles, for the purpose of bridge rights only.

17. *The Atchison, Topeka and Santa Fe Railway Company (ATSF):*

A. At Alva, Oklahoma

18. *The Brandon Corporation (BRAN):*

A. from Belleville, Kansas (milepost 226.1), to Manhattan, Kansas (milepost 143.0), a distance of approximately 83 miles.

19. *Iowa Northern Railroad Company (IANR):*

A. from Cedar Rapids, Iowa (milepost 100.5), to Waterloo, Iowa (milepost 150.76).

B. from Shell Rock, Iowa (milepost 172.1), to Manly, Iowa (milepost 225.1).

C. At Vinton, Iowa, and west on the Iowa Falls Line to milepost 24.3.

20. *Iowa Railroad Company (IRRC):*

A. from Council Bluffs (milepost 490.15) to Dexter, Iowa (milepost 393.0) a distance of approximately 97.15 miles.

B. from Audubon Junction (milepost 440.7) to Audubon, Iowa (milepost 465.1) a distance of approximately 24.4 miles.

C. from Hancock, Iowa (milepost 6.4) to Oakland, Iowa (milepost 12.3) a distance of approximately 5.9 miles.

21. *Missouri-Kansas-Texas Railroad Company (MKT):*

A. from Oklahoma City, Oklahoma (milepost 496.4) to McAlester, Oklahoma (milepost 365.0), a distance of approximately 131.4 miles.

22. *Chicago Short Line Railway Company (CSL):*

A. from Pullman Junction easterly for approximately 1,000 feet to serve Clear-View Plastics, Inc., all in the vicinity of the Calumet switching district.

*23. *Kyle Railroad Company (Kyle):*

A. from Belleville (milepost 189.4) to Phillipsburg, Kansas (milepost 282.0), a distance of approximately 92.6 miles.

*Added.

[FR Doc. 81-37120 Filed 12-28-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing; Squid Allocation

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: The National Marine Fisheries Service (NMFS) allocates 18,668 metric tons of Loligo squid from "reserve" to the total allowable level of foreign fishing. This action is required by the formula established in the regulations implementing the fishery management plan for Atlantic squid. The allocation will encourage full utilization of the optimum yield.

EFFECTIVE DATE: December 29, 1981.

FOR FURTHER INFORMATION CONTACT: Salvatore A. Testaverde, 617-281-3600.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Atlantic Squid Fishery (FMP), as amended, established a reserve of 19,000 metric ton (mt) of Loligo squid (45 FR 45296); regulations provided a mechanism to allocate all or part of the reserve to the total allowable level of foreign fishing (TALFF) (45 FR 68363).

The implementing regulations at 50 CFR 611.51(b) and 655.22(c) direct the Regional Director of the Northeast Region, NMFS, to allocate the reserve to TALFF if certain criteria are met. Following the procedures of § 655.22(a), the domestic catch of Loligo from April through August, 1981, of 1,794 mt has been multipled by 1.3. This quantity equals 2,332 mt. Since 2,332 mt plus 5,000

mt authorized for joint ventures is more than the initial level of the domestic harvest of 7,000 mt, the excess of 332 mt will remain in the reserve. The remainder, 18,668 mt, is allocated to TALFF.

Dated: December 18, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

PART 611—FOREIGN FISHING

50 CFR Part 611 is revised as follows:

1. The authority citation for Part 611 reads as follows:

Authority: 16 U.S.C. 1821 and 1855.

2. Appendix 1 to § 611.20, entry 1–D is revised to read as follows:

§ 611.20 Total allowable level of foreign fishing.

* * * * *

APPENDIX I

Species	Species area code	OY	DAH*	DAP	JVP	DNP	Reserve	TALFF
1. Northwest Atlantic Ocean fisheries:								
D. Squid fisheries:								
Squid, long-finned	502	44,000	7,000	2,332	4,668	0	332	36,668

[FR Doc. 81-37106 Filed 12-28-81; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 249
Tuesday, December 29, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1 and 17

Gross Margining of Omnibus Accounts

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rules.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is proposing new rule § 1.58 which would require positions held in omnibus accounts to be margined on a gross basis. The Commission believes that such a rule is necessary to help to prevent, or at least limit, financial loss to customers, members of the marketplace and the marketplace itself which may be caused by the bankruptcy or insolvency of a futures commission merchant ("FCM") which is not a clearing member of a commodity exchange. The purpose of the proposed rule is to require the transfer of certain funds now controlled by an originating FCM to the generally better-capitalized clearing FCM, and to strengthen the financial early warning system by providing carrying FCMs with greater information about the financial condition of those FCMs for which they are carrying omnibus accounts.

DATES: Comments must be submitted on or before March 1, 1982.

ADDRESS: Comments should be sent to: Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Attention: Secretariat.

FOR FUTHER INFORMATION CONTACT: Daniel A. Driscoll, Deputy Director, Division of Trading and Markets, at the above address, Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION:

I. Background

During the last six months of 1980, customers sustained losses of approximately $7 million because of the bankruptcies of three FCMs. Each of those three FCMs traded solely by means of omnibus accounts. These recent, substantial customer losses were especially disturbing when compared to the relatively insignificant losses due to bankruptcy of FCMs in prior years. However, in view of the growth and volatility of the commodity markets in recent years, the amount of money put in jeopardy by the 1980 bankruptcies was not extraordinary. For instance, the average amount of segregated funds required of FCMs audited by the Commodity Exchange Authority, the Commission's predecessor agency, in 1970 was $213,000. In 1976, a year after the formation of the Commission, the average segregation required of FCMs audited by the Commission's staff had increased to $2.1million. By 1979, this figure had climbed to $4.9 million, and by 1980 it had risen to $8.7 million. Thus, the $7 million in customer losses resulting from the 1980 bankruptcies was less than the average amount of funds required to be segregated by one FCM audited by the Commission's staff in 1980. Moreover, on December 31, 1980, those non-member FCMs trading solely through omnibus accounts held, in the aggregate, more than $125 million of customer funds in segregation. The Commission views with great concern the fact that this amount of customer funds is being held by firms that, in comparison to clearing FCMs, generally have less capital and are less equipped to handle the volatility of the commodity markets, a concern which was highlighted by the three bankruptcies which occurred during the last half of 1980. The Commission notes that many FCMs which trade solely through omnibus accounts are subject to less scrutiny than other FCMs, because at the present time only the Commission monitors the financial condition of non-member FCMs.[1]

II. The Financial Monitoring System

In light of the 1980 bankruptcies, the Commission reexamined the program designed to prevent loss of customer funds resulting from financial failures of FCMs. That program is based on four elements: (1) segregation of customer funds; (2) minimum financial requirements; (3) periodic financial reports; and (4) an early warning system. The program relies heavily on voluntary compliance and voluntary notification from an FCM when the firm triggers the early warning system or is not in compliance with the Commission's financial requirements. The program also depends on timely receipt of the relevant information, but because of the volatility of the commodity markets, it may be difficult to obtain information in a timely manner. For example, although all FCMs must file a year-end financial report which is certified by an independent public accountant, the financial condition of a firm can change dramatically from week to week, let alone from year to year.

The Commission also reexamined its methods of monitoring the financial condition of FCMs. The Commission's audit staff reviews the financial statements which non-member FCMs must submit, and conducts periodic audits of such firms. Audits of firms are scheduled on a priority basis, and firms where customer funds appear to be in jeopardy are, of course, given top priority. Those situations ordinarily involve firms that are undercapitalized or undersegregated or firms that have triggered the early warning system. The second priority involves situations where the potential exists for priority one jeopardy, such as FCMs that have a history of segregation, minimum financial or recordkeeping problems, but that are currently in compliance. The third priority consists of those cases in which there is no known or suspected danger to customer funds. Examination of FCMs may also be initiated because of large commodity price fluctuations or because of information received concerning a particular FCM.

The Commission has carefully reviewed possible ways in which to improve its program for monitoring the financial condition of FCMs. The Commission has concluded that the segregation system works about as well as can be expected, although it is far from foolproof. To make it completely effective, access to customer money by the FCM would have to be totally prohibited. A third party trustee would have to accept and hold all customer funds and commingling of any kind would have to be prohibited, including

[1] The National Futures Association ("NFA"), whose registration the Commission recently approved, has an audit and financial compliance program for all FCMs and the NFA should provide additional resources devoted to auditing non-member FCMs.

the commingling of one customer's funds with those of another customer in the same account at a bank or clearing organization. Since the Commission does not believe that such an approach is possible as a practical matter, and since it would require amendments to the Commodity Exchange Act, as amended ("Act") (7 U.S.C. 1 *et seq.* (1976 & Supp. III 1979)), it does not appear that changing the segregation requirements is the answer. It has been suggested that some form of customer account protection or insurance be instituted to prevent customer losses due to the financial failure of an FCM. Although the Commission believes that an insurance program in the commodity industry could be helpful, the Commission also recognizes that insurance would not prevent customer losses but would instead provide a means to spread such losses throughout the industry.

The Commission has made certain improvements in elements of the financial monitoring program other than segregation. The Commission strengthened the minimum financial and related reporting requirements and the early warning system for all FCMs by adopting certain amendments to those rules effective December 31, 1980.[2] In addition, the Commission increased its auditing of non-member FCMs. Beginning in December, 1980, the Commission required non-member FCMs which hold customer funds to contact the Commission's audit staff every day to report their segregation calculations, and written segregation reports must be filed weekly. The audit staff also visits each non-member FCM with over $1 million in customer funds at least once a month to perform a limited scope audit. None of these procedures eliminates the potential for the loss of customer funds due to bankruptcy, but they should enhance the staff's ability to promptly detect firms experiencing financial difficulties.

The Commission believes that the proper approach for finding a solution to the problem is to compare the financial monitoring program which exchanges employ for their clearing member FCMs and the financial monitoring program which the Commission uses for non-member FCMs. There are many similarities in the two programs. The exchanges rely on a program of segregation, recordkeeping and minimum financial regulations which is the same as the Commission's. The exchanges have the same early warning system that the Commission does. The exchanges perform audits and review financial statements in the same way the Commission's staff does. The exchange members are audited once a year by an independent public accountant just as the non-members are.

The most significant difference in the respective programs is the information that the exchanges have about clearing members which the Commission does not have about omnibus accounts. Such information is primarily developed from the pay and collect information that is generated by the individual clearing organizations. This information is generated on a daily basis by the individual clearing organizations as a result of the price changes in open positions. If adverse price changes occur, the clearing member must pay the clearing house; if the price changes are advantageous, the clearing member will collect from the clearing house. This is, in effect, an early warning system that the exchanges have which the Commission does not have. Even though, in most cases, the information is generated on a net basis rather than on a gross basis, the review of pay and collect information provides a very good indication of potential problems in a firm. Such a review will show where to look for the problems, which is at those firms which are repeatedly required to pay the clearing house due to adverse market movements.

In addition to the information available to exchanges about their clearing members through the pay and collect data generated by their financial monitoring program, there is an informal information network which exists among member FCMs. There are not many things which happen at one member that are not known by at least some other members, and this information very often finds its way to the self-regulatory organizations. Conversely, the Commission staff has rarely, if ever, received information from a member FCM that a non-member FCM was having problems until the problems were so significant that the member FCM was ready to liquidate all the positions in the account.[3]

III. Gross Margining of Omnibus Accounts

To compensate for the information which is routinely obtained by the exchanges about their clearing member FCMs but which is unavailable to the Commission or any self-regulatory organization with respect to omnibus accounts, the Commission believes that a gross margining system for omnibus accounts should be instituted. Under § 17.04,[4] carrying FCMs receive information from originating FCMs regarding open positions in omnibus accounts on a gross basis and that information is in turn passed along to the Commission and the exchanges in what is essentially a clerical operation. While the Commission recognizes that such information is important for the carrying FCMs, the exchanges and the Commission, it is imperative that more and better information be provided. The need for more information became apparent when the Commission asked several clearing firms which were carrying positions for one of the FCMs that went bankrupt in 1980 whether they suspected problems with the FCM before the bankruptcy occurred. Each of those clearing firms stated that it did not suspect any problem because the FCM's account was almost always properly margined on a net basis.

If the carrying FCMs were to receive not only position information on omnibus accounts from originating FCMs on a gross basis, but, in addition, the carrying FCMs were to receive the additional margin represented by those positions, a greater impact would be achieved and potential financial problems at the originating FCM would become more apparent to the carrying FCM. If the originating FCM was unable to meet a margin call, that would be an indication that the firm was in a deteriorating financial condition.

For the reasons stated above, the Commission is proposing that the carrying FCMs margin omnibus accounts on a gross basis. Further, as discussed above, the Commission recognizes the key role of the clearing members in assuring financial integrity and correcting potential problems. The Commission believes that gross margining would strengthen the industry by moving segregated funds into clearing firms which are better capitalized and subject to greater scrutiny while at the same time not imposing any significant burden on the industry. The gross margining system would require that margin funds be

[2] 45 FR 79416 (December 1, 1980).

[3] The early warning system, as amended effective February 28, 1980, requires an FCM to notify the Commission within 24 hours whenever it determines that any position it carries for another FCM must be liquidated or transferred immediately, or that the trading of any account of such other FCM shall be traded only for purposes of liquidation, because such other FCM has failed to meet a call for margin or to make other required deposits. There is a similar requirement for a clearing organization with respect to its member FCMs. Section 1.12(f) of the Commission's regulations (17 CFR 1.12(f) (1981)).

[4] 17 CFR 17.04(1981), as amended, 46 FR 56960, 56966 (December 8, 1981).

deposited ultimately with clearing member FCMs, even if there is more than one omnibus account interposed between such a firm and the trader. Both customer and proprietary accounts would be covered by proposed rule 1.58.

In making this proposal, the Commission is aware of certain matters which would be of particular concern if such a system were adopted. For example, it has been suggested that a system of gross margining would allow carrying FCMs to steal the customers of the originating FCM. The Commission does not believe that there is any merit to such an argument. Gross margining would not necessitate fully-disclosed accounts. As the Commission stated when it adopted requirements for gross reporting of omnibus accounts, "the originating FCM is required to disclose only the open position data for the omnibus account as a whole and is not required to disclose to the carrying FCM the identity of persons trading through the account."[5] Similarly, under a gross margining system, the originating FCM is required only to deposit and maintain margin for the positions reported to the carrying FCM and is not required to disclose the identity of persons trading through the omnibus account.

The Commission also does not believe that a gross margining system would impose unreasonable recordkeeping and operating burdens on FCMs. The Commission is proposing to amend § 17.04 so that the positions required to be margined under the gross margining system would be determined in the same manner that is used in determining open positions in an omnibus account for purposes of complying with § 17.00(f) and § 1.37(b). An originating FCM is already required by § 17.04 of the Commission's regulations[6] to report to its carrying FCM the gross positions represented by each omnibus account carried in the name of the originating FCM. Carrying FCMs in turn are required to maintain a daily record of such gross positions pursuant to § 1.37(b) of the Commission's regulations.[7] Furthermore, when filing Series '01 reports with the Commission, carrying FCMs are currently required to reflect omnibus accounts on a gross basis. Consequently, it does not appear that requiring gross margining of omnibus accounts will entail significant new recordkeeping or operational burdens. The only additional recordkeeping which would be required would result from the voluntary decision of the carrying FCM. If a carrying FCM, in accordance with the provisions in paragraph (b) of proposed § 1.58, were to allow the amount of margin required for a spread or hedge position traded through an omnibus account to be the same as would be required if the position were held in an account with the carrying FCM in the name of the beneficial holder, the carrying FCM would have to obtain and retain a written representation from the originating FCM to show that the particular contracts in question were part of a spread or hedge transaction. (Spread or hedge margin requirements are generally less than those required for positions which are not part of a spread or hedge transaction.) The Commission is not specifying a mechanism by which the originating FCM must provide the necessary information to the carrying FCM so that the latter can justify assessing only a spread or hedge margin. Instead, both parties would be free to adopt the method they deem most appropriate to insure their ability to comply with their obligations under the Commission's regulations. For example, an originating FCM could attach to the report required to be submitted to the carrying FCM pursuant to § 17.04 a statement indicating which postions are part of a spread or hedge transaction. In any event, the Commission believes that a system can be designed to allow the assessment of spread or hedge margins by carrying FCMs in appropriate circumstances which does not require originating FCMs to disclose customer names or customer account numbers to carrying FCMs.

The Commission does not believe that originating FCMs would suffer financially from being required to margin omnibus account positions on a gross basis. Originating FCMs would not be precluded from depositing United States Treasury Bills or some other acceptable form of interest-bearing instrument with the carrying FCM and originating FCMs would not, therefore, have to forego the interest they are currently earning on segregated funds. Consequently, and because a gross margining system would not require originating FCMs to disclose the names of their customers to carrying FCMs, rule 1.58 would not have anti-competitive impact. *See* Section 15 of the Act (7 U.S.C. 19 (1978)).

The Commission recognizes that gross margining of omnibus accounts will not eliminate the potential for bankruptcies of FCMs, but it should promote the earlier detection of impending financial difficulties and permit protective or remedial action to be taken which will help to prevent, or at least limit, losses to customers. The Commission also recognizes that the customer protections of gross margining are dependent upon the FCM accurately reporting the positions in the omnibus account on a gross basis. If an FCM fails to do so, the firm would violate § 17.04 of the Commission's regulations. The carrying FCM must simply insure that all positions reported in accordance with that provision are properly margined, absent any circumstances which should lead the carrying FCM to undertake further investigation.[8]

IV. Amendments to Section 17.04

The Commission is also proposing to amend § 17.04 so that option positions traded through omnibus accounts would be required to be reported on a gross basis and, in addition, the Commission is proposing to clarify certain language in § 17.04 concerning futures. At the present time, § 17.04 applies only to futures positions traded through an omnibus account. The Commission intended to have option positions traded through an omnibus account reported on a gross basis, but believed that this objective could be achieved through rules promulgated by the exchanges establishing a large trader reporting system for options. The large trader reporting system for options will be administered by the exchanges, and the Commission will review the rules of the exchanges relating to large trader reporting in connection with its review of designation applications. Because the Commission proposes to include option positions within the gross margining system, however, and because proposed new rule § 1.58 would incorporate § 17.04 by reference, the Commission is also proposing to amend § 17.04 so that it would apply to options.

V. Certification Under the Regulatory Flexibility Act

The Commission does not believe that the proposed rule would have significant economic impact on small entities. As discussed above, although the proposed rule would require that more funds be

[5] 44 FR 25431, 25433 (May 1, 1979).

[6] 17 CFR 17.04(1981), as amended, 46 FR 59960, 59966 (December 8, 1981).

[7] 17 CFR 1.37(b)(1981), as amended, 46 FR 54500, 54523 (November 3, 1981).

[8] The Commission's authority to promulgate a gross margining requirement is not circumscribed by Section 5a(12) of the Act. That provision only prohibits the Commission from reviewing any rule of a contract market relating to the setting of levels of margin. A gross margining requirement will not in any way interfere with the setting of margin levels by contract markets; it will merely require that all customers' positions are margined at least at the levels set by the contract markets, and that margin funds are held in the "stronger hands" of clearing member FCMs.

transferred from originating FCMs to carrying FCMs, this would not preclude originating FCMs from depositing interest-bearing instruments with the carrying FCMs and continuing to earn interest on segregated funds. Nor should FCMs risk losing customers or suffer any significant additional operational or recordkeeping burdens.[9] Accordingly, pursuant to Section 3(a) of the Regulatory Flexibility Act, 94 Stat. 1168 (5 U.S.C. 605(b)), the Chairman, on behalf of the Commission, certifies that the rule proposed herein, if promulgated, will not have a significant economic impact on a substantial number of small entities. However, the Commission particularly invites comment from any firms or other persons which believe that promulgation of this rule might have a significant economic impact upon their activities.

In consideration of the foregoing and pursuant to the authority contained in Sections 4d, 4f, 4g and 8a of the Act, 7 U.S.C. 6d, 6f, 6g and 12a (1976 & Supp. III 1979), the Commission hereby proposes to amend 17 CFR Part 1 by adding a new § 1.58, and to amend 17 CFR Part 17 by revising § 17.04, to read as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

1. Section 1.58 is proposed to be added to 17 CFR Part 1 to read as follows:

§ 1.58 Gross margining of omnibus accounts.

(a) Each futures commission merchant which carries a commodity futures or commodity option position for another futures commission merchant on an omnibus basis must collect, and each futures commission merchant for which the omnibus account is being carried must deposit, initial and maintenance margin on each position reported in accordance with § 17.04 of this chapter at a level no less than that established for customer accounts by the rules of the applicable contract market.

(b) If the futures commission merchant which carries a commodity futures or commodity option position for another futures commission merchant allows a position to be margined as a spread position or as a hedged position in accordance with the rules of the applicable contract market, the carrying futures commission merchant must obtain and retain a written representation from the futures commission merchant for which the omnibus account is being carried that each such position is entitled to be so margined.

PART 17—REPORTS BY FUTURES COMMISSION MERCHANTS AND FOREIGN BROKERS

2. Section 17.04 is proposed to be revised to read as follows:

§ 17.04 Reporting Omnibus Accounts to the Carrying Futures Commission Merchant or Foreign Broker.

(a) Any futures commission merchant, clearing member or foreign broker who establishes an omnibus account with another futures commission merchant or foreign broker shall report to that futures commission merchant or foreign broker the total open long positions and the total open short positions in each future of a commodity, and, for commodity option transactions, the total open put options purchased, the total open put options granted, the total open call options purchased, and the total open call options granted for each commodity option expiration date, in such account at the close of trading each day. The information required by this section shall be reported in sufficient time to enable the futures commission merchant or foreign broker with whom the omnibus account is established to comply with Part 17 of these regulations and reporting requirements established by the contract markets.

(b) In determining open long and open short futures positions, and open purchased and open granted option positions, in an omnibus account for purposes of complying with § 17.00 (f), § 1.37(b) and § 1.58 of this chapter, a futures commission merchant, clearing member or foreign broker shall total the open long positions of all traders and the open short positions of all traders in each future of a commodity, and, for commodity option transactions, shall total the open put options purchased, the open put options granted, the open call options purchased, and the open call options granted of all traders for each commodity option expiration date. The futures commission merchant, clearing member or foreign broker shall, if both open long and short positions in the same future are carried for the same trader, compute open long or open short futures positions as instructed below.

Issued in Washington, D.C. on December 22, 1981, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-37116 Filed 12-28-81; 8:45 am]

BILLING CODE 6351-01-M

[9] Any impact of the proposed rule will fall on FCMs. The Commission has recently published its proposed determination that a registered FCM not be considered a "small entity" within the meaning of the Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1165, 1166 (5 U.S.C. 601(3) and (6)). 46 FR 23940, 23941 (April 29, 1981).

DEPARTMENT OF ENERGY

Bonneville Power Administration

18 CFR Ch. X

Proposed Amendments to Rules of Procedure Governing Rate Adjustments; Extension of Opportunity for Public Review and Comment

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Proposed Amendments to Rules of Procedure Governing Bonneville Power Administration Rate Adjustments; Notice of Extension of Opportunity for Public Review and Comment.

SUMMARY: By **Federal Register** Notice of December 9, 1981 (46 FR 60406), Bonneville Power Administration published proposed amendments to its rules of procedure governing rate adjustments, based in part on comments received in response to a **Federal Register** Notice of February 10, 1981 (46 FR 11697), "Rules of Procedure Governing Bonneville Power Administration Rate Adjustments," and BPA's experience in its 1981 Wholesale Power Rate and Transmission Hearings conducted February through May 1981. A public meeting on the proposed amendments was scheduled for, and held on, December 21, 1981, with a written comment period ending December 24, 1981. This notice extends the period that BPA will accept public comments from December 24, 1981, to January 4, 1982.

DATE: Written comments may be submitted through January 4, 1982, to the Public Involvement Coordinator.

ADDRESSES: Written comments should be sent to: Donna Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT: Ms. Donna L. Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212, 503-230-4261, or Mr. Michael C. Dotten, Attorney, General Counsel's Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208, 503-230-4214. Toll-free numbers for Oregon callers 800-452-8429; for callers from Washington.

Idaho, Montana, Utah, Nevada, Wyoming, and California 800–547–6048.

Dated: December 22, 1981.

Earl Gjelde,

Acting Administrator.

[FR Doc. 81–37192 Filed 12–28–81; 10:30 am]

BILLING CODE 6450–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 105

[Docket No. 78P–0207]

Special Dietary Foods Label Statements: Misleading Statements; Reduced Calorie Labeling for Bread; Revocation of Withdrawal of Proposed Rule; Further Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Revocation of the withdrawal of a proposed rule; further extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) further extends the time for submission of comments concerning information on methods of analysis for determining the calorie content of bread. FDA is taking this action in response to a request for a further extension of the comment period.

DATE: Comments by January 22, 1982.

ADDRESS: Send comments to: Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Taylor M. Quinn, Bureau of Foods (HFF–300), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202–245–1243.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 26, 1981 (46 FR 33053), FDA proposed revoking the withdrawal of the proposal to allow bread that has achieved a 25-percent reduction in calories to be labeled as "reduced calorie" bread. In addition, the agency reopened the comment period to seek comments on specific subjects, including information concerning methods of analysis for determining the calorie content of bread. The comment period ended August 25, 1981.

On August 25, 1981, the American Bakers Association (ABA) requested a 90-day extension of the comment period to permit the Approved Methods Committee of the American Association of Cereal Chemists (AACC) time to complete the project of the proper method of analysis for determining the calorie content of bread.

The agency concluded that the ABA had presented sufficient grounds to support extension of the comment period and, in the **Federal Register** of September 18, 1981 (46 FR 46340), extended the comment period to November 23, 1981.

On November 19, 1981, the ABA filed with FDA the AACC's findings and recommendations.

On November 23, 1981, a request was submitted for a further 60-day extension of the comment period in order to provide an opportunity for the submission of comments on the AACC's findings and recommendations.

The agency concludes that a further 60-day extension of the comment period should be granted.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403(a), 701(a), 52 Stat. 1041, 1047 as amended, 1055 (21 U.S.C. 321(n), 343(a), 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), the comment period is further extended 60 days to January 22, 1982.

Dated: December 18, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–36878 Filed 12–21–81; 11:16 am]

BILLING CODE 4160–01–M

VETERANS ADMINISTRATION

38 CFR Part 36

Loan Guaranty: Geographical Limits on Grants for Specially Adapted Housing Benefits for Seriously Disabled Veterans

AGENCY: Veterans Administration.

ACTION: Proposed regulation.

SUMMARY: The VA (Veterans Administration) is proposing to amend its regulations to limit grants of specially adapted housing benefits for seriously disabled veterans to properties located within the United States, its Territories or possessions. By regulation, the VA currently has limited home, mobile home, condominium and direct loans to properties located within the United States, its Territories or possessions. There is no similar restriction on the situs of property to be acquired or specially adapted with the assistance of a specially adapted housing grant. This proposed regulation, if adopted, would make the geographical limitations for specially adapted housing grants coincide with the current geographical limits for the various VA home loan programs.

DATE: Comments must be received on or before January 29, 1982. Effective date of this regulation is proposed to be the date of final approval.

ADDRESS: Send written comments to: Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. Comments will be available for inspection at the above address during normal business hours until February 8, 1982.

FOR FURTHER INFORMATION: Mr. Lyman T. Miller, Assistant Director for Construction and Valuation (262), Loan Guaranty Service, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420 (202–389–2691).

SUPPLEMENTARY INFORMATION: The VA is authorized by Chapter 21 of Title 38, United States Code, to assist certain severely disabled veterans to acquire housing adapted to their particular handicap or adapt existing housing to their handicap. Assistance is in the form of a one-time cash grant to the eligible veteran.

The VA is proposing to add § 36.4411 to Title 38, Code of Federal Regulations governing specially adapted housing benefits to limit these types of benefits to properties located in the United States, its Territories or possessions. Similar restrictions are currently in place in the home and condominium, mobile home, and direct loan regulations (§§ 36.4329, 36.4214, and 36.4523, respectively).

The absence of loan guaranty facilities makes it impractical to authorize such grants in areas outside the sovereign jurisdiction of the United States. A veteran grant-beneficiary should receive certain services and protections from the VA such as assistance in securing a loan, inspection of the site of the home, and compliance inspections by a duly authorized inspector during the construction of a new dwelling or the alteration of an existing home. In addition, the VA must affirmatively assure that the veteran has legal title to the real estate involved for the housing grant and that the housing grant or home adaptations grant is used for the authorized purpose. These administrative requirements are necessary to assure that the veteran receives the benefits he or she is entitled to and that the Government's funds are properly expended. It would be difficult, if not impossible, to comply with these requirements in a foreign country. We,

therefore, propose to add § 36.4411 to Title 38, Code of Federal Regulations to limit specially adapted housing grants to the United States, its Territories, and possessions.

The Administrator hereby certifies that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), this proposed rule is therefore exempt from the initial and final regulatory analyses requirements of sections 603 and 604. The reason for this certification is that this rule will regulate only a small number of individual veteran recipients who are permanent residents of or currently residing in foreign countries. A recent computer survey of VA records for potentially eligible service-connected veterans residing in foreign nations showed that there are approximately 59 veterans included in the group. There is the possibility of a few additional persons being eligible for a grant whose qualifying disability rating currently does not specifically indicate eligibility for specially adapted housing benefits. We believe, therefore, that the proposed regulation, if promulgated, will have no direct impact on small entities (i.e., small businesses, small private and nonprofit organizations, and small government jurisdictions located in the United States, its Territories or possessions). There will be no compliance costs or reporting burdens on individuals or organizations.

The proposed regulation has been reviewed pursuant to Executive Order 12291, Federal Regulation, and will not impact on the public or private sectors as a major rule as defined by the Executive Order. The regulation, therefore, is found to be nonmajor. This is because the regulation should have no economic impact in the United States, whatsoever.

This amendment is proposed under authority granted the Administrator by sections 210(c), 801(a) and (b) of Title 38, United States Code.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions or objections regarding this proposal to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420. All written comments will be available for public inspection at the above address only between 8 am and 4:30 pm, Monday through Friday (except holidays), until February 8, 1982. Any person visiting the Veterans Administration Central Office in Washington, DC for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Visitors to VA field stations will be informed that the records are available for inspection only in Central Office and will be furnished the address and room number.

(Catalog of Federal Domestic Assistance Program Number 64.106)

Approved: December 10, 1981.

Robert P. Nimmo,
Administrator.

PART 36—LOAN GUARANTY

The Veterans Administration proposes to amend 38 CFR Part 36 as follows:

Section 36.4411 is added as follows:

§ 36.4411 Geographical limits.

Any real property purchased, constructed, altered, improved, repaired, or specially adapted, in whole or in part with the proceeds of any specially adapted housing grant, shall be situated in the United States, which, for purposes of 38 U.S.C. Chapter 21, is defined as the several States, Territories, and possessions, including the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other area over which the United States may, at some future date, acquire sovereignty.

(38 U.S.C. 210(c), 801(a) and (b))

[FR Doc. 81-37107 Filed 12-28-81; 8:45 am]

BILLING CODE 3320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[AMS-FRL 1952-4]

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Certification and Test Procedures; Non-Methane Hydrocarbon Standards for Mobile Sources

Correction

In FR Doc. 81-36255, appearing at page 62366 in the issue of Wednesday, December 23, 1981, the following changes should be made in the "DATES" paragraph:

1. The date for public hearings should read, "January 18, 1982."

2. The date by which comments should be received should read, "February 18, 1982."

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[Gen. Docket No. 81-706]

List of the Commission's Rules To Be Reviewed Pursuant to the Regulatory Flexibility Act During 1981–82; Order Extending Time for Filing Comments

AGENCY: Federal Communications Commission.

ACTION: Notice of rules to be reviewed; extension of time period.

SUMMARY: This action, by the General Counsel pursuant to delegated authority, grants requests by the Radio Technical Commission for Marine Services (RTCM), the Consumer Electronics Group of the Electronics Industries Association (EIA/CEG) and the American Waterways Operators, Inc. to extend the time for filing of comments in response to the Commission's Notice in Gen. Docket No. 81–706, Federal Communications Commission's List of Rules To Be Reviewed Pursuant to Section 610 of the Regulatory Flexibility Act During 1981–82, FCC 81–487, 46 FR 56466 (Nov. 17, 1981).

DATES: The deadline for filing comments has been extended from December 17, 1981 to March 1, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Donald L. McClure, Office of General Counsel, (202) 254–6530.

SUPPLEMENTARY INFORMATION:

In the matter of list of the Commission's rules to be reviewed pursuant to the Regulatory Flexibility Act During 1981–82, Gen. Docket No. 81–706.

Order

Adopted: December 15, 1981.

Released: December 15, 1981.

1. The Commission has before it requests for extension of time in which to file comments to the Commission's Notice in Gen. Docket No. 81–706, Federal Communications Commission's List of Rules To Be Reviewed Pursuant to Section 610 of the Regulatory Flexibility Act During 1981–82, FCC 81–487, 46 FR 56466 (Nov. 17, 1981). Extension requests were filed by the Radio Technical Commission for Marine Services (RTCM) on November 27, 1981, the Consumer Electronics Group of the Electronics Industries Association (EIA/CEG) on December 7, 1981, and the American Waterways Operators, Inc. on December 10, 1981. The RTCM

requested an extension of time for filing comments from December 17, 1981 to February 26, 1982; the EIA/CEG requested an extension of time to January 22, 1982 and the American Waterways Operators, Inc. requested an extension of time to March 1, 1982. The RTCM is a Federal Advisory Committee established under the Federal Advisory Committee Act, Act Oct. 6, 1976, Pub. L. 92–463, 86 Stat. 770, as amended by Act Sept. 13, 1976, Pub. L. 94–409, section 5(c), Sept. 13, 1976, 90 Stat. 1247. Additionally, the American Waterways Operators, Inc. is a member of the RTCM. The Act requires that timely notice of each meeting shall be published in the **Federal Register.** FCC Instruction 1126.1 requires twenty days minimum notice of a meeting in order to comply with the "timely notice" requirement of the Act. The RTCM asserts that additional time will be required to convene the meetings necessary to review the Notice and to comply with the "timely notice" requirement of the Act. The EIA/CEG asserts that additional time will be required to review the large number of Commission rules involved.

2. Good cause having been shown. The request for extension of time will be granted pursuant to authority delegated to the General Counsel. See 47 CFR 0.251(b) (1980).

3. Accordingly, it is hereby ordered that the Requests for Extension of Time filed by the Radio Technical Commission for Marine Services, the Consumer Electronics Group of the Electronics Industries Association and the American Waterways Operators, Inc. are hereby granted; that the time for filing comments in the above-captioned proceeding is extended to and including March 1, 1982.

Stephen A. Sharp,

General Counsel.

[FR Doc. 81-36941 Filed 12-28-81; 8:45]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-883; RM-4005]

FM Broadcast Station in Palm Desert, California; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 244A to Palm Desert, California, in response to a petition filed by John R. Banoczi. The assignment could provide Palm Desert with a second local FM station.

DATES: Comments must be filed on or before January 29, 1982, and reply comments must be filed on or before February 16, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: December 15, 1981.

Released: December 22, 1981.

In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Palm Desert, California), BC Docket No. 81–883, RM–4005.

1. A petition for rule making was filed by John R. Banoczi ("petitioner"), seeking assignment of Channel 244A to Palm Desert, California, as that community's second FM assignment. The assignment can be made with a site restriction, as noted *infra,* to conform with the minimum distance separation requirements of § 73.207 of the Commission's rules. Petitioner states that he and his associates in Pennino Music Company[1] or a corporation to be formed, will apply for the channel, if assigned.

2. Palm Desert (population 11,801),[2] in Riverside County (population 663,923), is located approximately 176 kilometers (110 miles) east of Los Angeles, California. It is served by daytime-only AM Station KGUY and proposed FM Station KCMS (Channel 276A, application pending).

3. Petitioner states that Palm Desert has numerous financial institutions, as well as a post office, Chamber of Commerce, a Federal government office, fire stations, schools, hotels and recreational facilities. Additionally, it asserts that numerous tourist-related concerns are also located in the community. Further, petitioner advises that Palm Desert's population fluctuates as the tourist season changes.

4. Petitioner's engineering study reveals that assignment of Channel 244A to Palm Desert will cause preclusion to occur only on the co-channel and adjacent Channel 245, and further notes that the communities of Indio, Coachella, Twentynine Palms and Eagle Mountain, each with a population in excess of 1,000, lie within the precluded areas. Of these, only Eagle Mountain does not have an assignment. Petitioner indicates, however, that Channels 221A, 249A, 269A, 272A, 288A and 289 are available for assignment thereto.

5. In order to accommodate this proposal, the transmitter site must be located at least 5.3 kilometers (3.3 miles) southeast of Palm Desert to avoid short-spacing to Station KCAL (Channel 244A) in Redlands, California. Additionally, concurrence in the proposal by the Mexican Government must be obtained since Palm Desert is located within 320 kilometers (199 miles) of the United States-Mexico border.

6. In light of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Present	Proposed
Palm Desert, California	276A	244A, 276A

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note:—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before January 29, 1982, and reply comments on or before February 16, 1932.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat. 1066, 1082, as amended (47 U.S.C. 154, 303).)

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[1] Pennino Music Co., Inc. is the licensee of FM Stations KNOB, Long Beach, California, and KXTZ, Henderson, Nevada.

[2] Population figures are derived from the 1980 U.S. Census.

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-883 RM-4005]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(8) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filing in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§1.415 and 1.420 of the Commission's rules and regulations, inserted parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 81-37034 Filed 12-28-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-168; RM-3561, RM-3608, RM-3898]

FM Broadcast Stations, Boothbay Harbor, Ellsworth, Farmington, Lewiston, Skowhegan, and Belfast, Maine; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Channel 238 to Lewiston, Maine, at the request of WRXV, Inc. Also proposed are channel substitutions at Ellsworth, Belfast, and Farmington, Maine. Stations WDEA-FM, Ellsworth, and WKTJ-FM, Farmington, are ordered to show cause why their licenses should not be modified to specify operation on Channels 284 and 249A, respectively. These actions would enable Lewiston to receive its third FM assignment.

DATES: Comments must be filed on or before January 29, 1982, and reply comments must be filed on or before February 16, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Further Notice of Proposed Rule Making and Orders to Show Cause

Adopted: December 14, 1981.

Released: December 17, 1981.

In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Boothbay Harbor, Ellsworth, Farmington, Lewiston, Skowhegan, and Belfast,[1] Maine, BC Docket No. 81-168, RM-3561, RM-3608, RM-3898.

1. Before the Commission is a Notice of Proposed Rule Making, 46 FR 18743, published March 26, 1981, proposing three alternative assignment plans looking toward the addition of a Class B FM channel at Lewiston, Maine, and a Class A channel at Skowhegan, Maine, with related channel substitutions at Ellsworth and Farmington, Maine. In response to this Notice, a counterproposal was submitted seeking the assignment of a Class A channel to Boothbay-Boothbay Harbor, Maine. This Further Notice addresses only the Lewiston assignment and related channel substitutions at Ellsworth and Farmington, Maine. A separate First Report and Order in this docket was previously adopted which disposed of the Skowhegan and Boothbay-Boothbay Harbor proposals.

2. With respect to Lewiston, the Notice proposed the assignment of Channel 238 to Lewiston plus the substitution of Channels 233 and 296A for Channels 239 and 232A at Ellsworth, respectively. The Notice also contained an Order to Show Cause asking why the licensee of Station WDEA-FM, Ellsworth, should not be modified to specify operation on Channel 233 instead of Channel 239.[2] Comments were filed by WRXV, Inc. ("WRXV"), the proponent of the assignment of Channel 238 to Lewiston; Dudman Communications Corporation ("Dudman"), the licensee of Station WDEA-FM, Ellsworth; and Acadia Broadcasting Company, ("Acadia"), applicant for a construction permit for FM Channel 232A at Ellsworth. Reply comments were filed by WRXV and Dudman.

3. In support of the Lewiston assignment, WRXV resubmits the information contained in its petition for rule making, which, among other things, states that because Lewiston is Maine's second largest city and the center of a regional population cluster of over 90,000 persons, the city deserves a third FM assignment. WRXV avers that if it becomes the eventual permittee for Channel 238 at Lewiston, it will reimburse Dudman for any expenses incurred by WDEA-FM in changing frequencies at Ellsworth.

4. Dudman opposes the proposed assignment to Lewiston and the channel substitutions at Ellsworth and asks that its license for WDEA-FM not be

[1] This community has been added to the caption.

[2] The *Notice* also contained an Order to Show Cause asking why the license of Station WKTJ-FM, Farmington, should not be modified to specify operation on Channel 249A in lieu of its present operating frequency on Channel 257A. Originally, this Order was issued solely to facilitate a channel assignment at Skowhegan. As will be explained more fully below, the same substitution is necessary to the assignments being proposed in this Further Notice. In order to give the Farmington licensee the fullest possible opportunity to comment, we shall issue a second order to Show Cause specifying the same channel substitution.

modified to specify operation on Channel 233 as proposed in the *Notice*. Dudman acknowledges that the assignment of Channel 233 meets all the Commission's mileage separation requirements, but argues that operation on Channel 233 will result in interference with superpower Station WHOM at Mount Washington, Maine, which operates on the second adjacent Channel 235.[3] Although the proposal is not subject to predicted interference under the Commission's interference ratios and propagation curves, Dudman believes that WDEA–FM would suffer destructive interference within its 40 mile effective coverage radius for Class B FM stations. Citing Vallejo, California,[4] and Muncie, Indiana,[5] Dudman asserts that the Commission has recognized this problem in the past and has refused to require a channel substitution which would subject an existing Class B station to interference within its 60 and 48 dBu contours from a superpower station. Dudman further states that the interference which WDEA–FM will suffer is not counterbalanced by any demonstrated need for an additional FM assignment at Lewiston. Dudman points out that Lewiston is presently served by two FM stations, and, under the Commission's present population guidelines, is not entitled to a third FM assignment.[6] Dudman states that the population growth of Lewiston has been virtually nonexistent for the past forty years. Also, Dudman states that Auburn, Maine, is located directly across the Androscoggin River from Lewiston, and that taken together the two cities are served by a total of three AM and three FM stations. Dudman further notes that the assignment of Channel 238 to Lewiston would cause preclusion over all or part of 13 Maine counties. Included in this area is the community of Kennebunk, for which no other alternative FM assignment is available. In view of all these factors militating against the Lewiston assignment, plus the interference which will be caused to WDEA–FM, Dudman requests, at the very least, that the Commission delay making the assignment until Docket 80–90 is concluded.[7] Dudman states that if the proposals in Docket 80–90 are adopted, additional channels would be available for assignment to Lewiston. Although Dudman urges that its license not be modified, it states that if the Commission does go ahead with the modification, it expects to be fully reimbursed for its expenses in changing frequencies.

5. Acadia states in its comments that it does not believe the proponents of the new FM assignments have advanced public interest considerations compelling enough to justify the extensive revisions to the Table of Assignments that the plans would entail. In the event the Commission determines that the revisions are in the public interest, Acadia requests that it be reimbursed for any expenses it may incur as a result of having to amend its application at Ellsworth.

6. Regarding Dudman's complaints that the channel substitution in Ellsworth will cause harmful interference, WRXV states in reply comments that the cases cited by Dudman involved interference to an affected station's 60 dBu contour while Dudman has shown interference only within its 34 dBu contour. WRXV opines that Dudman is seeking interference protection far beyond that contemplated by Commission rule or policy. WRXV notes that Dudman's own engineering statements fail to document any interference within a 40 mile radius of WDEA–FM. Finally, WRXV objects to Dudman's suggestion that the Lewiston assignment be delayed until final resolution of Docket 80–90 because WRXV does not wish to begin the rule making process anew to seek the assignment of a different channel.

7. Dudman presents new information in its reply comments which allegedly confirms that, if Station WDEA–FM is forced to operate on Channel 233, it will experience interference within the station's protected contour. Using the method prescribed in National Bureau of Standards, Technical Note 101, Dudman has computed the WHOM F (50,10) signal at seven selected points within 35 to 45 miles of the WDEA–FM transmitter. According to Dudman's computations, at five of the seven locations, interference to WDEA–FM would be caused by the second adjacent channel operation of WHOM at Mount Washington. Accordingly, Dudman states that the holding in Vallejo, California, *supra*, is controlling and that the channel substitution at Ellsworth should therefore not be adopted.

8. Although at this time we take no position on the alleged interference problem cited by Dudman, we believe that we have found a potential resolution of this proceeding which should alleviate both Dudman's and Acadia's concerns. According to a staff study, Channel 284 can be assigned to Ellsworth as a substitute for Channel 239 if unused Channel 284 is deleted from Belfast, Maine. Channel 258 is available as a replacement at Belfast if Channel 249A is substituted for Channel 257A at Farmington. The channel substitution at Farmington has already been proposed in the original Notice, and the licensee of Station WKTJ–FM, operating on Channel 257A at Farmington, offered no objection to modification of its license to Channel 249A. If these assignments and substitutions are made, it then becomes unnecessary to delete Channel 232A from Ellsworth; thus, Acadia could proceed with its application.[8] We believe that this proposal, although it does necessitate changing frequencies for two licensed stations, removes several of the possible problems inherent in the original proposal and should therefore be submitted for public comments. Because both of these substitutions and concomitant license modifications are being proposed in an effort to add a third FM channel to Lewiston, WRXV, the proponent of the Lewiston assignment, should indicate in its further comments its willingness to reimburse the licensees of Stations WDEA–FM, Ellsworth, and WKTJ–FM, Farmington, for their expenses incurred in changing operating frequencies.

9. We also seek further comment from WRXV on one additional issue raised in the comments. According to the Commission's policies, assignments exceeding the population guidelines will generally be granted given indication of interest in the additional channel plus a showing that the assignment will have no significant preclusive effects. In this instance, the assignment of a third channel to Lewiston does exceed our population guidelines which limit cities with a population below 50,000 to two FM assignments. However, Dubman indicates that the assignment of Channel

[3] "Superpower" stations are stations whose facilities were grandfathered prior to the adoption of the Commission's present power and antenna height requirements. Station WHOM, Mount Washington, operates at 46 kW power, with an antenna height of 3760 HAAT.

[4] 40 R.R. 2d 648 (Broadcast Bureau 1977), *review denied*, 44 R.R. 2d 375 (1978).

[5] 32 F.C.C. 2d 839 (1972), *recon. denied*, 38 F.C.C. 2d 324 (1972).

[6] The Commission's FM assignment population guidelines state that communities with populations of 50,000 or less are entitled to one or two FM assignments, while communities with populations from 50,000 to 100,000 are entitled to up to four FM assignments.

[7] Among other things, the proposals in Docket 80–90 would reduce the minimum distance separation requirements for FM stations and would create two new classes of FM stations. *See*, Modification of FM Broadcast Station Rules To Increase the Availability of Commercial FM Broadcast Assignments, 78 F.C.C. 2d 1235 (1980).

[8] We further note that this proposal removes the necessity for channel substitutions at Ellsworth in RM–3838, in order to assign Channel 293 to Brewer, Maine.

238 to Lewiston would cause preclusion to Kennebunk (population 6,621),[*] a community for which no alternative assignments are available. Given the significant preclusive impact that the proposed assignment has no Kennebunk, WRXV should present further justification for the assignment, especially with regard to our population guidelines.

10. Because the communities are located within 402 kilometers (250 miles) of the U.S.-Canada border, the proposed assignments require coordination with the Canadian government.

11. Accordingly, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	[illegible]	Proposed
Belfast, Maine	[illegible]	258
Ellsworth, Maine	232A, 239	232A, 284
Farmington, Maine	257A	249A
Lewiston, Maine	[illegible]	[illegible]

12. It is ordered, That, pursuant to Section 316(a) of the Communications Act of 1934, as amended, and with the understanding that it will receive reasonable reimbursement of expenses incurred in changing the channel on which it has a license, Station WDEA–FM, Ellsworth, Maine, shall show cause why its license should not be modified to specify operation on Channel 284 as proposed herein instead of the present Channel 239.

13. Pursuant to § 1.87 of the Commission's rules and regulations, the licensee of Station WDEA–FM, Ellsworth, Maine, may not later than January 29, 1982, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, WDEA–FM may, not later than January 29, 1982, file a written statement showing with particularity why its license should not be modified as proposed in this Order to Show Cause. In this case, the Commission may call on WDEA–FM to furnish additional information, designate the matter for hearing, or issue, without further proceeding, an Order modifying the license as provided in the Order to Show Cause. If the right to request a hearing is waived and no written statement is filed by the date referred to above, WDEA–FM will be deemed to consent to the modification as proposed in the Order to Show Cause and a final Order will be issued by the Commission, if the above-mentioned channel modifications are ultimately found to be in the public interest.

14. It is further ordered, That, pursuant to section 316(a) of the Communication Act of 1934, as amended, and with the understanding that it will receive reasonable reimbursement of expenses incurred in changing the channel on which it has a license, Station WKTJ–FM, Farmington, Maine, shall show cause why its license should not be modified to specify operation on Channel 249A as proposed herein instead of the present Channel 257A.

15. Pursuant to § 1.87 of the Commission's rules and regulations, the licensee of Station WKTJ–FM, Farmington, Maine, may not later than January 29, 1982, request that a hearing be held on the proposed modification. Pursuant to section 1.87(f), if the right to a hearing is waived, WKTJ–FM may, not later than January 29, 1982, file a written statement showing with particularity why its license should not be modified as proposed in this Order to Show Cause. In this case, the Commission may call on WKTJ–FM to furnish additional information, designate the matter for hearing, or issue, without further proceeding, an Order modifying the license as provided in the Order to Show Cause. If the right to request a hearing is waived and no written statement is filed by the date referred to above, WKTJ–FM will be deemed to consent to the modification as proposed in the Order to Show Cause and a final Order will be issued by the Commission, if the above-mentioned channel modifications are ultimately found to be in the public interest.

16. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

17. Interested parties may file comments on or before January 29, 1982, and reply comments on or before February 16, 1982.

18. It is further ordered, that the Secretary of the Commission shall send a copy of this order by certified mail, return receipt requested, to Dudman Communications Corporation, 68 State Street, Ellsworth, Maine 04605, one of the parties to whom this Order to Show Cause is directed.

19. It is further ordered, that the Secretary of the Commission shall send a copy of this order by certified mail, return receipt requested, to Franklin Broadcasting Corporation, Voter Hill Road, Farmington, Maine 04938, one of the parties to whom this Order to Show Cause is directed.

20. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980, do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Section 73.202(b), 73,504 and 73,606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

21. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or Court review, all *ex parte* contacts are prohibited in Commmission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat. 1066, 1082 as amended (47 U.S.C. 154, 303))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division Broadcast Bureau.

Appendix

[BC Docket No. 81–168 RM–3561, RM–3608, RM–3899]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

[*] Population figures are taken from the 1980 U.S. Census.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 81-36836 Filed 12-28-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-882; RM-4004]

FM Broadcast Stations in Artesia, Mississippi; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign Channel 261A to Artesia, Mississippi, in response to a petition filed by Colom and Associates. The assignment could provide Artesia with a first local FM service.

DATES: Comments must be filed on or before January 29, 1982, and reply comments must be filed on or before February 16, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: December 15, 1981.

Released: December 22, 1981.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Artesia, Mississippi), BC Docket No. 81-882, RM-4004.

1. The Commission herein considers a petition for rule making filed by Colom and Associates ("petitioner"), which seeks to assign FM Channel 261A to Artesia, Mississippi, as that community's first FM assignment. The assignment can be made consistent with the minimum distance separation requirements of § 73.207 of the Commission's rules. Petitioner states that it, or a newly formed corporation, will apply for the channel, if assigned as proposed.

2. Artesia (population 526),[1] in Lowndes County (population 57,304), is located approximately 32 kilometers (20 miles) west of Columbia, Mississippi. It presently has no local aural service.

3. Petitioner states that Artesia functions under a code charter with an aldermanic form of government, and that it operates its own water, sewer and gas systems. According to petitioner, the community also has a library, schools, churches, local transportation facilities, and a local newspaper, published tri-monthly, to serve its residents. It adds that the population of Artesia, of which minorities comprise 60%, has shown a steady increase during the past decade, and that it expects this growth trend will continue in the future.

4. Petitioner states that it is a minority-owned and operated partnership, and that it seeks to primarily serve the needs and interests of the Black community in Artesia. It urges that such an assignment would be in accord with the Commission's two-fold policy to effectuate greater diversity and minority ownership of broadcast facilities.

5. Petitioner refers to an engineering statement which, it asserts, indicates that the proposed assignment of Channel 261A to Artesia, Mississippi, would create no unacceptable preclusion to adjacent areas. However, we need not consider the preclusive impact with respect to a request for a first Class A channel allocation. See Policy Statement To Govern Requests for Additional Assignments, 8 F.C.C. 2d 79 (1967).

6. In view of the above, and in order to give further consideration to the request, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
Artesia, Mississippi		261A.

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before January 29, 1982, and reply comments on or before February 16, 1982.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. *See*, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat. 1066, 1082, as amended (47 U.S.C. 154, 303))

[1] Population figures herein are extracted from the 1980 U.S. Census.

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81–882 RM–4004]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 81–37035 Filed 12–28–81; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 81–881; RM–3435]

FM Broadcast Station in Washington, North Carolina; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of a second FM channel to Washington, North Carolina. Petitioner, Pamlico Broadcasting Company, is willing to operate a Class A channel in competition with the already present Class C FM station in the community.

DATES: Comments must be filed on or before January 29, 1982, and reply comments on or before February 16, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Washington, North Carolina), BC Docket No. 81–881, RM–3435.

Adopted: December 15, 1981.

Released: December 22, 1981.

1. A petition for rule making [1] was filed by Pamlico Broadcasting Company ("petitioner"), proposing the assignment of Channel 252A to Washington, North Carolina, as that community's second FM assignment. The channel can now be assigned to Washington in conformity with the minimum distance separation provided the transmitter site is located approximately 8 kilometers (4.8 miles) southwest of the city.[2] This case had been hold in abeyance pending the outcome of Docket No. 21383 in which Channel 253 was requested for assignment to Camp Lejeune, North Carolina. That proceeding was recently dismissed at the request of Francon, Inc., proponent of the Camp Lejeune assignment. A motion to dismiss and opposition to the petition which is now moot was filed by Francon, Inc., to which petitioner responded.

2. Washington (population 8,418),[3] seat of Beaufort County (population 40,266), is located approximately 145 kilometers (90 miles) east of Raleigh, North Carolina. It is served locally by daytime AM Station WEEW, fulltime AM Station WITN and FM Station WITN–FM (Channel 227). Petitioner states that it will apply for Channel 252A, if assigned.

3. Petitioner states that Washington is the largest city in Beaufort County. It further states that Beaufort County's economy is primarily agricultural, however, manufacturing firms employ 23 percent of its labor force. The county is said to be experiencing substantial economic growth. Petitioner states that the proposed channel would bring a much needed FM service to the community and area. In support of the petition it has submitted sufficient demographic and economic information with respect to Washington, which demonstrates the need for an additional FM assignment.

4. Francon, Incorporated has asserted that this petition is in conflict with, and constituted a counterproposal to its petition RM–2814, Docket No. 21383, to assign FM Channel 253 to Camp Lejeune, North Carolina. The cut-off date for filing comments and conflicting assignment proposals was October 17, 1977. Francon had stated that since review of the Commission's decision in that proceeding was still pending, Pamlico Broadcasting Company's petition should be dismissed.

5. Pamlico Broadcasting Company in response, contended that the petition was not a counterproposal since the Camp Lejeune proposal had previously been denied. Rather, Pamlico recognizes that the Camp Lejeune proceeding must be resolved first and urge the Commission to proceed with its requests as expeditiously as possible thereafter.

6. *Preclusion Studies:* Preclusion study demonstrates that a substantial area would be precluded by the proposed assignment. On co-Channel 252A the precluded areas include parts of the following counties; North Carolina: Tyrrell, Washington, Beaufort, Hyde,

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[1] Public Notice of the petition was given on August 17, 1979, Report No. 1188.

[2] This restriction is necessary to avoid short spacing to Station WWDR, Murfreesboro, North Carolina.

[3] Population figures are taken from the 1980 U.S. Census.

Pamlico, Carteret, Dare and Craven; on Channel 251, the precluded area includes parts of the Islands of Hatteras and Cape Hatteras (Dare County, North Carolina); on Channel 253 the precluded areas includes parts of the following counties: North Carolina: Duplin, Jones, Onslow, Craven, Carteret and Pamlico. Petitioner should submit a list of alternate available channels to precluded communities of over 1,000 population and without local aural service.

7. The assignment of Channel 252A to Washington would result in intermixing a Class A channel with a Class C channel. The Commission has a policy of permitting such intermixture where, as here, no other Class C channel is available for assignment and the petitioner is willing to apply for the Class A channel, despite the unfavorable competitive situation. Yakima, Washington, 42 F.C.C. 2d 548, 550 (1973); Key West, Florida; 45 F.C.C. 2d 142, 145 (1974).

8. In view of the foregoing information and the fact that the proposed assignment would provide the community an opportunity to develop a second local FM broadcast service, the Commission proposes to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, with regard to Washington, North Carolina, as follows:

City	Channel No.	
	Present	Proposed
Washington, N.C.	227	227, 252A

9. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

10. Interested parties may file comments on or before January 29, 1982, and reply comments on or before February 16, 1982.

11. The Commission has determined that the relevent provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

12. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat. 1066, 1082, as amended (47 U.S.C. 154, 303))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division Broadcast Bureau.

Appendix

[BC Docket No. 81–881 RM–3435]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81–37030 Filed 12–28–81; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 81–874; RM–3931]

FM Broadcast Stations in Devils Lake, North Dakota; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of two Class C channels to Devils Lake, North Dakota, and modification of the license for Station KDVL, operating on Channel 244A, to specify one of the Class C channels, in response to a petition filed by KGPC Company. Significant service to underserved areas could be provided.

DATES: Comments must be filed on or before January 29, 1982, and reply comments on or before February 16, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: December 14, 1981.

Released: December 17, 1981.

In the matter of Amendment of § 73.202(b), *Table of Assignments*, FM

Broadcast Stations. (Devils Lake, North Dakota). BC Docket No. 81–874, RM–3931.

1. The Commission herein considers a petition filed by KGPC Company ("petitioner"), proposing the assignment of Class C Channel 278 to Devils Lake, North Dakota, as that community's second FM assignment.[1] Petitioner stated its intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Devils Lake (pop. 7,442) [2], seat of Ramsey County (pop. 13,048), is located in the northeastern part of North Dakota, approximately 570 kilometers (350 miles) northwest of Minneapolis, Minnesota. It is served by fulltime AM Station KDLR and FM Station KDVL (Channel 244A). The stations have common ownership.

3. According to petitioner, Devils Lake is sufficiently important to warrant a second FM assignment, as more than half of the county's population resides at Devils Lake. It has a full range of stores, professional offices and other facilities which serve the city and the surrounding area. Petitioner contends that the proposed assignment would provide service to underserved areas which are beyond the primary service contours of the Class A station, including the communities of Minnewauken, New Rockford and Lakota, North Dakota. Although the proposal would create an intermixture of Class A and Class C channels, petitioner argues the intermixture is justifiable, since the proposed station would provide services to underserved areas. *Oak Ridge, Tennessee*, 32 FCC 2d 937 (1972).

4. *Preclusion considerations.* The information submitted by the petitioner shows that as a result of the proposed assignment of Channel 278 to Devils Lake, several counties would be precluded from assignments, however, at least one alternate channel would be available in each county.

5. Although it has been the general Commission policy to assign Class C channels only to communities of over 10,000 persons, exceptions have been made when the assignment would result in a large first or second FM service [3] or when the assignment of a Class C channel would enable a large rural area to be served. Since there are few large cities in the coverage area, Class C channels would be appropriate to provide FM service to the area and insure the opportunity for residents to have a choice of FM service. While a Roanoke Rapids-Anamosa showing was not submitted, it appears that the assignment will provide significant first FM service to quite a large area.

6. Because the assignment of one Class C channel would fail to promote the desirable competitive balance we seek to achieve in our policy against intermixture of classes in the same community, we are proposing a second Class C assignment as a substitute for the existing Class A station to avoid intermixture. A study revealed that Channel 273 is available for assignment to Devils Lake. Therefore, to provide the licensee of Channel 244A an opportunity to switch to a Class C channel, we shall propose a second Class C channel for Devils Lake. Since KDVL could be affected if we were to follow this policy, it must be given an opportunity to indicate whether it consents to or is opposed to the proposed change of its channel assignment and this Order to Show Cause is adopted for that purpose. Its general comments on the appropriateness of the proposal are invited.

7. Station KDVL would also be entitled to reimbursement for the reasonable expenses of the change of frequency only, not for the necessary upgrading in facilities. See Mitchell, South Dakota, 62 F.C.C. 2d 701 (1976) and Gillette, Wyoming, Docket 21119, 42 FR 47557 (1977). The reimbursement would come from the ultimate permittee of Channel 278, if assigned.

8. Accordingly, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, with regard to the community below, as follows:

City	Channel No.	
	Present	Proposed
Devils Lake, North Dakota	244A	273, 278

9. It is ordered, that pursuant to Section 316(a) of the Communications Act of 1934, as amended, KDLR, Inc., the licensee of Station KDVL(FM) at Devils Lake, North Dakota, shall show cause why its license should not be modified to specify operation on Channel 273, if the Commission determines that the public interest would be served by adopting the proposed assignment.

10. Pursuant to § 1.87 of the Commission's rules and regulations, Station KDVL(FM) may, not later than January 29, 1982, request that a hearing be held on the proposed modification. Pursuant to Section 1.87(f), if the right to request a hearing is waived, Station KDVL(FM) may, not later than January 29, 1982, file a written statement showing with particularity why its license should not be modified as proposed in this Order to Show Cause. In this case, the Commission may call on Station KDVL(FM) to furnish additional information, designate the matter for hearing, or issue, without further proceedings, an Order modifying the license as provided in the Order to Show Cause. If the right to request a hearing is waived and no written statement is filed by the date referred to above, Station KDVL(FM) will be deemed to consent to modification as proposed in the Order to Show Cause and a final Order will be issued by the Commission, if the channel changes mentioned above are found to be in the public interest.

11. Comments must be filed on or before January 29, 1982, and reply comments on or before February 16, 1982.

12. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

13. It is further ordered, that the Secretary of the Commission shall send a copy of this *Order* by Certified Mail, Return Receipt Requested, to KDLR, Inc., 400 12th Avenue, Devils Lake, North Dakota 58301, the party to whom the Order to Show Cause is directed.

14. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

15. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex-parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at

[1] Public Notice of the petition was given on July 17, 1981, Report No. 1299.

[2] Population figures are taken from the 1980 U.S. Census.

[3] *Lyons, Kansas*, 42 FCC 2d 215, 216 (1973); *Lexington, Missouri*, 53 FCC 2d 893 (1975).

the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat. 1066, 1082, as amended; (47 U.S.C. 154, 303))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. they will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-36034 Filed 12-28-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-155; RM-3660, RM-3708, RM-3858]

FM Broadcast Stations in Bend and Coos Bay, Oregon; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to substitute Class C FM Channels 239 and 247 for existing Channels 252A and 288A in Coos Bay, Oregon, in response to a petition filed by SGB Broadcasting, Inc.

DATES: Comments must be filed on or before January 29, 1982, and reply comments must be filed on or before Feburuary 16, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Further Notice of Proposed Rule Making and Order To Show Cause

Adopted: December 14, 1981.

Released: December 17, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Bend and *Coos Bay*[1] *Oregon); BC Docket No. 81-155, RM-3660, RM-3708 and RM-3858.*

1. Before the Commission is a petition for rule making filed by SGB Broadcasting, Inc., ("petitioner" or "SGB") licensee of broadcast Station KYNG-FM (Channel 288A), Coos Bay, seeking the substitution of Class C FM Channel 289 for its existing assignment. As indicated *infra*, this proposal conflicts with a proposal to assign Channel 289 to Bend, Oregon (RM-3708). The distance between Coos Bay (KYNG site) and Bend is 152 miles, whereas the minimum distance required for Class C co-channel separations is 180 miles, pursuant to § 73.207 of the Commission's Rules. For these reasons,[2] we have proposed herein another channel as a substitute for the Coos Bay proposal. Comments were filed by KBND, Inc., one of the proponents in the Bend, Oregon proceeding (RM-3708), and consolidated reply comments were filed by Sequoia Communications ("Sequoia")[3] and petitioner.

2. Coos Bay (population 14,424)[4] in Coos County (population 64,067), is located approximately 200 kilometers (125 miles) southwest of Salem, Oregon. The community is presently served by full-time AM Station KHSN, daytime-only AM Station KYNG, as well as FM Stations KICR (Channel 252A) and KYNG (Channel 288A).

3. In support of its proposal, petitioner states that it has its own government unit, that it has a prime trading area consisting of approximately 45,000 persons, and that shipping lumber, fishing and tourism are the leading industries of the area. In further support of its proposal, SGB alleges that its unique topography creates a diminution of signal strength and of penetration of FM stations, particularly with respect to the lower-powered Class A stations. As a result, it maintains that many people cannot receive a consistent FM signal from local stations to supply them with needed information such as the area's rapidly changing weather conditions and its consequent effects on the area's leading industries. Additionally, it asserts that outlying communities would benefit by improved radio service as well as providing a greater variety to others.

4. The comments of KBND addressed itself to SGB's proposal to substitute Channel 289 for its present Class A service. Since we have removed Channel 289 from consideration for

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[1] This community has been added to the caption.

[2] BC Docket No. 81-155 involves two other rule making petitions (RM-3660 and RM-3708), concerning certain proposals for Bend, Oregon. Subsequent to the issuance of the *Notice* with respect to these petitions, a *Public Notice* was given on March 27, 1981, Report No. 1277, of a rule making petition filed by the proponent herein requesting substitution of Channel 289, one of the same channels proposed in the Bend proceeding. Therein, we advised that its petition would be treated as a counterproposal to the Bend proceeding. However, a staff engineering study has since revealed that the channels proposed for Bend are the only ones available to it, while others are assignable to Coos Bay. Therefore, in order to accommodate all three proposals without a conflict, the Coos Bay petition is being treated separately from the Bend proposals in this docketed proceeding.

[3] Sequoia's interest in supporting the SBG proposal stems from the fact that the two have substantially the same ownership, Sequoia being the licensee of AM Station KYNG, in Coos Bay.

[4] Population figures are extracted from the 1980 U.S. Census.

assignment to Coos Bay, its comments are moot and therefore no discussion of its merits is warranted herein.

5. The substitution of a Class C channel for Channel 288A in Coos Bay would create intermixture with Station KICR (Channel 252A), the other Class A station currently operating in the community. To avoid intermixture, the Commission generally attempts to upgrade the Class A station to Class C facilities by assigning a second Class C channel and modifying the Class A station's license. A staff study indicates in this instance that Channels 239, 247 and 293 are available to Coos Bay without site restrictions. However, Channels 239 and 293 cannot both be assigned due to IF considerations. Therefore, in order to accommodate this proposal, we shall propose to assign both Channels 239 and 247 to Coos Bay, and further propose to modify the license of Station KICR to specify operation on Channel 239, and that of KYNG to Channel 247.

6. Whenever an existing licensee is required to change frequencies to accommodate a new assignment, we require the permittee of the new assignment to reimburse the station for the costs incurred in changing frequencies. Pettitioner should therefore indicate whether it would be willing to reimburse Station KICR for its costs in changing frequencies to Channel 239. Reimbursement is not required for the expenses needed to upgrade the station's facilities to Class C status. *See, Mitchell, South Dakota*, 62 F.C.C. 2d 70 (1976).

7. Under these circumstances, we would need an expression of interest in the proposed channel and power change, and a commitment from the licensee of KICR, Intercontinental Ministries, to make that change if this proposal is adopted. Also, Station KYNG should express whether it is interested in the proposal to modify its license to specify operation on Channel 247 in response to this *Order to Show Cause*. Pursuant to our decision in *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976), should another interest be expressed in either of the Class C channels, the modifications may not be made. Instead, the opportunity for the filing of competing applications may be necessary.

8. A preclusion study should be submitted to indicate those communities containing populations in excess of 1,000 persons which would be precluded by the assignment of Channels 239 and 247 to Coos Bay. For those so precluded and presently without local aural service, a listing of alternate channels which could be assigned to those communities should also be provided.

9. Additionally, if petitioner wishes to support its request for a Class C channel at Coos Bay, a *Roanoke Rapids/ Anamosa* [5] showing should be submitted to demonstrate whether the Class C proposal herein would cover any unserved and underserved areas, and, if so, the extent thereof in terms of area and populations expected to receive such services.

10. Accordingly, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to Coos Bay, Oregon, as follows:

City	Channel No.	
	Present	Proposed
Coos Bay, Oregon	252A, 288A	239, 247

11. It is ordered, That pursuant to § 316(a) of the Communications Act of 1934, as amended, Intercontinental Ministries, the licensee of Station KICR (FM), Coos Bay, Oregon, shall show cause why its license should not be modified to specify operation on Channel 239 in lieu of Channel 252A, if the Commission determines that the public interest would best be served by adopting the proposed assignments.

12. Pursuant to § 1.87 of the Commission's Rules, Intercontinental Ministries may, not later than January 29, 1982, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, Intercontinental may, not later than January 29, 1982, file a written statement showing with particularity why its permit should not be modified as proposed in the Order to Show Cause. In this case, the Commission may call on Intercontinental to furnish additional information, designate the matter for hearing, or issue, without further proceedings, an Order modifying the license as provided in the Order to Show Cause. If the right to request a hearing is waived and no written statement is filed by the date referred to above, Intercontinental will be deemed to have consented to the modifications as proposed in the Order to Show Cause and a final Order will be issued by the Commission, if the above channel modifications are ultimately found to be in the public interest.

13. It is further ordered, That pursuant to § 316(a) of the Communications Act of 1934, as amended, SGB Broadcasting, Inc., licensee of Station KYNG(FM), Coos Bay, Oregon, shall show cause why its license should not be modified to specify operation on Channel 247 in lieu of Channel 288A, if the Commission determines that the public interest would best be served by adopting the proposed assignments.

14. Pursuant to § 1.87 of the Commission's Rules, SGB Broadcasting, Inc. may, not later than January 29, 1982, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, SGB Broadcasting, Inc. may, not later than January 29, 1982, file a written statement showing with particularity why its permit should not be modified as proposed in the Order to Show Cause. In this case, the Commission may call on SGB to furnish additional information, designate the matter for hearing, or issue, without further proceedings, an Order modifying the license as provided in the Order to Show Cause. If the right to request a hearing is waived and no written statement is filed by the date referred to above, SGB will be deemed to have consented to the modifications as proposed in the Order to Show Cause and a final Order will be issued by the Commission, if the above channel modifications are ultimately found to be in the public interest.

15. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

16. Interested parties may file comments on or before January 29, 1982, and reply comments on or before February 16, 1982.

17. It is further ordered, That the Secretary of the Commission shall send by certified mail, return receipt requested, a copy of this Further Notice and Order to Show Cause to Intercontinental Ministries, Inc. 3000 Market Street, Suite 541, Coos Bay, Oregon, and to SGB Broadcasting, Inc., c/o P.O. Box 1019, Ross, California 94957.

18. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the*

[5] *Roanoke Rapids, Goldsboro, N.C.*, 9 F.C.C. 2d 672 (1967); *Anamosa, Iowa*, 46 F.C.C. 2d 520 (1974).

Commission's Rules, 46 FR 11549, published February 9, 1981.

19. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceeding, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-36935 Filed 12-28-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-884; RM-4007]

FM Broadcast Station in Wichita Falls, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 292A to Wichita Falls, Texas, in response to a petition filed by Broadco, Incorporated. The assignment would provide Wichita Falls with a fourth FM allocation.

DATES: Comments must be filed on or before January 29, 1982, and reply comments must be filed on or before February 16, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: December 15, 1981.

Released: December 22, 1981.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Wichita Falls, Texas), BC Docket No. 81-884, RM-4407.

1. A petition for rule making was filed by Broadco, Incorporated ("petitioner"), seeking the assignment of Channel 292A to Wichita Falls, Texas, as that community's fourth FM allocation. The assignment can be made consistent with the minimum distance separation requirements of § 73.207 of the Commission's rules.

2. Wichita Falls (population 94,201),[1] the seat of Wichita County (population 121,082), is located near the Texas-Oklahoma border, approximately 192 kilometers (120 miles) northwest of Dallas, Texas. It is currently served by three FM stations (KBID, Channel 225; KKQV, Channel 277; and KLUR, Channel 260), as well as three full-time AM stations (KNIN, KTRN and KWFT).

3. Petitioner states that Wichita Falls is the hub for several major U.S. and state highways, and is well served by a multiplicity of transportation services. According to petitioner, the community is the center of trade for a 28-county agricultural region, with income in excess of $200 million. Additionally, numerous industrial concerns in Wichita Falls employ a work force in excess of 5,600. Oil and gas production in the area also contribute to Wichita Falls' economic base. Petitioner also advises that the community is the location of Sheppard Air Force Base, wherein over 13,000 persons reside. It notes that Wichita Falls has its own government unit, municipal services, schools, health care accommodations, financial institutions, a library, churches, hostelries, recreational and cultural facilities. Additionally, there are two daily newspapers available to the residents of Wichita Falls.

4. Petitioner did not submit a preclusion study for the proposed assignment herein. The purpose of such a study is to put other communities on notice that the opportunity to receive an FM assignment may be foreclosed. Therefore, petitioner should provide, in supporting comments, such a study indicating those communities containing a population in excess of 1,000 persons, and presently without any aural service, that would sustain preclusion as a result of the proposed assignment. Additionally, a list of alternate available channels for assignment to each such affected community should be supplied.

5. The assignment of Channel 292A to Wichita Falls would result in intermixing a Class A channel in a community consisting of Class C stations. However, petitioner appears to be willing to apply for and operate on a Class A channel in spite of any unfavorable competitive situation which may result. Therefore, intermixture is not an obstacle to the proposal. *See,*

[1] Population figures are obtained from the 1980 U.S. Census, Advance Reports.

Yakima, Washington, 42 F.C.C. 2d 548, 550 (1973); Key West, Florida, 45 F.C.C. 2d 142, 145 (1974).

6. In order to give further consideration to the request, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
Wichita Falls, Texas	225, 280, 277	225, 280, 277, 292A

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before January 29, 1982, and reply comments on or before February 16, 1982.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat. 1066, 1082, as amended; (47 U.S.C. 154, 303))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-884 FR-4007]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showing Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rule and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-37037 Filed 12-28-81; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 46, No. 249
Tuesday, December 29, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Public Access and Information; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–163), notice is hereby given of a meeting of the Committee on Public Access and Information of the Administrative Conference of the United States, to be held at 9:30 a.m., Tuesday, January 12, 1982, in the Library of the Administrative Conference, 2120 L Street, NW., Washington, D.C.

The Committee will meet to discuss the scope of any response by the Committee to proposed recommendations of the ACUS Committee on Regulation of Business on the subject of the treatment of confidential business information under the FOIA.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting, contact Michael W. Bowers (202–254–7065). Minutes of the meeting will be available on request.

Richard K. Berg,

General Counsel.

December 21, 1981.

[FR Doc. 81–36978 Filed 12–28–81; 8:45 am]
BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Availability of Surplus Cheese

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: The Food and Nutrition Service announces that it will provide at least 30 million pounds of surplus process cheese to requesting State agencies for distribution to eligible recipients.

FOR FURTHER INFORMATION CONTACT: Darrel Gray, Director, Food Distribution Division, Food and Nutrition Service, Park Office Center, Alexandria, Virginia 22302.

DATE: Reqests for allocations of cheese must be submitted by February 1, 1982.

SUPPLEMENTARY INFORMATION: The Food and Nutrition Service will provide at least 30 million pounds of process cheese to agencies of State governments which request it for distribution to eligible recipients. The Department will pay the cost of transporting the cheese from Federal storage facilities to centralized storage facilities of recipient State agencies. State agencies will be responsible for arranging and financing distribution of the cheese within the State.

The cheese is being offered under the provisions of section 416 of the Agriculture Act of 1949 and section 1114 of the Agriculture and Food Act of 1981. It may be used only in nonprofit school lunch programs, nonprofit summer camps for children, and other child nutrition programs providing food service, in nutrition projects operating under authority of the Older Americans Act of 1965, including congregate nutrition sites and providers of home-delivered meals, in assistance to needy persons, and in charitable institutions, including hospitals, to the extent that needy persons are served.

Distribution to needy persons for use in the preparation of meals in the home may be made only through food banks participating in the program established under section 211 of the Agriculture Act of 1980. State agencies wishing to distribute cheese for this use will be required to assist the Department in designating food banks for participation in that program.

State agencies will not be allowed to impose any charge for the cheese or the cost of distributing it.

State agencies participating in this distribution of cheese will be required to enter into an agreement with the Food and Nutrition Service embodying the terms and conditions under which the cheese is being provided. A copy of the agreement may be obtained from the appropriate Regional Administrator, Food and Nutrition Service. Agencies wishing to participate in the distribution should advise the appropriate Regional Administrator of their interest and of the amount which they would like to receive, in writing, by February 1, 1982. If requests for cheese exceed the amount available, the cheese will be allocated among the States on the basis of State population.

David B. Alspach,

Acting Administrator, Food and Nutrition Service.

December 23, 1981.

[FR Doc. 81–37080 Filed 12–28–81; 8:45 am]
BILLING CODE 3410–30–M

Rural Electrification Administration

Buckeye Power, Inc., Columbus, Ohio; Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $27,000,000 to Buckeye Power, Inc., (Buckeye) of Columbus, Ohio. This loan guarantee will be used to finance miscellaneous capital improvements and replacements for Cardinal Station Units Nos. 2 and 3 and for common facility improvements.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. Robert N. Cleveland, Manager, Buckeye Power,

Inc., P.O. Box 29149, Columbus, Ohio 43229.

In order to be considered, proposals must be submitted on or before January 28, 1982, to Mr. Cleveland. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received as Buckeye and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 21st day of December 1981.

Harold V. Hunter,

Administrator, Rural Electrification Administration.

[FR Doc. 81-37087 Filed 12-28-81; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Antlers Airport Road; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Roland R. Willis, State Conservationist, Agricultural Center Building, Stillwater, Oklahoma 74074, telephone number (405) 624–4360.

Notice

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Antlers Airport Road RC&D project, Pushmataha County, Oklahoma.

The environmental assessment of this federally assisted action indicates that the action will not cause significant impacts to the human environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The project action involves enhancing the environment by reducing erosion, stabilizing rights-of-way, reducing sediment inflow to streams and improving the appearance and safety of county roads and rights-of-way.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Roland R. Willis. The FONSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until January 28, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A–05 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: December 11, 1981.

Billy R. Littlefield,

Assistant State Conservationist (Programs).

[FR Doc. 81-36885 Filed 12-28-81; 8:45 am]

BILLING CODE 3410-16-M

Parkhurst Siding-Caribou Watershed Project, Maine; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Billy R. Abercrombie, State Conservationist, Soil Conservation Service, USDA Office Building, University of Maine, Orono, Maine 04473, telephone (207) 866–2132.

Notice

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Parkhurst Siding-Caribou Watershed, Aroostook County, Maine.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Billy R. Abercrombie, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for watershed protection. The planned works of improvement include accelerated technical assistance for land treatment.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Billy R. Abercrombie. An environmental impact appraisal has been prepared and sent to various Federal, State and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until January 28, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.

Dated: December 19, 1981.

Billy R. Abercrombie,

State Conservationist.

[FR Doc. 81-36813 Filed 12-28-81; 8:45 am]

BILLING CODE 3410-16-M

Sans Bois Creek Watershed, Oklahoma; Availability of a Record of Decision

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of availability of a record of decision.

FOR FURTHER INFORMATION CONTACT: Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone 405–624–4360.

Notice

Roland R. Willis, responsible Federal official for projects administered under the provisions of Pub. L. 83–566, 16 U.S.C. 1001–1008, in the State of Oklahoma, is hereby providing notification that a record of decision to proceed with the installation of the Sans

Bois Creek Watershed project is available. Single copies of this record of decision may be obtained from Roland R. Willis at the above address.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: December 18, 1981.

Donald R. Vandersypen,

Assistant State Conservationist (WR).

[FR Doc. 81-36884 Filed 12-28-81; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Order 81-12-136; Docket 32404, etc.]

Frontier Airlines, et al.; Order Amending Subsidy Mail Rate Orders

Order 81-12-136, Docket 32484, for Frontier Airlines, Ozard Air Lines, Piedmont Aviation, Republic Airlines, and Republic Airlines West, Order 81-12-137, Docket 40329, for Air Midwest, Order 81-12-138, Docket 40330, for Alaska Airlines, Order 81-12-139, Docket 40331, for Kodiak-Western Alaska Airlines, Order 81-12-140, Docket 40332, for Sky West Airlines, and Order 81-12-141, Docket 40333, for Wien Air Alaska, all dated December 22, 1981, amend their section 406 subsidy rate orders to add language to replace the subsidy-related restrictions and conditions currently contained in their certificates. Copies of the orders are available from the Civil Aeronautics Board Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-37002 Filed 12-28-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-12-128; Docket 40300]

Scandinavian Airlines System; Proposed Non-Affinity Group Fares From Denmark, Norway and Sweden to Florida

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 11th day of December 1981.

On November 24, 1981 Scandinavian Airlines System (SAS) filed tariff revisions proposing reductions of 8-21 percent in non-affinity group fares from various Scandinavian points to Miami, Ft. Lauderdale, Orlando and Tampa, for effectiveness December 24, 1981.[1]

We have decided to suspend this filing. While the Board, for its part, generally eschews regulation of discount fares, recent actions of the Scandinavian Governments denying fare filings of U.S. carriers have severly hampered their ability to compete in the Scandinavian market, and require us to scrutinize SAS fare proposals more closely than we would otherwise prefer.

The actions of Denmark, Norway and Sweden have severely restricted the price/quality options available to U.S./Scandinavia passengers and imposer a higher array of fares than would otherwise exist. Therefore we are not inclinded to give sympathetic consideration to SAS fare proposals at this time.

Although we continue to hope for an acceptable resolution of U.S.-Scandinavian pricing difficulties through negotiation, under present circumstances we have no choice but to find that it is in the public interest to suspend SAS' filing.

Accordingly, pursuant to sections 102, 204(a), 403, 801 and 1002(j) of the Federal Aviation Act of 1958, as amended:

1. We shall institute an investigation to determine whether the fares and provisions set forth in the Appendix hereof, and rules and regulations or practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful or contrary to the public interest; and if we find them to be unlawful or contrary to the public interest, to act appropriately to prevent the use of such fares, provisions or rules, regulations or practices;

2. Pending hearing and decision by the Board, we suspend and defer the use of the fares named in the Appendix from December 24, 1981, to and including December 23, 1982, unless otherwise ordered by the Board, and shall permit no changes to be made therein during the period of suspension except by order or special permission of the Board;

3. We shall submit this order to the President [2] and unless disapproved by the President it shall become effective on December 24, 1981; and

4. We shall file copies of this order in the aforesaid tariff and serve them on Scandinavian Airlines System and the Ambassadors of Denmark, Norway and Sweden in Washington, D.C.

We shall publish this order in the Federal Register.

By the Civil Aeronautics Board.

Phyllis T. Kaylor, [3]

[FR Doc. 81-37003 Filed 12-28-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-12-110; Docket 40156]

Transportes Aereos Mercantiles Panamericanos S.A. "TAMPA S.A."; Application

Order Granting Exemption in Part

Issued under delegated authority December 18, 1981.-

By application filed October 20, 1981, Transportes Aereos Mercantiles Panamericanos S.A. "TAMPA S.A." requested an exemption from section 402 of the Act to permit it to engage in scheduled and charter foreign air transportation of property between Miami, Florida and the Colombian points Barranquilla, Bucaramanga, Cali, Cartagena, Leticia, and San Andres.[1]

In support of its request, TAMPA stated that there is a continuing need for improved cargo service between Miami and points in Colombia, and that its home government had recently designated it, under the terms of the bilateral aviation agreement between the United States and Colombia, to provide service in the requested markets. TAMPA also stated that it would file, in the near future, an application for permit authority to conduct these services.

No answers to TAMPA's application were filed.

On November 20, 1981, the staff, acting under delegated authority, granted TAMPA the requested exemption to conduct scheduled operations (subject to conditions) for a period of one year or until 90 days after final Board action on its application for similar permit authority, whichever occurs first. We also dismissed TAMPA's request for exemption authority to conduct cargo charter operations in these markets. We confirm those actions here.

In granting TAMPA the requested scheduled authority, we noted that on August 5, 1981, TAMPA was designated by Colombia, under the terms of the *Air Transport Agreement between the*

[1] SAS does not have the authority to serve Florida; instead, it would interline with U.S. domestic carriers at New York.

[2] We submitted this order to the President on December 11, 1981.

[3] All Members concurred.

[1] TAMPA holds a foreign air carrier permit, issued by Order 81-4-95, authorizing it to engage in foreign air transportation of property between Medellin and Bogota on the one hand, and Miami on the other. This permit also authorizes TAMPA to conduct cargo charters under the Board's regulations.

Government of the United States and the Government of the Republic of Colombia, to provide these services.[3] We also noted that grant of this authority would enable TAMPA to expand its cargo services between Miami and Colombia, to the benefit of the shipping public, and that no U.S. carrier objected to TAMPA's request for this authority. Finally, we found that TAMPA is qualified to perform these operations, as they are of the same nature as those now being conducted by the carrier under its foreign air carrier permit.

We made this scheduled authority subject to the applicable terms and conditions of TAMPA's foreign air carrier permit, and also advised the carrier that we expected it to file, within 30 days of our action, an application requesting permit authority for these operations.

As a final matter, our decision to dismiss TAMPA's request for cargo charter authority was based on the fact that TAMPA already holds authority to operate cargo charters (including charters in the markets at issue here) under the terms of its present permit, subject to the requirements of Part 212 of the Board's Economic Regulations.[3] Thus, its request for charter authority by exemption appeared unnecessary.[4]

In view of the above, and acting under authority delegated by the Board in its Regulations, 14 CFR 385, we found that the requested exemption, to the extent granted and as conditioned, was consistent with the public interest, and that our action was not a major regulatory action under the Energy Policy and Conservation Act of 1975. Our action was not an endorsement by the Board that the authorized operations are hardships qualifying TAMPA for fuel under any fuel allocation program.

Accordingly,

1. We confirm our verbal actions of November 20, 1981, (1) granting TAMPA an exemption from section 402 of the Act to permit it to engage in scheduled foreign air transportation of property between Miami, Florida and the Colombian points Barranquilla, Bucaramanga, Cali, Cartagena, Leticia, and San Andres, subject to the applicable terms and conditions of the carrier's foreign air carrier permit; and (2) dismissing that portion of TAMPA's request seeking authority to conduct cargo charter operations in these markets;

2. The authority granted above shall be effective for a period of one year from the date of this order or until 90 days after final Board action on an application by TAMPA for permit authority to conduct these operations, whichever comes first; and

3. We may amend or revoke this order at any time and without hearing.

Persons entitled to petition the Board for review of this order under the Board's Regulations, 14 CFR 385.50, may file their petitions within ten days after the date of service of this order.

This order shall be effective immediately, and the filing of a petition for review shall not preclude such effectiveness.

Daniel M. Kasper,

Director, Bureau of International Aviation.

Phyllis T. Kaylor,

Secretary

[FR Doc. 81-37081 Filed 12-28-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 40209]

Interpretation; Authorization To Serve U.S. Points

AGENCY: Civil Aeronautics Board.

ACTION: Interpretation.

SUMMARY: The CAB interprets the Federal Aviation Act as no longer permitting it to specify terminal and intermediate points on airline certificates authorizing domestic air transportation of persons and not requiring it to list the points for which an airline is authorized to provide cargo and mail service. This action clears the way for airlines to provide service to any point in the U.S. without obtaining CAB approval.

DATES: Adopted December 22, 1981. Effective: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673-5442.

SUPPLEMENTARY INFORMATION: The Board requested comments on its interpretation of the Federal Aviation Act as not requiring it to list each domestic point an airline is authorized to serve on its certificate (46 FR 55294, November 9, 1981). That action was prompted by section 1601(a)(1)(C) of the Act, which prohibits the Board from specifying terminal and intermediate points in section 401 certificates authorizing interstate and overseas air transportation of persons. Because section 1601, by its terms, applies only to air transportation of persons, airlines have been faced with the prospect of having unlimited passenger authority but being restricted to the points listed in their certificate when cargo or mail is carried on their passenger aircraft. In the Board's view, this made little sense and appeared to be inconsistent with the policies of the Cargo Deregulation Act of 1977 (Pub. L. 95-163) and the Airline Deregulation Act of 1978 (Pub. L. 95-504).

To avoid these problems and further the course of airline deregulation, consistently with Congressional intent, the Board reviewed the requirements of section 401(e)(1) (the provision that requires the Board to specify terminal and intermediate points in certificates), and tentatively decided that that section does not mandate an individual listing of each terminal and intermediate point an air carrier is permitted to serve. Rather, the Board concluded that starting January 1, 1982, when certificated carriers' authority will include all points in the United States, its territories, and possessions, describing the carriers authority as covering that whole area will satisfy the requirements of section 401(e)(1).

As support for this interpretation, the Board relied on the policies of section 102(a)(10), 102(b), and 418 of the Act. These provisions call for the air transportation system to be based on competition and free entry in both the passenger and cargo fields. The Board noted, however, that special statutory attention has been given to Alaska and Hawaii. Specifically, section 418(b)(3) prohibits the Board from granting unlimited authority for all-cargo (i.e. freighter) air transportation between points within Alaska and Hawaii. The Board therefore proposed to continue to list points individually on section 401 certificates authorizing all-cargo air service in Alaska and Hawaii. The effect of this interpretation is to continue to limit a carrier's all-cargo service within Alaska and Hawaii to the points listed in its certificate while permitting passenger or combination service anywhere in those States or elsewhere in the United States. It broadens carrier authority with respect to passenger and combination service and maintains the status quo with respect to all-cargo service in Alaska and Hawaii.

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[3] The Agreement, effective January 1, 1957, provides, among other things, that carriers of Colombia may be designated to conduct services between any points in Colombia and a number of U.S. points, including Miami.

[3] By Order 81-5-44 the Board required TAMPA to seek individual Statements of Authorization, under section 212.4, for all charters between its homeland and the United States. However, TAMPA retains the underlying permit authority to conduct charters in this market, subject to the prior approval requirement.

[4] Prior to taking this action, we discussed our proposed dismissal of TAMPA's request for charter authority with TAMPA's counsel, who advised us that the carrier did not object to such dismissal.

The Postal Service objected to this interpretation on the grounds that it would have been a simple matter for Congress to have included property and mail in the sunset provisions of section 1601 if it had so intended. Since it did not do so, in the Postal Service's view, it must have intended that the listing of property and mail points in certificates should continue. The Postal Service asserted that there are strong indications in the Congressional action that it did not intend to include mail in the deregulation effected by section 1601.

The Postal Service also claimed that the issuance of an "all points" certificate would adversely affect the transportation of mail by air under 39 U.S.C. 5402(b). Section 5402 authorizes the Postal Service to contract for the transportation of mail by airlines. Paragraph (a) of that section permits such a contract with a carrier for mail service between points that the carrier is authorized to serve by its certificate. Contracts under this paragraph are subject to several limitations on the percent of letter mail and pounds per flight that may be carried. Paragraph (b) of section 5402 authorizes the Postal Service to contract with a mail carrier for mail service between points that no carrier is authorized to serve by its certificate. These contracts are not subject to similar limitations. Since, under our interpretation, carriers would be authorized to serve any domestic point, the Postal Service contended that its authority under section 5402(b) would be effectively nullified and it would be prevented from contracting with carriers under that provision.

We do not accept the Postal Service's restrictive reading of the Federal Aviation Act. The absence of any reference to property and mail in section 1601 does not necessarily mean that Congress meant to continue to restrict carriers' property and mail service to the points listed in their certificates. It is equally likely that Congress considered this matter to have been settled by the Cargo Deregulation Act of 1977, and that the lack of any reference in section 1601 to property and mail was therefore not meaningful. It is interesting to note in this regard that the Conference Report explanation of section 1601 does not contain the reference exclusively to persons but refers merely to "interstate and overseas air transportation." In any case, our interpretation relies on section 401(e)(1) rather than on section 1601. Section 401(e)(1) does not call for any special treatment of property and mail.

This interpretation does not render section 5402 of the Postal Reorganization Act a nullity. That provision may still apply to mail service to foreign points. An air carrier's certificate will continue to list points for which foreign air transportation is authorized. There is nothing in this interpretation that would prevent the Postal Service from contracting with a carrier under section 5402(b) for mail service to other foreign points. Domestically, mail that is transported under section 5402(b) may be carried under sections 5401, 5402(a), or 5402(c). The Postal Service agrees that these provisions are not affected by our intrepretation.

The Postal Service's interpretation would, however, undermine the goals of the sunset provisions of the Act. These, particularly section 1601(a)(1)(C), were enacted to permit airlines to fly the routes they wish without first having to obtain some action from the Board. Since most airlines transport mail in conjunction with passenger service, the Postal Service interpretation requiring the listing of mail points would effectively force airlines to apply to the Board every time they wanted to begin service to another community. This would be necessary in order for them to be able to transport mail in their passenger aircraft.

The overall Congressional purpose of the Federal Aviation Act of 1958, as amended by the Cargo and Airline Deregulation Acts, is to relieve burdens and to reduce government regulation. In our view, our interpretation furthers this goal and is consistent with the pro-competitive policies of the Act. We are therefore adopting our interpretation as proposed. The Air Transport Association of America filed comments supporting our approach. Other issues raised in the comments are addressed in the order reissuing air carriers' section 401 certificates.

Accordingly, the Board interprets the Federal Aviation Act as not requiring, except for foreign air transportation and all-cargo air service in Alaska and Hawaii, a listing on a section 401 certificate of each domestic point that an air carrier is authorized to service.

(Secs. 401, 416, 1601, Pub. L. 85-726, as amended, 72 Stat. 754, 91 Stat. 1284, 92 Stat. 1744, 49 U.S.C. 1371, 1388, 1551)

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-37690 Filed 12-28-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Annual Wholesale Trade; Determination

In conformity with title 13, United States Code, sections 182, 224, and 225 and due Notice of Consideration having been published November 2, 1981 (46 FR 54395), I have determined that data covering year-end inventories and annual sales are needed to aid the efficient performance of essential government functions and such data are not publicly available from nongovernmental or other governmental sources. The Bureau has received information and recommendations indicating that the data will have significant application to the needs of the public, the distributive trades, and governmental agencies.

Only a selected sample of merchant wholesale firms (probability of selection is based on firm size) operating in the United States will be requested to report information covering their December 31, 1981 merchandise inventories and their 1981 annual sales. The sample will provide, with measurable reliability, statistics on the subjects specified above.

The Census Bureau will send report forms to firms covered by the survey. Interested persons may obtain copies of the forms by writing to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that this annual survey be conducted for the purpose of collecting these data.

Dated: December 23, 1981.

Bruce Chapman,

Director, Bureau of the Census.

[FR Doc. 81-36878 Filed 12-28-81; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Fabrite Laminating Corporation, 70 Passaic Street, Wood-Ridge, New Jersey 07075, producer of laminated fabrics (accepted November 25, 1981); (2) Par-Knit Mills, Inc., Industrial Park, Mifflinburg, Pennsylvania 17844, producer of men's, women's and children's tops, shirts and warm-up suits (accepted November 27, 1981); (3) John W. Brooks, Inc, 45 Canal Street, Nelsonville, Ohio 45764, producer of footwear for men, women and boys

(accepted November 30, 1981); (4) Haas Tailoring Company, 3425 Sinclair Lane, Baltimore, Maryland 21213, producer of men's suits, vests, and pants (accepted December 1, 1981); (5) Becker Electronics Manufacturing Corporation, Route 145, East Durham, New York 12423, producer of loudspeakers (accepted December 4, 1981); (6) Kenasco Corporation, P.O. Box 390, Prosser, Washington 99350, producer of food-processing equipment (accepted December 7, 1981); (7) Koehn Manufacturing, Inc., 1800 14th Avenue, NW., Watertown, South Dakota 57201, producer of agricultural machinery (accepted December 8, 1981); (8) JoMac Products, Inc., 12702 Northeast 124th Street, Kirkland, Washington 98033, producer of radio-controlled model cars and accessories (accepted December 8, 1981); (9) Colsoff Manufacturing Company, 6540 Huntley Road, Columbus, Ohio 43229, producer of whistles and horns (accepted December 9, 1981); (10) Barone Crystal Limited, 14350 Lake City Way, N.E., Seattle, Washington 98125, producer of crystal housewares (accepted December 12, 1981); and (11) Ehrhardt Manufacturing Company, Box 5, Ehrhardt, South Carolina 29081, producer of women's dresses, tops, skirts, body suits and swimwear (accepted December 18, 1981).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93–618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter A request for a hearing must be received by the Director, Certification Division, Office of Trade Adjustment Assistance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Insofar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A–95 regarding review by clearinghouses do not apply.

Charles L. Smith,

Acting Director, Certification Division, Office of Trade Adjustment Assistance.

[FR Doc. 81–36962 Filed 12–28–81; 8:45 am]

BILLING CODE 3510–25–M

Animal Glue and Inedible Gelatin From West Germany; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on animal glue and inedible gelatin from West Germany. The review covers eight of the nine known exporters of this merchandise to the United States, and separate time periods for each through November 30, 1980. This review indicates the existence of dumping margins in particular periods for certain exporters.

As a result of the review, the Department has preliminarily determined to assess dumping duties for individual exporters equal to the calculated differences between United States price and foreign market value on each of their shipments during the periods of review. Where company-supplied information was inadequate the Department has used the best information available. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: December 29, 1981.

FOR FURTHER INFORMATION CONTACT: Linda L. Pasden or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202–377–4106/5289).

SUPPLEMENTARY INFORMATION:

Background

On December 22, 1977, a dumping finding with respect to animal glue and inedible gelatin from West Germany was published in the **Federal Register** as Treasury Decision 78–1 (42 FR 64116). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511–12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on animal glue and inedible gelatin from West Germany. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are animal glue and inedible gelatin, of which there are two principal types, hide glue and bone glue. They are organic colloids of protein derivation. There is no significant difference between animal glue and inedible gelatin. Animal glues are odorless, dry, hard, hornlike materials. They are used as general purpose adhesives in industries producing abrasives, paper containers, book and magazine bindings, and leather goods. They are also used as sizing agents, as an essential part of many compositions, and as colloids in emulsions and cleaning compounds.

Animal glue and inedible gelatin are currently classifiable under items 455.4000 and 455.4200 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of nine West German firms engaged in the production and exportation of animal glue and inedible gelatin to the United States. This review covers eight of the firms and various periods through November 30, 1980. Treasury reviewed all prior periods.

Two firms, Chemische Dungerfabriek Rendsburg, GmbH ("Rendsburg") and G. Conradt & Sohn ("Conradt"), have not shipped since the time of the fair value investigation. For these two firms their fair value weighted-average margins shall be used for cash deposit purposes. For a third firm, Johannes Martens, KG ("Martens"), which did not ship during the current period, its cash deposit rate shall be based on the weighted-average margin found on its last shipment. A fourth firm provided an inadequate response. This firm, Deutsch Gelatin Fabrieken Stoess & Co. ("Stoess"), formerly Schneidmendal in Minden, claimed it does not produce animal glue and inedible gelatin, but the Department

has evidence that Stoess sold such merchandise to Gould-Metall, GmbH ("Gould"), which in turn exported it to the U.S. For both firms, we shall use for both assessment and deposit purposes the highest fair value rate, which is higher than the current rate for responding firms with shipments. The Department has been unable to locate the sixth firm, Animal Produkten; for this firm we shall use for both assessment and deposit purposes its fair value rate. The two remaining firms, Carl Weiss ("Weiss") and Fritz Hacker ("Hacker"), provided adequate responses for analysis. The ninth firm, Nienburger Gelatin, will be covered in a subsequent review.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act or section 203 of the 1921 Act, as appropriate. Purchase price was based on the CIF price to unrelated purchasers in the United States. Where applicable, deductions were made for foreign inland freight, ocean freight, and marine insurance. No other adjustments were claimed or made.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 773 of the Tariff Act or section 205 of the 1921 Act, as appropriate, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis of comparison. For both Hacker and Weiss at least 55 percent of their total production was sold in the home market, and home market sales were at least 58 percent of all sales for export to countries other than the U.S. during the period covered. Home market prices were based on ex-factory or free customer's factory, packed prices. Adjustments were made for inland freight, cash discounts, and for an oil bunker surcharge, where appropriate. No other adjustments were claimed or made.

Preliminary Results of the Review

As a result of our review, we preliminary determine that the following margins exist:

Manufacturer/Exporter	Time period	Margin (percent)
Rondsburg	5/5/78-11/30/80	[illegible]
Martens	7/1/78-12-31-78	0
	1/1/79-11/30/80	[1]0
Conradi	5/2/79-11/30/80	167.00
Stoess/Gould	1/1/78-11/30/80	158.00
Hacker	6/1/78-11/30/80	0
Weiss	5/1/78-12/31/78	22.64
	1/1/79-12/31/79	9.25
Manufacturer/Exporter	Time period	Margin (percent)
	1/1/80-11/30/80	16.34
Animal Produkten	9/1/78-11/30/80	100.00

[1] No shipments during the period.

Interested parties may submit written comments on these preliminary results on or before January 28, 1982 and may request disclosure and/or a hearing on or before January 13, 1982. Any request for an administrative protective order must be made no later than January 4, 1982. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries, as appropriate, made with purchase dates during the time periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments of animal glue and inedible gelatin from West Germany by these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-37061 Filed 12-28-81; 8:45 am]

BILLING CODE 3510-25-M

Imported Steel Mill Products Trigger Price Mechanism: Monitoring of Specialty Steel Imports

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: In monitoring specialty steel imports, on a product line basis, for surges possibly caused by dumping or subsidization, the Department of Commerce has determined that surge conditions currently exist in four of the six product lines monitored, stainless steel sheet and strip, bar, pipe and tube, and alloy tool steel. Surge conditions do not currently exist in the category of stainless steel plate. While surge conditions do not yet exist in the stainless steel rod category, the import situation warrants particular attention during the coming months.

FOR FURTHER INFORMATION CONTACT:

Ms. Terry Link, Import Administration, U.S. Department of Commerce, Room 1001, Washington, D.C. 20230, (202) 377-3793.

SUPPLEMENTARY INFORMATION: On January 8, 1981 the Department of Commerce announced the Administration's decision to monitor imports of specialty steel products for surges apparently caused by unfair trade practices. This is the fourth of a series of quarterly reviews which the Department will issue, based upon its assessment of the specialty steel import situation. The last review was published on October 15, 1981 (46 FR 50816). This review includes a detailed listing of the specific Tariff Schedules of the United States Annotated (TSUSA) categories included in the Department's monitoring procedures and discusses import trends in six major specialty steel product lines.

By monitoring specialty steel imports for surges possibly caused by dumping or subsidization, the Department will be in a position to enforce promptly the trade laws of the United States, in a manner consistent with our international obligations, in cases where the imports could be causing material injury to our industry.

If the Department of Commerce finds that a surge in specialty steel imports appears to be the result of unfair competition, an anti-dumping or countervailing duty investigation could be initiated. No action will be taken where the surge appears to be the result of fair competition. The monitoring system is deisgned to ensure enforcement of the trade laws, not to set or imply import quantity or price levels.

The major product lines monitored by the Department are stainless steel sheet and strip, plate, bar, rod, pipe and tube, and alloy tool steel. A surge exists when, on a product line basis (1) imports as a percent of domestic consumption rise above the average levels for the past ten years and (2) the import penetration trend is clearly toward the levels at which the U.S. International Trade Commission (USITC) found injury in the 1976 escape clause case.

An outline of the major factors noted in the Department's fourth quarterly review follows. This review is based

primarily upon quarterly data for the third calendar quarter of 1981. It also take into account quarterly levels for previous years, and the ten-year weighted averages of 1971 through 1980. More detailed data are presented in the Appendix to this notice, including a listing of the specific TSUSA import categories covered in the monitoring procedures.

For the category of stainless steel sheet and strip, surge conditions exist, as demonstrated by the fact that the third calendar quarter 1981 level of import penetration (the share of U.S. apparent consumption accounted for by imports) was 10.7 percent. This is above the 1971 through 1980 ten-year weighted average of 9.5 percent and is above any quarterly import penetration level since the second quarter of 1978. The import penetration level for the third quarter of 1981 was above the first and second quarter 1981 levels of 5.2 and 7.3 percent, respectively, and is above the third quarter 1980 level of 6.3 percent.

During the third quarter of 1981, imports of stainless steel sheet and strip from France rose to a level of 2.4 percent import penetration, its highest level since the fourth quarter of 1977. This figure was a significant increase over both the 1.2 and 1.3 percent import penetration levels during the first and second quarters of 1981, respectively. Imports of stainless steel sheet and strip from France amounted to 4,489 net tons during the third quarter of 1981 which is above the 2,427 net tons during the first quarter of 1981 and 3,019 net tons during the second quarter of 1981.

Imports of stainless steel sheet and strip from the Federal Republic of Germany (FRG) accounted for 3.0 percent of U.S. apparent consumption during the third quarter of 1981. This is above the 0.6 and 1.4 percent levels during the first and second quarters of 1981, and is the highest quarterly level during the 1974 to 1981 period. The 5,734 net tons of stainless steel sheet and strip imported from The FRG during the third quarter of 1981 was also the highest quarterly tonnage for the 1974 to 1981 period, exceeding the levels of 1,173, and 3,198 net tons during the first and second quarters of 1981, respectively.

The Department of Commerce is beginning to examine trade in stainless steel sheet and strip from France and the Federal Republic of Germany to determine whether sales in the U.S. market have involved dumping or subsidization.

Surge conditions do not exist for the category of stainless steel plate. Import penetration during the third quarter of 1981 was 7.5 percent, which is below the 1971 throught 1980 ten-year weighted average of 11.6 percent.

While surge conditions do not currently exist for the category of stainless steel rod, there is concern that import penetration is at a point which warrants particular attention during the coming months. Import penetration during the third quarter of 1981 was 47.0 percent which is above the 1971 through 1980 ten-year weighted average of 44.3 percent, but is slightly lower than the level of 48.6 percent for the same period last year.

Surge conditions exist for the category of stainless steel bar. Import penetration for the third quarter of 1981 was 26.7 percent, which is above the 1971 through 1980 ten-year weighted average of 17.1 percent. This import penetration is higher than any quarterly level since 1974, with the previous peak being 26.4 percent during the fourth quarter of 1975. The import penetration level for the third quarter of 1981 represents a substantial increase over the level of 20.4 percent during the second quarter of 1981 and the level of 16.3 percent during the first quarter of 1981, and is above the third quarter 1980 level of 23.5 percent.

In the quarterly review of second quarter import data, the Department of Commerce announced that imports of stainless steel bar from Spain warranted particular attention during the coming months. During the third quarter of 1981, import penetration of stainless steel bar from Spain reached 5.5 percent, surpassing the levels of 2.2 and 5.2 percent during the first and second quarters of 1981, respectively. In addition, for the period from 1974 to 1981 the third quarter 1981 import penetration level for Spanish bar was exceeded only during the second quarter of 1977, when it reached 5.6 percent, and during the third quarter of 1975, when it reached 7.9 percent. The quantities of imports of stainless steel bar from Spain were 2,080 net tons for the third quarter of 1981, as compared to 873 and 2,042 net tons for the first and second quarters of 1981, respectively. For the period of 1974 to 1981, only the 1977 second quarter tonnage level of 2,300 net tons was greater than the third quarter 1981 level.

The Department of Commerce is commencing a formal examination of trade in stainless steel bar from Spain to determine whether sales in the U.S. market have involved dumping or subsidization.

Surge conditions exist for the category of stainless steel pipe and tube. Import penetration during the third quarter of 1981 was 59.1 percent, which is above the 1971 through 1980 ten-year weighted average of 41.5 percent. The import penetration level during the third quarter of 1981 is above all quarterly import penetration levels since the first quarter of 1978 when the import penetration level reached 62.2 percent. The third quarter 1981 level is above the first and second quarter 1981 levels of 41.9 and 50.4 percent, respectively. It is also above the third quarter 1980 level of 51.6 percent.

Third quarter 1981 statistics indicate that stainless steel pipe and tube from Belgium reached an import penetration level of 3.3 percent, up from zero during the first and second quarters of 1981 and 0.5 percent during the fourth quarter of 1980. Pipe and tube imports from Belgium reached 604 net tons during the third quarter of 1981, as compared to 70 net tons for the fourth quarter of 1980 and zero net tons during the first two quarters of 1981.

The 3.8 percent import penetration level for stainless steel pipe and tube from Italy during the third quarter of 1981 is the highest quarterly level during the period from the first quarter of 1979 through the present. The 697 net tons of stainless steel pipe and tube imported from Italy during the third quarter of 1981 was the peak figure for this period as it exceeded the first and second quarter 1981 levels of 17 and 157 net tons, respectively.

Import penetration of stainless steel pipe and tube from the Federal Republic of Germany (FRG) reached 8.1 percent during the third quarter of 1981, as compared to the levels of 5.7 and 3.2 percent for the first and second quarters of 1981, respectively. Prior to 1980, the FRG's import penetration level had not exceeded 2.1 percent, and only exceeded the third quarter 1981 level of 8.1 percent during the third quarter of 1980, when import penetration reached 8.3 percent. Import tonnage figures also show recent, large increases in imports of stainless steel pipe and tube from the FRG. The third quarter 1981 level of 1,470 net tons is the highest level for the 1974 to 1981 period, with the previous high of 865 net tons occurring during the third quarter of 1980. The import levels for the first and second quarters of 1981 were 688 and 431 net tons, respectively.

The Department of Commerce is beginning to examine trade in stainless steel pipe and tube from Belgium, Italy, and the Federal Republic of Germany to determine whether sales in the U.S. market have involved dumping or subsidization.

Surge conditions exist for the category of alloy tool steel. Import penetration for the third calendar quarter of 1981 was 39.5 percent, which is above the 1971 through 1980 ten-year weighted average of 22.0 percent. The third quarter 1981

import penetration level is above the levels of 28.6 and 32.0 percent during the first and second quarters of 1981, respectively, and above the level of 26.8 percent during the third quarter of 1980.

Import penetration of alloy tool steel from Brazil during the third quarter of 1981 reached 1.6 percent, which is the highest quarterly level during the 1979 through 1981 period. The 399 net tons of alloy tool steel imported from Brazil during the third quarter of 1981 exceeded the third quarter 1980 level of 106 net tons, and the first and second quarter 1981 levels of 185 and 126 net tons, respectively.

In the Department's second review of imports of specialty steel, which reviewed import activity for the first quarter of 1981, a surge in imports of alloy tool steel from the FRG was announced. The Department of Commerce began to examine trade in alloy tool steel from the FRG to determine whether fair or unfair competition was involved. During the third quarter of 1981, imports of alloy tool steel from the FRG accounted for 16.3 percent of U.S. apparent consumption, up from 10.9 percent during the second quarter of 1981 and 6.6 percent for the first quarter of 1981. The quantities of imports of alloy tool steel from the FRG were 4,150 net tons during the third quarter of 1981, which is above all previous quarterly levels during the 1974 through 1981 period.

The Department of Commerce is furthering its examination of trade in alloy tool steel from the Federal Republic of Germany and is beginning to examine trade in alloy tool steel from Brazil to determine whether sales in the U.S. market have involved dumping or subsidization.

TABLE 1—IMPORT MARKET SHARES BY PRODUCT CATEGORY

[Percent of U.S. apparent consumption[1] supplied by imports]

Year	S.S. sheet and strip	S.S. plate	S.S. bar	S.S. rod	Alloy tool steel	S.S. pipe and tubing
1971	19.7	17.9	13.7	57.7	14.4	44.5
1972	10.2	24.0	14.5	50.9	14.7	33.9
1973	8.1	13.3	12.5	42.3	18.0	20.8
1974	7.5	9.3	15.2	48.8	16.4	26.8
1975	13.9	16.8	24.8	66.4	26.0	41.5
1976	10.7	20.0	18.2	51.3	25.6	61.2
1977	9.0	8.4	17.4	41.2	21.8	45.3
1978	9.6	9.5	17.5	39.1	24.5	52.0
1979	7.0	8.0	16.4	31.8	27.3	36.4
1980	5.9	2.7	21.0	37.8	[2]27.7	46.6
Ten-year weighted average	9.5	11.6	17.1	44.3	22.0	41.5

[1] Apparent consumption—Net domestic shipments plus imports minus exports.
[2] The figure of 27.7 percent which appears here has been revised downward since the publication of the first review due to revisions in U.S. Census Data. This revision does not alter the existence of surges previously announced for this product category.

Sources: Imports: U.S. Department of Commerce, Bureau of the Census, IM146. Exports: U.S. Department of Commerce, Bureau of the Census, EM546. Shipments: American Iron and Steel Institute, AIS10–S and AIS10, data reflect net shipments, excluding shipments to reporting companies.

Specialty Steel Products Lines: TSUSA Categories

(1980 U.S. Tariff Schedules)

(1) Stainless Steel Sheet and Strip

607.7610	608.2900
607.9010	608.4300
607.9020	608.5700
608.2600	

(2) Stainless Steel Plate

607.7605	607.9005

(3) Stainless Steel Bar

606.9005	606.9010

(4) Stainless Steel Rod

607.2600	607.4300

(5) Alloy Tool Steel

606.9300	606.9525
606.9400	606.9535
606.9505	606.9540
606.9510	607.3600
606.9520	607.3405
607.3420	608.3405
607.4600	608.3420
607.5405	608.4605
607.5420	608.4620
607.7205	608.6405
607.7220	608.6420
607.8605	609.4520
607.8620	609.4550

(6) Stainless Steel Pipe and Tubing

610.3705	610.5130
610.3715	610.5235
610.3745	610.5210
610.3705	610.5213

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 37111 Filed 12–28–81; 8:45 am]

BILLING CODE 3510–25–M

Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on October 5, 1981 pursuant to the charter of the Committee. The Foreign Availability Subcommittee was formed to ascertain if certain kinds of equipment are available in non-COCOM and Communist countries, and if such equipment is available, then to ascertain if it is technically the same or similar to that available elsewhere.

TIME AND PLACE: January 14, 1982, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Conference Room D, 14th Street and Constitution Ave., NW., Washington, D.C.

Agenda

General Session

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Review of the Foreign Availability Certification Group proposal status.

(4) Discussion of the agenda for 1982.

PUBLIC PARTICIPATION: The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written Statements may be submitted at any time before or after the meeting.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT:
Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

Dated: December 23, 1981.

Vincent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc. 81–37114 Filed 12–28–81; 8:45 am]

BILLING CODE 3510–25–M

Hardware Subcommittee of the Computer Systems Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981

in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on October 5, 1981 pursuant to the charter of the Committee.

The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (1) maintenance of the processor performance tables and further investigation of total systems performance; and (2) investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

TIME AND PLACE: January 14, 1982, at 1:30 p.m. The meeting will take place at the Main Commerce Building, Room 3708, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and properly classified under Executive Order 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202–377–4217.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

Dated: December 23, 1981.

Vincent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc. 81–37115 Filed 12–28–81; 8:45 am]

BILLING CODE 3510–25–M

National Oceanic and Atmospheric Administration

Minnesota Zoological Garden; Modification of Permit

Notice is hereby given that pursuant to the provisions of §§ 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Public Display Permit No. 200, issued to the Minnesota Zoological Garden, 12101 Johnny Cake Ridge Road, Apple Valley, Minnesota, on August 3, 1977, is hereby modified by deleting Section B–6 and substituting therefor the following:

6. This permit is valid with respect to the taking authorized herein until December 31, 1981.

This modification is effective December 29, 1981.

The Permit as modified, and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: December 22, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81–36979 Filed 12–28–81; 8:45 am]

BILLING CODE 3510–22–M

Requesting of Nominations to the National Advisory Committee on Oceans and Atmosphere

AGENCIES: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice requesting nominations to the National Advisory Committee on Oceans and Atmosphere.

SUMMARY: The Department of Commerce seeks recommendations for nominations that will be submitted to the President for six members of the National Advisory Committee on Oceans and Atmosphere. The appointees will take office on July 1, 1982. Particular expertise in the fields of ocean engineering; ocean science; ocean energy and mineral resources development; marine fisheries; atmospheric and climate sciences; and coastal zone management, environment and conservation will be important factors in selection. Recommendations for nominations should be submitted to Martin H. Belsky, Assistant Administrator for Policy and Planning, Room 5222, Department of Commerce Building, Washington, D.C. 20230, no later than January 31, 1982.

FOR FURTHER INFORMATION CONTACT: Robert H. Stockman, Office of Policy and Planning, telephone (202) 377–4634.

SUPPLEMENTAL INFORMATION: The National Oceanic and Atmospheric Administration of the Department of Commerce is seeking recommendations for nominees for six vacancies on the National Advisory Committee on Oceans and Atmosphere (NACOA). NACOA was created by Public Law No. 95–63:

(1) To undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; and

(2) To advise the Secretary of Commerce with respect to the carrying out of the programs administered by the National Oceanic and Atmospheric Administration.

NACOA is composed of 18 members appointed by the President, who serve staggered three-year terms. The Act specifies that members of NACOA shall be appointed from among individuals who are eminently qualified by way of knowledge and expertise in the following areas of direct concern to the Committee:

(1) One or more of the disciplines and fields included in marine science and technology, marine industry, marine-related state and local governmental functions, coastal zone management, or other fields directly appropriate for consideration of matters of ocean policy; or

(2) One or more of the disciplines and fields included in atmospheric science, atmospheric-related state and local governmental functions, or other fields directly appropriate for consideration of matters of atmospheric policy.

On the basis of the current membership and emerging national issues with which NACOA will be concerned, the 1982 nominees should augment NACOA's expertise in ocean engineering; ocean science; ocean energy and mineral resources; fisheries;

atmospheric and climate sciences; and coastal zone management, environment, and conservation. Moreover, because of the progress in the negotiations of a Law of the Sea Treaty, expertise on international ocean law and a broad knowledge of ocean use policy will be particularly valuable. Finally, a knowledge of the private sector's role in the development of mineral, energy, and food resources of the oceans will be sought.

Members of NACOA are expected to attend approximately 9 annual meetings of the Advisory Committee in Washington, D.C., or other locations around the country and to devote substantial time and interest to participation in subcommittees and the development of written documents that can serve as the basis for NACOA actions to fulfill its statutory functions. Members serve as paid consultants and are reimbursed for their travel expenses.

Any interested person may suggest him or her self or other individuals for membership. Applications from minorities or recommending minorities to serve on the Committee are particularly encouraged. A complete curriculum vitae of the individual should be included, along with a statement that the person nominated is aware of the nomination, has the time and interest to serve on the Committee, and appears to have no conflict of interest that would preclude a Committee membership. Letters in support of the nomination may also be submitted.

Any information should be submitted to Martin H. Belsky, Assistant Administrator for Policy and Planning, National Oceanic and Atmospheric Administration, Room 5222, Department of Commerce Building, Washington, D.C. 20230. All materials must be submitted no later than January 31, 1982.

Dated: December 18, 1981.

Francis J. Balint,

Director, Office of Information and Management Services.

[FR Doc. 81-36965 Filed 12-28-81; 8:45 am]

BILLING CODE 3510-12-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Restraint Levels for Certain Cotton and Man-Made Fiber Apparel Products from the People's Republic of China

December 23, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Applying swing in the amount of 33,990 dozen to the level of restraint established for man-made fiber sweaters in Category 645/646, increasing that level from 516,500 dozen 550,440 dozen during the twelve-month period which began on January 1, 1981. The amount of swing is being deducted from the level for women's girls' and infants' cotton knit shirts and blouses in Category 339, reducing that level from 906,015 dozen to 732,288 dozen during the same agreement year.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), and October 27, 1981 (46 FR 52409)).

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 17, 1980, as amended, between the Governments of the United States and the People's Republic of China provides, among other things, for percentage increases in certain specific category ceilings during an agreement year (swing). Pursuant to the terms of the bilateral agreeement, and at the request of the Government of the People's Republic of China, the import restraint levels for cotton, wool and man-made fiber textile products in Categories 339 and 645/646 are being adjusted for the designated agreement period.

EFFECTIVE DATE: December 23, 1981.

FOR FURTHER INFORMATION CONTACT:

Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

SUPPLEMENTARY INFORMATION: On December 4, 1980, there was published in the **Federal Register** (45 FR 80324) a letter dated November 28, 1980 ot the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements which established levels of restraint for certain categories of cotton and man-made fiber textile products, including Categories 339 and 645/646, produced or manufactured in the People's Republic of China and exported during the twelve-month period which began on January 1, 1981. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the terms of the bilateral agreement, to amend the levels of restraint previously established for cotton and man-made fiber textile products in Categories 339 and 645/646 to the designated amounts.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 23, 1981.

Committee for The Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: On November 28, 1980, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption or withdrawal from warehouse for consumption, during the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981 of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in the People's Republic of China, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 17, 1980, as amended, between the Governments of the United States and the People's Republic of China; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to amend, effective on December 23, 1981, the levels of restraint previously established for cotton and man-made fiber textile products in Categories 339 and 645/646 to the following:

Category	Amended Level of Restraint[1]
339 (dozens)	732,298
645/646 (dozens)	550,440

[1] The levels of restraint have not been adjusted to reflect any imports after December 31, 1980.

The actions taken with respect to the Government of the People's Republic of China and with respect to imports of cotton and man-made fiber textile products from China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore,

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 17, 1980, as amended, between the Governments of the United States and the People's Republic of China which provide, in part, that (1) specific levels of restraint may be exceeded by designated percentages in any agreement year; (2) specific limits may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

these directions to the Commissioner of Customs which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-37049 Filed 12-28-81; 8:45 am]

BILLING CODE 3510-25-M

COMMODITY FUTURES TRADING COMMISSION

Exchange Proposals to Trade Commodity Options

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the proposed terms and conditions for trading commodity options on domestic boards of trade.

SUMMARY: Eight domestic boards of trade have submitted applications to trade options on commodity futures contracts under the three-year pilot program adopted by the Commodity Futures Trading Commission ("Commission"), 46 FR 54500 (November 3, 1981). The Commission has determined to make the terms and conditions of these proposals available for public inspection. The Commission believes that public comment on these proposals is in the public interest, and is consistent with its Option Regulations (46 FR 54500 (November 3, 1981)), and with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before March 1, 1982.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to the particular application addressed in the comment.

FOR FURTHER INFORMATION CONTACT: Paul M. Architzel, Esquire, Division of Economics and Education, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254-3821; or Linda Kurjan, Esquire, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254-8955.

SUPPLEMENTARY INFORMATION: Eight domestic boards of trade have applied under the Commission's Pilot Program for Domestic Exchange-Traded Commodity Options, 46 FR 54500 (November 3, 1981), for designation as contract market to trade options on commodity futures contracts. Applications have been submitted by the following boards of trade: to trade options on domestic CD futures contracts; Commodity Exchange, Inc. (Comex) to trade options on 100 ounce gold futures contracts; Kansas City Board of Trade to trade options on 90-day Treasury bill futures contracts; MidAmerica Commodity Exchange to trade options on 33.2 ounce gold futures contracts; New York Coffee, Sugar and Cocoa Exchange to trade options on sugar No. 11 futures contracts, New York Futures Exchange to trade options on 90-day Treasury bill futures contracts; New York Mercantile Exchange to trade options on platinum futures contracts.

A copy of the terms and conditions of each of these proposals to trade options on a commodity futures contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Copies can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted in support of these applications to trade options on futures contracts may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1981)). Requests for copies of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8. Certain of these documents, including specifically those of the Chicago Board of Trade, are subject to claims of copyright. Other submissions are subject to requests for confidential treatment pursuant to 17 CFR 145.9.

Any person interested in submitting written data, views or arguments on the terms and conditions of the applications to trade options on futures contracts or with respect to other materials submitted in support of these applications, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by March 1, 1982. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on December 23, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-37048 Filed 12-28-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB).

Date of Meeting: January 19, 1982.

Time: 0830-1700 hours (closed).

Place: The Pentagon, Room 3A486, Washington, D.C.

Proposed agenda: The Army Science Board Ad Hoc Sub-Group conducting a study on Laser Eye Protection will meet to present and receive briefings and hold discussions. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and non-classified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Helen M. Bowen, may be contacted for further information at (202) 697-9703 or 695-3039.

Maria P. Galvan,

Acting Administrative Officer.

[FR Doc. 81-37087 Filed 12-28-81; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers, Department of the Army

Intent of Albuquerque District, Corps of Engineers To Prepare a Draft Environmental Impact Statement (DEIS) on a Proposal To Add a Small Hydroelectric Generating Facility at Cochiti Lake Which Would Consider Three Alternative Lake Storage Levels

AGENCY: Army Corps of Engineers, Albuquerque District, DOD.

ACTION: Intent to prepare a draft environmental impact statement (DEIS).

1. *Proposed Action and Alternative Solutions.* The purpose of the proposed action is to determine the overall feasibility of generating hydroelectric power at Cochiti Lake. In the event of a positive report, the addition of a hydropower facility at Cochiti Lake could be recommended for Congressional authorization. Actual facility development would require that the existing outlet works be modified to

accommodate a hydropower plant. Pool elevations ranging from the existing permanent pool elevation to approximately 100 feet above this elevation will be evaluted.

2. *Public Involvement Process.* Prior to the completion of the draft Feasibility Report, which will include a DEIS, a formal public meeting will be held, at which time all affected or interested federal, state, and local agencies, affected Indian tribes and other interested private organizations and individuals will be invited to participate. Federal, state, and local input in the development of an EIS will be obtained by a combination of agency coordination, workshops, and, if necessary, public meetings. All interested parties will be invited to submit comments on the DEIS when it is circulated for field level review.

This study is being coordinated with the U.S. Fish and Wildlife Service pursuant to the requirements of the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563) (Pub. L. 85–624) and the Endangered Species Act of 1973, as amended (87 Stat. 884) (Pub. L. 93–205). Consultation with the Advisory Council on Historic Preservation, the New Mexico State Historic Preservation Officer and the National Park Service will be initiated pursuant to the National Historic Preservation Act of 1966 (80 Stat. 915) as amended (94 Stat. 2987) and the Reservoir Salvage Act of 1960 (74 Stat. 220), as amended (88 Stat. 174 and 94 Stat. 2987).

3. *Significant Issues to be Analyzed.* Significant issues to be analyzed in depth in the development of the DEIS include the impact of each alternative on terrestrial and aquatic biological systems, endangered species, recreational opportunities, water quality, proposed area plans, cultural features, aesthetic qualities and community activities. Also, if necessary, the development of mitigative measures will be undertaken.

4. *Public Review.* The present estimated date that the Feasibility Study and the DEIS will be circulated for public review is September 1982.

5. *Further Information.* Questions regarding the study and DEIS may be directed to:

Mr. James G. Hanifen, Albuquerque District, Corps of Engineers, P.O. Box 1580, Albuquerque, NM 87103, Phone: (505) 766–2836, (FTS) 474–2836 or

Mr. Kim B. Zahm, Albuquerque District, Corps of Engineers, P.O. Box 1580, Albuquerque, NM 87103, Phone: (505) 766–1034, (FTS) 474–1034.

Dated: December 17, 1981.

Julian E. Pylant,

Lieutenant Colonel, Corps of Engineers, Commanding.

[FR Doc. 81–36967 Filed 12–28–81; 8:45 am]

BILLING CODE 3710–KK–M

DEPARTMENT OF EDUCATION

Office of Assistant Secretary for Postsecondary Education

State Student Incentive Grant Program; Closing Date for Receipt of State Applications For Fiscal Year 1982

AGENCY: Department of Education.

ACTION: Notice of Closing Date for Receipt of State Applications for Fiscal Year 1982.

The Secretary gives notice of the closing date for receipt of State applications for Fiscal Year 1982 funds under the State Student Incentive Grant (SSIG) Program. This program, through matching formula grants to States for student awards, provides a nationwide delivery system of grants for students with substantial financial need.

A State that desires to receive SSIG funds for any fiscal year must have an agreement with the Secretary as provided for under the authorizing law, and must submit an application through the State agency that administers its program of student grants.

The Secretary is authorized to accept applications from the 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands that have executed the required agreement.

Authority for this program is contained in Title IV, Part A, sections 415A to 415D of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1070c–1070–3)

Closing Date for Transmittal of Applications

Applications for Fiscal Year 1982 SSIG funds must be mailed or hand-delivered by January 28, 1982.

Applications Delivered by Mail

Applications sent by mail must be addressed to the U.S. Department of Education, Office of Student Financial Assistance, 400 Maryland Avenue, SW., Washington, D.C. 20202–3327 and marked for the attention of Ms. Lanora G. Smith, Acting Chief, State Student Incentive Grant Program, Room 3674, ROB #3. The Department of Education requires proof of mailing. Proof of mailing consists of one of the following: (1) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service; (2) a legibly dated U.S. Postal Service postmark; or (3) any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does note accept either of the following as proof of mailing: (1) A private metered postmark; or (2) a mail receipt that is not dated by the U.S. Postal Service. State Agencies should not that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, State Agencies should check with their local post offices. The Department of Education encourages State Agencies to use registered or at least first-class mail.

Applications Delivered by Hand

An application that is hand-delivered must be taken to the U.S. Department of Education, Office of Student Financial Assistance, 7th and D Streets, SW., Room 3674, Regional Office Building #3, Washington, D.C. Hand-delivered applications will be accepted between 8:00 a.m. and 4:30 p.m. daily (Washington, D.C. time), except Saturdays, Sundays, and Federal holidays.

An application that is hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information

The Secretary requires an annual submission of an application for receipt of SSIG funds. In preparing an application, each State Agency should be guided by the table of allotments provided in the application package.

Basic State Allotments, to the extent needed by the States, are determined by formula and are not subject to negotiations. The States may also request a share of reallotments, in addition to their basic allotments, contingent upon the availability of such funds from allotments to any States unable to use all their basic allotments. In FY 1981, all 50 States, the District of Columbia, Puerto Rico, and the Virgin and Pacific Islands participated in the SSIG student assistance delivery network.

Application Forms and Information

The required application form for receiving SSIG funds will be mailed to officials of appropriate State Agencies at least 30 days before the closing date. This form contains the basic allotment tables with the amount computed for individual States under the SSIG

Program authorization, as well as instructions for requesting Federal funds. The amounts available to State Agencies are limited by the statutory allotment formula and the level of appropriations for the Program. Applications must be prepared and submitted in accordance with the program regulations cited in this notice and the instructions provided in the application package.

Application Regulations

The following regulations are applicable to the SSIG Program:

(1) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 76 (State-Administered Programs) and Part 77 (Definitions) (formerly 45 CFR Parts 100b and 100c, respectively).

(2) The State Student Incentive Grant Program Regulations in 34 CFR Part 692 (formerly 45 CFR Part 192) published in the Federal Register on July 14, 1981 (46 FR 36342).

For Further Information

Inquiries can be made of Ms. Lanora G. Smith, Acting Chief, State Student Incentive Grant Program, Office of Student Financial Assistance, U.S. Department of Education, Washington, D.C. 20202–3327; telephone (202) 472–4265.

(Catalog of Federal Domestic Assistance Number 84.069, State Student Incentive Grant Program)

Dated: December 21, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-37044 Filed 12-28-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-FC-79-006; OFC Case Numbers 61005-9021-01 through 03-11

Consolidated Rail Corp.; Notice of Extension of Temporary Exemptions and Notice of Modification of Order Granting Temporary Public Interest Exemptions

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of extension of temporary exemptions and notice of modification of order granting temporary public interest exemptions—Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: In response to a petition filed with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) on July 21, 1981, by Consolidated Rail Corporation (ConRail), ERA herby gives notice of its determination to grant a one-year extension of the temporary public interest exemptions granted ConRail on July 22, 1980 (45 FR 50381, July 29, 1980). The temporary exemptions, issued under section 211(c) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), permitted the use of petroleum and natural gas in three new major fuel burning installations (MFBI's) installed at ConRail's Cos Cob, Connecticut, generating facility (Cos Cob MFBI's) until August 1, 1981. (Title II of FUA prohibits the use of petroleum and natural gas as a primary energy source in certain new MFBI's unless an exemption for such use has been granted by ERA. Pertinent criteria and procedures for petitioning for such an exemption are contained in 10 CFR Parts 500, 501 and 503 published on June 6, 1980, at 45 FR 38276 and 38302.)

ERA also notice that pursuant to 10 CFR Part 501, Subpart G, it has, on its own initiative, determined that the original order granting ConRail the temporary public interest exemptions should be modified by rescinding certain terms and conditions imposed therein which placed restrictions on the amounts of petroleum and natural gas that can be used in the Cos Cob MFBI's and required annual reports to be made to ERA of the amounts of such fuels actually used.

Accordingly, as detailed in the Decision and Order section below, ERA hereby extends the provisions of the FUA order issued to ConRail for the Cos Cob MFBI's from August 1, 1981, to August 1, 1982, and rescinds the terms and conditions of that order which impose restrictions on the amounts of petroleum and natural gas which may be burned in those MFBI's and required annual reports of actual consumption of such fuels.

EFFECTIVE DATE: In accordance with section 702(a) of FUA, this order shall take effect on February 27, 1982. (At the date of ConRail's filing of its petition for extension, the time interval required for compliance with the procedural requirements of FUA and the implementing rule precluded ERA from reaching a final determination on the extension request before the temporary exemptions expired on August 1, 1981. In recognition of ConRail's obligation to provide uninterrupted commuter and passenger service in the New York-Connecticut corridor, ERA, in conjunction with its acceptance of ConRail's petition for extension, advised ConRail that until such time that a final order granting or denying the requested extensions is effective, ERA will neither take nor recommend enforcement action against ConRail for the continued use of petroleum or natural gas in the Cos Cob MFBI's.)

FOR FURTHER INFORMATION CONTACT:

Richard Ransom, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 6114, Washington, D.C. 20461, Phone (202) 653–3341.

William H. Freeman, Case Manager, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 6114G, Washington, D.C. 20461, Phone (202) 653–3379.

Marya Rowan, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B–178, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252–2967.

The public file containing a copy of all documents and supporting materials on this proceeding is available for inspection at the Office of Fuels Conversion, ERA, Washington, D.C., Monday through Friday, 8:00 a.m.–4:30 p.m. Persons wishing to review the public file should make prior arrangments with the Case Manager named in the Information Contact section above.

SUPPLEMENTARY INFORMATION: The three MFBI's for which the temporary exemptions were granted are oil/gas-fired packaged boilers installed at the Cos Cob facility by ConRail in compliance with a Consent Judgment entered by the U.S. District Court for the District of Connecticut (the Court) in Civil Action No. B76–282 on May 2, 1979. The terms of the Consent Judgment required that the coal-fired operation at the Cos Cob facility be immediately curtailed for violations of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, and that all operations at the facility be permanently terminated upon full conversion of the rail line's signal control and traction systems from 25 to 60-cycle electricity, enabling ConRail to use electricity purchased from a local utility in its operations.

ConRail's petition for extension reported repeated traction power test failures which have resulted in delaying the completion of the conversion project and outlined measures taken by it and the Court to resolve those technical problems and to expedite the completion of the conversion project. ConRail requested that the temporary public interest exemptions granted the

three Cos Cob MFBI's be extended from August 1, 1981, to August 1, 1982.

As required by 10 CFR 501.63, ERA published notice of its acceptance of ConRail's petition for extension in the **Federal Register** on August 24, 1981 (46 FR 42710). The notice provided a 45-day comment period during which interested persons could submit written comments on the petition for extension of the temporary exemptions and request that a public hearing be convened. The period expired on October 8, 1981. No comments were received and no hearing was requested.

The ERA staff reviewed and analyzed the information contained in the record of the proceeding at the date of the close of the comment period provided in the notice of acceptance and prepared a tentative staff analysis which recommended that the requested one-year extension of the temporary public interest exemptions be granted. During the course of its analysis the ERA staff also reviewed other provisions of the FUA order to ConRail for their continued validity and usefulness. As a result, the ERA staff recommended in the tentative staff analysis that the terms and conditions attached to that order which imposed restrictions on the amounts of petroleum and natural gas that may be consumed in the Cos Cob MFBI's, and which required annual reports of such fuel use, be rescinded by ERA because they are no longer necessary.

As required by 10 CFR 501.64, ERA published notice of the availability of the tentative staff analysis in the **Federal Register** on November 23, 1981, at 46 FR 57340. In that notice a summary of the tentative staff analysis was furnished. It was also noticed that pursuant to 10 CFR Part 501, Subpart G, ERA was commencing a proceeding on its own initiative to modify the FUA order to ConRail by making the rescissions recommended by the ERA staff in the tentative staff analysis. ERA also stated in that notice that if it is determined to grant ConRail the requested extension of the temporary public interest exemptions, and provided no persuasive evidence to the contrary was received during the public comment period provided therein, it proposed to make in the same action granting the extensions, the recommended rescissions. The 14-day comment period provided in the notice of availability of the tenative staff analysis expired on December 7, 1981. No comments on the tentative staff analysis or ERA's proposed modification of the FUA order were received, nor was a public hearing requested.

As required by section 701(f) and (g) of the Act, copies of ConRail's petition for extension, the notice of acceptance and the notice of availability of the tentative staff analysis were forwarded to the Environmental Protection Agency and the Federal Trade Commission for comment. No comments were received from those agencies.

Decision and Order

Petition for Extension: Based upon review of the entire record of this proceeding to date, ERA has determined that: (1) notwithstanding ConRail's failure to shit down the Cos Cob MFBI's on the date originally projected, the circumstances which initially qualified the Cos Cob MFBI's to receive the temporary public exemptions continue to exist at this time; (2) in spite of what appears to have been a good faith effort on ConRail's part to comply with the terms of both the Consent Judgment and the FUA order, it has been prevented from doing so by unforeseen circumstances attributable to the complexity of the conversion project; and (3) the extension of the temporary exemptions, as requested, is in the public interest and consistent with the purposes of FUA. Therefore, the provisions of the FUA order issued to ConRail by ERA on July 22, 1980, in Docket No. ERA–FC–79–006, as published in the **Federal Register** on July 29, 1980, at 45 FR 50381, are hereby extended from August 1, 1981, to August 1, 1982. Pursuant to such extension, paragraphs 4.(b) and (c) of the terms and conditions attached to the above cited order are revised as follows: Where appearing, the year 1981 is changed to 1982.

Modification of Exemption Order: ERA has concluded that the increasing costs of petroleum and natural gas are dictating the maximum conservation of those fuels by ConRail and that continued imposition by ERA of restrictions on their use in the Cos Cob MFBI's (and the reports required thereon) are no longer necessary. Accordingly, paragraphs 2. and 3. of the terms and conditions attached to the above cited order are hereby rescinded.

Environmental Analysis: In accordance with section 763(1) of FUA, the granting or denial of a temporary exemption is not deemed to be a major Federal action for the purposes of section 102(2)(C) of the National Environmental Policy "Act of 1969. An environmental analysis was not required in the initial ConRail proceeding and is not required for ERA's decision on the extension request.

Judicial Review: Pursuant to section 702(c) of the Act and 10 CFR 501.69, any person aggrieved by this order may petition for judicial review at any time before the 60th day after the date of its publication in the **Federal Register.**

Issued in Washington, D.C. on December 16, 1981.

Rayburn Hamzik,

Administrator, Economic Regulatory Administration.

[FR Doc. 81–36980 Filed 12–28–81; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ERA–FC–81–10; OFC Case Nos. 56358–9016–01, 02–12]

Phillips Petroleum Co.; Extension of Comment Period on Tentative Staff Analysis

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Phillips Petroleum Company, extension of comment period on tentative staff analysis.

On April 9, 1981, Phillips Petroleum Company (Phillips) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order exempting two major fuel burning installations (MFBI) being installed at its Borger, Texas, refinery, from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 et seq. (FUA or the Act), which prohibit the use of petroleum and natural gas as a primary energy source in certain new MFBI's unless an exemption for such use has been granted by DOE.

ERA accepted the petition on May 30, 1981, and published notice of its acceptance, together with a statement of the reasons set forth in the petition for requesting the exemptions, in the **Federal Register** on June 9, 1981 (46 FR 30525). Publication of the notice commenced a 45-day public comment period pursuant to section 701 of FUA which expired July 24, 1981.

On September 18, 1981, ERA published a notice of availability of a tentative staff analysis (46 FR 46379). On October 14, 1981, Phillips requested that ERA extend the 14-day public comment period following publication of the tentative staff analysis; ERA granted Phillips' request. On December 1, Phillips requested that the comment period be extended by an additional 30 days.

ERA hereby gives notice that it has extended the period during which it will accept public comment from December 7, 1981 to January 22, 1982.

FOR FURTHER INFORMATION CONTACT:

Ellen Russell, Case Manager, Office of Fuels Programs, Fuels Conversion

Division, Economic Regulatory Administration, 2000 M Street, NW., Room 6114, Washington, D.C. 20461, Phone (202) 653–3379.
Marilyn Ross, Office of General Counsel, Department of Energy, 1000 Independence Avenue, Washington, D.C. 20585, Phone (202) 252–2967.

Issued in Washington, D.C., December 21, 1981.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 81–36949 Filed 12–28–81; 8:45 am]
BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. ID–1989–000]

John W. Barton; Application

December 22, 1981.

The filing individual submits the following:

Take notice that on December 14, 1981, John W. Barton filed an application pursuant to Section 305(b) of the Federal Power Act t6 hold the following positions:

Director, Gulf States Utilities Company.
Director, Dravo Corporation.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 14, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–36950 Filed 12–28–81; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. CP72–300–012]

Consolidated Gas Supply Corp. and Columbia Gas Transmission Corp.; Petition To Amend

December 23, 1981.

Take notice that on December 4, 1981, Consolidated Gas Supply Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, and Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charlestown, West Virginia 25325, filed in Docket No. CP72–300–012 a joint petition to amend the order issued October 24, 1972, [1] as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation and exchange of natural gas from an additional point of exchange, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that pursuant to the order issued October 24, 1972, as amended, in the instant docket Petitioners were authorized to exchange natural gas and to construct certain facilities necessary to effect such exchanges. Petitioners propose herein to transport and exchange natural gas from an additional delivery point pursuant to an amendatory agreement dated July 6, 1981. It is stated that Columbia would receive gas for the account of Consolidated at an additional point on Columbia's Line WB in Washington District, Upshur County, West Virginia. Consolidated proposes to deliver or cause to be delivered up to 5,000 Mcf of gas per day at the Upshur County delivery point which gas is local production currently under contract to Consolidated.

It is asserted that the necessary gas-supply facilities would be constructed pursuant to budget-type authority.

It is stated that the additional delivery point would attach newly-developed local supplies of gas to markets in an orderly, efficient and economical manner and would obviate the necessity of constructing expensive and duplicative pipeline facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 13, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–36969 Filed 12–28–81; 8:45 am]
BILLING CODE 6717–01–M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Docket No. CP81–205–002]

Delhi Gas Pipeline Corp.; Petition To Amend

December 23, 1981.

Take notice that on November 19, 1981, Delhi Gas Pipeline Corporation (Petitioner), Fidelity Union Tower, Dallas, Texas 75201, filed in Docket No. CP81–205–002 petition to amend the order issued July 24, 1981, in said docket pursuant to § 284.127 of the Commission's regulations so as to authorize the transportation of additional gas reserves of up to 120,000 Mcf per day by March 1981, up to 160,000 Mcf per day by March 1982, and up to 200,000 Mcf per day by March 1983, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that pursuant to the terms of a July 16, 1979, transportation agreement with United Gas Pipe Line Company (United) Petitioner agreed to receive natural gas at various delivery points and to transport and redeliver these volumes to United at several points of redelivery all within the state of Texas. Petitioner asserts that on February 19, 1981, it filed an application pursuant to § 284.127 of the regulations in the instant docket to continue this transportation service for 20 years commencing July 16, 1981. It further states that the total and daily volumes of natural gas to be transported during the 20-year period were estimated to be 160,600 Mcf and 22,000, respectively.

Petitioner asserts that it along with Texas Oil and Gas Corporation (TXO), entered into agreements whereby TXO would tender quantities of natural gas from new wells to be developed or controlled by TXO to United for long term dedication for sale in interstate commerce. Petitioner further states that pursuant to the terms of this agreement it is obligated to transport the gas tendered by TXO to United. Under the terms of the agreement, TXO would tender or cause to be tendered to United minimum daily quantities of 120,000 Mcf as of March 1981, 160,000 Mcf as of March 1982, and 200,000 Mcf as of March 1983.

Petitioner requests that its authorization in the instant docket be amended to provide for the

transportation of up to 120,000 Mcf per day as of March 1981, 160,000 Mcf per day as of March 1982, and 200,000 Mcf per day as of March 1983. Further, Petitioner now estimates that given the terms of the tender agreement the total columes to be transported over a 20-year period would be 2,132,000 Mcf.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 13, 1982, file with the Federal Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-38690 Filed 12-28-81; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP82-96-000]

Eastern Shore Natural Gas Co.; Application

December 23, 1981.

Take notice that on November 25, 1981, Eastern Shore Natural Gas Company (Applicant), P.O. Box 615, Dover, Delaware 19901, filed in Docket No. CP82-96-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public covenience and necessity authorizing the transportation and delivery of natural gas to Stauffer Chemical Company (Stauffer) and the rendition of additional interruptible and firm service to several existing customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is currently authorized to transport and sell natural gas to Stauffer's carbon disulfide and polyvinyl plants located at Delaware City, Delaware. It is explained that Stauffer has sold the polyvinyl plant to Formosa Plastics Corporation (Formosa). Applicant is currently authorized to deliver up to 6,950 Mcf of firm gas per day to Stauffer. Under new contracts with Stauffer and Formosa, Applicant proposes to sell and deliver up to 3,600 dekatherms (dt) equivalent per day to Stauffer and up to 1,250 dt equivalent per day to Formosa. Applicant states that it has offered the balance to its existing customers.

It is stated that the contract between Applicant and Stauffer requires that the gas sold and delivered to Stauffer for feedstock and process uses be metered separately from gas sold for use as boiler fuel and similarly the contract between Applicant and Formosa requires that gas sold for direct fire production equipment be separately metered from gas sold for boiler fuel use. Hence, Applicant proposes the construction and operation of new metering facilities.

Applicant further proposes the reallocation of 45 dt equivalent of firm gas previously allocated to two other direct sale customers, Killen Grain Company (Killen Grain) and Atlantic Automotive Products, Inc. (Atlantic). It is explained that Killen Grain no longer has need for firm demand gas and Atlantic has recently ceased operations in Frederalsburg, Maryland.

The following existing customers of Applicant have accepted the offer of additional volumes of firm gas.

Proposed additional daily quantities of firm gas—dt equivalent

Customer:	
Elkton Gas Service	200
Delaware Gas Division	1,000
Citizens Gas Division	535
Cambridge Gas Company	50
City of Easton	265
Shoreman Food Technologies, Inc	8

Applicant further requests authority to provide interruptible service to several of its direct sale customers in order to be able to provide such service when interruptible gas becomes available on short notice. Applicant proposes the following increases in interruptible service:

Proposed additional daily quantities of firm gas—dt equivalent

Customer:	
City of Dover	6,250
Delmarva Power & Light Co	5,000
Formosa	3,000
Getty Refining & Marketing Co	13,000
International Playtex	1,500
Reichhold Chemicals, Inc	1,290

It is explained that additional interruptible service to such customers would be supplied from increases in Applicant's gas supply including increases in deliveries from Transcontinental Gas Pipe Line Corporation's system supply, additional possible sources of longer-term gas supply and short term gas purchases.

The total cost of the proposed meter facilities is estimated to be $52,921.41. Applicant states it would finance such cost from funds generated through operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before ——, —, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-38691 Filed 12-28-81; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP81-312-003]

El Paso Natural Gas Co; Amendment

December 23, 1981.

Take notice that on December 10, 1981, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP81-312-003 an amendment to its application filed in Docket No. CP81-312-000 pursuant to Section 7(c) of the Natural

Gas Act so as to reflect utilization of the Clay Basin Interim Storage Arrangements for the pay-back of natural gas anticipated to be made available for the protection of service to the peak day Priority 1 and 2 requirements of Applicant's east-of-California (EOC) Category B and C customers during the 1981–1982 winter season, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is stated that Applicant in its application filed in Docket No. CP81–312–000 requested, *inter alia*, the extension of the Clay Basin Arrangements through October 31, 1982, in order to permit the continued preservation of natural gas presently owned by Clay Basin Storage Company in the Clay Basin Storage Field for use by Applicant in the protection of service to the Priority 1 and 2 requirements of its EOC customers during the 1981–1982 winter season.

In order to use withdrawal volumes from the Clay Basin Storage Field for pay-back, Applicant proposes herein to reduce its otherwise scheduled sales of natural gas to its three largest Category B distributory customers during off-peak periods during the 1981–1982 winter season. Under the amended arrangements the natural gas diverted from these distributor customers would be delivered instead to Applicant's California customers, Southern California Gas Company and Pacific Gas and Electric Company, and/or to Houston Pipe Line Company as payback gas. It is stated that the three Category B distributor customers would receive the same volume of natural gas in the same manner as under the presently authorized Clay Basin Arrangements through reductions in the amount of natural gas delivered and sold by Applicant and the contemporaneous delivery by Applicant and sale by Clay Basin Storage Company to those same customers of equivalent volumes of Clay Basin Storage Company's gas.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before January 13, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–38992 Filed 12–28–81; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP82–15–000]

Grand Bay Co.; Proposed Changes in FERC Gas Tariff

December 21, 1981.

Take notice that Grand Bay Company, on December 2, 1981, tendered for filing proposed changes in its FERC Gas Tariff for compression service rendered. The proposed changes would increase revenues from jurisdictional service by $52,142 based on the 12-month period ending December 31, 1982.

Grand Bay states that this filing reflects a rate decrease in accordance with Article III of the contract between Grand Bay Company and its jurisdictional customers rendered for filing as the Grand Bay Company rate schedule on November 15, 1977.

Grand Bay requests that the Commission waive the regulation requiring 30-day notice, and requests an effective date of January 1, 1982 for the rate change.

Grand Bay further requests a waiver of any of the Commission's rules and regulations as may be required.

Copies of the filing were served on the company's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before January 6, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–38993 Filed 12–28–81; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ID–1788–001]

John G. Haehl, Jr.; Application

December 22, 1981.

The filing individual submits the following:

Take notice that on December 15, 1981, John G. Haehl, Jr. filed an application on pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Chairman of the Board, Niagara Mohawk Power Corporation,
Chief Executive Officer, Niagara Mohawk Power Corporation,
Director, Niagara Mohawk Power Corporation,
Director, Key Bank of Central New York (formerly First Trust and Deposit Company),
Director, Canadian Niagara Power Company, Limited,
President, Utilities Mutual Insurance Company,
Director, Utilities Mutual Insurance Company,
Managing Director, Niagara Mohawk Finance N.V., and
Director, HYDRA–CC Enterprises, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–38994 Filed 12–28–81; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ID–1786–000]

John M. Haynes; Application

December 22, 1981.

The filing individual submits the following:

Take notice that on December 15, 1981, John M. Haynes filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Senior Vice President, Niagara Mohawk Power Corporation,

Director, Canadian Niagara Power Company, Limited,
Treasurer, Canadian Niagara Power Company, Limited,
Director, NM Uranium, Inc.,
Treasurer, NM Uranium, Inc.,
Director, Caragh Investments, Limited,
Vice President, Caragh Investments, Limited,
Treasurer, Caragh Investments, Limited, and
Managing Director, Niagara Mohawk Finance N.V.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-38086 Filed 12-28-81; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TC82-6-000]

Louisiana-Nevada Transit Co.; Tariff Filing

December 21, 1981.

Take notice that on November 20, 1981, Louisiana-Nevada Transit Company (LNT), P.O. Box 46789, Denver, Colorado 80201, filed pursuant to Section 4 of the Natural Gas Act in Docket No. TC 82-6-000 the following tariff sheets to effect changes in its FERC Gas Tariff, Original Volume No. 1:

Sixth Revised Sheet No. 3A, Superseding Fifth Revised Sheet No. 3A and Original Sheet No. 3B
First Revised Sheet No. 12C, Superseding Original Sheet No. 12C
First Revised Sheet No. 12D, Superseding Original Sheet No. 12D

The foregoing tariff sheets are said to establish a curtailment plan for LNT like that approved for LNT by the Presiding Administrative Law Judge in his initial decision of June 13, 1973, in Docket No. RP72-13 except that such tariff sheets reflect (1) the substitution of Arkansas Louisiana Gas Company (Arkla) for the City of DeQueen, Arkansas, as LNT's only firm resale customer and the annual volumetric limitation approved by the Commission for this sale in its order of September 30, 1981, in Docket Nos. G-1440-001 and CP81-352-000, (2) the updating of LNT's current firm direct industrial customers, and (3) the elimination of the emergency interim policy concerning addition of loads on the LNT system.

LNT states that the Administrative Law Judge's decision in Docket No. RP72-13 has been pending before the Commission on exceptions principally involving disagreement as to the maximum daily entitlement of LNT's only firm resale customer, the City of DeQueen, Arkansas. LNT further states that on September 30, 1981, in Louisiana Nevada Transit Company, Docket No. G-1440-001 and Arkansas Louisiana Gas Company, Docket No. CP81-352-000, the Commission authorized LNT to sell natural gas to Arkla as the successor-in-interest to the City of DeQueen for resale in DeQueen and in the distribution area previously served by LNT's gas. As a result of the Commission's September 30, 1981 order, LNT states it is anticipated that beginning on or about January 10, 1982, after the acquisition by Arkla of distribution facilities from DeQueen and other Arkansas communities, Arkla, rather than the City of DeQueen, will be LNT's sole firm resale customer. Accordingly, LNT states that the foregoing tariff sheets would become effective on January 10, 1982.

Any person desiring to be heard or to make any protest with respect to said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before December 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-38087 Filed 12-28-81; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ST81-70-001]

Louisiana Resources Co.; Application for Approval of Rates

December 23, 1981.

Take notice that on November 19, 1981, Louisiana Resources Company (LRC), P.O. Box 3102, Tulsa, Oklahoma 74102, filed in Docket No. ST81-70-001 an amended application pursuant to § 284.123(b)(2) of the Commission's regulations for approval of rates charged for the transportation and exchange of natural gas with United Gas Pipe Line Company (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that on September 24, 1980, LRC and United entered into an agreement whereby LRC and United each agreed to transport by exchange on behalf of the other approximately 5,000 Mcf of gas per day. Each party assessed the other a rate of zero cents per million Btu for the gas transported by exchange which rate was approved by the Commission on April 13, 1981. Subsequently LRC and United have entered into an amendment dated September 18, 1981, which provides that LRC and United each are now obligated to transport on behalf of the other up to 15,000 Mcf of gas per day.

LRC states that it would continue to receive gas for the account of United at a point in Cameron Parish, Louisiana, where United purchases gas from various producers and United would continue to receive gas for the account of LRC at points along its system in Vermillion and Terrebonne Parishes, Louisiana, where LRC purchases gas produced by various suppliers. Due to the greater than expected supplies obtained by United from its producer-suppliers, the parties no longer contemplate that the quantities delivered by each at the delivery points would remain approximately equal. It is stated that each shall be required from time to time to transport to the other balance volumes of gas at certain balance points specified in the agreement. LRC states that the parties, therefore, have expanded the redelivery points to include with respect to additional deliveries due United an additional balance point in Cameron Parish, Louisiana, and a balance point in St. Mary Parish, Louisiana, and with respect to additional redeliveries due LRC such additional balance points as United and LRC may agree at that time. Further, the parties have provided that each would assess the other a transportation fee other than zero cent per million Btu whenever the quantities required to be transported to a balance point by one for the other exceeds (but only to the extent it so exceeds) a combined wellhead and balance point volume of 5,000 Mcf per day. The transportation fee, it is stated, for all other services remains at zero cent per million Btu.

United, it is asserted, would pay LRC 22.25 cents per million Btu for the

volume of balance gas which when added to the quantity of gas redelivered by LRC at the wellhead exceeds 5,000 Mcf per day. LRC submits that this rate is both fair and equitable.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 13, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-38087 Filed 12-28-81; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ID-1849-001]

James J. Miller; Application

December 22, 1981.

The filing individual submits the following:

Take notice that on December 15, 1981, James J. Miller filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Senior Vice President, Niagara Mohawk Power Corporation,
President, St. Lawrence Power Company,
Director, St. Lawrence Power Company,
President, Beebee Island Corporation,
Director, Beebee Island Corporation,
President, NM Uranium, Inc.,
Director, NM Uranium, Inc.,
Director, HYDRA-CO Enterprises, Inc., and
Director, Regional Advisory Board, Lincoln First Bank, N.A.

Any person desiring to be heard or to protest said application should file a petition to intervene or protests with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-38088 Filed 12-28-81; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. RP81-126-001, etc.]

National Fuel Gas Supply Corp., et al.; Filing of Pipeline Refund Reports and Refund Plans

December 22, 1981.

Take notice that the pipelines listed in the Appendix below have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix below.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 6, 1982. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

APPENDIX

Filing date	Company	Docket number	Type filing
Dec. 14, 1981	National Fuel Gas Supply Corp	RP81-126-001	LFUT Report
Do	National Fuel Gas Supply Corp	RP81-126-002	Do.
Do	North Penn Gas Co	RP82-20-000	Do.
Do	Sea Robin Pipeline Co	RP81-116-001	Do.
Do	South Georgia Natural Gas Co	RP82-21-0000	Do.
Do	United Gas Pipeline Co	RP81-115-001	Do.
Dec. 15, 1981	Algonquin Gas Transmission Co	RP82-19-000	Do.
Do	Granite State Gas Transmission, Inc	RP82-16-0004	Do.
Do	Mississippi River Transmission Corp	RP81-125-001	Do.
Do	Mississippi River Transmission Corp	RP81-125-002	Do.
Do	Natural Gas Pipe Line Co. of America	RP81-120-001	Do.
Do	Tennessee Gas Pipeline Co	RP81-99-001	Do.

[FR Doc. 81-38089 Filed 12-28-81; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP82-105-000]

Northern Natural Gas Co., Division of InterNorth, Inc. and Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

December 23, 1981.

Take notice that on December 7, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP82-105-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants proposed pursuant to a gas exchange agreement dated December 3, 1981, to exchange up to 15,000 Mcf of natural gas per day. It is stated that the agreement was entered into as the result of Applicants' contracting to purchase certain volumes of natural gas from sources remote from their respective systems. Northern, it is stated, is presently purchasing 47.3 percent of the natural gas attributable to Eugene Island Area Blocks 384 and 385, offshore Louisiana, and Tennessee has contracted to purchase up to 15,000 Mcf of gas per day from Northern States Power Company of Minnesota and Northern States Power Company of Wisconsin.

It is stated that Tennessee would cause gas to be delivered to Northern at

the existing interconnections between the pipeline systems of Northern and Midwestern Gas Transmission Company located at North Branch and Cambridge, Minnesota, and Northern would cause to be delivered equal volumes of natural gas from Eugene Island Blocks 384 and 385 or other mutually agreeable sources to Tennessee at the existing interconnection between Tennessee and Trunkline Gas Company at Kinder, Jefferson Davis Parish, Louisiana.

It is asserted that since the proposed exchange is of mutual benefit to both parties no monetary consideration would be given by either party for the proposed exchange service. Any imbalance resulting from the exchange proposed herein would be eliminated within 30 days by the respective party delivering or causing to be delivered equivalent quantities of gas at the interconnection of Tennessee's facilities with those of Houston Pipe Line Company in Newton County, Texas, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 13, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intevene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intevene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37000 Filed 12-28-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP81-44-003, etc.]

Tennessee Gas Pipeline Co., et al.; Filing of Pipeline Refund Reports and Refund Plans

December 22, 1981.

Take notice that the pipelines listed in the Appendix below have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix below.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 6, 1982. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

APPENDIX

Filing date	Company	Docket number	Type filing
Sept. 14, 1981	Tennessee Gas Pipe Line Co	RP81-44-003	Report.
Nov. 4, 1981	Arkansas Louisiana Gas Co	RP81-101-004	LFUT Report.
Dec. 4, 1981	Midcontern Gas Transmission Co	CP66-110	Report.
Dec. 7, 1981	Consolidated Gas Supply Corp	RP78-92-010	Do.
Do	Southern Natural Gas Co.	RP80-102-006	Plan.
Dec. 8, 1981	Columbia Gas Transmission Corp	RP75-106-009	Report.
Do	National Fuel Gas Supply Corp	RP80-125-013	Do.
Do	National Fuel Gas Supply Corp	RP80-125-014	Do.
Dec. 11, 1981	Panhandle Eastern Pipe Line Co	RP81-119-001	LFUT Report.
Do	Tennessee Gas Pipeline Co	RP81-23	Report.
Do	Trunkline Gas Co	RP81-118-001	LFUT Report.

[FR Doc. 81-37001 Filed 12-28-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-81-000]

Texas Gas Transmission Corp., Michigan Wisconsin Pipe Line Co., and El Paso Natural Gas Co.; Application

December 23, 1981.

Take notice that on November 20, 1981, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, Michigan Wisconsin Pipe Line Company (Mich Wis), One Woodward Avenue, Detroit, Michigan 48226, and El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP82-81-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of compression facilities on the Block A-334 Platform "A", High Island Area, East Addition, offshore Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicants are presently purchasing reserves underlying Block A-334, offshore Texas, from Union Oil Company of California (Union Oil), Texas Gas Exploration Corporation, Amoco Production Company, Northwestern Mutual Life Insurance Company and Mobil Oil Corporation. Union Oil, the operator of the Block A-334 Platform "A", has indicated that compression is necessary in order to maintain deliverability from the related reserves due to the declining wellhead pressures of certain wells located in the field.

Applicants, therefore, propose the construction and operation of one 922 horsepower compressor unit and appurtenances on Union Oil's Platform

"A". Ownership of the compression facilities would be as follows:

Texas Gas, 44.43 percent.
Mich Wis, 22.23 percent.
El Paso, 33.34 percent.

Such facilities, it is asserted, would be operated by Union Oil. Applicants estimate the cost of the proposed facilities to be $726,000 which would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 13, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37002 Filed 12-28-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP76-3]

Inland Gas Company, Inc.; Motion for Extension of Interim Curtailment Procedures

December 16, 1981.

Take notice that on December 1, 1981, The Inland Gas Company, Inc. (Movant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. RP76-3 [1] a motion pursuant to § 1.12 of the Commission's Rules of Practice and Procedure to extend for a 12-month interim period commencing January 1, 1982, the curtailment procedures set forth in Inland's FERC Gas Tariff, First Revised Volume No. 1, all as more fully set forth in the motion which is on file with the Commission and open to public inspection.

Movant states that by order issued February 9, 1976, it was authorized to implement for the 12-month period commencing January 1, 1976, its curtailment plan as set forth in its tariff filing of July 31, 1975. Movant further states that its curtailment plan was extended without modification through December 31, 1978, and with minor modifications through December 31, 1979.

Movant states that on September 12, 1979, it filed an application for an adjustment of its obligations under Commission Order No. 29 issued May 22, 1979, in Docket No. RM79-15 wherein it requested that it be permitted to revise its curtailment plan to provide for the protection of high-priority and essential agricultural users in a manner different from that contemplated by Order No. 29. Movant asserts that said application was granted by order issued October 31, 1979, in Docket No. SA79-28 pursuant to which it filed revised tariff sheets bearing an issue date of November 27, 1979, and an effective date of November 1, 1979. Movant asserts that by order issued January 14, 1980, the Commission extended its currently effective curtailment plan for an additional 12-month period commencing January 1, 1980. By motion dated November 26, 1980, Movant sought, and by order issued January 21, 1981, was granted an extension of its currently effective curtailment plan through December 31, 1981.

Movant states that its currently effective curtailment plan is an end-use type plan that allocates gas supply deficiencies on a proportional basis among eight large industrial customers having maximum daily contract quantities in excess of 300 Mcf per day and which do not qualify as essential agricultural users under Part 281 of the Commission's Regulations. Movant states that the plan is an end-use plan to the extent that residential, small industrial, and essential agricultural users are not subject to curtailment. Movant states that the method by which it periodically determines the volumetric level of curtailment applicable to each affected customer and the procedures for making special adjustments under emergency conditions are set forth in its FERC Gas Tariff, First Revised Volume No. 1.

Movant states that its supplier, Tennessee Gas Pipeline Company (Tennessee), a Division of Tenneco Inc., by letter dated October 22, 1981, has advised that it anticipates making full deliveries to Movant during the period November 1, 1982, through October 31, 1982, with full deliveries also anticipated in November and December 1982.

Movant asserts that all eight of its affected customers have authorized it to state on their behalf that they support the proposed extension of the currently effective curtailment plan subject to the understanding that they will not be prejudiced by anything provided herein as to any objection that otherwise might be offered to any curtailment filing hereafter made by Movant and, further, that they will not, as a result of their support of this motion, be deemed to have approved, accepted or agreed to any particular method or principal underlying Movant's currently effective curtailment plan; and their support is further subject to each affected customer's reservation of the right to challenge the position of others and to modify its own position in the event of a formal hearing in this proceeding or any other ⅛ proceedings, as may be appropriate.

Any person desiring to be heard or to make any protest with reference to said motion should on or before December 28, 1981, file with the Federal Energy Regulatory Commission, Washington.

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36004 Filed 12-28-81; 8:45 am]

BILLING CODE 6717-01-M

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[Volume 562]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 22, 1981.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
ALABAMA OIL & GAS BOARD									
-ENHANCED ENERGY RESOURCES				RECEIVED: 11/24/81 JA: AL					
8207868	10-9-8113PD	0112520048		107	TF	U S PIPE & FOUNDRY 11-2 #2	BROOKWOOD COAL DEGASIFIC	4.6	SOUTHERN NATURAL
8207869	10-9-8114-PD	0112520049		107	TF	U S PIPE & FOUNDRY 11-6 #3	BROOKWOOD COAL DEGASIFIC	99.4	SOUTHERN NATURAL
8207871	10-9-8116PD	0112520551		107	TF	U S PIPE & FOUNDRY 11-7 #4	BROOKWOOD COAL DEGASIFIC	26.3	SOUTHERN NATURAL
8207870	10-9-8115PD	0112520050		107	TF	U S PIPE & FOUNDRY 11-9 #5	BROOKWOOD COAL DEGASIFIC	8.4	SOUTHERN NATURAL
-ENSERCH EXPLORATION INC				RECEIVED: 11/24/81 JA: AL					
8207867	10-9-8111PD	0105720220		102	4	SANDERS-FOWLER 25-5	NORTH FAYETTE	152.6	CORONADO TRANSMIS
-GRACE PETROLEUM CORPORATION				RECEIVED: 11/24/81 JA: AL					
8207859	81-103PD	0105720362		102	4	JOHNSON USA UNIT 54-15	NORTH BLOWHORN CREEK	0.0	
8207872	1-16-814-PDA	0105720219		102	4	PERRY 12-14	STUDHORSE CREEK	180.6	CORONADO TRANSMIS
8207873	8-21-812-PD	0105720551		102	4	SIZEMORE 3-2	NORTH BLOWHORN CREEK	0.0	SOUTHERN NATURAL
-TERRA RESOURCES INC				RECEIVED: 11/24/81 JA: AL					
8207864	11-13-817PD	0105720184		102	4	BAGWELL #27-1	MUSGROVE CREEK	170.0	WARRIOR DRILLING
8207862	11-13-815PD	0105720233		102	4	BERRY #24-13	MUSGROVE CREEK	100.0	WARRIOR DRLG & EN
8207868	11-13-813PD	0105720245		103		BRANYON #30-9	WEST FAYETTE	90.0	WARRIOR DRILLING
8207866	11-13-819-PD	0105720230		103		CARGILE #32-1	WEST FAYETTE	150.0	WARRIOR DRILLING
8207861	11-13-814PD	0105720161		103		HILDRETH #30-1	WEST FAYETTE	41.0	WARRIOR DRILLING
8207863	11-13-816PD	0105720159		102	4	STEINER-SCHWAB #26-5	MUSGROVE CREEK	480.0	WARRIOR DRILLING
8207865	11-13-818PD	0105720198		102	4	WRIGHT #34-1	MUSGROVE CREEK	150.0	WARRIOR DRLG & EN
MONTANA BOARD OF OIL & GAS CONSERVATION									
-J BURNS BROWN				RECEIVED: 11/25/81 JA: MT					
*8207948	2-81-12	2501521469		108		ROCKY BOY 11-29-14	WILDCAT	21.3	NORTHERN NATURAL
-LADD PETROLEUM CORPORATION				RECEIVED: 11/25/81 JA: MT					
8207945	2-81-13	2508321372		103		DUNCAN-ANDERSON #19-33	SIDNEY	6.0	
-SOUTHLAND ROYALTY CO				RECEIVED: 11/25/81 JA: MT					
8207946	2-21-15	2508521182		103		CRUSCH #2-3	N BAINVILLE (WILDCAT)	5.0	PHILLIPS PETROLEU
8207947	2-81-26	2508521181		103		RUDOLPH #1-31	N BAINVILLE (WILDCAT)	30.0	PHILLIPS PETROLEU
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 11/27/81 JA: MT					
8207944	2-81-14	2509121327		102	2	B BENSON #5	MEDICINE LAKE	27.7	TRUE OIL CO
OKLAHOMA CORPORATION COMMISSION									
-ARCO OIL AND GAS COMPANY				RECEIVED: 11/19/81 JA: OK					
8207819	14686	3504321044		102	4	A K COX #3	PUTNAM	73.0	MOBIL OIL CORP
8207821	14654	3511921620		102	4	MINOR DEAN #1	N W STILL WATER AIRPORT	36.5	
8207818	14687	3504321267		102	4	PEARL KUNC UNIT A #1	PUTNAM	182.5	MOBIL OIL CORP
-ATLAS OIL & GAS CO				RECEIVED: 11/24/81 JA: OK					
8207857	11471	3510820882		103		LEWIS 1-14	UNKNOWN	87.6	WELLHEAD ENTERPRI
-ATLAS OIL INC				RECEIVED: 11/24/81 JA: OK					

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	
8207840	14694	3508321778		102-4		EDWARDS 1-4	
-BEREXCO INC				RECEIVED: 11/20/81			JA: OK
8207836	14591	3500722121		102-4		KAUP #1-23	
-BIG HOPE OIL & GAS INC				RECEIVED: 11/19/81			JA: OK
8207815	11285	3510300000		103		ROBINSON #1	
8207814	11286	3510320869		103		ROBINSON #2	
-BROWN & BORELLI INC				RECEIVED: 11/24/81			JA: OK
8207851	11484	3507300000		108		TAGGART #1	
-CITIES SERVICE COMPANY				RECEIVED: 11/20/81			JA: OK
8207831	11434	3513921424		103		INTERSTATE A #15 (KEYES)	
-CLARK RESOURCES INC				RECEIVED: 11/19/81			JA: OK
8207806	14119	3507323271		103		MERCER 20-3	
-CLARK RESOURCES INC				RECEIVED: 11/24/81			JA: OK
8207856	12899	3504722710		103		VOTH 26-1	
-CUNNINGS OIL CO				RECEIVED: 11/20/81			JA: OK
8207827	11353	3507322772		103		WENDT #1-15	
-DLB ENERGY CORP				RECEIVED: 11/24/81			JA: OK
8207852	11489	3501721930		103		DALLAL #1	
8207858	11490	3501721917		103		MOSIER #2	
-EDWIN L COX				RECEIVED: 11/19/81			JA: OK
8207803	11[illegible]	3509120063		108		KING #1	
-EDWIN L COX				RECEIVED: 11/20/81			JA: OK
8207834	11859	3509120102		108		LACOUR #1	
8207835	11861	3512120445		108		MABRAY #2	
-EDWIN L COX				RECEIVED: 11/24/81			JA: OK
8207846	11869	3512120616		108		FULTON #1	
-ENERGY SERVICES INC				RECEIVED: 11/24/81			JA: OK
8207855	13857	3504520876		102-4		NANAN #26-1	
-ESTORIL PRODUCING CORP				RECEIVED: 11/19/81			JA: OK
8207807	14491	3512521130		102-2		HENSON #1	
8207807	14491	3512521130		103		HENSON #1	
-F C O LTD				RECEIVED: 11/20/81			JA: OK
8207838	11369	3508121326		103		GLADYS #1-26	
-F C O OIL CORP				RECEIVED: 11/20/81			JA: OK
8207828	11364	3507322722		103		GRELLNER 2-21	
8207829	11368	3508320846		103		VOORHEES 2-15	
-FAIN-PORTER PRODUCTION CO INC				RECEIVED: 11/24/81			JA: OK
8207843	14798	3510721037		102-4		BELLMON #2-29	
-GETTY OIL COMPANY				RECEIVED: 11/24/81			JA: OK
8207845	10854	3501900000		108		C O SMITH NO 5	
-GREAT BASINS PETROLEUM CO				RECEIVED: 11/24/81			JA: OK
8207849	11142	3512120335		108		SILVA #4	
-HILL RESOURCES INC				RECEIVED: 11/24/81			JA: OK
8207853	11518	3508312124		103		TALLEY #1	
-HPC INC				RECEIVED: 11/24/81			JA: OK
8207841	14788	3504321186		102-4		BARTENBACH #1	
8207842	14789	3504321098		102-4		KNOWS #1	
-KAISER-FRANCIS OIL COMPANY				RECEIVED: 11/19/81			JA: OK
8207798	11548	3504720957		108		BENTZ #1-16	
8207795	11556	3504700000		108		BOLENBAUGH #1	
8207796	11555	3504720933		108		CAMPBELL #1-5	
8207793	11564	3504700000		108		FISCHABER #4	
8207822	11566	3504720913		108		HEITFELD #1-30	

FIELD NAME	PROD	PURCHASER
WEST GUTHRIE FIELD	50.0	EASON OIL CO
DOMBY	0.0	KANSAS NEBRASKA N
	0.0	ARCO OIL & GAS CO
ROBINSON #2	0.0	ARCO OIL & GAS CO
SOONER TREND	3.0	PANHANDLE EASTERN
S RICHLAND CENTER AREA	380.0	NORTHERN NATURAL
SOONER TREND	82.0	CITIES SERVICE GA
SOONER TREND	108.0	ARKANSAS LOUISIAN
SOONER TREND	0.0	CITIES SERVICE GA
LOWER SKINNER MISSISSIPP	0.0	CONOCO INC
NORTHEAST OF PIEDMONT	6.0	CONOCO INC
PIERCE	10.0	PHILLIPS PETROLEU
PIERCE	9.6	PHILLIPS PETROLEU
SOUTH ASHLAND	12.0	OKLAHOMA GAS & EL
WEST CANADIAN	8.0	PUBLIC SERVICE CO
NW HARMON	547.0	PRODUCER'S GAS CO
NE TECUMSEH	182.5	TRANSOK PIPELINE
NE TECUMSEH	182.5	TRANSOK PIPELINE
N W CARNEY	18.3	SUN GAS CO
SOONER TREND	31.4	DALCO PETROLEUM U
N RINGWOOD	40.2	CHAMPLIN PETROLEU
S TONKAWA	0.0	ARCO OIL & GAS CO
SHO-VEL-TUM	2.4	LONE STAR GAS CO
FISH CREEK FIELD	15.5	ARKANSAS LOUISIAN
	92.0	
CESTOS	100.0	MICHIGAN-WISCONSI
CESTOS	350.0	MICHIGAN-WISCONSI
SPRING VALLEY	18.2	GRACE PETROLEUM C
SPRING VALLEY	7.6	GRACE PETROLEUM C
SPRING VALLEY	8.0	GRACE PETROLEUM C
SPRING VALLEY	10.1	GRACE PETROLEUM C
SPRING VALLEY	1.0	GRACE PETROLEUM C

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	
8207817	11567	3504720823		108		HOLROYD #1-36	
-HUNT OIL COMPANY				RECEIVED: 11/20/81			JA: OK
8207824	11373	3507322722		103		GRELLNER 2-21	
8207825	11374	3507322771		103		MERCER 20-3	
-HUNT OIL COMPANY				RECEIVED: 11/24/81			JA: OK
8207826	11375	3507322772		103		WENDT #1-15	
-INTERNATIONAL PETROLEUM				RECEIVED: 11/24/81			JA: OK
8207854	11519	3508312124		103		TALLEY #1	
-JAMES E SMITH				RECEIVED: 11/24/81			JA: OK
8207844	14795	3510721037		102-4		BELLMON #2-29	
-KAISER-FRANCIS OIL COMPANY				RECEIVED: 11/24/81			JA: OK
8207797	11557	3504720933		108		CAMPBELL #1-5	
-KERR-MCGEE CORP				RECEIVED: 11/19/81			JA: OK
8207809	14492	3512521130		102-2		HENSON #1	
8207809	14492	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207808	14493	3512521130		102-2		HENSON #1	
8207808	14493	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207810	14494	3512521130		102-2		HENSON #1	
8207810	14494	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207811	14495	3512521130		102-2		HENSON #1	
8207811	14495	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207812	14496	3512521130		102-2		HENSON #1	
8207812	14496	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207813	14497	3512521130		102-2		HENSON #1	
8207813	14497	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207814	14498	3512521130		102-2		HENSON #1	
8207814	14498	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207815	14499	3512521130		102-2		HENSON #1	
8207815	14499	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207816	14500	3512521130		102-2		HENSON #1	
8207816	14500	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207817	14501	3512521130		102-2		HENSON #1	
8207817	14501	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207818	14502	3512521130		102-2		HENSON #1	
8207818	14502	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207819	14503	3512521130		102-2		HENSON #1	
8207819	14503	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207820	14504	3512521130		102-2		HENSON #1	
8207820	14504	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207821	14505	3512521130		102-2		HENSON #1	
8207821	14505	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207822	14506	3512521130		102-2		HENSON #1	
8207822	14506	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207823	14507	3512521130		102-2		HENSON #1	
8207823	14507	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207824	14508	3512521130		102-2		HENSON #1	
8207824	14508	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207825	14509	3512521130		102-2		HENSON #1	
8207825	14509	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207826	14510	3512521130		102-2		HENSON #1	
8207826	14510	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207827	14511	3512521130		102-2		HENSON #1	
8207827	14511	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207828	14512	3512521130		102-2		HENSON #1	
8207828	14512	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207829	14513	3512521130		102-2		HENSON #1	
8207829	14513	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207830	14514	3512521130		102-2		HENSON #1	
8207830	14514	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207831	14515	3512521130		102-2		HENSON #1	
8207831	14515	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207832	14516	3512521130		102-2		HENSON #1	
8207832	14516	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207833	14517	3512521130		102-2		HENSON #1	
8207833	14517	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207834	14518	3512521130		102-2		HENSON #1	
8207834	14518	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207835	14519	3512521130		102-2		HENSON #1	
8207835	14519	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207836	14520	3512521130		102-2		HENSON #1	
8207836	14520	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207837	14521	3512521130		102-2		HENSON #1	
8207837	14521	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207838	14522	3512521130		102-2		HENSON #1	
8207838	14522	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207839	14523	3512521130		102-2		HENSON #1	
8207839	14523	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207840	14524	3512521130		102-2		HENSON #1	
8207840	14524	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207841	14525	3512521130		102-2		HENSON #1	
8207841	14525	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207842	14526	3512521130		102-2		HENSON #1	
8207842	14526	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207843	14527	3512521130		102-2		HENSON #1	
8207843	14527	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207844	14528	3512521130		102-2		HENSON #1	
8207844	14528	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207845	14529	3512521130		102-2		HENSON #1	
8207845	14529	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207846	14530	3512521130		102-2		HENSON #1	
8207846	14530	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207847	14531	3512521130		102-2		HENSON #1	
8207847	14531	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207848	14532	3512521130		102-2		HENSON #1	
8207848	14532	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207849	14533	3512521130		102-2		HENSON #1	
8207849	14533	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207850	14534	3512521130		102-2		HENSON #1	
8207850	14534	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207851	14535	3512521130		102-2		HENSON #1	
8207851	14535	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207852	14536	3512521130		102-2		HENSON #1	
8207852	14536	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207853	14537	3512521130		102-2		HENSON #1	
8207853	14537	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207854	14538	3512521130		102-2		HENSON #1	
8207854	14538	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207855	14539	3512521130		102-2		HENSON #1	
8207855	14539	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207856	14540	3512521130		102-2		HENSON #1	
8207856	14540	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207857	14541	3512521130		102-2		HENSON #1	
8207857	14541	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207858	14542	3512521130		102-2		HENSON #1	
8207858	14542	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207859	14543	3512521130		102-2		HENSON #1	
8207859	14543	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207860	14544	3512521130		102-2		HENSON #1	
8207860	14544	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207861	14545	3512521130		102-2		HENSON #1	
8207861	14545	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207862	14546	3512521130		102-2		HENSON #1	
8207862	14546	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207863	14547	3512521130		102-2		HENSON #1	
8207863	14547	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207864	14548	3512521130		102-2		HENSON #1	
8207864	14548	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207865	14549	3512521130		102-2		HENSON #1	
8207865	14549	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207866	14550	3512521130		102-2		HENSON #1	
8207866	14550	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207867	14551	3512521130		102-2		HENSON #1	
8207867	14551	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207868	14552	3512521130		102-2		HENSON #1	
8207868	14552	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207869	14553	3512521130		102-2		HENSON #1	
8207869	14553	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207870	14554	3512521130		102-2		HENSON #1	
8207870	14554	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207871	14555	3512521130		102-2		HENSON #1	
8207871	14555	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207872	14556	3512521130		102-2		HENSON #1	
8207872	14556	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207873	14557	3512521130		102-2		HENSON #1	
8207873	14557	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207874	14558	3512521130		102-2		HENSON #1	
8207874	14558	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207875	14559	3512521130		102-2		HENSON #1	
8207875	14559	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207876	14560	3512521130		102-2		HENSON #1	
8207876	14560	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207877	14561	3512521130		102-2		HENSON #1	
8207877	14561	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207878	14562	3512521130		102-2		HENSON #1	
8207878	14562	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207879	14563	3512521130		102-2		HENSON #1	
8207879	14563	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207880	14564	3512521130		102-2		HENSON #1	
8207880	14564	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207881	14565	3512521130		102-2		HENSON #1	
8207881	14565	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207882	14566	3512521130		102-2		HENSON #1	
8207882	14566	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207883	14567	3512521130		102-2		HENSON #1	
8207883	14567	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207884	14568	3512521130		102-2		HENSON #1	
8207884	14568	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207885	14569	3512521130		102-2		HENSON #1	
8207885	14569	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207886	14570	3512521130		102-2		HENSON #1	
8207886	14570	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207887	14571	3512521130		102-2		HENSON #1	
8207887	14571	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207888	14572	3512521130		102-2		HENSON #1	
8207888	14572	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207889	14573	3512521130		102-2		HENSON #1	
8207889	14573	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207890	14574	3512521130		102-2		HENSON #1	
8207890	14574	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207891	14575	3512521130		102-2		HENSON #1	
8207891	14575	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207892	14576	3512521130		102-2		HENSON #1	
8207892	14576	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207893	14577	3512521130		102-2		HENSON #1	
8207893	14577	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207894	14578	3512521130		102-2		HENSON #1	
8207894	14578	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207895	14579	3512521130		102-2		HENSON #1	
8207895	14579	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207896	14580	3512521130		102-2		HENSON #1	
8207896	14580	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207897	14581	3512521130		102-2		HENSON #1	
8207897	14581	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207898	14582	3512521130		102-2		HENSON #1	
8207898	14582	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207899	14583	3512521130		102-2		HENSON #1	
8207899	14583	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207900	14584	3512521130		102-2		HENSON #1	
8207900	14584	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207901	14585	3512521130		102-2		HENSON #1	
8207901	14585	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207902	14586	3512521130		102-2		HENSON #1	
8207902	14586	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207903	14587	3512521130		102-2		HENSON #1	
8207903	14587	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207904	14588	3512521130		102-2		HENSON #1	
8207904	14588	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207905	14589	3512521130		102-2		HENSON #1	
8207905	14589	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207906	14590	3512521130		102-2		HENSON #1	
8207906	14590	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207907	14591	3512521130		102-2		HENSON #1	
8207907	14591	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207908	14592	3512521130		102-2		HENSON #1	
8207908	14592	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207909	14593	3512521130		102-2		HENSON #1	
8207909	14593	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207910	14594	3512521130		102-2		HENSON #1	
8207910	14594	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207911	14595	3512521130		102-2		HENSON #1	
8207911	14595	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207912	14596	3512521130		102-2		HENSON #1	
8207912	14596	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207913	14597	3512521130		102-2		HENSON #1	
8207913	14597	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207914	14598	3512521130		102-2		HENSON #1	
8207914	14598	3512521130		103		HENSON #1	
-KERR-MCGEE CORP				RECEIVED: 11/20/81			JA: OK
8207915

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8207817	11567	3504720923		108		HOLROYD #1-36	SPRING VALLEY	8.2	GRACE PETROLEUM C
8207823	11565	3504700000		108		JANTZEN #1-18	SPRING VALLEY	2.7	GRACE PETROLEUM C
8207794	11563	3504720910		108		KEILBARTH #1-30	SPRING VALLEY	9.3	GRACE PETROLEUM C
8207797	11554	3504700000		108		O'NEILL #2	SPRING VALLEY	10.3	GRACE PETROLEUM C
-NAPCO PRODUCTION COMPANY				RECEIVED: 11/20/81 JA: OK					
8207837	14735	3501922264		102-4		WOODRUFF #1-18	WEST HEWITT	1.5	AMINOIL USA INC
8207837	14735	3501922264		103		WOODRUFF #1-18	WEST HEWITT	1.5	AMINOIL USA INC
-NAY PETROLEUM INC				RECEIVED: 11/19/81 JA: OK					
8207804	11474	3504520742		103		CADWELL #1 (045-57479)	S E ARNETT AREA	18.3	NORTHERN NATURAL
-NORAN EXPLORATION INC				RECEIVED: 11/19/81 JA: OK					
8207802	10606	3501721775		103		JE&JNEK 28 #1	YUKON AREA	0.0	DELHI GAS PIPELIN
8207805	11475	3501721729		103		RED RIVER CATTLE CO #1	YUKON AREA	6.0	DELHI GAS PIPELIN
-NORAN EXPLORATION INC				RECEIVED: 11/20/81 JA: OK					
8207824	11476	3501721771		103		LINN-CO 28 #1	YUKON AREA	0.0	DELHI GAS PIPELIN
8207825	11477	3501721656		103		SASSEEN #2	YUKON AREA	0.0	PHILLIPS PETROLEU
8207826	11478	3517218380		103		WRIGHT 28 #1	YUKON AREA	0.0	DELHI GAS PIPELIN
-NATOMAS NORTH AMERICA INC				RECEIVED: 11/24/81 JA: OK					
8207839	11663	3512920658		102-2		TAYLOR -1-2	TAYLOR RANCH	663.0	EL PASO NATURAL G
-NOBLE OPERATING INC				RECEIVED: 11/19/81 JA: OK					
8207816	11216	3509322175		103		CASE #2	NE PHROSO	0.0	PHILLIPS PETROLEU
-NOBLE OPERATING INC				RECEIVED: 11/24/81 JA: OK					
8207850	11215	3509322174		103		DVORAK #2	NE PHROSO	0.0	PHILLIPS PETROLEU
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 11/24/81 JA: OK					
8207848	11232	3501720394		108		CROSE A#1	PIEDMONT	14.5	PANHANDLE EASTERN
8207847	11076	3501721460		108		WIEMAN A-#1	N CONCHO	8.0	PANHANDLE EASTERN
-RED EAGLE OIL CO				RECEIVED: 11/19/81 JA: OK					
8207808	09864	3509322111		103		DORA #1	NW FAIRVIEW	110.0	PIONEER GAS PRODU
8207809	09865	3509322059		103		FLORENCE NO 1	NW FAIRVIEW	110.0	PIONEER GAS PRODU
-RENEGADE LAND & MINERAL CO INC				RECEIVED: 11/24/81 JA: OK					
8207854	11519	3514321433		103		MILLER #1	EAST BIRDCREEK	330.0	PHILLIPS PETROLEU
-SENECA OIL COMPANY				RECEIVED: 11/19/81 JA: OK					
8207799	11546	3504321151		103		CHAIN #1-7	OAKWOOD	365.0	DELHI GAS PIPELIN
-SOUTHLAND ROYALTY CO				RECEIVED: 11/19/81 JA: OK					
8207810	11344	3515121093		103		ROBERTS #1-16	NE LOVEDALE	25.0	EL GRANDE PIPELIN
-ST JOE PETROLEUM (US) CORP				RECEIVED: 11/19/81 JA: OK					
8207801	11517	3510321050		103		TURNER #1		182.0	CITIES SERVICE GA
-STEPHENS PRODUCTION COMPANY				RECEIVED: 11/19/81 JA: OK					
8207820	14661	3502920293		102-2		REGINA MAYER #5-33	CENTRAHOMA	75.0	EL PASO NATURAL G
-TEXACO INC				RECEIVED: 11/19/81 JA: OK					
8207813	11407	3507323044		103		EVELYN LESTER #1	OKARCHE N E	117.0	CONOCO INC
-TEXAS OIL & GAS CORP				RECEIVED: 11/20/81 JA: OK					
8207832	11514	3512920570		103		PATTON B #1	E ROLL	185.4	DELHI GAS PIPELIN
8207833	11515	3509321929		103		RAZOOK #1	CHEYENNE VALLEY	115.0	DELHI GAS PIPELIN
-UNIVERSAL RESOURCES CORPORATION				RECEIVED: 11/19/81 JA: OK					
8207811	11347	3501721481		103		HERBY 1-10	N YUKON	155.1	MUSTANG GAS PRODU
-UNIVERSAL RESOURCES CORPORATION				RECEIVED: 11/24/81 JA: OK					
8207844	10131	3507322638		103		VAIL 1-30		201.1	PHILLIPS PETROLEU
-W C PAYNE				RECEIVED: 11/19/81 JA: OK					
8207800	11540	3508700000		108		ROBINSON #1	SOUTHWEST WAYNE	0.0	SUN GAS CO
-WILLIS EXPLORATION INC				RECEIVED: 11/19/81 JA: OK					
8207812	11352	3501721913		103		CHERYL #1	NORTH LAKEVIEW AIRPORT	36.0	CONOCO INC
-WOOD ENTERPRISES INC				RECEIVED: 11/24/81 JA: OK					
8207838	14625	3511900000		102-4		C S O DEAN #1 (119-60837)	MARKHAM	18.0	PARKS ENERGY INVE
8207838	14625	3511900000		103		C S O DEAN #1 (119-60837)	MARKHAM	18.0	PARKS ENERGY INVE

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
UTAH DIVISION OF OIL,GAS, & MINING									
-AMOCO PRODUCTION CO		RECEIVED: 11/30/81 JA: UT							
8207943	M 121-8	4304330130		102-2		CHAMPLIN 458 AMOCO F #2	ANSCHUTZ RANCH EAST - NU	1099.0	EL PASO NATURAL G
WEST VIRGINIA DEPARTMENT OF MINES									
-ALLEGHENY LAND & MINERAL COMPANY		RECEIVED: 11/25/81 JA: WV							
8207902		4708300428		103		A - 1000	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8207898		4709702216		103		A - 1003	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8207900		4708300408		103		A - 985	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8207899		4708300391		103		A - 986	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8207901		4708300427		103		A - 987	ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRAN
-CABOT OIL & GAS CORP		RECEIVED: 11/25/81 JA: WV							
8207880		4708100523		108		BEAVER COAL B-1	TRAP HILL	11.0	CABOT CORP
8207917		4703903728		103		G C WEBSTER #1	JEFFERSON *	52.0	TENNESSEE GAS PIP
8207918		4703903728		107-DV		G C WEBSTER #1	JEFFERSON	52.0	TENNESSEE GAS PIP
8207914		4707900995		103		J L MCLEAN A-49	UNION	49.0	TENNESSEE GAS PIP
8207915		4701100683		103		JENKINS #1	UNION	12.0	COLUMBIA GAS TRAN
8207916		4701100683		107-DV		JENKINS #1	UNION	12.0	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION		RECEIVED: 11/25/81 JA: WV							
8207905		4703301257		103		BENJAMIN WILSON 12498	COAL	6.9	GENERAL SYSTEM PU
8207911		4709100168		103		CECIL O WOLFE 12552	KNOTTSVILLE	5.4	GENERAL SYSTEM PU
8207893		4702103029		103		D & E STALNAKER 12498	CENTER	22.7	GENERAL SYSTEM PU
8207909		4703301926		103		D M COLE 12514	UNION	16.1	GENERAL SYSTEM PU
8207889		4701900303		103		GAULEY MOUNTAIN COAL 12243	FALLS	4.3	GENERAL SYSTEM PU
8207903		4709509001		103		H M GILLESPIE 12680	UNION	4.6	GENERAL SYSTEM PU
8207895		4707700202		103		HOY B BROWN 12615	VALLEY	7.6	GENERAL SYSTEM PU
8207910		4702103211		103		J E ARBUCKLE 12523	CENTER	3.6	GENERAL SYSTEM PU
8207892		4702103024		103		JAMES C BUSH 12494	TROY	3.3	GENERAL SYSTEM PU
8207896		4707700206		103		JOHN E PRICE 12667	LYON	27.0	GENERAL SYSTEM PU
8207904		4709701843		103		LINN PERRINE 12542	LINN PERRINE	7.0	GENERAL SYSTEM PU
8207891		4704102119		103		LOUIS BENNETT 12398	COLLINS SETTLEMENT	2.0	GENERAL SYSTEM PU
8207897		4708100544		103		OSCAR B KIRBY 12649	SHADY SPRING	8.8	GENERAL SYSTEM PU
8207890		4705500838		103		POCAHONTAS LAND CORP 12205	ROCK	41.5	GENERAL SYSTEM PU
8207894		4704900675		103		WILLIS J DAUGHERTY 12660	UNION	10.6	GENERAL SYSTEM PU
-ENERGY UNLIMITED INC		RECEIVED: 11/25/81 JA: WV							
8207878		4707320832		103		ROBERT MATTINGLY #2	GRANT	2.0	CONSOLIDATED GAS
-FMF OIL & GAS PROPERTIES		RECEIVED: 11/25/81 JA: WV							
8207876		4708300295		107-DV		KING #1 B ARMAND #2 RICOTTILLI #2	ROARING CREEK DISTRICT	55.0	COLUMBIA GAS TRAN
8207875		4708300294		107-DV		KING #1A ARMAND #1 RICOTTILLI #1	ROARING CREEK DISTRICT D	55.0	COLUMBIA GAS TRAN
8207877		4708300326	D	107-DV		KING #2A	ROARING CREEK DISTRICT D	60.0	COLUMBIA GAS TRAN
8207887		4708300326		107-DV		KING #2B	ROARING CREEK DISTRICT D	70.0	COLUMBIA GAS TRAN
8207888		4708300349		107-DV		KING #2C	ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRAN
8207874		4708300384		107-DV		TALBOTT #3	LAUREL RUN	50.0	COLUMBIA GAS TRAN
-J & J ENTERPRISES INC		RECEIVED: 11/25/81 JA: WV							
8207906		4701702926		103		J-337	GREENBRIER	20.0	CONSOLIDATED GAS
8207907		4709702219		103		J-432	BUCKHANNON	28.0	COLUMBIA GAS TRAN
8207908		4701702785		103		J-52	NEW MILTON	28.0	CONSOLIDATED GAS
-R & B PETROLEUM INC		RECEIVED: 11/25/81 JA: WV							
8207913		4708101672		103		WILLIAMS #1	VALLEY	18.0	PARTNERSHIP PROPE
8207912		4709701847		103		WRIGHT #1	WARREN-UNION	10.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA ONT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-STERLING DRILLING & PROD CO INC		RECEIVED: 11/25/81 JA: WY					
8207884		4701501674	108	ALOI #12 SDP #176	BUFFALO DISTRICT	0.0	EQUITABLE GAS CO
8207885		4701501687	108	ALOI #27 SDP #187	BUFFALO DISTRICT	0.0	EQUITABLE GAS CO
8207879		4701501656	108	ALOI #8 SDP #138	BUFFALO DISTRICT	21.5	EQUITABLE GAS CO
8207881		4701501516	108	S NOTTINGHAM #2 SDP #63	OTTER DISTRICT	0.0	EQUITABLE GAS CO
8207886		4701501691	108	STAHLMAN #200 SDP #200	BUFFALO DISTRICT	0.0	EQUITABLE GAS CO
8207883		4708703216	108	STUMP #155 SDP #155	GEARY DISTRICT	0.0	COLUMBIA GAS TRAN
8207882		4708703205	108	SWIGER #149 SDP #149	GEARY DISTRICT	0.0	COLUMBIA GAS TRAN
********** WYOMING OIL & GAS CONSERVATION COMMISSION **********							
-AMOCO PRODUCTION CO		RECEIVED: 11/27/81 JA: WY					
8207951	NG 229-81	4900720663	107-TF	CHAMPLIN 261 AMOCO L #1	STANDARD DRAW-MESAVERDE	33.0	CITIES SERVICE GA
8207953	NG 211-81	4904120369	103	CHAMPLIN 352 AMOCO E #1	GLASSCOCK HOLLOW	292.0	MOUNTAIN FUEL SUP
8207959	NG 228-81	4904120369	102-2	CHAMPLIN 352 AMOCO E #1	GLASSCOCK HOLLOW	292.0	MOUNTAIN FUEL SUP
8207952	NG 213-81	4900720567	107-TF	CHAMPLIN 559 AMOCO C #1	STANDARD DRAW-MESAVERDE	14.4	CITIES SERVICE GA
8207964	NG 227-81	4903721427	102-2	FIVE MILE GULCH #9 (LEWIS)	WILDCAT-LEWIS	33.0	CITIES SERVICE GA
8207949	NG 230-81	4903721427	107-TF	FIVE MILE GULCH UNIT #9 (MESAVERDE)	WILDCAT-MESAVERDE	89.0	CITIES SERVICE GA
8207963	NG 228-81	4903721486	107-TF	TIERNEY II UNIT #11-31 (MESAVERDE)	TIERNEY II UNIT-MESAVERD	24.7	CITIES SERVICE GA
-BELCO PETROLEUM CORPORATION		RECEIVED: 11/27/81 JA: WY					
8207950	NG 197-81	4903520590	103	BUDD 5-33	MOUNTAIN HOME	0.0	NORTHWEST PIPELIN
8207962	NG 196-81	4902320399	103	GRBU 78-13	GREEN RIVER BEND UNIT	0.0	NORTHWEST PIPELIN
8207961	NG 195-81	4902320401	103	GRBU 79-12	GREEN RIVER BEND UNIT	0.0	NORTHWEST PIPELIN
-CHAMPLIN PETROLEUM COMPANY		RECEIVED: 11/27/81 JA: WY					
8207957	NG 222-81	4903721525	107-TF	HIGGINS 13A	HIGGINS UNIT	39.4	COLORADO INTERSTA
8207958	NG 221-81	4903721683	107-TF	UPRR 4-21 #6	SIBERIA RIDGE	310.0	COLORADO INTERSTA
-CHANCELLOR & DOLEZAL		RECEIVED: 11/27/81 JA: WY					
8207965	NG 226-81	4900720713	102-2	CHAMPLIN 258 AMOCO A 2-5	WILDCAT	180.0	NORTHERN NATURAL
-DAVIS OIL COMPANY		RECEIVED: 11/27/81 JA: WY					
8207954	NG 210-81	4900925944	103	HOADLEY #1	NORTH MILIGHT	97.4	PHILLIPS PETROLEU
8207955	NG 214-81	4900525808	102-2	TERRA #1	WILDCAT	17.2	PHILLIPS PETROLEU
-INEXCO OIL COMPANY		RECEIVED: 11/27/81 JA: WY					
8207960	NG 217-81	4900921925	102-2	MILLER #1-8	SHAWNEE	55.0	INEXCO GASOLINE P
-MARATHON OIL COMPANY		RECEIVED: 11/27/81 JA: WY					
*8207956	NG 223-81	4902921015	103	SIDNEY #15 (TENSLEEP FORMATION)	OREGON BASIN	10.6	COLORADO INTERSTA
********** ** U.S. GEOLOGICAL SURVEY - METAIRIE,LA **********							
-C & K PETROLEUM INC		RECEIVED: 11/25/81 JA: LA 3					
8207926	G1-2198	1771540282	102-5	SOUTH TIMBALIER 185 #B-6A	SOUTH TIMBALIER	0.0	TRANSCONTINENTAL
-CNG PRODUCING COMPANY		RECEIVED: 11/25/81 JA: LA 3					
8207921	G1-2189	1771040819	102-5	A-1S1	EUGENE ISLAND	1500.0	COLUMBIA GAS TRAN
8207932	G1-2241	1771040895	102-5	A-2S2	EUGENE ISLAND	800.0	COLUMBIA GAS TRAN
8207934	G1-2343	1771040839	102-5	A-3S1	EUGENE ISLAND	799.0	COLUMBIA GAS TRAN
8207923	G1-2286	1771040823	102-5	A-6	EUGENE ISLAND	725.0	COLUMBIA GAS TRAN
8207928	G1-2214	1771040908	102-5	A-8S1	EUGENE ISLAND	800.0	COLUMBIA GAS TRAN
8207931	G1-2242	1771040908	102-5	A-8S2	EUGENE ISLAND	800.0	COLUMBIA GAS TRAN
8207936	G1-2287	1771040916	102-5	A-9S1	EUGENE ISLAND	810.0	COLUMBIA GAS TRAN
8207940	G1-2288	1771040916	102-5	A-9S2	EUGENE ISLAND	735.0	COLUMBIA GAS TRAN
-KERR-MCGEE CORPORATION		RECEIVED: 11/25/81 JA: LA 3					
8207939	G1-2194	1771240339	102-5	OCS G-1925 #A-12	SHIP SHOAL	47.0	TRANSCONTINENTAL
8207925	G1-2354	1771540356	102-1	OCS-G-4119 #6	SOUTH TIMBALIER	1679.0	TENNESSEE GAS PIP
8207924	G1-2355	1771540356	102-1	OCS-G-4119 #6-D	SOUTH TIMBALIER	474.0	TENNESSEE GAS PIP

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-PLACID OIL COMPANY						RECEIVED: 11/25/81 JA: LA 3			
8207930	61-2349	1770740360		107	DP	OCS-G-2600 #E-12	SOUTH MARSH ISLAND	3467.5	TRUNKLINE GAS CO
-SHELL OIL CO						RECEIVED: 11/25/81 JA: LA 3			
8207942	61-2164	1771500769	D	102	5	OCS-G 1361 A-15A	SOUTH TIMBALIER	-54.0	UNITED GAS PIPE L
8207938	61-2195	1770040246		102	5	OCS-G 2825 JA-2A	WEST CAMERON	2.7	TENNESSEE GAS PIP
8207927	61-2196	1770040415		102	5	OCS-G 2825 JA-4A	WEST CAMERON	2.7	TENNESSEE GAS PIP
8207920	61-2188	1772340057		102	5	SP 61 OCS-G 1614 #C-45-A	SOUTH PASS	150.0	SOUTHERN NATURAL
-SUPERIOR OIL CO						RECEIVED: 11/25/81 JA: LA 3			
8207935	61-2184	1770040289		102	5	OCS - 0244 NO B-11	WEST CAMERON	200.0	MICHIGAN-WISCONSI
8207937	61-2199	1770940364		102	5	OCS 0797 #F-2	EUGENE ISLAND	1000.0	TRANSCONTINENTAL
-UNION OIL COMPANY OF CALIF						RECEIVED: 11/25/81 JA: LA 3			
8207941	61-2181	1770540072		102	5	OCS-G 2071 #A-3	VERMILLION	408.0	TEXAS EASTERN TRA
-UNION TEXAS PETROLEUM						RECEIVED: 11/25/81 JA: LA 3			
8207922	61-2112	1771840848		102	5	OCS-G-3159 A-8	EUGENE ISLAND	2600.0	NORTHERN NATURAL
-CITIES SERVICE COMPANY						RECEIVED: 11/25/81 JA: TX 3			
8207933	61-2267	4270340055		102	1	MATAGORDA ISLAND 686 #A-6	MATAGORDA ISLAND	3960.0	NORTHERN NATURAL
-EXXON CORPORATION						RECEIVED: 11/25/81 JA: TX 3			
8207929	61-2356	4271140519		102	1	OCS-G 3486 #B-7	HIGH ISLAND	365.0	COLUMBIA GAS TRAN
-HOUSTON OIL & MINERALS CORPORATION						RECEIVED: 11/25/81 JA: TX 3			
8207919	61-2347	4270330218		102	1	OCSG-4136 #B-1	MATAGORDA ISLAND	3700.0	
** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM									
-EL PASO NATURAL GAS COMPANY						RECEIVED: 08/28/79 JA: NM 4			
7922343	NM-1620-79	3004521567		108		RIDDLE B 89	AZTEC PC	15.0	EL PASO NATURAL G

OTHER PURCHASERS

8207948	MONTANA POWER CO
8207958	CODY GAS CO

BILLING CODE 6717-01-C

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102-4: 1
102-5: 1
Section 1
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107-PE
107-TF
107-RT
Section 1
108-SA
108-ER
108-PB

Kenneth

Secretary

[FR Doc. 81-

BILLING CO

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203, and 275.204, file a protest with the Commission on or before January 13, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–36085 Filed 12–28–81; 8:45 am]

BILLING CODE 6717–01–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 22, 1981.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-ABARTA OIL & GAS INC			RECEIVED: 11/25/81 JA: NY						
8208011	1654	3102915684		103		ABARTA E80-101	LAKE SHORE	36.0	NATIONAL FUEL GAS
8208010	1655	3102915687		103		ABARTA E80-104 #1	LAKE SHORE	29.0	NATIONAL FUEL GAS
-ANGELA P HOPKINS			RECEIVED: 11/25/81 JA: NY						
8208033	1280	3101311956		108		ANGELA P HOPKINS #1105	LAKESHORE	11.3	NATIONAL FUEL GAS
8208030	1281	3101312756		108		HOPKINS ROTUNDA #7592	LAKESHORE	18.3	NATIONAL FUEL GAS
-APPALACHIAN BASIN OIL & GAS			RECEIVED: 11/25/81 JA: NY						
8208028	1286	3101304535		108		MARTIN #420	LAKESHORE	7.0	NATIONAL FUEL GAS
8208032	1288	3101305034		108		PAGLIA #439	LAKESHORE	8.2	NATIONAL FUEL GAS
8208029	1285	3101304711		108		SMITH #423	LAKESHORE	3.0	NATIONAL FUEL GAS
8208031	1287	3101304460		108		SOMMERS TUTTLE #407	LAKESHORE	8.0	NATIONAL FUEL GAS
-BEREA OIL AND GAS CORPORATION			RECEIVED: 11/25/81 JA: NY						
8208005	1744	3101316060		103		DAVID BALL UNIT #1	GERRY	25.0	COLUMBIA GAS TRAN
8208006	1745	3101316064		103		GRANT BROCKWAY #1	GERRY	30.0	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION			RECEIVED: 11/25/81 JA: NY						
8208034	1543	3101312805		103		LYLE W COCHRAN WN-1644	NORTH CLYMER	0.0	GENERAL SYSTEM PU
-ECLIPSE MANAGEMENT ASSOCIATES INC			RECEIVED: 11/25/81 JA: NY						
8208036	1422	3101314288		103		BELL #1	LAKE SHORE	30.0	NATIONAL FUEL GAS
8208035	1787	3101314606		103		BROWN #3 #3152	LAKE SHORE	0.0	NATIONAL FUEL GAS
8208038	1786	3101315817		103		MARTIN #1 EE #3	LAKE SHORE	10.0	NATIONAL FUEL GAS
8208037	1788	3101315686		103		RIVARD #2 EE	LAKE SHORE	13.0	NATIONAL FUEL GAS
-ENVIROGAS INC			RECEIVED: 11/25/81 JA: NY						
8207978	1362	3101315723		102-2		A FIRSTER #1	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8207966	1278	3101315180		102-2		C BANK #1	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8207984	1334	3101315341		102-2		C DINSBIER #1	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8207982	1305	3101315456		102-2		C LATTA #1	WILDCAT	18.0	COLUMBIA GAS TRAN
8207985	993	3101315184		102-2		C WEATHERLOW #1	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8207990	998	3101315185		102-2		C WEATHERLOW #2	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8207974	1428	3101315474		102-2		C WILLIAMS #1	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8207988	1272	3101315489		102-2		CHAUTAUQUA INSTITUTION #6	CHAUTAUQUA	18.0	COLUMBIA GAS TRAN
8207986	1425	3101315775		102-2		D HAYES #1	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8207981	1333	3101315344		102-2		D LIMBERG #1	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8207989	1426	3101315857		102-2		F VROOMAN #1	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8207977	1276	3101315455		102-2		H GIBBS #3	CHAUTAUQUA	18.0	COLUMBIA GAS TRAN
8207987	995	3101315221		102-2		H KEOPKA #3	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8207988	994	3101315209		102-2		H KEOPKA #4	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8207972	890	3101314631		102-2		I COCHRANE #3	LAKESHORE	18.0	NATIONAL FUEL GAS
8207983	1424	3101315186		102-2		J BOWEN #2	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8208039	979	3101315025		102-2		J BRIGHTMAN #1	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8207976	1427	3101315202		102-2		L KERSHAW #2	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8207973	1525	3101315201		102-2		L KERSHAW #3	SUMMERDALE	18.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8207967	992	3101315008		102-2		L NICKERSON #1	SUMMERDALE	18.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8207967	982	3101315008		102-2		L NICKERSON #1	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8207971	989	3101315007		102-2		L NICKERSON #2	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8207968	986	3101315006		102-2		L NICKERSON #4	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8207991	997	3101315005		102-2		NICKERSON #5	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8207993	1273	3101315696		102-2		P PERU #1	WILDCAT	18.0	NATIONAL FUEL GAS
8207996	1274	3101315641		102-2		R DAVIS #1	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8207992	1277	3101315642		102-2		R DAVIS #2	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8207979	1275	3101315182		102-2		R GEER #2	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8207995	1297	3101315335		102-2		R HEWES #2	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8207978	981	3101315233		102-2		R MONCKTON #1	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8207969	988	3101315316		102-2		R P HEWES #3	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8207975	1559	3101315694		102-2		R WASSINK #8	CLYMER	18.0	NATIONAL FUEL GAS
8207994	1296	3101315342		102-2		R WILCOX #1	SUMMERDALE	18.0	COLUMBIA GAS TRAN
-HEINTZ OIL & GAS CORP				RECEIVED: 11/25/81 JA: NY					
8208023	1284	3101301464		108		LINCOLN #1101	LAKESHORE	7.0	NATIONAL FUEL GAS
8208027	1282	3101301157		108		SCHAFER #1102	LAKE SHORE	5.0	NATIONAL FUEL GAS
8208024	1283	3101302826		108		YOUNG #1108	LAKESHORE	6.0	NATIONAL FUEL GAS
-J M RESOURCES				RECEIVED: 11/25/81 JA: NY					
8207999	1604	3101313237		108		FORBES-RIZZO #3	LAKESHORE	11.0	NATL FUEL GAS DIS
-LENAPE RESOURCES CORP				RECEIVED: 11/25/81 JA: NY					
*8208015	1794	3112113997		103		BERTIE GASTON #1	LEICESTER	20.0	ELIZABETHTOWN GAS
*8208020	1798	3103713987		103		CLAYTON G. FOUND #1	PAVILION	20.0	ELIZABETHTOWN GAS
*8208021	1797	3103713961		103		GRACE CROSS #1	PAVILION	20.0	ELIZABETHTOWN GAS
*8208009	1800	3105113967		103		JAMES HOAG #1	PAVILION	20.0	ELIZABETHTOWN GAS
*8208012	1801	3105114285		103		JAMES HOAG #2	PAVILION	20.0	ELIZABETHTOWN GAS
*8208022	1795	3103713989		103		JOHN CARNEY JR. #1	PAVILION	20.0	ELIZABETHTOWN GAS
*8208013	1796	3105114450		103		JOHN F. CRIPPS #1	PAVILION	20.0	ELIZABETHTOWN GAS
*8208019	1799	3103713988		103		LAWRENCE GLEBER #1	PAVILION	20.0	ELIZABETHTOWN GAS
*8208018	1804	3103713568		103		N. THATER #1	PAVILION	20.0	ELIZABETHTOWN GAS
*8208014	1793	3112113971		103		RICHARD L. BLANKE #2	LEICESTER	20.0	ELIZABETHTOWN GAS
*8208016	1802	3103713966		103		RICHARD S. RIDLEY #1	PAVILION	20.0	ELIZABETHTOWN GAS
*8208017	1803	3103713986		103		SPENCER #1	PAVILION	20.0	ELIZABETHTOWN GAS
-LEO & VERONICA NOCEK				RECEIVED: 11/25/81 JA: NY					
8207998	1600	3101311602		108		NOCEK #1	LAKESHORE	2.3	NATIONAL FUEL GAS
-OILMARK & CO INC				RECEIVED: 11/25/81 JA: NY					
8208001	1140	3101315363		103		BUSAN #1	LAKESHORE	12.0	NATIONAL FUEL GAS
8208004	1135	3101314834		103		KOPROWSKI #1	LAKESHORE	10.0	NATIONAL FUEL GAS
8208000	1137	3101314835		103		KOPROWSKI #2	LAKESHORE	10.0	NATIONAL FUEL GAS
8208002	1138	3101314774		103		POTTER #1	LAKESHORE	14.0	NATIONAL FUEL SUP
8208003	1136	3101315310		103		R RAMMELT #1	LAKESHORE	12.0	NATIONAL FUEL GAS
-TRAHAN PETROLEUM INC				RECEIVED: 11/25/81 JA: NY					
8208008	1601	3101312542		108		LENART - N Y 12 31-013-12542	PANAMA	12.0	COLUMBIA GAS TRAN
8208007	1602	3101312530		108		MIKTUK - N Y 63 31-013-12530	PANAMA	12.0	COLUMBIA GAS TRAN
-TROY PIPE AND SUPPLY CO INC				RECEIVED: 11/25/81 JA: NY					
8208025	1408	3101311581		108		HAMM #1	PORTLAND	0.0	NATIONAL FUEL GAS
8208026	1407	3101311652		108		HAMM #3	PORTLAND	6.1	NATIONAL FUEL GAS
-US ENERGY DEVELOPMENT CORP				RECEIVED: 11/25/81 JA: NY					
8207997	1756	3101315407		103		A WOLFF #2	WESTFIELD	20.0	COLUMBIA GAS TRAN
**********									
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
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-ARROWHEAD GAS PRODUCERS INC				RECEIVED: 11/27/81 JA: PA					
8208040	8945	3712529107		107-TF		CARL FAUST #1	SUGAR GROVE	60.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-ATLAS RESOURCES INC						RECEIVED: 11/27/81 JA: PA			
8208041	9784	3706325640		102-2		ORMISTON #2	GREEN	10.0	COLUMBIA GAS TRAN
-BEREA OIL AND GAS CORPORATION						RECEIVED: 11/27/81 JA: PA			
8208046	9127	3712329187		107-TF		A C GRIBSHAW UNIT #2	WILDCAT	20.0	COLUMBIA GAS TRAN
8208045	9079	3712328494		107-TF		F & E NICHOLS #1	WILDCAT	20.0	COLUMBIA GAS TRAN
8208042	9076	3712328499		107-TF		M J WOJTOWICZ #5	WILDCAT	20.0	COLUMBIA GAS TRAN.
8208043	9077	3712328495		107-TF		M J WOJTOWICZ UNIT #1	WILDCAT	20.0	COLUMBIA GAS TRAN
8208044	9078	3712328497		107-TF		M Z LAY #1	WILDCAT	20.0	COLUMBIA GAS TRAN
-BITTINGER DRILLING CO						RECEIVED: 11/27/81 JA: PA			
8208048	9810	3712900000		108		THOMAS MARTIN #1	WASHINGTON	2.0	THE PEOPLES NATUR
8208047	9809	3712900000		108		THOMAS MARTIN #2	WASHINGTON	2.0	PEOPLES NATURAL G
-CABOT OIL & GAS CORP						RECEIVED: 11/27/81 JA: PA			
8208056	8957	3703921092		107-TF		ALBERT D MCNAMARA #1	EAST MEAD	50.0	TENNESSEE GAS PIP
8208088	9222	3703921179		107-TF		ALLAN HART #5	FAIRFIELD	50.0	TENNESSEE GAS PIP
8208058	8951	3703920918		107-TF		CHARLES IRWIN #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8208058	8959	3703920831		107-TF		DONALD HOLSTEN #2	FAIRFIELD	50.0	TENNESSEE GAS PIP
8208057	8958	3703920832		107-TF		DONALD L HOLSTEN #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8208076	9041	3703920741		107-TF		E & M KISER #1	UNION	50.0	TENNESSEE GAS PIP
8208068	8978	3703920898		107-TF		EDWARD AND ELLA RUNG #1-S	FAIRFIELD	50.0	TENNESSEE GAS PIP
8208052	8953	3703920820		107-TF		FRANK AND MARIE LAUSH #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8208062	8972	3703920873		107-TF		FRANK NADER #2	GREENWOOD	50.0	TENNESSEE GAS PIP
8208083	9228	3703921213		107-TF		GARY MOORHEAD #1	WAYNE	50.0	TENNESSEE GAS PIP
8208077	9043	3703921118		107-TF		GLEN FREYERMUTH #1	UNION	50.0	TENNESSEE GAS PIP
8208074	8984	3703920727		107-TF		HARRY ZIMMER #1	UNION	50.0	TENNESSEE GAS PIP
8208049	8589	3703921103		107-TF		HELEN DENNIS #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8208070	8980	3703920964		107-TF		HELEN TODD #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8208055	8956	3708520215		107-TF		HERALD HELTZEL #2	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8208063	8973	3703920701		107-TF		HUGH PETERSON #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8208061	8971	3703920855		107-TF		JAMES D MUMFORD #2	FAIRFIELD	50.0	TENNESSEE GAS PIP
8208064	8974	3703920852		107-TF		JOHN AND ROSE PODOSZLO #2	FAIRFIELD	50.0	TENNESSEE GAS PIP
8208065	8975	3703920851		107-TF		JOHN PODOSZLO ET AL #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8208075	9839	3708320259		107-TF		JOHN SCHNEIDER #3-S	DEER CREEK	50.0	TENNESSEE GAS PIP
8208067	8977	3703921115		107-TF		JOHN W ROBERTS #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8208084	9232	3703921210		107-TF		JOSEPH GANDZIARSKI #1	GREENWOOD	50.0	TENNESSEE GAS PIP
8208051	8952	3703920827		107-TF		KEBERT DEVELOPERS INC #A-1	GREENWOOD	50.0	TENNESSEE GAS PIP
8208054	8955	3703920825		107-TF		LARRY HART #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8208066	8976	3703920828		107-TF		MARILYN RAINEY #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8208069	8979	3703920967		107-TF		MENNO SOMMERS #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8208082	9226	3703921185		107-TF		NEAL LANG #1	RANDOLPH	50.0	TENNESSEE GAS PIP
8208078	9045	3703921186		107-TF		NEAL LANG #2	RANDOLPH	50.0	TENNESSEE GAS PIP
8208071	8981	3703921117		107-TF		PHILIP WHEELING #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8208081	9224	3703921227		107-TF		PRESSLEY HILLIARD #1	WAYNE	50.0	TENNESSEE GAS PIP
8208079	9047	3703921128		107-TF		RICHARD DUNN #1	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8208053	8954	3703920755		107-TF		RONALD R LONGO #1-S	FAIRFIELD	50.0	TENNESSEE GAS PIP
8208059	8969	3703920966		107-TF		RUDOLPH MION #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8208072	8982	3703920768		107-TF		THELSTON W WILLIAMS #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8208085	9234	3703921178		107-TF		VANCE RUNG #2	GREENWOOD	50.0	TENNESSEE GAS PIP
8208060	8970	3703920821		107-TF		W & C MOTZING #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8208086	9287	3703921208		107-TF		W L DUNN CONSTRUCTION #2	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8208073	8983	3703920767		107-TF		WAGNERCREST FARMS #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
-CARDINAL OIL CO						RECEIVED: 11/27/81 JA: PA			
8208087	8986	3703920624		107-TF		F SABLYAK #79-14 CRA-20624	CONNEAUT	0.0	COLUMBIA GAS TRAN
-CENTER BAR GAS CO						RECEIVED: 11/27/81 JA: PA			

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8208088	8410	3703920563		107-TF		EARL E HAMILTON #7B-2 PA PER CRA-2*	CONNEAUT	0.0	COLUMBIA GAS TRAN
-COMPASS DEVELOPMENT INC		RECEIVED: 11/27/81 JA: PA							
8208090	8324	3705322379		103		EPSILON 15	WILLIAMS	0.0	
8208092	8329	3705322767		103		FOREST ASSOCIATES 4 (PD-64)	DAUBENSPECK	0.0	
8208093	8330	3705322768		103		FOREST ASSOCIATES 5 (PD-65)	DAUBENSPECK	0.0	
8208094	8333	3705322769		103		FOREST ASSOCIATES 6 (PD-66)	DAUBENSPECK	0.0	
8208091	8328	3705322770		103		FOREST ASSOCIATES 7 (PD-67)	DAUBENSPECK	0.0	
8208089	8325	3705322677		103		SHERMAC DEEP 2 (CORRY I-2)	SHERMAC	0.0	
-CUMBERLAND OIL CORP		RECEIVED: 11/27/81 JA: PA							
8208095	9757	3712329663		102-2		J RUPCZYK #3	SUGAR GROVE	20.0	NATIONAL FUEL GAS
-ENVIROGAS INC		RECEIVED: 11/27/81 JA: PA							
8208105	9145	3704921201		107-TF		A SCHULTZ #2	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208120	9160	3704921147		107-TF		C MILLER #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208109	9149	3704921082		107-TF		C POST #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208108	9148	3704921119		107-TF		C POST #2	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208103	9143	3704921055		107-TF		C SCHULTZ #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208119	9159	3704921087		107-TF		E FINDLEY #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208117	9157	3704921202		107-TF		G KRESS #3	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208125	9165	3704921195		107-TF		G LUKE #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208107	9147	3704921059		107-TF		G SCHOENFELDT #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208106	9146	3704921060		107-TF		G SCHOENFELDT #2	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208104	9144	3704920943		107-TF		G SPINKS #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208116	9156	3704921134		107-TF		GREENFIELD TOWNSHIP #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208113	9153	3704921109		107-TF		H GLOVER #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208124	9164	3704921110		107-TF		H MCINTYRE #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208118	9158	3704920975		107-TF		H ORTON #3	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208121	9161	3704921184		107-TF		J COOK #2	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208112	9152	3704920905		107-TF		J SCHULTZ #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208102	9142	3704921144		107-TF		J SZYBOWSKI #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208098	9138	3704921222		107-TF		L NORTON #1	WILDCAT	18.0	NATIONAL FUEL GAS
8208131	9171	3704920720	D	107-TF		L NORTON #2	WILDCAT	18.0	NATIONAL FUEL GAS
8208100	9140	3704921041		107-TF		L SCHULTZ #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208099	9139	3704921054		107-TF		M ROAN #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208127	9167	3704920891		107-TF		N MORSE #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208128	9168	3704920945		107-TF		N MORSE #2	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208126	9166	3704921031		107-TF		N MORSE #3	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208130	9170	3704921032		107-TF		N MORSE #4	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208129	9169	3704921033		107-TF		N MORSE #5	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208096	9136	3704921088		107-TF		NORTH EAST BOROUGH #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208097	9137	3704921120		107-TF		NORTH EAST HUNTING & FISHING #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208123	9163	3704921194		107-TF		R MARSHALL #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208115	9155	3704921011		107-TF		R MITCHELL #1	ERIE DEEP	18.0	NATIONAL FUEL GAS
8208101	9141	3704921146		107-TF		R THORNTON #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208111	9151	3704921118		107-TF		T SAUNDERS #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208110	9150	3704920955		107-TF		W GULCZNSKI #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208122	9162	3704921012		107-TF		W LUKE #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8208114	9154	3704921142		107-TF		X MEEHL #4	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
-J & J ENTERPRISES INC		RECEIVED: 11/27/81 JAI PA							
8208132	7266	3706321647		108		G M REAM #1	WAYNE	13.2	T W PHILLIPS GAS
8208133	7267	3706321665		108		G M KESSLER #1	WAYNE	10.5	T W PHILLIPS GAS
8208134	7268	3706321648		108		SARA J DAVIS #1	WASHINGTON	16.8	T W PHILLIPS GAS
-JENNIFER PETROLEUMS LTD		RECEIVED: 11/27/81 JAI PA							
8208136	9176	3712327873		107-TF		LITTLE #1	FREEHOLD	33.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8208135	9175	3712327837		107	TF	SAVKO #1	FREEHOLD	45.0	COLUMBIA GAS TRAN
8208137	9178	3712328264		107	TF	SAVKO #1A	FREEHOLD	40.0	COLUMBIA GAS TRAN
		RECEIVED: 11/27/81 JA: PA							
-MONROE RESOURCES LTD									
8208142	9064	3712328589		107	TF	A GOURLEY #1	LOTTSVILLE	38.0	COLUMBIA GAS TRAN
8208140	7369	3712328591		102	2	JAMES GOURLEY #1	SUGAR GROVE	30.0	COLUMBIA GAS TRAN
8208139	7368	3712328592		102	2	JAMES GOURLEY #2	LOTTSVILLE	40.0	COLUMBIA GAS TRAN
8208138	7367	3712328588		102	2	JAMES GOURLEY #3	LOTTSVILLE	50.0	COLUMBIA GAS TRAN
8208141	6072	3712328386		103		SWEENEY #2	SUGAR GROVE	65.0	COLUMBIA GAS TRAN
		RECEIVED: 11/27/81 JA: PA							
-RED LEAF OIL LTD									
8208144	8996	3712327429		107	TF	CARL BRUNECZ #2	SUGAR GROVE	60.0	COLUMBIA GAS TRAN
8208143	8995	3712327430		107	TF	EARNEST HAMILTON #1	SUGAR GROVE	0.0	COLUMBIA GAS TRAN
8208145	8997	3712327425		107	TF	WARREN BARTSCH #1	SUGAR GROVE	60.0	COLUMBIA GAS TRAN
		RECEIVED: 11/27/81 JA: PA							
-SHAWNUT DEVELOPMENT CORP									
8208148	9804	3700522627		103		SHB-2 LEO ISACCO #1	WILDCAT	3.0	T W PHILLIPS OIL
		RECEIVED: 11/27/81 JA: PA							
-T-R INVESTMENT PARTNERSHIP									
8208146	9308	3703921221		107	TF	G RENAUD #1	VENANGO	20.0	NATIONAL FUEL GAS
8208147	9389	3703921222		107	TF	G RENAUD #2	VENANGO	20.0	NATIONAL FUEL GAS

OTHER PURCHASERS

8208009 NEW JERSEY NATURAL GAS
8208012 NEW JERSEY NATURAL GAS
8208013 NEW JERSEY NATURAL GAS
8208014 NEW JERSEY NATURAL GAS
8208015 NEW JERSEY NATURAL GAS
8208016 NEW JERSEY NATURAL GAS
8208017 NEW JERSEY NATURAL GAS
8208018 NEW JERSEY NATURAL GAS
8208019 NEW JERSEY NATURAL GAS
8208020 NEW JERSEY NATURAL GAS
8208021 NEW JERSEY NATURAL GAS
8208022 NEW JERSEY NATURAL GAS

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before January 13, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–36966 Filed 12–28–81; 8:45 am]
BILLING CODE 6717–01–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 22, 1981.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES									
-ALLEN M ANDERSON				RECEIVED: 11/30/81 JA: OH					
8208152		3416726487		103		RAYMOND & HATTIE BAILEY #2	WARREN	10.0	
8208153A		3416726804		103		UNGER #1	MUSKINGUM	10.0	
8208153B		3416726804	D	107-TF		UNGER #1	MUSKINGUM	10.0	
-ALTHEIRS OIL INC				RECEIVED: 11/30/81 JA: OH					
8208149		3412725273		103		PETERS #1	SCOTCH HEIGHTS	8.0	NATIONAL GAS & OI
-AMTEX OIL AND GAS INC				RECEIVED: 11/30/81 JA: OH					
8208150		3407522236		107-TF		MARTIN #1 (WILLIAM & ELLEN)	KILLBUCK	250.0	COLUMBIA GAS TRAN
8208151		3407522348		107-TF		MARTIN #2	KILLBUCK	250.0	COLUMBIA GAS TRAN
-BAGLEY LAND IMPROVEMENT INC				RECEIVED: 11/30/81 JA: OH					
8208154		3403520995		103		BAGLEY LAND IMP #2	OLMSTED	2.0	COLUMBIA GAS OF O
-BILL BLAIR INCORPORATED				RECEIVED: 11/30/81 JA: OH					
8208157		3402920823		103		GROVE #4	HOMEWORTH	16.0	EAST OHIO GAS CO
8208157		3402920823		107-TF		GROVE #4	HOMEWORTH	16.0	EAST OHIO GAS CO
8208156		3402920819		103		GROVE #5	HOMEWORTH	12.0	EAST OHIO GAS CO
8208156		3402920819		107-TF		GROVE #5	HOMEWORTH	12.0	EAST OHIO GAS CO
8208158		3402920847		103		SPORTSMAN CLUB #1	HOMEWORTH	20.0	EAST OHIO GAS CO
8208158		3402920847		107-TF		SPORTSMAN CLUB #1	HOMEWORTH	20.0	EAST OHIO GAS CO
-BUCKEYE OIL PRODUCING CO				RECEIVED: 11/30/81 JA: OH					
8208161		3411122179		103		CLARENCE HOWELL #1	MALAGA	7.0	TEXAS EASTERN TRA
8208160		3409921330		107-TF		MILLARD-CRAIG UNIT #1	BERLIN	20.0	COLUMBIA GAS TRAN
-CARL M POSTON				RECEIVED: 11/30/81 JA: OH					
8208321A		3407322521		103		STEPHENS #1	BRENNHOLTZ	10.0	
8208321B		3407322521	D	107-TF		STEPHENS #1	BRENNHOLTZ	10.0	
-CLARENCE SHERMAN				RECEIVED: 11/30/81 JA: OH					
8208346		3415723574		107-TF		F E & K A HYNES #1	GOSHEN	20.0	
8208345		3405922850		107-TF		MAYOR-KRAMER UNIT #1	LIBERTY	20.0	
8208347		3405922851		107-TF		MAYOR-KRAMER UNIT #2	LIBERTY	20.0	
-CLINTON OIL CO				RECEIVED: 11/30/81 JA: OH					
8208162		3411925374		103		ROBERT L GRANT #1-593	NEWTON	10.0	
8208162		3411925374		107-TF		ROBERT L GRANT #1-593	NEWTON	10.0	
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED: 11/30/81 JA: OH					
8208164		3415521598		107-TF		MICHAEL M KLUPIK 720373	NORTHERN DIST STE OF OHI	52.5	COLUMBIA GAS TRAN
8208163		3415521589		107-TF		MICHAEL M KLUPIK 820295	NORTHERN DIST STE OF OHI	52.5	COLUMBIA GAS TRAN
-CONSOLIDATED RESOURCES OF AMERICA				RECEIVED: 11/30/81 JA: OH					
8208165		3405922849		107-TF		LENA J BARNES #2	CAMBRIDGE	37.0	EAST OHIO GAS CO
-CRYSTAL ENERGY				RECEIVED: 11/30/81 JA: OH					
8208166		3410322268		103		CREEKSIDE DEVELOPING CO #1	BRUNSWICK HILLS	10.0	
8208166		3410322268		107-TF		CREEKSIDE DEVELOPING CO #1	BRUNSWICK HILLS	10.0	
-DERBY OIL & GAS CORP				RECEIVED: 11/30/81 JA: OH					
8208167		3407523312		103		SAMUEL MILLER #1	SALT CREEK	12.0	COLUMBIA GAS TRAN
8208167		3407523312		107-TF		SAMUEL MILLER #1	SALT CREEK	12.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-DORAN & ASSOCIATES INC				RECEIVED: 11/30/81 JA: OH					
8208168		3407522967		103		EMANUEL SCHLABACH #1	SALT CREEK	10.0	COLUMBIA GAS TRAN

JB NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-DORAN & ASSOCIATES INC						RECEIVED: 11/30/81 JA: OH			
8208168		3407522967		103		EMANUEL SCHLABACH #1	SALT CREEK	12.0	COLUMBIA GAS TRAN
8208168		3407522967		107-TF		EMANUEL SCHLABACH #1	SALT CREEK	12.0	COLUMBIA GAS TRAN
8208169		3407523034		103		JACOB HERSHBERGER #1	PAINT	12.0	COLUMBIA GAS TRAN
8208169		3407523034		107-TF		JACOB HERSHBERGER #1	PAINT	12.0	COLUMBIA GAS TRAN
-DORFMAN PRODUCTION CO						RECEIVED: 11/30/81 JA: OH			
8208170		3409921336		103		L MYERS #1	DAMASCUS	12.0	COLUMBIA GAS TRAN
8208170		3409921336		107-TF		L MYERS #1	DAMASCUS	12.0	COLUMBIA GAS TRAN
-ENERGY DEVELOPMENT CORP						RECEIVED: 11/30/81 JA: OH			
8208171		3400721723		103		BRINKER #1	ORWELL	16.0	
8208171		3400721723		107-TF		BRINKER #1	ORWELL	16.0	
8208172		3400721745		103		CHELCIU #2	ROME	18.0	
8208172		3400721745		107-TF		CHELCIU #2	ROME	18.0	
8208173		3416922917		103		JOHN ROBISON #1	PLAIN	12.0	
8208173		3416922917		107-TF		JOHN ROBISON #1	PLAIN	12.0	
-GEO ENERGY INC						RECEIVED: 11/30/81 JA: OH			
8208182		3410322608		103		J & W HUTTINGER UNIT#11-1-1	LIVERPOOL	12.0	COLUMBIA GAS TRAN
8208182		3410322608		107-TF		J & W HUTTINGER UNIT#11-1-1	LIVERPOOL	12.0	COLUMBIA GAS TRAN
-GREEN GAS COMPANY						RECEIVED: 11/30/81 JA: OH			
8208184		3409321145		107-TF		POK-MCBRIDE #2	COLUMBIA	1.0	COLUMBIA GAS TRAN
8208183		3403521115		107-TF		WYLES-JUSTAVICH UNIT #1	OLMSTEAD	1.0	COLUMBIA GAS OF O
-HOPEWELL OIL AND GAS DEVELOPMENT CO						RECEIVED: 11/30/81 JA: OH			
8208186		3412725178		107-TF		CLYDE AULT #1	PERRY	12.0	COLUMBIA GAS TRAN
8208185		3411925612		107-TF		RAYMOND RUCKER #4	NEWTON	12.0	NATIONAL GAS & OI
8208187		3412725186		107-TF		WILLIAM DURST #1	PLEASANT	12.0	COLUMBIA GAS TRAN
-INTEGRATED PETROLEUM COMPANY INC						RECEIVED: 11/30/81 JA: OH			
8208188		3409921184		103		ROYER #1	ELSWORTH	12.0	
8208188		3409921184		107-TF		ROYER #1	ELSWORTH	12.0	
8208189		3415521918		103		WENGERD #2	MESOPOTAMIA	0.0	
8208189		3415521918		107-TF		WENGERD #2	MESOPOTAMIA	0.0	
-IRVIN PRODUCING COMPANY						RECEIVED: 11/30/81 JA: OH			
8208190		3411522505		103		RICHARD HOUK B-1	DEERFIELD	10.0	COLUMBIA GAS TRAN
8208190		3411522505		107-TF		RICHARD HOUK B-1	DEERFIELD	10.0	COLUMBIA GAS TRAN
-JADOIL INC						RECEIVED: 11/30/81 JA: OH			
8208210		3403124165		107-TF		ALMA CRAIG #2	CLARK	10.0	COLUMBIA GAS TRAN
8208207		3403124006		107-TF		ALVIN & JOANN MEEK #1	CLARK	12.0	COLUMBIA GAS TRAN
8208195		3403123393		107-RT		ALVIN M MILLER #1	CLARK	30.0	COLUMBIA GAS TRAN
8208193		3403123391	D	107-TF		ARCHIE & DONNA WAGERS #1	COSHOCTON	11.0	COLUMBIA GAS TRAN
8208200		3403123707		107-TF		ARCHIE & LOUISE WILLIAMSON #3	CLARK	5.0	COLUMBIA GAS TRAN
8208201		3403123708		107-TF		ARCHIE & LOUISE WILLIAMSON #4	CLARK	5.0	COLUMBIA GAS TRAN
8208206		3403123906		107-TF		ARCHIE & LOUISE WILLIAMSON #5	CLARK	15.0	COLUMBIA GAS TRAN
8208205		3403123747		107-TF		DALE M SCHNABEL #1	BETHLEHEM	30.0	COLUMBIA GAS TRAN
8208194		3401323392		107-TF		E & M LOWE #1	CLARK	8.0	COLUMBIA GAS TRAN
8208203		3403123722		107-TF		E J & C K ZOLLINGER #1	CLARK	16.0	COLUMBIA GAS TRAN
8208198		3403123691		107-TF		GLADYS BUCKLEW #1	COSHOCTON	12.0	COLUMBIA GAS TRAN
8208212		3411925567		107-TF		HAROLD J MADDEN #1	SALEM	30.0	COLUMBIA GAS TRAN
8208202		3403123710	D	107-TF		HENRY E & SHIRLEY GEHRKE #2	JEFFERSON	8.0	COLUMBIA GAS TRAN
8208208		3403124007		107-TF		L & F DOWNES #1	BETHLEHEM	5.0	COLUMBIA GAS TRAN
8208211		3403124225		107-TF		L & M MCVEY #1	CLARK	8.0	COLUMBIA GAS TRAN
8208192		3403123390		107-TF		LAURA & EMMA AMMANN #1	CLARK	4.0	COLUMBIA GAS TRAN
8208196		3403123395		107-TF		LAURA & EMMA AMMANN #2	CLARK	8.0	COLUMBIA GAS TRAN
8208204		3403123724		107-TF		PAUL & JOANNE NEUMAN #2	CLARK	6.0	COLUMBIA GAS TRAN
8208209		3403124011		107-TF		THELMA L SPARKS #1	BETHLEHEM	35.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8208191		3403123376		107-TF		M E & E A WINTERHALTER #1	CLARK	5.0	COLUMBIA GAS TRAN
8208197		3403123609		107-TF		W J & R MCKEE #1	CLARK	15.0	COLUMBIA GAS TRAN
8208199		3403123692		107-TF		WILLARD H CATLIN #1	CLARK	15.0	COLUMBIA GAS TRAN
-JAMES R SNAIL				RECEIVED: 11/30/81 JA: OH					
8208348A		3416922840		103		HOMER & ELLA AGEE #1	PLAIN	30.0	COLUMBIA GAS TRAN
8208348B		3416922840	D	107-TF		HOMER & ELLA AGEE #1	PLAIN	30.0	COLUMBIA GAS TRAN
-JOHN C MASON				RECEIVED: 11/30/81 JA: OH					
8208236		3407522711		107-TF		CURLEY #1	HARDY	20.0	COLUMBIA GAS TRAN
8208238		3407523573		107-TF		JONAS L M MILLER #1	BERLIN	15.0	COLUMBIA GAS TRAN
8208237		3407523232		107-TF		NOAH SCHLABACH #1	BERLIN	50.0	COLUMBIA GAS TRAN
-JOHN G FORAKER				RECEIVED: 11/30/81 JA: OH					
8208175		3400922236		103		CIRCLE J #1	ROME	5.0	COLUMBIA GAS TRAN
8208179		3400922294		103		CIRCLE J #5	ROME	5.0	COLUMBIA GAS TRAN
8208174		3400922080		103		JOHNSON #5	CANAAN	5.0	COLUMBIA GAS TRAN
8208180		3400922525		103		KARUS #1	ROME	0.5	COLUMBIA GAS TRAN
8208178		3400922288		103		KASLER 1-R	ROME	5.0	COLUMBIA GAS TRAN
8208181		3411925782		103		MCLAUGHLIN #1	NEWTON	1.0	NATIONAL GAS & OI
8208176		3400922286		103		STILWELL #1	CANAAN	5.0	COLUMBIA GAS TRAN
8208177		3400922281		103		STILWELL #2	CANAAN	5.0	COLUMBIA GAS TRAN
-K & T OIL & GAS CO INC				RECEIVED: 11/30/81 JA: OH					
8208213		3415521839		103		BREWSTER-WALTON #2	BLOOMFIELD	80.0	
8208213		3415521839		107-TF		BREWSTER-WALTON #2	BLOOMFIELD	80.0	
-L & M OPERATING INC				RECEIVED: 11/30/81 JA: OH					
8208214		3412725066		107-TF		LEWIS/JENKINS #2	SALT LICK	10.0	COLUMBIA GAS TRAN
8208215		3412725067		107-TF		LEWIS/JENKINS #3	NEW STRAIGHTSVILLE	10.0	COLUMBIA GAS TRAN
-L & M PETROLEUM INC				RECEIVED: 11/30/81 JA: OH					
8208217		3412725299		107-TF		CLAYCRAFT #13	SALT LICK	10.0	COLUMBIA GAS TRAN
8208216		3412724918		103		CLAYCRAFT #14	SALT LICK	9.0	COLUMBIA GAS TRAN
8208216		3412724918		107-TF		CLAYCRAFT #14	SALT LICK	9.0	COLUMBIA GAS TRAN
8208224		3416725014		108		NOLAND/MCCAIN UNIT #1		12.8	COLUMBIA GAS TRAN
8208221		3416724379		108		ROBERT BARTH #2		12.8	COLUMBIA GAS TRAN
8208220		3416724378		108		ROBERT BARTH #3		12.8	COLUMBIA GAS TRAN
8208219		3416724377		108		ROBERT BARTH #4		12.8	COLUMBIA GAS TRAN
8208218		3416724375		108		ROBERT BARTH #6		12.8	COLUMBIA GAS TRAN
8208220		3416724730		108		ROBERT BARTH #7		12.8	COLUMBIA GAS TRAN
8208222		3416724729		108		ROSA WEPPLER #3		12.8	COLUMBIA GAS TRAN
-LANDPROVEST INC				RECEIVED: 11/30/81 JA: OH					
8208225		3405922945		107-TF		STOVER #1	VALLEY	30.0	
-LEADER EQUITIES INC				RECEIVED: 11/30/81 JA: OH					
8208226		3411522321		103		COTTON #1	MEIGSVILLE	0.0	
8208226		3411522321		107-TF		COTTON #1	MEIGSVILLE	0.0	
8208227		3411522421		103		DANIELSON 1-A	MEIGSVILLE	0.0	
8208227		3411522421		107-TF		DANIELSON 1-A	MEIGSVILLE	0.0	
-LOMAK PETROLEUM INC				RECEIVED: 11/30/81 JA: OH					
8208232		3413322618		107-TF		C GANDEE #1	SHALERSVILLE	10.0	PARK OHIO
8208228		3405520321		107-TF		D WHITING #1	BURTON	15.0	EAST OHIO GAS
8208229		3405520325		107-TF		H LUXENBERG #1	BURTON	20.0	EAST OHIO GAS
8208233		3415123108		107-TF		J KETTEREN #1	LAKE	15.0	EAST OHIO GAS
8208231		3411924607		107-TF		K ALEXANDER #2	HARRISON	29.0	COLUMBIA GAS TRAN
8208230		3405520327		107-TF		LUXENBURG #3	BURTON	25.0	EAST OHIO GAS
-M B OPERATING CO INC				RECEIVED: 11/30/81 JA: OH					
8208234		3415123379		103		KOLP UNIT #4	PERRY	73.0	REPUBLIC STEEL CO
-MAGNUM PETROLEUM, INC				RECEIVED: 11/30/81 JA: OH					

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8208218		3416922583		103		RON SMITH #1	SALISBURY	42.0	COLUMBIA GAS TRAN
8208218		3416922583		107-TF		RON SMITH #1	SALISBURY	42.0	COLUMBIA GAS TRAN
-MAGNUM PETROLEUM, INC				RECEIVED: 11/30/81 JA: OH					
8208238		3415123379		107-TF		KOLP UNIT #4	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208239		3415123380		103		MARK #1	PERRY	73.0	REPUBLIC STEEL CO
8208239		3415123380		107-TF		MARK #1	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208240		3415123381		103		MARK #2	PERRY	73.0	REPUBLIC STEEL CO
8208240		3415123381		107-TF		MARK #2	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208241		3415123382		103		MARK #3	PERRY	73.0	REPUBLIC STEEL CO
8208241		3415123382		107-TF		MARK #3	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208242		3415123383		103		MARK #4	PERRY	73.0	REPUBLIC STEEL CO
8208242		3415123383		107-TF		MARK #4	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208243		3415123384		103		MARK #5	PERRY	73.0	REPUBLIC STEEL CO
8208243		3415123384		107-TF		MARK #5	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208244		3415123385		103		MARK #6	PERRY	73.0	REPUBLIC STEEL CO
8208244		3415123385		107-TF		MARK #6	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208245		3415123386		103		MARK #7	PERRY	73.0	REPUBLIC STEEL CO
8208245		3415123386		107-TF		MARK #7	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208246		3415123387		103		MARK #8	PERRY	73.0	REPUBLIC STEEL CO
8208246		3415123387		107-TF		MARK #8	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208247		3415123388		103		MARK #9	PERRY	73.0	REPUBLIC STEEL CO
8208247		3415123388		107-TF		MARK #9	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208248		3415123389		103		MARK #10	PERRY	73.0	REPUBLIC STEEL CO
8208248		3415123389		107-TF		MARK #10	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208249		3415123390		103		MARK #11	PERRY	73.0	REPUBLIC STEEL CO
8208249		3415123390		107-TF		MARK #11	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208250		3415123391		103		MARK #12	PERRY	73.0	REPUBLIC STEEL CO
8208250		3415123391		107-TF		MARK #12	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208251		3415123392		103		MARK #13	PERRY	73.0	REPUBLIC STEEL CO
8208251		3415123392		107-TF		MARK #13	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208252		3415123393		103		MARK #14	PERRY	73.0	REPUBLIC STEEL CO
8208252		3415123393		107-TF		MARK #14	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208253		3415123394		103		MARK #15	PERRY	73.0	REPUBLIC STEEL CO
8208253		3415123394		107-TF		MARK #15	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208254		3415123395		103		MARK #16	PERRY	73.0	REPUBLIC STEEL CO
8208254		3415123395		107-TF		MARK #16	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208255		3415123396		103		MARK #17	PERRY	73.0	REPUBLIC STEEL CO
8208255		3415123396		107-TF		MARK #17	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208256		3415123397		103		MARK #18	PERRY	73.0	REPUBLIC STEEL CO
8208256		3415123397		107-TF		MARK #18	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208257		3415123398		103		MARK #19	PERRY	73.0	REPUBLIC STEEL CO
8208257		3415123398		107-TF		MARK #19	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208258		3415123399		103		MARK #20	PERRY	73.0	REPUBLIC STEEL CO
8208258		3415123399		107-TF		MARK #20	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208259		3415123400		103		MARK #21	PERRY	73.0	REPUBLIC STEEL CO
8208259		3415123400		107-TF		MARK #21	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208260		3415123401		103		MARK #22	PERRY	73.0	REPUBLIC STEEL CO
8208260		3415123401		107-TF		MARK #22	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208261		3415123402		103		MARK #23	PERRY	73.0	REPUBLIC STEEL CO
8208261		3415123402		107-TF		MARK #23	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208262		3415123403		103		MARK #24	PERRY	73.0	REPUBLIC STEEL CO
8208262		3415123403		107-TF		MARK #24	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208263		3415123404		103		MARK #25	PERRY	73.0	REPUBLIC STEEL CO
8208263		3415123404		107-TF		MARK #25	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208264		3415123405		103		MARK #26	PERRY	73.0	REPUBLIC STEEL CO
8208264		3415123405		107-TF		MARK #26	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208265		3415123406		103		MARK #27	PERRY	73.0	REPUBLIC STEEL CO
8208265		3415123406		107-TF		MARK #27	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208266		3415123407		103		MARK #28	PERRY	73.0	REPUBLIC STEEL CO
8208266		3415123407		107-TF		MARK #28	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208267		3415123408		103		MARK #29	PERRY	73.0	REPUBLIC STEEL CO
8208267		3415123408		107-TF		MARK #29	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208268		3415123409		103		MARK #30	PERRY	73.0	REPUBLIC STEEL CO
8208268		3415123409		107-TF		MARK #30	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208269		3415123410		103		MARK #31	PERRY	73.0	REPUBLIC STEEL CO
8208269		3415123410		107-TF		MARK #31	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208270		3415123411		103		MARK #32	PERRY	73.0	REPUBLIC STEEL CO
8208270		3415123411		107-TF		MARK #32	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208271		3415123412		103		MARK #33	PERRY	73.0	REPUBLIC STEEL CO
8208271		3415123412		107-TF		MARK #33	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208272		3415123413		103		MARK #34	PERRY	73.0	REPUBLIC STEEL CO
8208272		3415123413		107-TF		MARK #34	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208273		3415123414		103		MARK #35	PERRY	73.0	REPUBLIC STEEL CO
8208273		3415123414		107-TF		MARK #35	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208274		3415123415		103		MARK #36	PERRY	73.0	REPUBLIC STEEL CO
8208274		3415123415		107-TF		MARK #36	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208275		3415123416		103		MARK #37	PERRY	73.0	REPUBLIC STEEL CO
8208275		3415123416		107-TF		MARK #37	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208276		3415123417		103		MARK #38	PERRY	73.0	REPUBLIC STEEL CO
8208276		3415123417		107-TF		MARK #38	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208277		3415123418		103		MARK #39	PERRY	73.0	REPUBLIC STEEL CO
8208277		3415123418		107-TF		MARK #39	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208278		3415123419		103		MARK #40	PERRY	73.0	REPUBLIC STEEL CO
8208278		3415123419		107-TF		MARK #40	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208279		3415123420		103		MARK #41	PERRY	73.0	REPUBLIC STEEL CO
8208279		3415123420		107-TF		MARK #41	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208280		3415123421		103		MARK #42	PERRY	73.0	REPUBLIC STEEL CO
8208280		3415123421		107-TF		MARK #42	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208281		3415123422		103		MARK #43	PERRY	73.0	REPUBLIC STEEL CO
8208281		3415123422		107-TF		MARK #43	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208282		3415123423		103		MARK #44	PERRY	73.0	REPUBLIC STEEL CO
8208282		3415123423		107-TF		MARK #44	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208283		3415123424		103		MARK #45	PERRY	73.0	REPUBLIC STEEL CO
8208283		3415123424		107-TF		MARK #45	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208284		3415123425		103		MARK #46	PERRY	73.0	REPUBLIC STEEL CO
8208284		3415123425		107-TF		MARK #46	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208285		3415123426		103		MARK #47	PERRY	73.0	REPUBLIC STEEL CO
8208285		3415123426		107-TF		MARK #47	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208286		3415123427		103		MARK #48	PERRY	73.0	REPUBLIC STEEL CO
8208286		3415123427		107-TF		MARK #48	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208287		3415123428		103		MARK #49	PERRY	73.0	REPUBLIC STEEL CO
8208287		3415123428		107-TF		MARK #49	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208288		3415123429		103		MARK #50	PERRY	73.0	REPUBLIC STEEL CO
8208288		3415123429		107-TF		MARK #50	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208289		3415123430		103		MARK #51	PERRY	73.0	REPUBLIC STEEL CO
8208289		3415123430		107-TF		MARK #51	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208290		3415123431		103		MARK #52	PERRY	73.0	REPUBLIC STEEL CO
8208290		3415123431		107-TF		MARK #52	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208291		3415123432		103		MARK #53	PERRY	73.0	REPUBLIC STEEL CO
8208291		3415123432		107-TF		MARK #53	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208292		3415123433		103		MARK #54	PERRY	73.0	REPUBLIC STEEL CO
8208292		3415123433		107-TF		MARK #54	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208293		3415123434		103		MARK #55	PERRY	73.0	REPUBLIC STEEL CO
8208293		3415123434		107-TF		MARK #55	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208294		3415123435		103		MARK #56	PERRY	73.0	REPUBLIC STEEL CO
8208294		3415123435		107-TF		MARK #56	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208295		3415123436		103		MARK #57	PERRY	73.0	REPUBLIC STEEL CO
8208295		3415123436		107-TF		MARK #57	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208296		3415123437		103		MARK #58	PERRY	73.0	REPUBLIC STEEL CO
8208296		3415123437		107-TF		MARK #58	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208297		3415123438		103		MARK #59	PERRY	73.0	REPUBLIC STEEL CO
8208297		3415123438		107-TF		MARK #59	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208298		3415123439		103		MARK #60	PERRY	73.0	REPUBLIC STEEL CO
8208298		3415123439		107-TF		MARK #60	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208299		3415123440		103		MARK #61	PERRY	73.0	REPUBLIC STEEL CO
8208299		3415123440		107-TF		MARK #61	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208300		3415123441		103		MARK #62	PERRY	73.0	REPUBLIC STEEL CO
8208300		3415123441		107-TF		MARK #62	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208301		3415123442		103		MARK #63	PERRY	73.0	REPUBLIC STEEL CO
8208301		3415123442		107-TF		MARK #63	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208302		3415123443		103		MARK #64	PERRY	73.0	REPUBLIC STEEL CO
8208302		3415123443		107-TF		MARK #64	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208303		3415123444		103		MARK #65	PERRY	73.0	REPUBLIC STEEL CO
8208303		3415123444		107-TF		MARK #65	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208304		3415123445		103		MARK #66	PERRY	73.0	REPUBLIC STEEL CO
8208304		3415123445		107-TF		MARK #66	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208305		3415123446		103		MARK #67	PERRY	73.0	REPUBLIC STEEL CO
8208305		3415123446		107-TF		MARK #67	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208306		3415123447		103		MARK #68	PERRY	73.0	REPUBLIC STEEL CO
8208306		3415123447		107-TF		MARK #68	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208307		3415123448		103		MARK #69	PERRY	73.0	REPUBLIC STEEL CO
8208307		3415123448		107-TF		MARK #69	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208308		3415123449		103		MARK #70	PERRY	73.0	REPUBLIC STEEL CO
8208308		3415123449		107-TF		MARK #70	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208309		3415123450		103		MARK #71	PERRY	73.0	REPUBLIC STEEL CO
8208309		3415123450		107-TF		MARK #71	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208310		3415123451		103		MARK #72	PERRY	73.0	REPUBLIC STEEL CO
8208310		3415123451		107-TF		MARK #72	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208311		3415123452		103		MARK #73	PERRY	73.0	REPUBLIC STEEL CO
8208311		3415123452		107-TF		MARK #73	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208312		3415123453		103		MARK #74	PERRY	73.0	REPUBLIC STEEL CO
8208312		3415123453		107-TF		MARK #74	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208313		3415123454		103		MARK #75	PERRY	73.0	REPUBLIC STEEL CO
8208313		3415123454		107-TF		MARK #75	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208314		3415123455		103		MARK #76	PERRY	73.0	REPUBLIC STEEL CO
8208314		3415123455		107-TF		MARK #76	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208315		3415123456		103		MARK #77	PERRY	73.0	REPUBLIC STEEL CO
8208315		3415123456		107-TF		MARK #77	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208316		3415123457		103		MARK #78	PERRY	73.0	REPUBLIC STEEL CO
8208316		3415123457		107-TF		MARK #78	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208317		3415123458		103		MARK #79	PERRY	73.0	REPUBLIC STEEL CO
8208317		3415123458		107-TF		MARK #79	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208318		3415123459		103		MARK #80	PERRY	73.0	REPUBLIC STEEL CO
8208318		3415123459		107-TF		MARK #80	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208319		3415123460		103		MARK #81	PERRY	73.0	REPUBLIC STEEL CO
8208319		3415123460		107-TF		MARK #81	PERRY	73.0	REPUBLIC STEEL CO
-MARK PRODUCING INC				RECEIVED: 11/30/81 JA: OH					
8208320		3415123461		103		MARK #82	PERRY	73.0	REPUBLIC STEEL CO
8208320		3415123461		107-TF		M

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8208235		3410522093		103		RON SMITH #1	SALISBURY	42.0	COLUMBIA GAS TRAN
-NEW FRONTIER EXPLORATION INC		RECEIVED: 11/30/81 JA: OH							
8208239		3415183486		103		KENNETH SMITH #1	OSNABURG	22.0	BARTLO OIL & GAS
-NUCORP ENERGY COMPANY		RECEIVED: 11/30/81 JA: OH							
8208240		3413321951		107-TF		JONES #4	FREEDOM	14.0	ANCHOR HOCKING CO
-OPEX INC		RECEIVED: 11/30/81 JA: OH							
8208241		3408922329		103		WHITE #1	ROME	0.5	COLUMBIA GAS TRAN
-ORION ENERGY CORP		RECEIVED: 11/30/81 JA: OH							
8208242		3411522516		103		RIPPEY UNIT #1	WINDSOR	50.0	
-OXFORD OIL CO		RECEIVED: 11/30/81 JA: OH							
8208243		3411522351		103		EARL APPLEMAN #1	DEERFIELD	12.0	
8208243		3411522351		107-TF		EARL APPLEMAN #1	DEERFIELD	12.0	
8208247		3412724796		103		MARY WILSON #1	CLAYTON	11.0	
8208247		3412724796		107-TF		MARY WILSON #1	CLAYTON	11.0	
8208245		3411925792		103		PAUL NORRIS #2	PERRY	12.0	
8208245		3411925792		107-TF		PAUL NORRIS #2	PERRY	12.0	
8208244		3411925669		103		ROWENA FRAUNFELTER #3	NEWTON	10.0	
8208244		3411925669		107-TF		ROWENA FRAUNFELTER #3	NEWTON	10.0	
8208246		3411925896		103		VIRGIL MILLER #1	PERRY	11.0	
8208246		3411925896		107-TF		VIRGIL MILLER #1	PERRY	11.0	
-PAROCO DRLG FUNDS INC		RECEIVED: 11/30/81 JA: OH							
8208317		3415521953		103		WILLIAMS #1	BRISTOL	20.0	
8208317		3415521953		107-TF		WILLIAMS #1	BRISTOL	20.0	
-PETROLEUM SECURITIES FUND - 80		RECEIVED: 11/30/81 JA: OH							
8208319		3407322432		103		ENDERLE #2	WASHINGTON	125.0	
8208318		3407322430		103		ENDERLE #5	WASHINGTON	20.0	
8208320		3407322447		103		ENDERLE #6	WASHINGTON	25.0	
-POI ENERGY INC		RECEIVED: 11/30/81 JA: OH							
8208284		3400721356		107-TF		BROKEN WHEEL #1	COLEBROOK	15.0	
8208285		3400721357		107-TF		BROKEN WHEEL #2	COLEBROOK	15.0	
8208277		3400721314		107-TF		CARR-DROWN #1	ROME	20.0	
8208283		3400721346		107-TF		CORRIGAN #1	ROME	45.0	
8208306		3400721512		107-TF		E SIGAL #1	ROME	35.0	EAST OHIO GAS CO
8208311		3400721552		107-TF		E SIGAL #2	ROME	35.0	EAST OHIO GAS CO
8208252		3400721097		107-RT		EASTON #1	EASTON	30.0	
8208250		3400721092		107-RT		EASTON BROTHERS #1	COLEBROOK	15.0	
8208315		3413321820	D	107-TF		ENGLISH #2A	SHALERSVILLE	20.0	
8208297		3400721429		107-TF		EWASKA #1	COLEBROOK	30.0	EAST OHIO GAS CO
8208272		3400721296		107-TF		GAAG #1	COLEBROOK	10.0	
8208298		3400721433		107-TF		GOGAN #1	COLEBROOK	30.0	EAST OHIO GAS CO
8208259		3400721203		107-TF		H KAMPF #1	ROME	30.0	
8208316		3413321914		107-TF		HACH #2	AURORA	10.0	
8208249		3400721083		107-TF		HANSAR #3	NEW LYME	50.0	
8208313		3400721651		107-TF		HELINSKI #3	COLEBROOK	55.0	EAST OHIO GAS CO
8208251		3400721094		107-TF		HOFFSTETTER #1	COLEBROOK	10.0	
8208288		3400721384		107-TF		HUBBELL #1	ROME	20.0	
8208295		3400721419		107-TF		HUBBELL #2	ROME	20.0	
8208258		3400721201		107-TF		KAMPF #2	ROME	35.0	
8208263		3400721232		107-TF		KAMPF #4	ROME	35.0	
8208301		3400721451		107-TF		KLEIN #1	ROME	22.0	
8208303		3400721467		107-TF		KLEIN #2	ROME	22.0	
8208309		3400721522		107-TF		L BEAN #1	HARTSGROVE	30.0	EAST OHIO GAS CO
8208281		3400721331		107-TF		LAKE CARDINAL #2	ROME	25.0	

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8208289		3400721391			107-TF	LAMBERT #1	ROME	35.0	
8208273		3400721297			107-TF	MARKELL #1	COLEBROOK	20.0	
8208308		3400721518			107-TF	MATISH-SATTERFIELD #1	ROME	25.0	
8208267		3400721253			107-TF	MCNISH #1	COLEBROOK	15.0	
8208261		3400721227			107-TF	MCNISH #2	COLEBROOK	15.0	
8208302		3400721452			107-TF	MECKLEY-SIRRINE #1	ROME	30.0	
8208312		3400721561			107-TF	MECKLEY-SIRRINE #2	ROME	58.0	EAST OHIO GAS CO
8208275		3400721311			107-TF	MIKOS #1	ROME	75.0	
8208253		3400721100			107-TF	NITA #1	COLEBROOK	15.0	
8208248		3400720555			107-TF	ORAVETZ #1	HARTSGROVE	15.0	
8208292		3400721400			107-TF	PAE #1	ROME	50.0	EAST OHIO GAS CO
8208274		3400721298			107-TF	PARODEK #1	NEW LYME	5.0	
8208290		3400721397			107-TF	PECK #1	NEW LYME	50.0	
8208307		3400721517			107-TF	PHILLIPPI #1	ORWELL	15.0	EAST OHIO GAS CO
8208262		3400721231			107-TF	R KAMPF #1	ROME	48.0	
8208299		3400721447			107-TF	RIGBY #1	ORWELL	12.0	
8208293		3400721401			107-TF	ROTH-JEFFERSON #1	COLEBROOK	30.0	EAST OHIO GAS CO
8208294		3400721402			107-TF	ROTH-JEFFERSON #2	COLEBROOK	30.0	EAST OHIO GAS CO
8208266		3400721251			107-TF	SAWICKI #1	COLEBROOK	15.0	
8208265		3400721245			107-TF	SMEARSOLL #1	COLEBROOK	15.0	
8208300		3400721448			107-TF	SMEARSOLL #2	COLEBROOK	15.0	
8208276		3400721313			107-TF	SMITH #1	COLEBROOK	15.0	
8208304		3400721470			107-TF	SOLOWEYKO #1	HARTSGROVE	18.0	
8208305		3400721471			107-TF	SOLOWEYKO #2	HARTSGROVE	14.0	
8208291		3400721398			107-TF	STOKES #1	NEW LYME	25.0	
8208287		3400721383			107-TF	STOKES #2	NEW LYME	25.0	
8208278		3400721325			107-TF	STRINGFELLOW #1	NEW LYME	25.0	
8208279		3400721326			107-TF	STRINGFELLOW #2	NEW LYME	40.0	
8208288		3400721327			107-TF	STRINGFELLOW #3	NEW LYME	48.0	
8208282		3400721332			107-TF	STRINGFELLOW #6	NEW LYME	40.0	
8208286		3400721385			107-TF	STRINGFELLOW #7	NEW LYME	35.0	
8208269		3400721276			107-TF	STRINGFELLOW #8	NEW LYME	50.0	
8208310		3400721540			107-TF	STRINGFELLOW #9	NEW LYME	14.0	
8208264		3400721235			107-TF	SWENTON #1	COLEBROOK	45.0	
8208256		3400721194			107-TF	SYLVESTER #1	ROME	25.0	
8208257		3400721195			107-TF	SYLVESTER #2	ROME	25.0	
8208270		3400721278			107-TF	VINS #1	COLEBROOK	15.0	
8208260		3400721213			107-TF	WHITELY #1	NEW LYME	50.0	
8208314		3400721985			107-TF	WOOLEY #1	ROME	25.0	
8208255		3400721156			107-TF	WYNN #1	ROME	30.0	
8208271		3400721287			107-TF	WYNN #4	NEW LYME	30.0	
8208254		3400721103			107-TF	YUHASZ #2	COLEBROOK	15.0	
8208268		3400721270			107-TF	YUHASZ #3	COLEBROOK	12.0	
8208296		3400721426			107-TF	YUHASZ #4	COLEBROOK	10.0	
-PYRAMID OIL & GAS COMPANY		RECEIVED: 11/30/81 JA: OH							
8208322		3415521226			103	STUCZYNSKI #1	SOUTHINGTON	15.0	
-QUAKER STATE OIL REFINING CORP		RECEIVED: 11/30/81 JA: OH							
8208324		3400922283			103	R M JONES #2	TRIMBLE	36.5	COLUMBIA GAS TRAN
8208324		3400922283			107-TF	R M JONES #2	TRIMBLE	36.5	COLUMBIA GAS TRAN
8208325		3400922284			103	R M JONES #3	TRIMBLE	36.5	COLUMBIA GAS TRAN
8208325		3400922284			107-TF	R M JONES #3	TRIMBLE	36.5	COLUMBIA GAS TRAN
8208326		3400922285			103	R M JONES #4	TRIMBLE	36.5	COLUMBIA GAS TRAN
8208326		3400922285			107-TF	R M JONES #4	TRIMBLE	36.5	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8208323		3400922263			103	R M JONES #5	TRIMBLE	36.5	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8208323		3400922263		103		R M JONES #5	TRIMBLE	36.0	COLUMBIA GAS TRAN
8208323		3400922263		107	TF	R M JONES #5	TRIMBLE	36.0	COLUMBIA GAS TRAN
-RESOURCE EXPLORATION INC		RECEIVED: 11/30/81 JA: OH							
8208327		3406720404		103		D MEYERS #1	WASHINGTON TOWNSHIP	20.0	COLUMBIA GAS TRAN
8208327		3406720404		107	TF	D MEYERS #1	WASHINGTON TOWNSHIP	20.0	COLUMBIA GAS TRAN
8208329		3406720409		107	TF	J STULL #1	WASHINGTON TOWNSHIP	20.0	COLUMBIA GAS TRAN
8208328		3406720405		107	TF	KENNETH G MARDELL #1	WASHINGTON TOWNSHIP	20.0	COLUMBIA GAS TRAN
-RICHARD BOURAN & WILLIAM RUSNIK		RECEIVED: 11/30/81 JA: OH							
*8208159		3410322596		103		WILLIAM RUSNIK #3	SHARON	30.0	COLUMBIA GAS TRAN
*8208159		3410322596		107	TF	WILLIAM RUSNIK #3	SHARON	30.0	COLUMBIA GAS TRAN
-RINCO OPERATING INC		RECEIVED: 11/30/81 JA: OH							
8208333		3416922564		103		AMOS #1	CLINTON	12.0	COLUMBIA GAS TRAN
8208333		3416922564		107	TF	AMOS #1	CLINTON	12.0	COLUMBIA GAS TRAN
8208341		3416922843		103		AMSTUTZ #1	CHESTER	12.0	COLUMBIA GAS TRAN
8208341		3416922843		107	TF	AMSTUTZ #1	CHESTER	12.0	COLUMBIA GAS TRAN
8208342		3416922844		103		AMSTUTZ #2	CHESTER	12.0	COLUMBIA GAS TRAN
8208342		3416922844		107	TF	AMSTUTZ #2	CHESTER	12.0	COLUMBIA GAS TRAN
8208331		3416922534		103		BECKER #1	PLAIN	12.0	COLUMBIA GAS TRAN
8208331		3416922534		107	TF	BECKER #1	PLAIN	12.0	COLUMBIA GAS TRAN
8208338		3416922748		103		CRUMLEY #1	CONGRESS	12.0	COLUMBIA GAS TRAN
8208338		3416922748		107	TF	CRUMLEY #1	CONGRESS	12.0	COLUMBIA GAS TRAN
8208339		3416922749		103		CRUMLEY #2	CONGRESS	12.0	COLUMBIA GAS TRAN
8208339		3416922749		107	TF	CRUMLEY #2	CONGRESS	12.0	COLUMBIA GAS TRAN
8208343		3416922848		103		GOOD #1	CHESTER	12.0	COLUMBIA GAS TRAN
8208343	—	3416922848		107	TF	GOOD #1	CHESTER	12.0	COLUMBIA GAS TRAN
8208338		3416922525		103		JONES #2	CONGRESS	12.0	COLUMBIA GAS TRAN
8208338		3416922525		107	TF	JONES #2	CONGRESS	12.0	COLUMBIA GAS TRAN
8208340		3416922767		103		KINNEY #1	CHESTER	12.0	COLUMBIA GAS TRAN
8208340		3416922767		107	TF	KINNEY #1	CHESTER	12.0	COLUMBIA GAS TRAN
8208336		3416922609		103		L SIGLER #1	CHESTER	12.0	COLUMBIA GAS TRAN
8208336		3416922609		107	TF	L SIGLER #1	CHESTER	12.0	COLUMBIA GAS TRAN
8208334		3416922601		103		R MARTIN #4	CHESTER	12.0	COLUMBIA GAS TRAN
8208334		3416922601		107	TF	R MARTIN #4	CHESTER	12.0	COLUMBIA GAS TRAN
8208335		3416922605		103		RICHARDS #7	CHESTER	12.0	COLUMBIA GAS TRAN
8208335		3416922605		107	TF	RICHARDS #7	CHESTER	12.0	COLUMBIA GAS TRAN
8208337		3416922671		103		SARGEANT #1	CONGRESS	12.0	COLUMBIA GAS TRAN
8208337		3416922671		107	TF	SARGEANT #1	CONGRESS	12.0	COLUMBIA GAS TRAN
8208332		3416922535		103		YEAGLEY #1	CHESTER	12.0	COLUMBIA GAS TRAN
8208332		3416922535		107	TF	YEAGLEY #1	CHESTER	12.0	COLUMBIA GAS TRAN
-SECURITY GAS & OIL INC		RECEIVED: 11/30/81 JA: OH							
8208344		3416723696		108		C F GRIFFITHS #2 PERMIT #3696	CHURCHTOWN	0.9	COLUMBIA GAS TRAN
-SUPERIOR PETROLEUM INC		RECEIVED: 11/30/81 JA: OH							
8208349		3401320370	D	107	TF	DAVIS #1	WAYNE	0.0	TEXAS EASTERN TRA
8208350		3409921386		103		MERCER #1	GOSHEN	0.0	EAST OHIO GAS CO
8208350		3409921386		107	TF	MERCER #1	GOSHEN	0.0	EAST OHIO GAS CO
8208351		3409921387		103		MERCER #2	GOSHEN	0.0	EAST OHIO GAS CO
8208351		3409921387		107	TF	MERCER #2	GOSHEN	0.0	EAST OHIO GAS CO
-TEXACAN ENERGY INC		RECEIVED: 11/30/81 JA: OH							
8208352		3407523100		103		ANDY Y MILLER #1	BERLIN	12.0	COLUMBIA GAS TRAN
8208352		3407523100		107	TF	ANDY Y MILLER #1	BERLIN	12.0	COLUMBIA GAS TRAN
8208353		3407523118		103		LEVI A RABER #1	BERLIN	12.0	COLUMBIA GAS TRAN
8208353		3407523118		107	TF	LEVI A RABER #1	BERLIN	12.0	COLUMBIA GAS TRAN
-THE BENATTY CORPORATION		RECEIVED: 11/30/81 JA: OH							

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8208155		3405922936		103		N TOSTENSON #1	CAMBRIDGE	35.0	COLUMBIA GAS TRAN
8208155		3405922936		107-TF		N TOSTENSON #1	CAMBRIDGE	35.0	COLUMBIA GAS TRAN
-TITAN ENERGY CORP		RECEIVED: 11/30/81 JA: ON							
8208354		3405923001		103		MYRA ROSS #1-A	CAMBRIDGE	20.0	COLUMBIA GAS TRAN
8208354		3405923001		107-TF		MYRA ROSS #1-A	CAMBRIDGE	20.0	COLUMBIA GAS TRAN
-TRUMBULL RESOURCES		RECEIVED: 11/30/81 JA: ON							
8208355		3415521923		103		SIMON #1	VIENNA	25.0	
-VIKING RESOURCES CORP		RECEIVED: 11/30/81 JA: ON							
8208360		3415123504		103		AIR-BRASIVE CO #1	WASHINGTON	30.0	
8208360		3415123504		107-TF		AIR-BRASIVE CO #1	WASHINGTON	30.0	
8208362		3415123576		103		BAUMBERGER #1	PARIS	30.0	
8208362		3415123576		107-TF		BAUMBERGER #1	PARIS	30.0	
8208358		3409921408		103		F C F REALTY CO UNIT #2	BERLIN	30.0	
8208358		3409921408		107-TF		F C F REALTY CO UNIT #2	BERLIN	30.0	
8208359		3409921409		103		F C F REALTY CO UNIT #3	BERLIN	30.0	
8208359		3409921409		107-TF		F C F REALTY CO UNIT #3	BERLIN	30.0	
8208361		3415123575		103		HODEL-SLACK UNIT #1	PARIS	30.0	
8208361		3415123575		107-TF		HODEL-SLACK UNIT #1	PARIS	30.0	
8208368		3415123596		103		KANNEY-FORESTER UNIT #1	PARIS	30.0	
8208365		3415123596		107-TF		KANNEY-FORESTER UNIT #1	PARIS	30.0	
8208363		3415123589		103		STILLION UNIT #1	OSNABURG	30.0	
8208363		3415123589		107-TF		STILLION UNIT #1	OSNABURG	30.0	
8208364		3415123590		103		STILLION UNIT #2	OSNABURG	30.0	
8208364		3415123590		107-TF		STILLION UNIT #2	OSNABURG	30.0	
8208356		3409921380		103		TOKICH #2	BERLIN	30.0	
8208356		3409921380		107-TF		TOKICH #2	BERLIN	30.0	
8208357		3409921381		103		TOKICH #3	BERLIN	30.0	
8208357		3409921381		107-TF		TOKICH #3	BERLIN	30.0	
-WILLISTON OIL CORP		RECEIVED: 11/30/81 JA: ON							
8208368		3416726517		103		WEST/USA #1	INDEPENDENCE	100.0	
8208369		3416726611		103		YESTER /USA #2	INDEPENDENCE	100.0	
-WN OIL & GAS CO		RECEIVED: 11/30/81 JA: ON							
8208366		3415123606		103		WETTER #1	WETTER #1	1.0	EAST OHIO GAS CO
-WOA INC & WELLENCO INC		RECEIVED: 11/30/81 JA: ON							
8208367		3410322369		103		SMITH #2	GRANGER	20.0	
8208367		3410322369		107-TF		SMITH #2	GRANGER	20.0	
-URAY PETROLEUM CORP OF OHIO		RECEIVED: 11/30/81 JA: ON							
8208370		3413522484		103		MORAN VANCURA #2	NELSON TOWNSHIP	10.0	EAST OHIO GAS CO
8208370		3413522484		107-TF		MORAN VANCURA #2	NELSON TOWNSHIP	10.0	EAST OHIO GAS CO
				-TF					

OTHER PURCHASERS

8208159 EAST OHIO GAS CO

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-38867 Filed 12-28-81; 8:45 am]
BILLING CODE 6717-01-C

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of November 9 Through November 13, 1981

During the week of November 9 through November 13, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals. Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–1200, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

December 22, 1981.

Appeals

Herrick & Smith, 11–12–81, HFA–0002

The law firm of Herrick & Smith filed an Appeal from a partial denial by the Acting General Counsel for Interpretations and Rulings of the DOE of a request for information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE upheld the Acting General Counsel's decision to withhold certain documents pursuant to Exemption 5. The DOE also held that Exemption 5 need not be claimed by the head of the agency, and that the documents are not automatically releasable by virtue of the fact that they are several years old and relate to a regulatory program that has been terminated. The Appeal was therefore denied.

The Procter & Gamble Paper Products Company, 11–9–81, BEA–0678

The Procter & Gamble Paper Products Company filed an Appeal from a decision in which the Economic Regulatory Administration denied the firm's certification that it processed "municipal solid waste" and was eligible, therefore, to receive entitlements benefits pursuant to 10 CFR 211.67(a)(5)(i)(D). In considering the Appeal, the DOE found that the waste processed by Procter & Gamble was not "municipal solid waste" within the meaning of Section 211.67(a)(5)(i)(D). Accordingly, the Appeal was denied.

Texas American Petrochemicals, Inc., 11–12–81, HFA–0003

Texas American Petrochemicals, Inc., filed an Appeal from a denial by the Director of the Special Investigations Division of the Office of General Counsel (Director) of a request for information which the firm had submitted under the Freedom of Information Act (FOIA). The firm had sought all audit materials and workpapers used by the Economic Regulatory Administration (ERA) in its decision to issue the firm a Notice of Probable Violation. In considering the Appeal, the DOE determined that the Director properly withheld the responsive documents from disclosure pursuant to Exemption 7(A) of the FOIA. The DOE found that the firm's status as a party litigant to the enforcement proceeding did not compel the release of the documents and that the release of the documents would interfere with enforcement efforts by affording Texas American greater and earlier access to the ERA's case than it would otherwise have. The DOE also found that the material withheld did not contain any non-exempt documents and that the Director sufficiently indexed the documents withheld through a generic index. The Appeal was therefore denied.

Request for Exception

Copano Refining Co., 11–13–81, BEE–1249

Copano Refining Company filed an Application for Exception from the provisions of 10 CFR 211.65 in which the firm sought to participate in the crude oil Buy-Sell Program as a refiner-buyer. In considering the request, the DOE found that the firm had failed to demonstrate the existence of a causal relationship between its alleged difficulties and the DOE regulatory provisions from which it sought relief. Accordingly, exception relief was denied.

Request for Stay

Placid Refining Co., 11–10–81, BES–0174

Placid Refining Company filed an Application for Stay from the firm's entitlements purchase obligation for its January 1981 crude oil receipts and runs to stills (10 CFR 211.67). In considering the Application, the DOE determined that Placid would not suffer an irreparable injury or serious financial hardship in the absence of a stay and that there was not a strong likelihood that the firm would succeed on the merits of the various exception applications involved. Placid's stay request was therefore denied.

Interlocutory Order

Office of Special Counsel, 11–9–81, HRZ–0003, HRZ–0001

The Office of Special Counsel filed a motion to strike from the record two submissions filed by Texaco Inc. in connection with a compliance proceeding pending before the Office of Hearings and Appeals. The OHA reiterated its prior position that motions to strike would be granted only upon a showing of prejudice resulting from the retention of materials in the record. OHA held that where the very filing of a submission violates the terms of a prior OHA order, prejudice will be presumed and granted the OSC motion in part.

Supplemental Order

Emond Oil Company, 11–10–81, BCX–0227, [illegible]

The United States District Court for the District of Rhode Island entered a judgment setting aside a March 16, 1977 Decision and Order which the Office of Hearings and Appeals (OHA) issued to Emond Oil Company (Emond). *Emond Oil Corp. v. Schlesinger*, C.A. No. 77–0191 (D.R.I. July 31, 1981). The March 16, 1977 OHA Decision denied Emond's Appeal of a September 27, 1976 Remedial Order issued to the firm by Region I of the Federal Energy Administration. *Emond Oil Co.*, 5 FEA ¶ 80,574 (1977). In its order, the district court directed the OHA to provide Emond with a further opportunity for a hearing for the purpose of oral argument concerning its Appeal. Accordingly, the OHA issued a Supplemental Order rescinding the March 16, 1977 Decision and Order.

DISMISSALS

The following submissions were dismissed without prejudice:

Name and Case No.

Exxon Corporation, BRO–[illegible]
Ron Lawson d/b/a Ron & Joe's "Z" Service, BRO–1451
Southern Bell Telephone & Telegraph Company, DEE–8328

[FR Doc. 81–37052 Filed 12–28–81; 8:45 am]

BILLING CODE 6450–01–M

Issuance of Proposed Decision and Order; Period of November 23 Through December 4, 1981

During the period of November 23 through December 4, 1981, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or

law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of this proposed decision and order are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

December 22, 1981.

McDonald Oil Company, Fort Edward, New York, BEE-1678, No. 2 heating oil.

McDonald Oil Company filed and Application for Exception from the reporting requirements of Form EIA-9A. The exception request, if granted, would relieve McDonald of its obligation to file Form EIA-9A. On December 2, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 81-37083 Filed 12-28-81; 8:45 am]

BILLING CODE 6450-01-M

Southeastern Power Administration

Order Confirming and Approving Substitute Power Rates on an Interim Basis

AGENCY: Southeastern Power Administration (SEPA), DOE.

ACTION: Notice of confirmation and approval on interim basis of replacement rate schedule applicable to a portion of the power sold from Georgia-Alabama system of projects.

SUMMARY: On December 18, 1981, the Assistant Secretary for Conservation and Renewable Energy confirmed and approved, on an interim basis, replacement Rate Schedule CAR-1-C applicable to power sold in the Duke Power Company service area from SEPA's Georgia-Alabama System of Projects. The rates are interimly approved for a one-year period and are subject to confirmation and approval by the Federal Energy Regulatory Commission on a final basis.

DATES: Approval of rates on interim basis is effective concurrent with the effective date of Duke Power Company's wheeling charge to SEPA.

FOR FURTHER INFORMATION CONTACT:

Leon Jourolmon, Jr., Chief, Division of Fiscal Operations, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635

John J. DiNucci, Office of Power Marketing Coordination, Department of Energy, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20461

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission by Order issued April 3, 1981, in Docket No. EF79-3011, confirmed and approved existing rates for the Georgia-Alabama System of Projects including Rate Schedules CAR-1-B and CAR-2-B applicable to Duke Power Company service area for a period ending September 30, 1983. Rate Schedule CAR-1-C replaces CAR-1-B and Rate Schedule CAR-2-B is eliminated.

Issued in Washington, D.C., December 18, 1981.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

United States of America, Department of Energy, Assistant Secretary for Conservation and Renewable Energy

In the Matter of: Southeastern Power Administration—Georgia-Alabama System of Projects' Power Rates, Rate Order No. SEPA-12

Order Confirming and Approving Substitute Power Rates on an Interim Basis (December 18, 1981)

Pursuant to Sections 302(a) and 301(b) of the Department of Energy Organization Act, Public Law 95-91, the functions of the Secretary of the Interior and the Federal Power Commission under Section 5 of the Flood Control Act of 1944, 16 U.S.C. 825s, relating to the Southeastern Power Administration (SEPA) were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204-33, effective January 1, 1979, 43 FR 60636 (December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis and delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation. Due to a Department of Energy organizational realignment, Delegation Order No. 0204-33 was amended, effective March 19, 1981, to transfer the authority of the Assistant Secretary for Resource Applications to the Assistant Secretary for Conservation and Renewable Energy. This rate order is issued pursuant to the delegation to the Assistant Secretary for Conservation and Renewable Energy.

Background

New Contractual Arrangement

Power from the Georgia-Alabama System of Projects is presently sold under several Wholesale Power Rate Schedules including Schedules CAR-1-B and CAR-2-B applicable to power sold to preference customers within the Duke Power Company (Duke) service area and to the Company. These system rates were confirmed and approved by the Federal Energy Regulatory Commission on April 3, 1981, for a period ending September 30, 1983. Anticipating the expiration of its current contract with Duke and to begin the implementation of new written power marketing policy for its Georgia-Alabama System, SEPA has negotiated a new contract with Duke whereby the Company agrees for a stated wheeling fee to transmit for the account of the Government to preference customers all peaking power available to the Duke system area after provision for capacity reserves and transmission losses. Under the contract, Duke will no longer purchase power from SEPA. Contracts consistent with the SEPA-Duke contract are being negotiated by SEPA with each preference customer. The SEPA-Duke contract and the SEPA preference customer contracts will become effective concurrent with the date FERC approves and/or accepts for filing the Duke wheeling charge to SEPA. SEPA proposes to eliminate the existing rate schedules applicable to the sale of power to preference customers and to Duke and to substitute a single rate schedule applicable only to the preference customers.

Public Notice and Comment

SEPA prepared a Repayment Study, dated September 1981, for the Georgia-Alabama Projects which shows that, apart from the impact of the new SEPA-Duke contract, revenues at current rates were adequate to meet repayment criteria for the period covered by the present FERC approval. To reflect the impact of the new contract, a replacement schedule was developed designated Rate Schedule CAR-1-C, through which resulting additional contract costs would be passed directly through to affected customers as a part of the capacity charge for power sold under such schedule.

Opportunities for public review and comment on the proposed Rate Schedule CAR-1-C and supporting documents were announced by Notice published in the **Federal Register** of August 24, 1981, 46 FR 42748, and all affected SEPA customers were notified by mail. Pursuant to the Notice a public information and comment forum was held in Spartanburg, South Carolina, on September 24, 1981, and written comments were solicited through October 9, 1981. No comments were received. A transcript of the public forum was made.

Discussion

System Repayment

SEPA's September 1981 system Repayment Study is basically an update of its 1979 Repayment Study, upon which existing rates are predicated. While the cost estimates used in the 1981 Study are slightly higher than the estimates included in the 1979 Study, nevertheless, the 1981 Repayment Study continues to show that the revenues at present rate levels are adequate, apart from the impact of the new SEPA-Duke contract, to recover all costs within the repayment criteria. To recover the additional costs resulting from the new SEPA-Duke contract, Rate Schedule CAR-1-C has been designed as a replacement schedule to provide

revenues equivalent to the revenues currently received under existing Rate Schedules CAR–1–B and CAR–2–B applicable to the Duke area preference customers and the Company plus the additional wheeling charge under the new contract payable to Duke.

Rate Design

Proposed Rate Schedule CAR–1–C is identical to existing Rate Schedule CAR–1–B except that the capacity charge is increased from $1.02 to $2.51 per kilowatt per month of contract demand. $0.23 of the increased charge is required because the new contract provides for the sale of 118,500 kilowatts of net assured capacity to preference customers while the contract being replaced provided for the sale of 145,000 kilowatts of dependable capacity to the preference customers (61,500 kW) and Duke (83,500 kW). The additional revenues required which amount to $1,794,000 per year result from wheeling the total power to the preference customers at transmission costs derived from costs of service studies. This accounts for the remaining $1.26 per kilowatt per month charge for a total of $2.51. Since no sales to the Company are made under the new SEPA-Duke contract, Rate Schedule CAR–2–B now applicable to Duke is eliminated as is Rate Schedule CAR–1–B now applicable to preference customers in the Duke area.

Environmental Impact

SEPA has reviewed the possible environmental impacts of the rate adjustments under consideration and has concluded that because the increased rates would not significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, the proposed action is not a major Federal action for which preparation of an Environmental Impact Statement or an Environmental Assessment is required.

Availability of Information

Information regarding these rates including studies, public information and comment forum transcript, and other supporting material are available for public review in the offices of Southeastern Power Administration, Samuel Elbert Building, Elberton, Georgia 30635, and in the Office of the Director of Power Marketing Coordination, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461.

Submission to the Federal Energy Regulatory Commission

The rates herein confirmed and approved on an interim basis, together with supporting documents, will be submitted promptly to the Federal Energy Regulatory Commission for confirmation and approval on a final basis for a period ending no later than September 30, 1983.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm and approve on an interim basis, to become effective concurrent with the effective date of the Duke wheeling charge to Southeastern, attached Wholesale Power Rate Schedule CAR–1–C. The Rate Schedule shall remain in effect on an interim basis for a one-year period unless such period is extended or until the FERC confirms and approves Rate Schedule CAR–1–C or a substitute rate schedule on a final basis, whichever occurs first. Subject to final action by FERC, Rate Schedules CAR–1–B and CAR–2–B will terminate on the effective date of Rate Schedule CAR–1–C.

Issued at Washington, D.C., this 18th day of December 1981.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

United States Department of Energy, Southeastern Power Administration

Wholesale Power Rate Schedule CAR–1–C

Availability: This rate schedule shall be available to public bodies and cooperatives (any one of which is hereinafter called the Customer) in North Carolina and South Carolina to whom power may be wheeled pursuant to contract between the Duke Power Company (hereinafter called the Company) and the Government.

Applicability: This rate schedule shall be applicable to power and accompanying energy generated at the Hartwell and Clarks Hill Projects (hereinafter called the Projects) and sold in wholesale quantities.

Character of Service: The electric capacity and energy supplied hereunder will be three-phase alternating current at a nominal frequency of 60 cycles per second delivered at the delivery points of the Customer on the Company's transmission and distribution system. The voltage of delivery will be maintained within the limits established by the state regulatory commission.

Monthly Rate: The monthly rate for capacity and energy sold under this rate schedule shall be:

Demand Charge: $2.51 per kilowatt of total contract demand.

Energy Charge: 3.65 mills per kilowatt-hour.

Energy to be Furnished by the Government: The Government will sell to the customer and the customer will purchase from the Government a portion of the energy available to the Company area from the Projects in any billing month determined by multiplying the total energy available less six and one-half percent losses by the ratio of the customer's contract demand to the sum of the contract demands of all customers served under this rate schedule.

Billing Month: The billing month for power sold under this schedule shall end at 12:00 midnight on the 20th day of each calendar month.

Conditions of Service: The customer shall at its own expense provide, install, and maintain on its side of each delivery point the equipment necessary to protect and control its own system. In so doing, the installation, adjustment and setting of all such control and protective equipment at or near the point of delivery shall be coordinated with that which is installed by and at the expense of the Company on its side of the delivery point.

[FR Doc. 81–37056 Filed 12–24–81; 8:45 am]

BILLING CODE 6450–01–M

Western Area Power Administration

Colorado River Storage Project, Order Confirming and Approving an Extension of Power Rates on an Interim Basis

AGENCY: Western Area Power Administration, Energy.

ACTION: Notice of an extension of power rates on an interim basis—Colorado River Storage Project.

SUMMARY: Notice is given of Rate Order No. WAPA–7 of the Assistant Secretary for Conservation and Renewable Energy extending wholesale power rates on an interim basis for power marketed by the Western Area Power Administration (Western) from the Colorado River Storage Project, Colorado, New Mexico, Utah, and Wyoming.

ADDRESS: For further information contact:

Mr. Albert M. Gabiola, Area Manager, Salt Lake City Area Office, Western Area Power Administration, Department of Energy, P.O. Box 11606, Salt Lake City, UT 84147, (801) 524–5493.

Mr. Conrad Miller, Chief, Rates and Statistics Branch, Western Area Power Administration, Department of Energy, P.O. Box 3402, Golden, CO 80401, (303) 231–1535.

Mr. Janes A. Braxdale, Office of Power Marketing Coordination, CE–90, Department of Energy, Mail Code 3353, Federal Building, Washington, DC 20461, (202) 633–8338.

SUPPLEMENTARY INFORMATION: By Delegation Order No 0204–33, effective January 1, 1979 (43 FR 60636, December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis, and to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation. Due to a Department of Energy organizational realignment, delegation Order No. 0244–33 was amended, effective March 19, 1981 (46 FR 25426, May 7, 1981), to transfer the authority of the Assistant Secretary for Resource Applications to the Assistant Secretary for Conservation and Renewable Energy.

Pursuant to the delegation order, the Assistant Secretary for Resource Applications issued on December 23, 1980, Rate Order No. WAPA–4 (45 FR 86988, December 31, 1980), which

confirmed and approved on an interim basis, Rate Schedules SP–F1 and SP–FP1 for wholesale power marketed by Western from the Colorado River Storage Project. The rates became effective the first day of the first full billing period beginning on or after January 23, 1981, and were to remain in effect for a period of 12 months unless the period was extended or until the FERC confirmed and approved them, or substitute rates, on a final basis. The rates were submitted to the FERC for confirmation and approval on a final basis on December 23, 1980.

The FERC has not yet acted on the rates. The purpose of Rate Order No. WAPA–7 is to extend the power rates pending the FERC confirmation and approval of them, or substitute rates, on a final basis, or until they are superseded.

Issued in Washington, D.C., December 18, 1981.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

United States of America, Department of Energy, Assistant Secretary for Conservation and Renewable Energy

In the Matter of: Western Area Power Administration—Colorado River Storage Project Power Rates, Rate Order No. WAPA–7

Order Confirming and Approving an Extension of Power Rates on an Interim Basis (December 18, 1981)

Pursuant to section 302(a) of the Department of Energy Organization Act, 42 U.S.C. 7152(a), the power marketing functions of the Secretary of the Interior under the Reclamation Act of 1902, 43 U.S.C. 372, *et seq.*, as amended and supplemented by subsequent enactments, particularly by section 9(c) of the Reclamation Project Act of 1939, 43 U.S.C. 485h(c), and acts specifically applicable to the Colorado River Storage Project, for the Bureau of Reclamation were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204–33, effective January 1, 1979 (43 FR 60636, December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis, and delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation. Due to a Department of Energy organizational realignment, Delegation Order No. 0244–33 was amended, effective March 19, 1981 (46 FR 25428, May 7, 1981), to transfer the authority of the Assistant Secretary for Resource Applications to the Assistant Secretary for Conservation and Renewable Energy. This rate order is issued pursuant to the delegation to the Assistant Secretary for Conservation and Renewable Energy.

Background

Pursuant to Delegation Order No. 0204–33, the Assistant Secretary for Resource Applications issued Rate Order No. WAPA–4 on December 23, 1980 (45 FR 86988, December 31, 1980), which confirmed and approved on an interim basis, Rate Schedules SP-F1 and SP-FP1 for wholesale power marketed by the Western Area Power Administration's Colorado River Storage Project. These rates became effective the first day of the first full billing period beginning on or after January 23, 1981. The rate order stated that the rates "* * * shall remain in effect on an interim basis for a period of 12 months unless such period is extended, or until the FERC confirms and approves these or substitute rates, on a final basis, whichever occurs first." The rate schedules were submitted to the FERC for confirmation and approval on a final basis by the Assistant Secretary for Resource Applications' letter of December 23, 1980.

Discussion

Inasmuch as the FERC is not expected to complete its confirmation and approval of the Colorado River Storage Project power rates by January 23, 1982, a further extension of the interim rates is necessary.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm and approve on an interim basis, effective the first day of the first full billing period beginning on or after January 23, 1982, an extension of existing Rate Schedules SP-F1 and SP-FP1. These rates shall remain in effect pending the FERC confirmation and approval of them, or substitute rates, on a final basis, or until they are superseded.

Issued in Washington, D.C., December 18, 1981.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

Rate Schedule SP–F1 (Supersedes Schedule UC–F2)

United States Department of Energy, Western Area Power Administration

Colorado River Storage Project, Schedule of Rates for Wholesale Firm Power Service

Effective: The first day of the first full billing period beginning on or after January 23, 1981.

Available: In the area served by the Colorado River Storage Project.

Applicable: To wholesale power customers for general power service supplied through one meter at one point of delivery.

Character and Conditions of Service: Alternating current, 60 hertz, three-phase, delivered and metered at the voltages and points established by contract.

Monthly Rate:

Capacity charge: $1.655/kW of billing demand.

Energy charge: 4.0 mills/kWh for all energy use up to, but not in excess of, the energy obligation under the power sales contract.

Billing demand: The billing demand will be the greater of (1) the highest 30-minute integrated demand established during the month up to, but not in excess of, the delivery obligation under the power sales contract, or (2) the contract rate of delivery.

Billing for Unauthorized Overruns: For each billing period in which there is a contract violation involving an unauthorized overrun of the contractual firm power and/or energy obligations, such overrun shall be billed at ten (10) times the above rate.

Adjustments

For transformer losses: If delivery is made at transmission voltage but metered on the low-voltage side of the substation, the meter readings will be increased to compensate for transformer losses as provided for in the contract.

For power factor: None. The customer will normally be required to maintain a power factor at the point of delivery of between 95 percent lagging and 95 percent leading.

Rate Schedule SP–FP1 (Supersedes Schedule UC–FP2)

United States Department of Energy, Western Area Power Administration

Colorado River Storage Project, Schedule of Rates for Wholesale Peaking Power Service

Effective: The first full day of the first full billing period beginning on or after January 23, 1981.

Available: Within and adjacent to the marketing area of the Colorado River Storage Project.

Applicable: To wholesale power customers purchasing such service under long-term contracts. Because of the nature of this class of service, it is applicable only to customers with other resources enabling them to utilize it.

Character and Conditions of Service: As specifically established by contract. Delivery will be made from the transmission system of the United States at transmission voltage, and normally only during peak hours of the purchaser's load. Return of all energy furnished shall normally be required.

Monthly Rate:

Capacity charge: $1.655/kW of the effective contract rate of delivery for peaking power or the maximum amount scheduled, whichever is the greater.

Energy charge: 4.0 mills/kWh for all energy scheduled for delivery without return.

Billing for Unauthorized Overruns: For each billing period in which there is a contract violation involving an unauthorized overrun of the contractual obligation for peaking capacity and/or energy, such overrun shall be billed at ten (10) times the above rate.

Adjustments:

For power factor: None. The customer will normally be required to maintain a power

factor at the point of delivery of between 95 percent lagging and 95 percent leading.

[FR Doc. 81-37055 Filed 12-24-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects; Public Comment Forum

AGENCY: Western Area Power Administration, DOE.

ACTION: Announcement of public comment forum to gather public comments concerning the proposed general consolidated power marketing criteria or regulations for the Boulder City area projects.

SUMMARY: The Western Area Power Administration (Western) has scheduled a public comment forum, which will not be adjudicatory in nature, to gather public comments concerning the Proposed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects (Proposed Criteria) which was published in the **Federal Register** on September 22, 1981, at 46 FR 46864.

DATES: The public comment forum (Forum) will be held on January 21, 1982, at 9:00 a.m. at the Showboat Hotel (Natchez Room) in Las Vegas, Nevada. Written comments concerning the Proposed Criteria may be submitted at the Forum or to the Boulder City Area Office at the address below. Written comments received after March 8, 1982, will not be considered in preparation of the final Power Marketing Criteria. Parties desiring to make oral comments at the Forum must notify the Area Manager in writing by January 15, 1982. A witness list will be prepared in the order in which the notifications are received. The representative for each entity presenting comments will be limited to 30 minutes in which to present the statement of that entity. Those who notify the Area Manager of their desire to present oral comments and are included on the witness list will be heard first. If time remains after all scheduled witnesses are heard, any other attendees will be allowed to make oral statements.

ADDRESSES: Parties desiring to make oral comments at the Forum should notify the Area Manager at the address below. Written comments should also be be directed to: Mr. Robert A. Olson, Area Manager, Boulder City Area Office, Western Area Power Administration, Department of Energy, P.O. Box 200, Boulder City, NV 89005.

SUPPLEMENTARY INFORMATION: Western's Boulder City Area Office conducted an informal public process from September 1978 through September 1981, to develop a power marketing plan for power resources in the Boulder City Area. The Proposed Criteria published in the **Federal Register** resulted from input received during the informal public process. Western is now seeking public comments and opinions concerning the various positions taken by entities during the informal process, the amount of power and energy available for contract offers, the other sections and proposals in the Proposed Criteria, and other material related to the Proposed Criteria.

Issued at Golden, Colorado, December 21, 1981.

Robert L. McPhail,

Administrator.

[FR Doc 81-37054 Filed 12-28-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51372; TSH-FRL-2016-1]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of two PMNs and provides a summary of each.

DATES: Written comments by: PMN 81-640 and 81-641, February 14, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51372]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 81-640

Close of Review Period. March 16, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Disubstituted phenol.

Use. The manufacturer states that the PMN substance will be used as a minor constituent of an article for commercial and consumer use.

PRODUCTION ESTIMATES

(Kilograms per year)

	Maximum
1st year	2,000
2d year	2,500
3d year	3,000

Physical/Chemical Properties

Melting point—137°C
Solubility:
Water—<0.1%
Octanol—<0.1%

Toxicity Data

Acute oral LD_{50}—>3,000 mg/kg
Acute dermal LD_{50}—>1,000 mg/kg
Skin irritation—Slight

Exposure. The manufacturer states that during manufacture and processing up to 35 workers may experience dermal and inhalation exposure up to 2 hrs/day, up to 10 days/yr during manual transfer operations.

Environmental Release/Disposal. The manufacturer states that release to water will be minimal. Disposal is by incineration or biological treatment systems.

PMN 81-641

Close of Review Period. March 16, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted tetradecanoic acid derivative.

Use. The manufacturer states that the PMN substance will be used as a site-limited chemical intermediate.

PRODUCTION ESTIMATES

(Kilograms per year)

	Maximum
1st year	70,000
2d year	70,000
3d year	70,000

Physical/Chemical Properties. No data were submitted.

Toxicity Data

Acute oral LD_{50}—>3,000 mg/kg
Acute dermal LD_{50}—>10 ml/kg
Skin irritation—Moderate
Skin absorption—May be absorbed

Exposure. The manufacturer states that during manufacture and use up to 80 workers may experience dermal and inhalation exposure 1 hr/day, up to 5 days/yr during manual transfer operations.

Environmental Release/Disposal. The manufacturer states that no release to the environment is anticipated.

Dated: December 18, 1981.

Woodson W. Barcaw,

Acting Director, Management Support Division.

[FR Doc. 81-37042 Filed 12-28-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee on Preparations for the ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference; Subgroup Meeting

December 21, 1981.

Subgroup 1: Service Requirements.

Meeting: Tuesday, January 26, 1982, 9:30 A.M.—4:30 P.M., Federal Communications Commission, 1229 20th Street, NW., Room A-106, Washington, D.C.

Agenda:

(1) Approval of Agenda.
(2) Presentation of Overview of Subcommittee Report.
(3) Consideration of Revision of Amendments to Subcommittee Report.
(4) Planning of Subsequent Work.
(5) Other Business.
(6) Adjournment.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-38068 Filed 12-28-81; 8:45 am]

BILLING CODE 6712-01-M

Cordless Phones; Rules Waiver

The Commission has received a petition on December 8, 1981 from the American Telecommunications Corporation (A General Dynamics Subsidiary) requesting a waiver of § 15.7 of its rules to permit more liberal operating conditions for cordless phones in the frequency band 1.6–2.0 MHz. The Commission has also received a letter dated October 27, 1981 from the Personal Radio Section of the Electronic Industries Association suggesting interim technical standards for cordless phones. The EIA letter is being considered a petition for waiver along with the ATC petition.

Both petitions propose to use carrier current techniques on the power wiring in the house. The EIA petition proposes that the maximum signal fed into the power line shall not exceed 500 milliwatts. The American Telecommunications petition states that the present standard in § 15.7 is not adequate and asks the FCC to set a new standard.

Comments on these petitions are invited, particularly with respect to power requirements, and should be submitted not later than February 8, 1982 to the attention of Chief, RF Devices Branch, Office of Science & Technology, FCC, Washington, D.C. 20554. The petitions are available for inspection in Room 8302 of the FCC offices at 2025 M St., NW., Washington, D.C. 20554.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-38062 Filed 12-28-81; 8:45 am]

BILLING CODE 6712-01-M

Equality of VHF/UHF Tuning; Petition for Rules Waiver

On December 8, 1981 the Commission received a petition on behalf of Sanyo Manufacturing Corporation, Forrest City, Arkansas, which requests a waiver of § 15.66 of the FCC Rules. The purpose of the request is to permit Sanyo to market a Specific Signal Display/Device with a capability of responding only to one or at most two television channels.

This display device will be used on a cable TV system which converts the TV channels transmitted over the cable system to one of two channels which are then fed into the display device. By adding an RF modulator at the output of a computer, Sanyo's device can also be used as a computer display device.

Sanyo states that its display device will provide substantial benefits to the consumer. Because the VHF/UHF tuning mechanisms are replaced by a simple channel A or B selection switch, the display device will cost between $30–40 less than a conventional color TV receiver. Moreover, the consumer will benefit from increased reliability, improved quality of the display and easier operation.

Comments on this petition are invited and should be submitted not later than January 29, 1982 to the attention of the RF Devices Branch, Office of Science & Technology, FCC, Washington, DC 20554. The Sanyo petition may be inspected in Room 8302 of the FCC offices at 2025 M St., NW., Washington, DC 20554.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-38067 Filed 12-28-81; 8:45 am]

BILLING CODE 6712-01-M

[FCC 81-571; BC Docket No. 81-890, File No. BRH-800801 WG, et al.]

Intercontinental Radio, Inc., et al.; Applications

In the matter of Applications of Intercontinental Radio, Inc., San Mateo, California. Has: 107.7 MHz, Channel 299, 6.17 kW(H)–4.45 kW(V), 1162 Feet (H&V). For Renewal of License of Station KSOL(FM) San Mateo, California (BC Docket No. 81-890, File No. BRH-800801WG); Afro-American Communications, San Mateo, California. Req: 107.7 MHz, Channel 299, 6.17 kW(H)–4.45 kW(V), 1162 Feet (H&V) (BC Docket No. 81-891, File No. BPH-801103AL); San Mateo Broadcasting Company, Inc., San Mateo, California. Req: 107.7 MHz, Channel 299, 6.17 kW(H)–4.45 kW(V), 1162 Feet (H&V) (BC Docket No. 81-892, File No. BPH-801027AI); For construction permits; Memorandum opinion and order designating applications for consolidated hearing on stated issues.

Adopted: December 10, 1981.

Released: December 21, 1981.

1. The Commission has under consideration the 1980 application for renewal of license filed by Intercontinental Radio, Inc. ("Intercontinental"), licensee of FM Radio Station KSOL (Channel 299) in San Mateo, California; a petition to deny Intercontinental's license renewal application filed on November 3, 1980, by Mr. Marcus G. Wilcher and the Community Coalition for Media Change ("CCMC"); and two applications for a construction permit for Channel 299 in San Mateo, California filed by San Mateo Broadcasting Company, Inc. ("San Mateo") and Afro-American Communications ("Afro-American"). In addition, this Order will dispose of San Mateo's "Petition For Expedited Processing," Afro-American's "Petition For Immediate Hearing Designation,"

and various pleadings associated with Afro-American's petition.[1]

The Wilcher–CCMC Petition

2. Petitioners assert that KSOL's license renewal application should be denied because, during the past license period, the licensee breached the terms of an agreement with CCMC and engaged in conduct violating various provisions of the National Labor Relations Act ("NLRA"). In addition, petitioners request that the Commission consider numerous other allegations of wrongdoing by the licensee during the 1975–1977 license period. Finally, the petitioners believe, KSOL's license renewal should be denied as contrary to the public interest because the cumulative weight of the facts alleged shows that one of the station's principals possesses serious character deficiencies, and so is unfit to continue as a Commission licensee.

3. According to petitioners, they intended to file a petition to deny KSOL's license renewal in 1977 because they had received several complaints about the station's treatment of its employees during the 1975–1977 license term. However, when a representative of United Broadcasting Company ("United"), Intercontinental's "parent" company, contacted them about a possible negotiated settlement of the disputes, they agreed to forebear from filing the petition. Discussions were initiated between CCMC and Intercontinental and concluded with the signing of an employment agreement which was filed with the Commission in association with KSOL's 1977 renewal aplication.

4. Petitioners contend that Intercontinental breached the agreement when it fired Station Manager Herman Henry one month after the agreement was concluded because, as they understood it, "no one would be fired as the result of the agreement."[2] Indeed, petitioners assert, the licensee had no intention of complying with the terms of the agreement as plans were made to fire Mr. Henry soon after the agreement was completed.

5. In addition, petitioners contend that the licensee, along with United, engaged in conduct violating various provisions of the NLRA. Specifically, Mr. Henry is said to have been fired because he chose to exercise his right to organize his fellow employees and to bargain collectively with his employer. Petitioners also assert that the station offered or paid money and job security to some of its employees in exchange for a vote opposing the efforts to unionize the station.

6. Attached to petitioner's 1980 filing is a document titled "Petition to Deny License," contained allegations that the licensee engaged in conduct violating numerous Commission rules during the 1975–1977 license term. To justify their request for Commission review of these otherwise stale matters, petitioners assert that their reliance upon the licensee's bad faith conduct prevented them from timely filing their "petition" in 1977. Petitioners claim that United and Intercontinental acted in bad faith by inviting CCMC to settle its differences with the station (if they would refrain from filing a petition to deny) when they had no intention of ever abiding by any agreement concluded between them. The negotiations continued beyond the time when petitions to deny KSOL's license renewal were due. Thus, they contend, they were prevented from timely filing their "petition" in 1977.

7. Intercontinental's "Opposition to Petition To Deny Renewal of License"[3] argues that the 1980 CCMC-Wilcher petition fails to meet the requirements of Section 309(d)(1) of the Communications Act of 1934, as amended, because it contains only general, conclusory and unsupported allegations. With regard to CCMC's allegations that Intercontinental acted in bad faith and with deceit and trickery when it entered the agreement with CCMC and when it dismissed Mr. Herman Henry, Intercontinental argues that both are matters of purely private dispute. Similarly, it states, CCMC's claims that Intercontinental violated federal labor laws raise questions inappropriate for consideration by the Commission as they are without merit and involve matters outside the agency's expertise. Finally, Intercontinental argues, CCMC's 1977 petition presents stale matters inappropriate for review. CCMC does not explain, Intercontinental states, why it failed to bring the allegations in its 1977 petition to the Commission's attention before 1980 when it had ample opportunity to do so. Thus, it concludes, both the 1977 and 1980 CCMC-Wilcher petitions must be summarily rejected.

8. Section 309(d)(1) of the Communications Act of 1934, as amended, provides that petitions to deny must set forth specific allegations of fact showing that the petitioner is a party in interest and articulating some substantial factual state of affairs which, if proved true, would establish a *prima facie* case for denying the license renewal.[4] The statute further provides that such allegations must be supported by affidavits of persons with personal knowledge of the facts, unless the allegations concern matters which may be officially noticed.[5] Although petitioners have established their status as parties in interest because they reside within KSOL's service area,[6] we do not

[1] Those pleadings include the "Opposition of Intercontinental Radio, Inc." and "Afro-American's Reply To 'Opposition of Intercontinental Radio, Inc.'"

[2] *See* Petition at p. 3.

[3] Intercontinental filed a "Motion for Extension of Time" on February 27, 1981, March 30, 1981, and April 28, 1981, in which it requested extensions within which to file an opposition to the CCMC "petition to deny". It justified these requests by stating that the press of business made it unable to file an opposition sooner. In addition, in every instance, it gave the Commission notice that it was about to file for an extension. By letter dated April 8, 1981, CCMC protested Intercontinental's requests, alleging that it had not been properly notified of any request for an extension of time. Because it is not represented by counsel, CCMC argued, requests for extensions of time should have been sent directly to it. However, because they were not, it believes, "[a]ny [opposition] by KSOL is untimely and should be dismissed forthwith." According to its "Opposition To Petition To Deny Renewal Of License," Intercontinental has been serving its requests upon Mr. Louis A. Highman, who previously represented CCMC before the Commission in matters relating to Station KSOL. It was doing so, the licensee explained, because "CCMC failed to include an address for CCMC, for Mr. Wilcher, or for any other representative to which Intercontinental could direct its pleadings * * *." *See* Intercontinental's Opposition, p.1.

The Commission believes the public interest will be served by granting Intercontinental's requests and accepting its opposition to CCMC's petition to deny. Good cause for this action is found together in the reasons stated in the requests and from the fact that the requests have not operated to delay the proceedings. Moreover, as Intercontinental pointed out, CCMC has not alleged that it did not receive the extension requests; it merely alleged that it has not been "properly" notified of them. And, CCMC did not assert whether or how it would be prejudiced if the Commission granted Intercontinental's requests.

[4] 47 U.S.C. 309(d)(1).

[5] *Id.*

[6] *Hale* v. *FCC*, 425 F.2d 556, 558 n.2 (D.C. Cir. 1970).

believe they have succeeded in raising a substantial or material question of fact concerning either the CCMC-Intercontinental agreement or the alleged violations of the National Labor Relations Act. Petitioners present no specific allegations which, if proved true, would indicate that Intercontinental dismissed Mr. Henry as a result of his participation in the events leading to the agreement's conclusion.[7]

Even if Mr. Henry's dismissal soon after the agreement was concluded were to give rise to an inference that Intercontinental violated some provisions of the NLRA, such a determination falls outside the Commission's province. It has been the Commission's longstanding policy and practice to decline to interfere in matters of alleged violations of federal law where the authority charged with the responsibility of administering those laws has not been presented with an opportunity to review the allegations.[8] In the case before us, there is no indication that petitioners have filed a complaint with the National Labor Relations Board.[9] Nor did they identify the provisions of the NLRA they believe were violated. Further, petitioners submitted no information identifying the persons to whom compensation (or offers of compensation) were allegedly made in exchange for a vote against the efforts to unionize KSOL. Plainly, therefore, the Commission is not in possession of facts establishing a *prima facie* case that the licensee violated federal law or warranting a further inquiry into these matters at the present time.

9. Petitioners' request for review of the matters raised in the 1977 "petition" must also be denied because their allegations of bad faith conduct by the licensee are unsupported by any facts indicating that licensee did not intend to abide by the agreement when it was negotiated, or that licensee has since failed to live up to any of the terms of the agreement. Moreover, we find no compelling reason which warrants the consideration of a petition to deny three years late containing stale allegations dating back to 1975. Such matters are

[7] The relevant language provides that:

> The licensee of Station KSOL will agree with CCMC, as follows: (1) Station KSOL will make good faith efforts to recruit qualified Black personnel for all vacancies which may occur on the staff of the station. CCMC does not expect the station to fire or promote any one individual in connection with its good faith efforts.

We do not believe the language of the last sentence must be construed as petitioners assert. Because the agreement speaks of CCMC's expectations about KSOL's future performance, its language is equivocal. Moreover, the language does not clearly establish that KSOL was making any representation to CCMC or the Commission, except perhaps as a point in need of further negotiation or clarification. Moreover, even if the language were susceptible of no other construction than the one preferred by the petitioners, the licensee remains free to modify employment representations as part of its responsibility and discretion to determine how best to serve the public interest. *Agreements Between Broadcast Licensees and the Public*, 57 FCC 2d 42 (1975).

[8] *Bangor Broadcasting Corporation*, 33 FCC 2d 687 (1972).

[9] The Commission is aware, however, that suits alleging illegal employment practices by KSOL have been filed in the United States District Court for the Northern District of California by Mr. Herman Henry and in the Superior Court of California by petitioner CCMC. According to the licensee, the suit filed by Mr. Henry, which involves claims concerning his dismissal from his position as Station Manager, was dismissed by the District Court and its presently on appeal; the suit filed by CCMC is said to be a pending complaint for declaratory and injunctive relief, specific performance and damages. (*See* Intercontinental's 1980 Renewal Application, Exhibit 24, paragraph 24.) Upon the final disposition of the matters there litigated, the Commission will take any action it deems necessary and appropriate.

[10] We discuss petitioners' request for the addition of a character issue at paragraphs 13 and 14, *infra*.

[11] Because the Broadcast Bureau is a party to the WOOK(FM) proceeding, and therefore is prohibited from discussing *ex parte* the merits of that proceeding with the Commission, the following section of this Memorandum Opinion and Order dealing with Intercontinental's qualifications was written by the Office of General Counsel.

[12] On April 16, 1981, the Circuit Court for Montgomery County, Maryland, appointed Suburban Trust Company to act as temporary guardian of the property of Richard Eaton. As a result of this appointment, applications were filed with the Commission on May 18, 1981, for consent to the involuntary transfer of control of United and its various licensee subsidiaries. On June 1, 1981, Richard Eaton died, and his property was transferred, pursuant to the terms of his will, to his Personal Representatives, Suburban Trust Company and Dennison L. Mitchell. As a result of this transfer, and prior to any Commission action on the May 18, 1981, applications, new applications for consent to the involuntary transfer of control of United and its various licensee subsidiaries ies to Richard Eaton's Personal Representatives were filed on July 1, 1981. On August 24, 1981, the Commission granted simultaneously both the May 18, and July 1, 1981, applications, with the result that control of United and its various licensee subsidiaries has been transferred to Suburban Trust Company and Dennison L. Mitchell, Personal Representatives.

[13] *United Television Co.*, 46 FCC 2d 698 (1974); *United Television of New Hampshire*, 46 FCC 2d 702 (1974) *aff'd.* 514 F.2d 279 (D.C. Cir. 1975); *United Broadcasting of Florida*, 58 FCC 2d 832 (1975), *recon. denied* 60 FCC 2d 816 (1976) (hereinafter "WFAB"); *United Television Co.*, 56 FCC 2d 416 (1975), *recon. denied* 59 FCC 2d 665 (1976), *aff'd sub nom. United Broadcasting Co.* v. *FCC*, 569 F.2d 699 (D.C. Cir. 1977), *cert. denied* 434 U.S. 1076 (1978) (hereinafter *WOOK(AM)*).

In the first two decisions, we revoked two of United's television stations because they had been dark for more than two years, thereby depriving viewers of service over those frequencies. In the latter two, we denied two radio station renewals, finding that United was unfit to operate those broadcast facilities.

[14] *United Broadcasting Company*, 45 RR 2d 101 (1979), review denied in *Memorandum Opinion and Order* (FCC 79-323), released June 8, 1979. See also *New Continental Broadcasting Company*, 45 RR 2d 998 (1979).

difficult to verify or refute. In addition, for the most part they are unsupported by affidavits from individuals with personal knowledge of the facts; or, where submitted, the affidavits consist of broad and conclusory opinions which fail to meet the specificity requirements of Section 309(d)(1) of the Act. Accordingly, the matters raised in the 1977 "petition" will be dismissed.[10]

The Competing Application

10. Applicants for new broadcast stations are required by § 73.3580(f) of the Commission's rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in § 73.3580(h) of the rules. However, we have no evidence that San Mateo published the required notice. To remedy this deficiency, San Mateo will be required to publish local notice of its application and to file a statement of publication as an amendment to its application.

11. Except for its apparent failure to comply with the Commission's publication requirements, applicant San Mateo is qualified to construct and operate as it proposes. An examination of Afro-American's construction permit application indicates that it also is qualified to construct and operate as proposed. In addition, a review of Intercontinental's license renewal application indicates that, except as limited by our discussion in paragraph 14, *infra*, it also is qualified to be a Commission licensee.[11]

12. Information in its 1980 renewal application for Station KSOL indicates that Intercontinental is a wholly-owned subsidary of Tele-Broadcasters, Inc. which in turn, is more than 90 percent owned by United Broadcasting Co. (United). United, until very recently, was wholly-owned by Richard Eaton.[12]

13. Over the past several years, the Commission has denied or revoked four of United's licenses.[13] Recently in *United Broadcasting Co. (WOOK(FM))*, 86 FCC 2d 452 (1981), the Commission held that these prior adverse determinations reflected a pattern of serious misbehavior by United and thereby raised a *prima facie* question about its qualifications to operate WOOK (FM). In designating a qualifications issue, we noted that, since we lacked sufficient evidence to determine whether Richard Eaton was personally responsible for United's misconduct, even if Eaton was removed from United's ownership, a serious question would still remain regarding the soundness and reliability of the licensee's operations. 86 FCC 2d at n. 24.

14. In designating these applications for hearing, we are again confronted with the question whether United's past misconduct should reflect adversely on its qualifications to ramain the licensee of KSOL(FM). Our decision is that it is unnecessary to add a basic qualifications issue to this proceeding at this time. The question of what individuals were responsible for United's prior misconduct is being explored fully in the KSOL(FM) proceeding. After the Administrative Law Judge issues an initial decision in WOOK(FM), the parties to this proceeding may then argue to the Administrative Law Judge whether issues should be added to consider the significance that the findings there have on Intercontinental's qualifications. A final determination as to WOOK(FM)'s qualifications will therefore be conditioned on the outcome of the WOOK(FM) proceeding. Whether Richard Eaton's death has any effect on the resolution of any qualification issue, or the addition of any issues, is a matter, of course, for the Administrative Law Judge to decide initially.

15. In the interest of administrative efficiency, we believe that the Chief Administrative Law Judge should assign this matter to the same judge currently presiding in the WOOK(FM) proceeding.

16. In a "Petition For Expedited Processing," San Mateo argues that the rationale of the *United Broadcasting Co.* decision[14] applies to the instant proceeding. In that decision, the Commission, consistent with its policy of encouraging minority ownership of broadast facilities, granted expedited processing to a minority-owned applicant to relieve it of the substantial delay the Commission was experiencing in designating mutually exclusive applications for hearing.[15] Intercontinental has filed no opposition to San Mateo's petition. However, the Commission's action in designating the applications before us for a consolidated proceeding, we believe, moots San Mateo's petition for expedited processing, so that its merits need not be addressed.

17. Afro-American's "Petition for Immediate Hearing Designation" advances the same arguments but with one difference. In order to more effectively promote minority ownership in the instant case,[16] it adds, the Commission should resolve an outstanding issue concerning the character qualifications of Mr. Richard Eaton in the WOOK(FM) proceeding.[17] By doing so, Afro-American contends, the decision will be *res judicata* for any similar issue raised in the instant proceeding against Intercontinental by virtue of the common ownership of WOOK(FM) and KSOL(FM).

18. In opposition, Intercontinental argues that a bifurcated hearing such as the one proposed by Afro-American would deprive it of its full due process rights. Pointing to a Commission action designating thirteen of RKO General's license renewal applications for hearing after it had been disqualified as a television licensee, Intercontinental argues that it is likewise entitled to a full evidentiary hearing on its license renewal application for KSOL, notwithstanding the possibility that United will be found unfit to remain a Commission licensee in the WOOK(FM) proceeding.

19. In response, Afro-American contends that the Commission's previous conclusions on the character qualifications of RKO General and those it has made concerning the character of Mr. Richard Eaton can be distinguished so as not to require the Commission to conduct a full evidentiary hearing in both the WOOK(FM) and the KSOL(FM) proceedings. The distinguishing factor, according to Afro-American, is that while the Commission in the RKO General proceeding did not purport to issue a final judgment on RKO's qualifications, in designating the renewal applications of Eaton-controlled stations for hearing, the Commission specifically stated that the resolution of the character issues in those proceedings would be "binding on any other licensee commonly owned or controlled with the captioned licensee and will be *res judicata* as to any other such licensee."[18] Thus, Afro-American argues, a determination in the WOOK(FM) proceeding that Mr.

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[10] San Mateo's application indicates that each of its two stockholders are Black and that each resides in the San Francisco Bay Area.

[11] Afro-American states that it is a corporation composed solely of Black principals who are residents of the San Francisco-Oakland-San Mateo, California area.

[12] BC Docket No. 80-479; File No. BRH-582.

[13] *United Broadcasting of Florida, Inc.*, 36 FCC 2d 956, 957 (1973).

[14] *United Broadcasting Company*, 45 RR 2d 101 (1979), review denied in *Memorandum Opinion and Order* (FCC 79-323), released June 8, 1979. See also *New Continental Broadcasting Company*, 45 RR 2d [illegible] (1979).

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[18] *United Broadcasting of Florida, Inc.*, 36 FCC 2d 956, 957 (1973).

Richard Eaton does not possess the requisite character qualifications to remain a Commission licensee will, by virtue of the common control, be *res judicata* with regard to Intercontinental's character qualifications.

20. Afro-American's petition raises a question recently resolved by the Commission in *United Broadcasting Co. (WOOK(FM)), supra,* namely, the extent to which United or its commonly owned and/or controlled licenses should be precluded from relitigating prior findings against United. Although, in the WFAB designation order, we stated that any decision rendered in that proceeding was to be considered *res judicata* as to any other licensee commonly owned or controlled by United, we did not intend to determine United's right to hold other Commission licenses. Rather, we meant to preclude United from relitigating, either directly or through a commonly owned licensee, any adverse findings made there in later proceedings. We also meant to insure that such findings would be taken into account to the extent they raised a negative inference about United's fitness to hold other licenses. Therefore, the doctrine of collateral estoppel, not *res judicata,* should be applied in determining the extent to which prior adverse findings may be relitigated in this proceeding.[19] That is, the prior judgements against United preclude a relitigation only of those matters which actually were in issue and upon which the decision was rendered.[20]

21. With regard to the extent to which collateral estoppel bars relitigation of each of the several independent findings in *WOOK(AM),* although that decision was judicially affirmed on the basis of United's technical violations alone,[21] we will not interpret the doctrine to entitle United or any commonly controlled licensee, including Intercontinental, to relitigate before this Commission the other findings of misconduct at WOOK(AM). In both the *WOOK(AM)* and *WFAB* proceedings, United exercised its opportunity to litigate the questions surrounding its operation of those stations in evidentiary hearings which were fully adversary in nature, complete with testimony, cross-examination, exhibits, briefs and argument. We have already closely examined the substantial record in *WOOK(AM)* and are confident of the legal analysis in that case. In these circumstances, "finality and efficiency outweigh the possible gains of fairness and accuracy"[22] from relitigating those matters in this forum. As we see it, United and/or Intercontinental will still be able to challenge those earlier, unaffirmed grounds in the U.S. Court of Appeals if those grounds are part of an adverse determination against them in this case.

22. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications of Intercontinental Radio, Inc., Afro-American Communications, and San Mateo Broadcasting Company, Inc. are designated for consolidated hearing, at a time and place to be specified in a subsequent Order, upon the following issues:[23]

1. To determine, which of the proposals would, on a comparative basis, best serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

23. It is further ordered, that San Mateo Broadcasting Company, Inc. shall publish local notice of its application as required by § 73.3580(f) of the Commission's Rules and file a statement of publication as an amendment to its application pursuant to § 73.3580(h) of the Commission's Rules within 40 days after this Order is published in the **Federal Register.**

24. It is further ordered, that the motions for extensions of time, filed by Intercontinental Radio, Inc. on February 27, 1981, March 30, 1981, and April 28, 1981, are granted, That its "Opposition to Petition to Deny Renewal of License," filed on April 29, 1981 is accepted, and That the petition to deny, filed by Mr. Marcus G. Wilcher and the Community Coalition for Media Change, is denied.

25. It is further ordered, that San Mateo Broadcasting Company, Inc.'s "Petition for Immediate Hearing Designation" is dismissed and Afro-American Communication's "Petition for Expedited Processing" is dismissed and Afro-American Communication's "Petition for Immediate Hearing Designation" is dismissed in part and otherwise denied for the reasons discussed above.

26. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

27. It is further ordered, that the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give local notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

28. It is further ordered, that this case be assigned to the same Administrative Law Judge presently presiding in the United Broadcasting Co. (WOOK(FM)) proceeding.

29. It is further ordered, that the Broadcast Bureau shall send, by Certified Mail, Return-Receipt-Requested, a copy of this *Memorandum Opinion and Order* to each of the parties named herein.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 81-36661 Filed 12-28-81; 8:45 am]
BILLING CODE 6712-01-M

[BC Docket No. 81-847, File No. BPCT-800402KF; BC Docket No. 81-848, File No. BPCT-800520KE]

Light Communications, Inc. and Quality Media Corp., Colorado Springs, Colorado; Applications for Construction Permit

Hearing Designation Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: December 3, 1981.

Released: December 21, 1981.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 21, Colorado Springs, Colorado and related pleadings.[1]

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[19] The Commission explained the difference between *res judicata* and collateral estoppel in *RKO General, Inc.*, 82 FCC 2d 291, 312–313 (1980) (citations omitted). *See also Gordon County Broadcasting Co. v. FCC*, 446 F.2d 1338, 1339 (D.C. Cir. 1971); *Tomah-Mouston Broadcasting Co. v. FCC*, 306 F.2d 811, 813 (D.C. Cir. 1962); *WIOO*, 66 FCC 2d 127, 128 (1978).

[20] *Id.*

[21] *United Broadcasting Co. v. FCC, supra,* 589 F.2d at 680.

[22] *Nasem v. Brown*, 595 F.2d 801 (D.C. Cir. 1978).

[23] Our determination that Intercontinental possesses the basic qualifications to remain a Commission licensee is conditioned upon the outcome of the WOOK(FM) proceeding. See paragraphs 11 and 14 *supra.*

[1] These pleadings include Petitions for Leave to Amend filed by Light Communications (LC) on June

Continued

Light Communications, Inc.

2. Light Communications estimates that it will require $139,595 to construct its proposed station and operate it for three months, itemized as follows:

Equipment (included in operating costs)	To be leased
Land (included in operating costs)	To be leased
Building	$19,000
Legal costs	5,000
Engineering costs	5,000
Installation costs	15,000
Operating costs (3 months)	95,595
Total	139,595

In order to meet the above requirement, Light Communications intends to rely on loans of $50,000 each from Ross Weins, Timothy and Lorraine Timm, and Christian Television Services, Inc. It also relies on a $25,000 line of credit from Exchange Enterprises and prepaid advertising of $26,000 to be purchased by Christian Broadcasting Network.

3. The balance sheet submitted by Ross Weins does not segregate current and long term liabilities. Furthermore, even if we were to assume that he has no current liabilities, Weins' balance sheet indicates that he does not have sufficient net liquid assets to meet his commitment. An examination of the balance sheet submitted by Timothy and Lorraine Timm reveals that their current liabilities exceed current assets and, therefore, no funds appear to be available from them. With respect to applicant's reliance on a line of credit, Exchange Enterprises has not submitted a balance sheet to demonstrate an ability to meet its commitment.

4. Light Communications has demonstrated the availability of only $76,000 to meet its construction and operating costs. Also, since it will be involved in a hearing, applicant's estimate of legal costs appears to be unreasonably low. In view of the foregoing, appropriate financial issues will be specified.

5. We have not received a determination from the Federal Aviation Administration that Light Communications' proposed tower height and location would not constitute a hazard to air navigation. An issue regarding this matter is required.

Quality Media Corporation

6. Quality Media Corporation estimates that it will require $202,950 to construct its proposed station and operate it for three months, itemized as follows:

Equipment	$106,000
Building	4,500
Other items	29,500
Operating costs (3 months)	62,950
Total	202,950

In order to meet the above requirement, Quality Media relies on existing capital of $18,092 and a loan of $600,000 from Keystone Leasing Corporation. Analysis of Quality Media's balance sheet reveals that it has net liquid assets of $18,092. We note, however, that Quality Media has a pending application to construct a new AM station in Pago Pago, American Samoa (BP–800825KF), in which is relies, in part, on existing capital of $43,411 to construct and operate. In view of this other commitment, it does not appear that it can rely on existing capital to construct and operate its proposed station in Colorado Springs.

7. With respect to the $600,000 loan from Keystone Leasing Corporation, Quality Media has not submitted a balance sheet to document Keystone's ability to meet its commitment.[1] Furthermore, the loan letter from Keystone states that it proposes "* * * to loan or facilitate the loaning of $600,000 * * *," but there is no indication as to the identity of the ultimate source of the funds should Keystone elect to seek a secondary funding source.

8. In view of the foregoing, Quality Media has not demonstrated the availability of any funds to construct and operate as proposed. Accordingly, a general financial issue will be specified.

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

10. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Adminsitrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Light Communciations, Inc.:

(a) Whether applicant's estimate of legal costs is reasonable;

(b) Whether applicant has sufficient funds available to construct its proposed station and operate it for three months;

(c) Whether, in light of the evidence adduced pursuant to (a) and (b) above, applicant is financially qualified;

(d) Whether there is a reasonable possibility that the tower height and location proposed by applicant would constitute a hazard to air navigation;

(e) Whether, in light of the evidence adduced pursuant to (d) above, applicant is qualified.

2. To determine with respect to Quality Media Corporation:

(a) The source and availability of $202,950 to construct its proposed station and operate it for three months;

(b) Whether, in light of the evidence adduced pursuant to (a) above, applicant is financially qualified.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications, should be granted.

11. It is further ordered, That the petitions for leave to amend filed by Light Communications, Inc. are granted.

12. It is further ordered, that the Federal Aviation Administration is made a party to this proceeding with respect to Issue 1(d).

13. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days from the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

14. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications

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16 and July 16, 1981; Comments on LC's petitions filed by Quality Media Corporation (QM) on June 18 and July 21, 1981; Reply to Comments filed by LC on July 29, 1981; Motion to Strike filed by QM on July 29, 1981; and Opposition to Motion to Strike filed on August 5, 1981, by LC.

The amendments accompanying LC's petitions report the resignation of a board member, the relocation of its public file and that two of its principals have assumed temporary residence in San Antonio, Texas and temporary employment with Station KCIK–TV, San Antonio. QM's pleadings essentially concern the fact that LC failed to report the dates on which the events occurred and it requests that we require LC to provide the dates or deny the petitions. However, QM has not shown that these dates are of any decisional value. If QM can show the importance of this information, it may seek to enlarge the issues.

Since the information provided by LC is required by § 1.65 of the Rules and will not affect its comparative posture, the petitions to accept the amendments will be granted.

[1] Section III, page 3, Item 4(e) of FCC Form 301 exempts equipment manufacturers who extend credit for equipment from submitting a balance sheet. This exemption has also been applied to companies that are in the business of buying and leasing equipment (See *Trinity Broadcasting of Denver, Inc.*, mimeo no. 34763, released August 15, 1980), but does not apply to equipment leasing companies that propose to loan money to an applicant rather than lease equipment.

Act of 1934, as amended and § 73.3594 of the Commission 's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-39669 Filed 12-28-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-862, File No. BPCT-810306KE, et al.]

Pan-Pacific Broadcasting, Inc., et al.; Applications

In re applications of Pan-Pacific Broadcasting, Inc., Riverside, California (BC Docket No. 81-862, File No. BPCT-810306KE); Kist Corp., Riverside, California (BC Docket No. 81-863, File No. BPCT-810717KK); Focus Broadcasting of Riverside, Inc., Riverside, California (BC Docket No. 81-864, File No. BPCT-810720KI); Riverside Telecasters, Inc., Riverside, California (BC Docket No. 81-865, File No. BPCT-810720KJ); Ettlinger Broadcasting Corporation, Riverside, California (BC Docket No. 81-866, File No. BPCT-810720KK); Sunland Communications Company, Riverside, California (BC Docket No. 81-867, File No. BPCT-810720KL); Bethel Broadcasting, Inc., Riverside, California (BC Docket No. 81-868, File No. BPCT-810720KM); Channel 62, a Limited Partnership, Riverside, California (BC Docket No. 81-869, File No. BPCT-810720KN); Riverside Family Television, Inc., Riverside, California (BC Docket No. 81-870, File No. BPCT-810720KO); and United American Telecasters, Inc., Riverside, California (BC Docket No. 80-871, File No. BPCT-810720KQ); For a television construction permit; Hearing designation order designating applications for consolidated hearing on stated issues.

Adopted: December 11, 1981.

Released: December 23, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it: (a) the above-captioned mutually exclusive applications of Pan-Pacific Broadcasting, Inc. (Pan-Pacific), KIST Corp. (KIST), Focus Broadcasting of Riverside, Inc. (Focus), Riverside Telecasters, Inc. (River Tel), Ettlinger Broadcasting Corporation (Ettlinger), Sunland Communications Company (Sunland), Bethel Broadcasting, Inc. (Bethel), Channel 62, a Limited Partnership (Channel Partnership), Riverside Family Television, Inc. (Family), and United American Telecasters, Inc. (United) for a new commercial television station to operate on Channel 62, Riverside, California; (b) petitions to deny filed by KIST against United, KIST against Bethel, and United against Focus;[1] (c) Family's October 14, 1981, "Motion for Leave to Accept Untimely Amendment" *(sic)*, and (d) related pleadings.

2. Since we have not received determinations from the Federal Aviation Administration that Sunland's, Bethel's, and United's proposed tower heights and locations would not constitute a hazard to air navigation, an issue regarding this matter is required.

KIST Corp.

3. KIST estimates that $1,700,000 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment	$1,038,000
Land	(1)
Building	100,000
Legal, engineering, installation, and other miscellaneous	160,000
Operating costs (3 months)	402,000
Total	1,700,000

[1] Lease.

To meet this requirement, KIST intends to rely on $103,943 in existing capital and a $2,000,000 (net $1,900,000) loan from the Desert Community Bank in Victorville, California. KIST does not set out the cost of the land lease; however, since it is unlikely that its cost to lease the land would exceed $303,943 (the amount available to the applicant after it meets its other expenses), we will not specify a financial issue.

Focus Broadcasting of Riverside, Inc.[2]

4. Focus estimates that $3,141,000 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment	$2,764,000
Land (lease)	1,000
Building	20,000
Legal, engineering, installation and other miscellaneous costs	190,000
Operating costs (3 months)	166,000
Total	3,141,000

To meet this requirement, Focus intends to rely on funds received through an agreement with an undetermined subscription television (STV) franchisee and from revenues from the sale of commercial announcements during non-STV programming time. The availability of any funds from a franchisee is conjectural, since Focus has not even filed an application for STV authorization. Further, the Commission requires that television applicants demonstrate sufficient capital to construct the station and operate it for 90 days without advertising or other broadcast revenue. *New Financial Qualifications Standard for Broadcast Television Applicants*, 72 F.C.C. 2d 784 (1979). Since Focus cannot rely on STV funds or commercial revenues, we are unable to determine the availability of any funds to the applicant, and an appropriate financial issue will be specified.

Riverside Telecasters, Inc.

5. River Tel estimates that $860,034 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment:	
downpayment	$373,250
3 months	170,451
Land	(1)
Building	25,000
Studio rent (3 months)	2,333
Legal, engineering, installation, and other miscellaneous costs	70,000
Operating costs (3 months)	189,500
Total	860,034

[1] Lease.

River Tel does not set out the cost of the land lease. Accordingly, an appropriate issue will be specified.

6. To meet its expenses, River Tel intends to rely on a $1,000,000 (net $945,000) loan from the Shawmut Bank of Boston, Massachusetts, and $1,000 in existing capital. River Tel's loan is contingent on the "personal endorsements of the principal corporate officers" of the applicant; however, the principals have not indicated a willingness to furnish such endorsements. Consequently, we can determine the availability of only $1,000, and an appropriate issue will be specified.

7. River Tel requests two waivers of the Commission's Rules. Section

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[1] The petitions are, in essence, pre-designation petitions to specify issues. Since such petitions are no longer permitted, they will be dismissed. *Processing of Contested Broadcasting Applications*, 72 F.C.C. 2d 202 (1979).

[2] Of Focus' officers, directors, and stockholders, Douglas Rube, Beverly Rube, William Geissler, Judith Geissler, Irene Chung, Dwight Allen, and the Allen Investment Company also have interests in:

WFBN(TV), Joliet, Illinois (grantee).
Channel 14, Washington, DC (applicant).
Channel 64, Kannapolis, North Carolina (applicant).
Channel 39, Murfreesboro, Tennessee (applicant).
Channel 49, Norfolk, Virginia (applicant).
Channel 67, Seaside, California (applicant).
Channel 40, Tucson, Arizona (applicant).

Section 73.636(a)(2) of the Commission's Rules limits a party to direct or indirect interest in no more than seven television stations.

73.685(e) states that UHF stations with transmitters delivering a peak visual power output of more than 1 kilowatt may employ directional antennas with a maximum to minimum ratio of not more than 15 dB. River Tel proposes visual power of 55 kw, and the maximum to minimum ratio would exceed 180 dB. In addition, § 73.614(a) requires a minimum radiation of −10 dBk in any horizontal direction; however, at N 10° E, River Tel's proposed radiation would be far less than the required minimum. both waiver requests will be granted since the land area which lies in the direction of the antenna's null region is extremely mountainous and would serve as an effective terrain barrier to the propagation of signals, and the area is sparsely populated.

Ettlinger Broadcasting Corporation

8. Ettlinger estimates that $855,000 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment	[illegible]
Land	(1)
Legal, engineering, installation, and other miscellaneous costs	[illegible]
Operating costs (3 months)	120,000
Total	[illegible]

[1] Lease.

To meet this requirement, Ettlinger intends to rely on a $1,000,000 loan from John A. Ettlinger. Ettlinger does not set out the cost of the land lease or the cost of acquiring the necessary buildings;[3] however, since it is unlikely that Ettlinger's cost to lease the land and acquire buildings would exceed $145,000 (the amount available to the applicant after it meets its other expenses), we will not specify a financial issue.

Sunland Communications Company

9. Sunland estimates that $2,210,793 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment	$1,291,501
Buildings	225,000
Studio and transmitter site rent (5 months)	16,667
Legal, engineering, installation, and other miscellaneous costs	282,500
Operating costs (3 months)	395,125
Total	2,210,793

To meet this requirement, Sunland intends to rely totally on the contribution of capital by general partners in the following percentages: Jack Hodin (55% or $1,215,936), Andres Soto (35% or $773,778), and George Strimel (10% or $221,079). Neither Soto nor Strimel has demonstrated the availability of net liquid assets to meet their pledges, and Hodin has shown the availability of only $184,200 to Sunland, and an appropriate financial issue will be specified.

Bethel Broadcasting, Inc.

10. Bethel estimates that $1,337,800 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment	$1,064,000
Building	50,000
Transmitter housing and tower lease (5 months)	5,000
Legal, engineering, installation and other miscellaneous costs	85,000
Operating costs (3 months)	133,800
Total	1,337,800

11. To meet this requirement, Bethel intends to rely on $747,555 in deferred credit from its equipment supplier, Video Equipment Corporation of America, $650,000 in contributions from the Bethel Assembly of God Church and its congregation, and $10,000 in existing capital. Since it has not submitted an agreement with its equipment supplier, the applicant cannot rely on deferred credit for equipment. Further, Bethel cannot rely on $650,000 in contributions in the absence of signed pledges and individual balance sheets indicating the availability of the money pledged. Consequently, we can determine the availability of only $10,000, and an appropriate issue will be specified.

12. With respect to its proposed tower and transmitter, Bethel refers to information filed by Rand Communications Corporation, with which it has no connection, in an unspecified application. Instruction E aof the FCC Form 301, however, provides that information may be incorporated by reference from another application only if it was filed by or on behalf of the same applicant and if it is fully referenced by file number to the other application. In addition, in response to Question 13 of Section V–C of the application, Bethel refers to exhibits E–3 and E–4, but failed to submit those exhibits, and the applicant failed to respond to Questions 15 and 16. Consequently, Bethel will be required to submit the necessary information within 20 days of the mailing of this Order.

Channel 62, A Limited Partnership

13. Channel 62, Incorporated (Channel, Inc.), a 25% general partner of the applicant, is wholly owned by the Greater Riverside Chambers of Commerce (Chambers). Tables I and II of Section II of FCC Form 301 require

[3] Although Ettlinger indicates that $1,200 of its proposed operating costs for three months will be attributable to rent, the applicant does not specify what is to be rented.

that if an applicant is a partnership, it provide information as to each general or limited partner (the name and address, date and place of birth, nature of partnership interest, percent of ownership interest, occupations or businesses engaged in during the past five years, and relationship to or interest in such concerns). The applicant, however, has not furnished the required information as to Channel, Inc. and Chambers. In addition, at Question 17(a) of Section II of the 301 Form the applicant states that it, or partners to the application, have or had interests in other broadcast stations; however, it has not furnished the information on such interests as required by Questions 17(1)–17(4) of Section II of the application. Consequently, we cannot determine that Channel Partnership is legally qualified, and appropriate issues will be specified.

14. Channel Partnership estimates that $1,268,143 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment on deferred credit:	
Downpayment	$350,000
4 months	119,875
Equipment by cash	187,610
Building	154,000
Legal, engineering, installation, and other miscellaneous costs	251,658
Operating costs (3 months)	195,000
Total	1,268,143

The applicant does not set out the cost of leasing or purchasing land. Accordingly, an appropriate issue will be specified.

15. To meet this requirement, Channel Partnership intends to rely on a $2,600,000 (net $2,158,000) loan from the Security Pacific National Bank of Riverside, $150,100 in contributions from partners, and $100,000 in existing capital. The bank states that it "will consider" the loan request only after Channel Partnership's application has been granted and that the submitted bank letter should not be considered a commitment of the bank. Consequently, the applicant cannot rely on the availability of such funds. Further, the applicant has not demonstrated the availability of any existing capital, since it failed to submit its balance sheet, as required by Question 2a of Section III of the 301 Form. With regard to the partnership contributions, we can determine the availability of only $61,778.[4] Accordingly, an appropriate financial issue will be specified.

Riverside Family Television, Inc.

16. In support of its "Motion for Leave to Accept Untimely Amendment" (*sic*) (see paragraph 1, *supra*), Family argues that neither its counsel, its consulting engineer, nor its broadcast consultant, all of whom are located in Tennessee, received the Commission's cut-off notice setting September 7, 1981, as the final date for filing minor amendments as of right prior to designation for hearing, until September 10. Family states that because cut-off lists are no longer published in the **Federal Register** and because its counsel, engineer, and broadcast consultant are located in Tennessee, it relies upon the Commission's official contractor to supply copies of Commission public notices. Family alleges that the contractor failed to furnish copies of the cut-off list until after the cut-off date had passed. The allegation is supported by affidavits of its counsel, engineer, and broadcast consultant. Family asserts that the failure of the contractor constitutes good cause for its inability to file its amendment by the cut-off date. KIST, United, and Channel Partnership, however, contend that it was incumbent upon Family's counsel to ensure that no notices of deadlines would be missed or overlooked, but they do not suggest what could have been done and was not done. Nevertheless, they point out that the amendment was not filed until five weeks after Family's counsel learned of the cut-off notice.

17. We think that good cause has been shown. Since Family's counsel, engineer, and broadcast consultant are all located in Tennessee, it seems to us that they did all that a reasonable person could do: they arranged with the Commission's official contractor to see that the vital notices were furnished. Since a cut-off notice normally allows about five weeks from its adoption date to the cut-off date, it does not appear that Family lacked diligence in the preparation and filing of its amendment within five weeks of learning of the cutoff date. Moreover, the amendment would eliminate an issue and would

[4] Lucille Gilbreath, Clare Taber, Russell Walling, and Norton Younglove each has demonstrated net liquid assets to meet their $15,000 commitments, and John and Patricia Gilbreath have demonstrated net liquid assets of $1778 toward their $7500 commitment. Channel, Inc. did not submit a balance sheet; Jack Chase's balance sheet was outdated upon the filing of the application, and the balance sheets of Ronald Pettis, Robert Hocker, Betty Johnson, Arthur Lopez, and Albert Kishaba do not demonstrate the availability of any net liquid assets.

[4] Lucille Gilbreath, Clare Taber, Russell Walling, and Norton Younglove each has demonstrated net liquid assets to meet their $15,000 commitments, and John and Patricia Gilbreath have demonstrated net liquid assets of $1778 toward their $7500 commitment. Channel, Inc. did not submit a balance sheet; Jack Chase's balance sheet was outdated upon the filing of the application, and the balance sheets of Ronald Pettis, Robert Hocker, Betty Johnson, Arthur Lopez, and Albert Kishaba do not demonstrate the availability of any net liquid assets.

simplify the proceeding. Since processing of the Riverside applications had not yet begun when the amendment was filed, there was no disruption or delay in the processing procedure. Although we will accept the amendment for good cause shown, we will not allow Family to accrue any comparative advantage by reason of the amendment.

United American Telecasters, Inc.

18. United estimates that $2,187,285 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment	$1,800,000
Studio and transmitter site lease (5 months)	11,835
Building	15,000
Legal, engineering, installation, and other miscellaneous costs	125,000
Operating costs (3 months)	235,450
Total	$2,187,285

19. To meet this requirement, United intends to rely on a $3,000,000 (net $2,670,000) loan from the Korea Exchange Bank in Los Angeles and $100,000 in stock subscriptions. As a condition of the bank loan, it must be secured by a stand-by letter of credit issued by a major bank; however, no such letter of credit has been submitted. Consequently, United has not provided reasonable assurance of the availability of the bank loan. With respect to the stock subscriptions, none of the subscribers has demonstrated the availability of any net liquid assets to meet their commitments. Accordingly, an appropriate financial issue will be specified.

20. United proposes an antenna height above average terrain (HAAT) of 2388 feet. Sections 73.614(b)(2) and 73.699, Figure 4 of the Rules limit the maximum visual effective radiated power (ERP) of a television station in Zone II with such a HAAT to 35.7 dbk; however, United proposes 36.02 dbk. Accordingly, United will be afforded 20 days from the mailing of this Order, or such additional time as may be provided by the Presiding Officer, in order to meet the requirements of § 73.614(b)(2) and 73.699, Figure 4.

Conclusion and Order

21. Except as indicated by the issue specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues set out below.

22. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Focus Broadcasting of Riverside, Inc.:

(a) Whether the applicant has available $3,141,000 for its construction and three month operating costs.

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine with respect to Riverside Telecasters, Inc.;

(a) The cost of leasing a tower site for five months;

(b) Whether the applicant has available an additional $859,034 plus the cost of leasing a tower site;

(c) Whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified.

3. To determine with respect to Sunland Communications Company:

(a) Whether the applicant has available an additional $2,026,593 for its construction and three month operating costs;

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

4. To determine with respect to Bethal Broadcasting, Inc.:

(a) Whether the applicant has available an additional $1,327,800 for its construction and three month operating costs;

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

5. To determine with respect to Channel 62, a Limited Partnership;

(a) The information required by Tables I and II, Section II, FCC Form 301 with respect to officers, directors, and stockholders of Channel 62, Incorporated and the Greater Riverside Chambers of Commerce;

The information required by questions 17(1)–17(4), Section II, FCC Form 301;

(c) Whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant is legally qualified;

(d) The Cost of purchasing or leasing land for five months;

(e) Whether the applicant has available an additional $1,206,365 plus the cost of purchasing or leasing the land;

(f) Whether, in light of the evidence adduced pursuant to (d) and (e) above, the applicant is financially qualified.

6. To determine with respect to United American Telecasters, Inc.:

(a) Whether the applicant has available $2,187,285 for its construction and three month operating costs;

(b) Whether in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

7. To determine whether there is a reasonable possibility that the tower heights and locations proposed by Sunland, Bethel, and United would constitute a hazard to air navigation.

8. To determine which of the proposals would, on a comparative basis, best serve the public interest.

9. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

23. It is further ordered, that the petitions to deny filed by KIST and United are dismised.

24. It is further ordered, that Family's Motion for Leave to Accept Untimely Amendment is granted.

25. It is further ordered, that the Federal Aviation Administration is made a party respondent in respect to Issue 7.

26. It is further ordered, that River Tel's requests for waiver of §§ 73.685(e) and 73.614(a) of the Rules are granted.

27. It is further ordered, that within 20 days of the mailing of this Order, Bethel shall:

(a) Respond to Questions 4, 7, 15, and 16 of Section V–C and all of Section V–G of its application;

(b) Submit exhibits E–3 and E–4 to its application.

28. It is further ordered, that within 20 days of the mailing of this Order or within such additional time as may be provided by the Presiding Officer, United shall amend its application to meet the requirements of §§ 73.614(b)(2) and 73.699, Figure 4 of the Rules.

29. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in this Order.

30. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act and § 73.3594 of the Commission's Rules, give notice of the hearing within

the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-38669 Filed 12-28-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Agreements Nos. T-4006, T-4007, T-4008 and T-4009]

Availability of Findings of No Significant Impact

Upon completion of environmental assessments, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on the proposed actions listed below will not constitute major federal actions significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of environmental impact statements is not required.

Agreement No. T-4006 is between the City of Oakland and Canal Industrial Park, Inc. (CIP). CIP will use berths 10, 11 and 12, including backup area, at the Outer Harbor Terminal for handling vessels and general cargo. There will be no change in the use of the marine terminal. CIP has been using these premises for the same purpose for the past 18 months under Port of Oakland Tariff No. 2.

Agreement No. T-4007 is between the Board of Trustees of the Galveston Wharves and Southern Stevedoring Company, Inc. (SSC), covering a terminal area including piers 19 and 21 at the Port of Galveston. SSC will use this area for handling bananas and other tropical fruits, and other general cargo. This agreement replaces a previous lease agreement (T-3207) for the same premises. The new agreement is basically identical to the expired Agreement No. T-3207, except that a small corner of the leased premises is deleted.

Agreement No. T-4008 is between the City of Oakland (the Port) and Marine Terminals Corporation (MTC). MTC will perform marine terminal operating and cargo solicitation services utilizing berths G, H, I and J of the Port's Seventh Street Terminal and three container cranes for loading and discharging cargoes on a nonexclusive basis.

Agreement No. T-4009 is between the Port, MTC and Hapag-Lloyd, AG (H-L). Under this agreement, the Port will assign portions of the Seventh Street Terminal to H-L for berthing vessels and for loading and discharging cargoes moving in the latter's transpacific service. In addition, H-L will negotiate a stevedoring and terminal service contract with MTC.

These Findings of No Significant Impact (FONSI) will become final by January 18, 1982 unless petitions for review are filed pursuant to 46 CFR 547.6(b).

The FONSIs and related environmental assessments are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81-37980 Filed 12-28-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-77]

U.S. South Atlantic and Gulf/Panama and Costa Rica Rate Agreement and U.S. South Atlantic and Gulf/Guatemala, Honduras and El Salvador Rate Agreement; Order of Investigation and Hearing and Pendente Lite Approval

In the matter of U.S. South Atlantic & Gulf/Panama & Costa Rica Rate Agreement (Agreement No. 10045-6) and U.S. South Atlantic & Gulf/Guatemala, Honduras & El Salvador Rate Agreement (Agreement No. 10105-4).

The above-captioned agreement modifications (Agreements) have been filed for approval pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814). Their purpose is to extend indefinitely the terms of approval of the underlying rate agreements.* Agreement No. 10045 is a 46-hour rate agreement among Coordinated Caribbean Transport, Inc., Pan Atlantic Lines and Sea-Land Service, Inc. Agreement No. 10105 is also a 46-hour rate agreement among the same three parties as well as with Uiterwyk Lines. Agreements Nos. 10045 and 10105 were originally approved on July 5, 1973 and May 23, 1974, respectively. Notice of the filing of the amended agreements was published in the August 19, 1981 Federal Register (46 FR 42193) and failed to elicit any comments.

From the time of their original approval until November 10, 1980, when the parties met the Commission's September 15, 1980 conditions of approval, the subject agreements were limited in scope to Florida ports. While Proponents had sought expansion of the agreements' scope to include the entire U.S. Atlantic and Gulf Coast in order to achieve service and rate stability, the Commission extended the range of U.S. ports only to the South Atlantic and Gulf. In approving these Agreements on September 15, 1980, the Commission further limited them to a one year period, which became effective November 10, 1980, in order to assess the impact of the expanded scope of the agreements on the respective trades. The parties were further directed to provide the Commission with statistics showing their total cargo movements and rate levels in the subject trades for their principal moving commodities.

After the November 10, 1980 one-year approval of Agreements 10045-3 and 10105-1, nearly three months were consumed by the parties in formulating new tariffs to reflect the agreements' expanded scope. Owing to the time utilized for developing these tariffs and the need for the agreements to again be filed with the Commission in advance of their expiration, the Proponents were able to provide the Commission with trade and carriage data covering only six months of the one-year approval period.

In its September 15, 1980 conditional approval of Agreements Nos. 10045-3 and 10105-1, the Commission concluded that the Proponents had demonstrated the existence of past rate instability and the potential for future rate instability. The data submitted by Proponents with the instant filing do not demonstrate that the rate agreements have ameliorated this instability. However, in view of the relatively short time available for determination of the agreements' actual effect on the trades, the Commission will permit the parties to develop further evidence which the Commission requires to realistically assess the agreements' impact. Based upon a review of the limited data furnished, the Commission believes that the stabilizing effect which proponents contended would result from the expanded scope of the Agreements, both in their 1980 request for section 15 approval and in the instant filing, has not yet occurred. Rather than granting the indefinite extension sought, the Commission therefore will commence a full investigation and hearing, subject to *pendente lite* approval.

*The underlying agreements were granted continuing temporary approval through December 31, 1981 by Commission Order of November 6, 1981. This was necessary in order to avoid lapse in their approval.

Because the subject agreements fix rates charged by their parties, they are contrary to the public interest and thus subject to the standards of *F.M.C.* v. *Aktiebolaget Svenska Amerika Linien*, 390 U.S. 238, 243 (1968). In making its determination under section 15 of whether the instant Agreements continue to meet the *Svenska* standards, the Commission intends to consider the following factors, among others:

(1) The impact of the agreements on the rates and cargo shares of the parties in the subject trades;

(2) The impact of the agreements on overall rate stability and service in the trades;

(3) The utilization of intermodal authority; and

(4) The effect, if any, of overlapping conferences.

Therefore, it is ordered, that pursuant to sections 15 and 22 of the Shipping Act, 1916 (46 U.S.C. 814 and 821), a proceeding is instituted to determine whether: (1) Agreement No. 10045–6 should be approved, disapproved or modified; and (2) whether Agreement No. 10105–4 should be approved, disapproved, or modified under the provisions of section 15; and

It is further ordered, that Coordinated Caribbean Transport, Inc., Pan Atlantic Lines, Sea-Land Service, Inc. and Uiterwyk Lines are designated as Proponents in this proceeding; and

It is further ordered, that pursuant to Rule 42 of the Commission's Rules of Practice and Procedure (46 CFR 502.42) the Commission's Bureau of Hearings and Field Operations (Hearing Counsel) shall be a party to this proceeding; and

It is further ordered, that other persons having an interest in participating in this proceeding may file a petition for leave to intervene in accordance with section 46 CFR 502.72 of the Commission's Rules (46 CFR 502.72); and

It is further ordered, that this Order be published in the **Federal Register** and a copy served upon Proponents and the Commission's Bureau of Hearings and Field Operations; and

It is further ordered, that this matter be assigned for public hearing and decision by an Administrative Law Judge at a date and place to be hereafter determined by the Commission's Presiding Administrative Law Judge, within the time limits prescribed in 46 CFR 502.61. This hearing shall include oral testimony and cross-examination in the discretion of the Presiding Offices only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents, or that the nature of the matters in issue otherwise requires an oral hearing and cross-examination for the development of an adequate record; and

It is further ordered, that all future notices, orders, or decisions issued in this proceeding, including notice of the time and place of hearing or prehearing conference, be mailed directly to all parties of record; and

It is further ordered, that all documents submitted by any party in this proceeding be filed in accordance with § 502.118 of the Commission's Rules (46 CFR 502.118), as well as being mailed directly to all parties of record.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81–37081 Filed 12–28–81; 8:45 am]

BILLING CODE 6730–01–M

[Commission Order No. 1 (Revised)]

Organization and Functions of the Federal Maritime Commission

November 12, 1981.

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Section 1. Purpose

1.01 This Order describes the organization and functions of, and delegates authority within, the Federal Maritime Commission.

Section 2. Organization of the Federal Maritime Commission

2.01 *Establishment and Composition of the Commission*—The Federal Maritime Commission was established as an independent agency by Reorganization Plan No. 7 of 1961, effective August 12, 1961. The Federal Maritime Commission is composed of five Commissioners, appointed by the President, by and with the consent of the Senate. The President designates one of the Commissioners to be the Chairman.

2.02 *Quorum*—Any three members in office constitute a quorum for the transaction of the business of the Federal Maritime Commission. The affirmative vote of any three Commissioners shall be sufficient for the disposition of any matters which may come before the Commission.

2.03 The Federal Maritime Commission is responsible for administering the statutory functions and programs for the regulation of common carriers by water in the foreign and domestic offshore commerce of the United States and of other persons, under provisions of the Shipping Act, 1916, as amended; the Merchant Marine Act, 1920, as amended; the Intercoastal Shipping Act, 1933, as amended; section 311 of the Clean Water Act of 1977, P. L. 95–217; sections 2 and 3, P.L. 89–777, Financial Responsibility for Death or Injury to Passengers and for Non-Performance of Voyages; subsection 204(c) of the Trans-Alaska Pipeline Authorization Act, P.L. 93–153; section 305(a)(1) of the Outer Continental Shelf Lands Act Amendments of 1978, P.L. 95–372; and other applicable statutes.

Section 3. Organizational Components

The Federal Maritime Commission has the following major organizational components:

(1) Office of the Chairman of the Federal Maritime Commission

(2) Offices of the Members of the Federal Maritime Commission

(3) Managing Director

(4) Office of the General Counsel

(5) Office of the Secretary

(6) Office of Administrative Law Judges

(7) Office of Regulatory Policy and Planning

(8) Bureau of Agreements

a. Office of Conferences

b. Office of Carrier Relationships

c. Office of Shoreside Agreements

d. Office of Trade Review

(9) Bureau of Tariffs

a. Office of Foreign Tariffs

b. Office of Domestic Tariffs

c. Office of Financial Analysis

(10) Bureau of Certification and Licensing

a. Office of Vessel Certification

b. Office of Freight Forwarders

(11) Bureau of Hearings and Field Operations
a. Office of Hearing Counsel
b. Office of Investigations
(12) Office of Consumer Affairs
(13) Office of Energy and Environmental Impact
(14) Office of Personnel
(15) Office of Budget and Financial Management
(16) Office of Management Evaluation and Review
(17) Office of Data Systems
(18) Office of Administrative Services
(19) District Offices
a. Atlantic District (New York)
b. Great Lakes District (Chicago)
c. Gulf District (New Orleans) Miami Sub-Office
d. Mid-Atlantic District (Washington)
e. Pacific District (San Francisco) Los Angeles Sub-Office
f. Puerto Rico District (Hato Rey, Puerto Rico)

Section 4. Lines of Responsibility

4.01 The *Managing Director* reports to the Chairman and the Commission.

4.02 The *Office of General Counsel*, the *Office of the Secretary*, and the *Office of Regulatory Policy and Planning* report to the Chairman and the Commission, subject to the management direction of the Managing Director with respect to overall Commission workflow, resource allocation (both staff and budgetary), work priorities, and similar managerial matters.

4.03 The *Office of Administrative Law Judges* reports to the Chairman, subject to the administrative direction and coordination of the Managing Director.

4.04 The *Bureau of Agreements, Bureau of Tariffs, Bureau of Certification and Licensing, Bureau of Hearings and Field Operations, Office of Personnel, Office of Budget and Financial Management, Office of Data Systems*, and *Office of Administrative Services* report to the Managing Director.

4.05 The *Office of Consumer Affairs* reports to the Chairman, through the Managing Director, on the progress and status of all consumer activities within the Commission.

4.06 The *Office of Energy and Environmental Impact* reports to the Managing Director, but receives procedural guidance, advice and assistance from the Secretary, and issues all impact Statements through the Secretary.

4.07 The *Office of Management Evaluation and Review* reports to the Managing Diretor, except with respect to Inspector General matters for which it reports directly to the Chairman.

4.08 The *District Offices* report to the Director, Bureau of hearings and Field Operations.

Section 5. Specific Functions of the Organizational Components of the Federal Maritime Commission

5.01 The *Office of the Chairman of the Federal Maritime Commission* administers the activities of the Federal Maritime Commission; serves as the executive head of the Commission; presides at meetings of the Commission; administers the policies of the Commission to its responsible officials; and, through conferences with and reports from such officials, assures the efficient discharge of their responsibilities.

5.02 The *Offices of the Members of the Federal Maritime Commission* are responsible for establishing the policies of the Commission together with the Chairman; make decisions and determinations in the disposition of docketed cases and other matters within the jurisdiction of the Commission; and perform other duties as may be assigned under the provisions of Reorganization Plan No. 7 of 1961.

5.03 The *Managing Director* administers the organizations and activities enumerated in subsections 5.08 through 5.19 below; provides management direction to the Office of the General Counsel, Office of the Secretary, Office of Regulatory Policy and Planning and Office of Administrative Law Judges with respect to all matters concerning overall Commission workflow, resource allocation (both staff and budgetary), work priorities, and similar managerial matters; assists the Chairman and/or the Federal Maritime Commission in the performance of major executive functions; is responsible for the security of classified State Department documents, subject to review of the Commission's Security Officer; and directs general administrative activities.

5.04 The *Office of the General Counsel*

(1) Provides legal counsel to the Commission;

(2) Provides written legal opinions to the Commission, to the staff and to the general public in appropriate cases;

(3) Prepares and/or reviews for legal sufficiency, before service, all final Commission decisions, orders and regulations, except as otherwise provided under subsection 5.11(1)f of this Order;

(4) Monitors, reviews and, as requested by the Committees of the Congress, the Office of Management and Budget, or a Commission official, prepares comments on all legislation introduced in the Congress affecting the Commission's programs or activities, and prepares draft legislation or amendments to legislation; works in close coordination with respect to such matters with the Office of Regulatory Policy and Planning and the Managing Director; and alerts applicable Commission officials of legislation which may impact upon the programs and activities of the Commission;

(5) Supervises, directs and appears as the legal representative of the Commission in all litigation matters in which the Commission, its officers or employees are named parties and which arise from actions taken in their official capacities;

(6) Serves as the legal representative of the Commission in administrative proceedings of other government agencies; and

(7) Manages the Commission's library and related services.

5.05 The *Office of the Secretary*

(1) Prepares the agenda and dockets of matters subject to action by the Federal Maritime Commission and prepares the minutes with respect to such actions;

(2) Receives and processes formal complaints and staff recommendations for investigation and hearing including: (a) Reviewing complaints for compliance with the Commission's Rules of Practice and Procedure; (b) assigning official docket numbers to such complaints and orders of investigation and hearing; (c) serving copies of such complaints and orders upon the respondent(s); (d) subsequent to Administrative Law Judges' decisions or other disposition of cases, ruling upon requests for enlargement of time for the filing of exceptions to decisions and replies thereto; and (e) processing all other motions and petitions to the Commission for action;

(3) Receives formal communciations, petitions, notices, documents and other instruments directed to the Chairman and/or the Commission and maintains official files and records with respect thereto;

(4) Disseminates information on the activities, functions, and responsibilities of the Federal Maritime Commission to the maritime industry, news media, general public and other government agencies;

(5) Provides procedural guidance, advice and assistance to the Office of Energy and Environmental Impact; and

(6) Manages the Commission's informal dockets activity.

(7) The Secretary serves as the Commission's Freedom of Information Act Officer and Privacy Act Officer.

5.06 The *Office of administrative Law Judges* holds hearings and renders decisions in formal rulemaking and adjudicatory proceedings as provided in the Shipping Act, 1916 and other applicable laws and other matters assigned by the Commission, in accordance with the Administrative Procedure Act and the Commission's Rules of Practice and Procedure.

5.07 The *Office of Regulatory Policy and Planning* is responsible for conducting strategic planning and economic analysis for the Commission. The purpose of the planning function is to ensure that the Commission correctly anticipates future developments in the maritime industry including economic, legislative, operational, and structural changes which affect the environment of international trade and ocean commerce, and is aware of the impact that current decisions will have in the future. The economic analysis function requires that the staff conduct economic research and studies so that the Commission is able to fulfull its statutory requirements on the basis of sound economic input. Specifically, the office:

(1) Conducts long-range policy planning research for the Commission;

(2) Develops on a periodic basis, but not less than annually, policy plans (3–5–10 years), including objectives and alternate strategies, for approval of the Chairman and the Commission;

(3) Conducts and develops, as directed by the Chairman with the assistance of Bureaus and Offices, as needed, special planning studies and analyses for the formulation of proposed Commission policy plans;

(4) Analyzes and reviews Commission policy decisions to ensure the continuing vitality of planning process;

(5) Monitors current Commission programs and activities for long-range policy planning implications;

(6) Maintains information network to ensure that Commission's policy planning is based upon valid assumptions regarding the environment of international trade and commerce as to the future and the implications of these assumptions for the Commission;

(7) Conducts research and economic studies necessary to the Commission in the fulfillment of its regulatory responsibilities and compiles, interprets, and analyzes economic data essential to the study of the competitive aspects of agreements and the reasonableness and impact of freight rate structures and levels;

(8) Studies the economic implications of shipping practices and trends of commodity movements worldwide;

(9) Analyzes costs attributable to the movement of cargoes in the oceanborne foreign and domestic offshore commerce of the United States; and

(10) Provides expert economic witnesses and other forms of economic assistance to other components of the Commission.

5.08 The *Bureau of Agreements* plans, develops, administers, and analyzes programs and activities in connection with the anticompetitive and cooperative arrangements and practices of common carriers by water, conferences of such carriers, freight forwarders and terminal operators in the foreign and domestic offshore commerce of the United States; and initiates recommendations, collaborating with the Bureau of Hearings and Field Operations and other elements of the Commission as warranted, for formal action and proceedings by the Commission. The Bureau develops long-range plans, new or revised policies and standards, and rules and regulations, with respect to its program activities.

The program activities of the Bureau of Agreements are carried out by the following offices:

(1) The *Office of Conferences* reviews and analyzes rate, conference and dual rate contract agreements, and modifications thereto, filed by common carriers by water in the domestic offshore and foreign commerce of the United States, pursuant to sections 14b and 15 of the Shipping Act, 1916; and reports required to be submitted by these parties, including minutes of conference meetings, shippers' request and complaint reports, and selfpolicing reports.

(2) The *Office of Carrier Relationships* reviews and analyzes transshipment (both exclusive and nonexclusive), joint service, container and equipment interchange, pooling, sailing, General Order 23, discussion, space charter, equal access and cooperative working arrangement agreements and modifications thereto, filed by common carriers by water in the domestic offshore and foreign commerce of the United States, pursuant to section 15 of the Shipping Act, 1916; and reports required to be submitted by these parties, including minutes of agreement meetings, operating reports and pooling statements.

(3) The *Office of Shoreside Agreements* reviews and analyzes terminal, terminal conference, agency, labor management, husbanding, passenger vessel, passenger vessel conference and freight forwarder cooperative working agreements, and modifications thereto, filed by parties in the domestic offshore and foreign commerce of the United States, pursuant to section 15 of the Shipping Act, 1916; and reports required to be submitted by these parties, including minutes of agreement meetings and shippers' request and complaint reports.

(4) *The Office of Trade Review*

a. Monitors and/or audits agreements approved by the Commission to determine whether the criteria under which the agreement was approved and current conditions warrant continued approval of such agreements and makes recommendations with respect thereto to determine that the parties remain in compliance with the agreements' terms;

b. Monitors trade conditions and practices and routinely informs Bureau management of developing trends and problems, developing plans for solution in coordination with the Bureau of Tariffs;

c. Performs special studies and prepares trade/carrier profiles, in coordination with the Bureau of Tariffs where necessary;

d. Conducts studies and surveys for the development of new or revised policies and standards, and rules and regulations with respect to the program activities of the Bureau;

e. Develops rulemaking proposals and analyzes all rule changes within the Bureau's scope of responsibilities;

f. Analyzes and prepares comments on legislative proposals;

g. Conducts a program to monitor the receipt, review and processing of all filings (agreements, petitions, reports, etc.) pertaining to the Commission's responsibility under 46 CFR 528 Self-Policing Requirements; and

h. Processes all complaints received by the Bureau and lends assistance where possible.

5.09 The *Bureau of Tariffs* plans, develops, administers and analyzes programs and activities in connection with the pricing by common carriers by water, conferences of such carriers and terminal operators in the foreign and domestic offshore commerce of the United States; reviews, files and rejects tariff filings; approves or disapproves special permission applications; and initiates recommendations, collaborating with the Bureau of Hearings and Field Operations and other elements of the Commission as warranted, for formal action and proceedings by the Commission. The Bureau develops long-range plans, new or revised policies and standards, and rules and regulations, with respect to its program activities.

The program activities of the Bureau of Tariffs are carried out by the following offices:

(1) The *Office of Foreign Tariffs*

a. Reviews, analyzes and maintains tariff filings of common carriers by water in the foreign commerce of the United States and conferences of such carriers subject to the regulatory jurisdiction of the Federal Maritime Commission, and accepts or processes the rejection of such filings;

b. Prepares recommendations for grant or denial of applications for special permission to file tariffs on less than statutory notice or for waiver of tariff filing rules and regulations;

c. With respect to improper or incorrectly filed tariffs, processes the rejection of such tariffs, issues letters of criticism, or recommends appropriate action thereon;

d. Initiates recommendations, collaborating with the Managing Director, the Bureau of Hearings and Field Operations, and other elements of the Commission for formal action by the Commission;

e. Operates a public reference room for tariff users;

f. Identifies controlled carriers in the U.S. foreign commerce, monitors their tariffs for compliance with U.S. statutes and Commission rules, and processes special permission applications submitted by these carriers; and

g. Reviews certifications of policies to combat rebating in the foreign commerce submitted annually by common carriers and tariffs of said carriers to determine that such tariffs have a provision against rebating.

(2) The *Office of Domestic Tariffs*

a. Reviews, analyzes and maintains tariff filings of common carriers by water in the domestic offshore commerce of the United States, conferences of such carriers, and other persons subject to the regulatory jurisdiction of the Commission, and accepts or processes the rejection of such filings;

b. Prepares recommendations for grant or denial of applications for special permission to file tariffs on less than statutory notice or for waiver of tariff filing rules and regulations;

c. With respect to improper or incorrectly filed tariffs, processes the rejection of such tariffs, issues letters of criticism, or recommends appropriate action thereon;

d. Initiates recommendations, collaborating with the Managing Director, the Bureau of Hearings and Field Operations and other elements of the Commission for formal action by the Commission; and

e. Recommends appropriate action for the prescription of reasonable maximum and minimum rates of common carriers by water engaged in the domestic offshore commerce of the United States and conferences of such carriers.

(3) The *Office of Financial Analysis*

a. Develops and revises the accounting regulations of the Commission, including the development of cost formulas and related financial reporting requirements to bring about accurate, uniform, and comprehensive disclosure of financial data to the Commission;

b. Analyzes the accounts, records, reports and financial statements of domestic offshore common carriers, and summarizes and prepares studies of such financial statements filed with the Commission;

c. Develops and administers a continuing program for the audit of financial records of domestic offshore common carriers;

d. Analyzes justification and makes recommendations in connection with rate changes by common carriers in the domestic offshore trades;

e. Prepares testimony and appears in proceedings where rates and/or costs are an issue;

f. Monitors rates offered to the Military Sealift Command for the carriage of military cargoes in the U.S. foreign commerce; and

g. Conducts financial studies, audits, and analyses for other offices of the Commission.

5.10 The *Bureau of Certification and Licensing* develops and administers programs and activities in connection with the certification of foreign and U.S. vessel owners and operators as to their financial responsibility to satisfy liability which may be incurred as a result of pollution under the provisions of the Federal Water Pollution Control Act, the Trans-Alaska Pipeline Authorization Act, the Outer Continental Shelf Lands Act Amendment of 1978 and the Comprehensive Environmental Response, Compensation and Liability Act of 1980; the licensing of independent ocean freight forwarders under the provisions of the Shipping Act, 1916; and under Public Law 89–777 the certification of owners and operators of passengers vessels as to their financial responsibility to satisfy liability incurred by nonperformance of voyages or resulting from injury or death. The Bureau develops long-range programs, new or revised policies and standards, and rules and regulations with respect to its program activities.

The program activities of the Bureau of Certification and Licensing are carried out by the following offices:

(1) The *Office of Vessel Certification*

a. Administers statutory provisions with respect to evidence of financial responsiblity by owners and operators of vessels which may be subjected to liability to the United States and other parties for damages, including the cost of removal of oil or hazardous substances discharged into waters over which the United States has jurisdiction;

b. Processes applications for various types of Certificates of Financial Responsibility (Pollution) from vessel owners and operators who evidence their financial responsibility by means of self-insurance, surety bonds, certificates of insurance, guaranties or other methods acceptable to the Commission, and issues and revokes such Certificates;

c. Administers statutory provisions with respect to the financial responsibility of owners and operators of passenger vessels to meet liability for nonperformance of voyages and claims for injury or death on voyages;

d. Reviews and processes applications for Certificates of Financial Responsibility (Performance and Casualty) from passenger vessel owners and operators who evidence their financial responsibility by means of insurance, escrow account, guaranty, self-insurance and surety bond, separately for each type of Certificate;

e. Provides technical expertise, as required, to the Bureau of Agreements in connection with section 15 agreements involving passenger vessel operators;

f. Reviews periodic accounting reports and makes appropriate recommendations on the acceptability of guarantors and certificants who have qualified as self-insurers to assure that such remain financially stable, requesting assistance from the Office of Financial Analysis in the Bureau of Tariffs when necessary;

g. Recommends issuance, denial, revocation, modification or suspension of passenger vessel certificates;

h. Notifies certificants whose evidence of financial responsibility is being cancelled and makes appropriate recommendations in connection with guarantors and self-insurers who may no longer be acceptable;

i. Arranges field audits of passenger vessel operators' prepaid revenue accounts;

j. Makes appropriate recommendations with respect to violations of enabling statutes or regulations promulgated thereunder;

k. Maintains records, files, and listings of applicants, certificants, vessels, and underwriters for use internally and by other Government agencies;

l. Investigates and recommends acceptance or denial of persons or firms

wishing to qualify with the Commission as acceptable underwriters; and

m. Conducts studies and surveys for the development of new or revised policies and standards, and rules and regulations with respect to the program activities of the Office of Vessel Certification.

(2) The *Office of Freight Forwarders*

a. Reviews applications for the licensing of independent ocean freight forwarders, develops the information necessary to determine whether an applicant should be licensed, and makes appropriate recommendations as to the granting or denying of such applications, in accordance with the requirements of law and the rules, orders, and regulations of the Commission;

b. Reviews reports on the practices of licensed freight forwarders and makes appropriate recommendations with respect to activities which indicate possible violations of applicable statutes or Commission regulations;

c. Makes appropriate recommendations for formal action by the Commission;

d. Maintains a program on anti-rebating certification for freight forwarders in accordance with Commission rules;

e. Administers a surety bond program to ensure that each licensee maintains a valid bond in the required amount for the protection of the shipping public; and

f. Conducts studies and surveys for the development of new or revised policies and standards, and rules and regulations with respect to freight forwarder program activities.

5.11 The *Bureau of Hearings and Field Operations*

The Bureau of Hearings and Field Operations plans, develops, administers and analyzes programs and activities concerning all field operations and Commission investigative activities, legal representation in formal hearings, non-adjudicatory investigations, and other proceedings initiated by the Commission under the Shipping Act, 1916, and other shipping statutes. The Bureau is also responsible for overall coordination and management of the District Offices.

The program activities of the Bureau of Hearings and Field Operations are carried out by the following offices:

(1) The *Office of Hearing Counsel*

a. Acts as trial attorney in all formal administrative hearings, nonadjudicatory investigations, and other proceedings initiated by the Commission under the Shipping Act, 1916, and other shipping statutes; examines and cross-examines witnesses, prepares and files briefs, motions, exceptions and other legal documents and participates in oral arguments before the Administrative Law Judges and the Commission; and acts as prosecutor in Commission administrative proceedings where monetary assessments may be imposed for violations of the shipping statutes;

b. Negotiates and finalizes compromises and settlements with respect to civil penalties for violations of the shipping statutes which are not in issue in a formal Commission instituted proceeding;

c. Becomes a party to formal complaint proceedings where intervention is granted pursuant to standards set forth in the Commission's Rules of Practice and Procedure;

d. Through direct communication with field investigators, provides early attorney involvement in field investigations with respect to the evidence required to develop a case, at what stage sufficient evidence exists to take enforcement action, and the legal matters that should be addressed in the written investigative report;

e. Reviews all Enforcement Reports as they are submitted by the District Offices and makes recommendations as to possible disposition;

f. Acts as staff counsel furnishing consultative and advisory services and otherwise providing legal assistance to other bureaus and offices in formulating procedures to be followed in connection with program implementation and/or formal Commission proceedings;

g. Reviews and comments on recommendations of bureaus and offices recommending the institution of formal proceedings, nonadjudicatory investigations, and other proceedings under the shipping statutes, and prepares orders, notices and other documents in connection therewith; and

h. Serves, when requested by the General Counsel and under its direction, with the concurrence of the Managing Director, in matters of court litigation by or against the Commission arising from violations previously adjudicated by the Commission.

(2) The *Office of Investigations*

a. Coordinates, provides policy direction and monitors the activities of the District Offices;

b. Advises District Offices of all major programs and policy objectives of the Commission;

c. Directs, coordinates and monitors field investigations reformed by Commission personnel;

d. Reviews disclosures made directly to the Bureau of Hearings and Field Operations and recommends follow-up actions on such disclosures; and

e. Consults with, advises and otherwise assists the Office of Hearing Counsel and/or the Office of General Counsel in preparing for formal hearings before the Commission or actions in Federal Court.

f. The Chief of the Office of Investigations also serves as the Commission's Security Officer.

5.12 The *Office of Consumer Affairs*

(1) Develops and implements the Commission's Consumer Affairs Program within the framework of Commission policy and oversees the implementation of consumer related requirements within the Commission, including the Commission's Consumer Complaint System;

(2) Advises the Chairman, through the Managing Director, on significant issues of concern to the Commission's consumers and on the consumer interest in current and proposed policies, programs and decisions;

(3) Receives, coordinates and responds to, as appropriate, consumer complaints, suggestions and expressions of concern and contacts carriers and/or conferences and other persons to effect solutions to complaints;

(4) Works in coordination with the public relations activity to identify and publicize Commission policies, programs and activities of interest to the Commission's consumers; and

(5) Serves as liaison with the President's Special Assistant for Consumer Affairs.

5.13 The *Office of Energy and Environmental Impact*

(1) Ensures compliance with the National Environmental Policy Act of 1969 (NEPA) and the Energy Policy and Conservation Act of 1975 (EPACA);

(2) With respect to NEPA:

a. Examines Commission actions, not otherwise excluded by rule, to determine their potential environmental impact;

b. Prepares Environmental Assessments on Commission actions which may affect the quality of the human environment;

c. Issues "findings of no significant impact" in appropriate cases;

d. Prepares Draft and Final Environmental Impact Statements on actions which may significantly affect the quality of the human environment;

e. Issues appropriate notices of the foregoing to be published in the **Federal Register**;

f. Coordinates Commission actions regarding environmental matters and responds to inquiries from the public and Federal agencies as well as state and/or local governments; and

g. Submits Final Environmental Impact Statements to become part of the administrative record.

(3) With respect to EPACA:

a. Analyzes Commission regulatory actions, when appropriate, to estimate their potential impact on energy efficiency and conservation;

b. Prepares Energy Impact Statements, when necessary in coordination with Environmental Impact Statements; and publishes notices thereof in the Federal Register;

c. As necessary, submits Final Energy Impact Statements to become a part of the administrative record; and

d. Coordinates Commission actions with respect to energy matters.

5.14 The *Office of Personnel* plans and administers personnel management activities of the Commission in compliance with Federal laws and regulations; serves as staff advisor on personnel matters to executive management, supervisors, and individual employees; and initiates and implements programs designed to ensure a progressive personnel program within the Commission.

5.15 The *Office of Budget and Financial Management* formulates recommendations and interprets budgetary policies and programs; develops and presents budget requests and justifications; develops and administers fiscal plans and systems of internal control which provide accountability for public funds; ensures expenditures of appropriated funds are proper; has responsibility for all fiscal accounting activities including payroll accounts and accounts payable; determines and recommends proper levels of user fees; administers the Commission's travel and cash management programs; and is otherwise responsible for financial management policies, procedures and planning.

5.16 The *Office of Management Evaluation and Review*

(1) Provides management advice and expertise to support all levels of Commission management and serves in an internal management consulting role;

(2) Conducts internal management audits to assess efficiency and effectiveness in the use and management of Commission resources, and determines if laws, regulations and Commission policies are complied with;

(3) Develops and implements the Commission's manual and automated quantitative performance measurement systems which, among other things, collect, maintain and analyze workload data and provide workflow tracking abilities;

(4) Is responsible for the Commission's Records Management, Directives Management, and Forms Management Programs;

(5) Provides staff expertise on paperwork/information management and obtains O.M.B. clearance of reporting and/or recordkeeping requirements as required by appropriate law and regulations;

(6) Develops new management programs and systems, as necessary, to increase the ability of the Commission to perform its mission;

(7) Coordinates Commission implementation of certain government-wide programs such as the Emergency Preparedness and Federal Productivity Improvement Programs; and

(8) Manages word processing equipment assigned to the Office.

(9) The Director, Office of Management Evaluation and Review also serves as the Commission's Inspector General.

5.17 The *Office of Data Systems*

(1) Develops, implements, maintains, and documents automated data processing systems within the Federal Maritime Commission;

(2) Secures, maintains, and controls data and identifies alternate data sources;

(3) Controls and operates Commission leased and/or owned computer equipment;

(4) Develops specifications for equipment acquisitions, as well as technical material required for system development and operations;

(5) Instructs Commission employees in input data preparation and provides guidance in interpretation and use of output information;

(6) Provides special data reports, as needed, to the Commission and its staff;

(7) Provides advice and expertise, and suggests data processing uses to the Commission;

(8) Provides professional liaison outside the Commission; and

(9) Participates in the development of ADP contract specifications and negotiations, and monitors the contracts progress and quality.

5.18 The *Office of Administrative Services* provides administrative services and supplies for the Commission and its District Offices, including communication services, printing, binding, reproduction, mail services, procurement of supplies and equipment, space management, building services, safety programs, and records storage and retrieval; formulates guides, regulations, methods, and procedures governing the use of office services and facilities; and is responsible for liaison with respect to the security of Commission facilities. The Director, Office of Administrative Services serves as Director, Office of Small and Disadvantaged Business Utilization and is the Commission's Contracting Officer and Property Management Officer.

5.19 The *District Offices*

(1) Represent the Commission within their respective geographic areas;

(2) Provide liaison between the Commission and the industry and shippers conveying pertinent information regarding regulatory activities and problems and recommending courses of action and solution of problems as they relate to shippers and the Commission;

(3) Furnish information, advice, and counsel, and provide access to Commission public documents to interested persons;

(4) Receive and resolve informal complaints in accordance with the Commission's Consumer Affairs Program and guidance provided by the Director, Office of Consumer Affairs;

(5) Investigate violations of the shipping statutes, and the Commission's General Orders, receiving directions, guidance and assistance in the development of cases from the Bureau of Hearings and Field Operations;

(6) Upon request from the Bureau of Certification and Licensing, audit passenger vessel operators to determine the adequacy of performance bonds and the availability of funds to pay liability claims for death or injury, and assist in the background surveys of freight forwarder applicants to determine their fitness to be licensed by the Commission;

(7) Conduct compliance checks of freight forwarders;

(8) Conduct special surveys and studies, and recommend policies to strengthen enforcement of the shipping laws;

(9) Conduct container inspections to detect misdescriptions, misdeclarations, or other malpractices in the domestic offshore and foreign commerce;

(10) Maintain liaison with the U.S. Coast Guard, U.S. Customs, and other Federal and State agencies with respect to areas of mutual concern; and

(11) Provide assistance to the various bureaus and offices of the Commission as appropriate and when requested.

Section 6. Delegation of Authorities

6.01 Pursuant to section 105 of Reorganization Plan No. 7 of 1961, August 12, 1961, the Federal Maritime Commission hereby delegates the authorities set forth in sections 7, 8, 9, 10, 11, 12 and 13 of this Order to the officials designated therein, subject to the limitations prescribed in section 6.02, 6.03, 6.04 and 6.05 below.

6.02 The delegatees shall exercise the authorities delegated herein in a manner consistent with the established policies of the Federal Maritime Commission, and shall consult with legal staff where appropriate.

6.03 Subject to the limitations in sections 6.02, 6.04, and 6.05, the delegatees may in their discretion redelegate their authorities to subordinate personnel under their direction; provided that such redelegation is made in writing and notice is published in the **Federal Register**, and provided further that such redelegation does not grant the recipient the authority for subsequent redelegation. Under any authority so redelegated, the delegatees retain full rights to exercise any authorities and also retain full responsibility for actions taken by their subordinates.

6.04 Any action taken under delegated authority may be appealed to the Commission, in writing, within ten calendar days of the action.

6.05 Notwithstanding the delegations contained herein, the Commission retains its discretionary right of review as provided in section 105(b) of Reorganization Plan No. 7 of 1961.

Section 7. Specific Authorities Delegated to the Secretary

7.01 Authority to approve applications for permission to practice before the Federal Maritime Commission and to issue admission certificates to approved applicants.

7.02 Authority to prescribe a time limit less than twenty days from date published in the **Federal Register**, for the submission of written comments with reference to agreements filed pursuant to section 15 of the Shipping Act, 1916.

7.03 Authority, in the absence or preoccupation of the Managing Director and Deputy Managing Director, to sign travel orders, nondocketed recommendations to the Commission, and other routine documents for the Managing Director, consistent with the programs, policies, and precedents established by the Commission or the Managing Director.

7.04 Authority to prescribe a time limit less than twenty days for filing comments on notices of intent to prepare an environmental assessment and notices of finding of no significant impact.

Section 8. Specific Authorities Delegated to the Director, Bureau of Agreements

8.01 Authority to approve, pursuant to section 15 of the Shipping Act, 1916, unprotested cooperative working arrangements and modifications thereto between independent ocean freight forwarders eligible to carry on the business of forwarding pursuant to section 44 of the Act.

8.02 Authority to approve, pursuant to section 15 of the Act as amended, unprotested modifications to terminal conference agreements and unprotested terminal leases, licenses, assignments, or other agreements of a similar character for the use of terminal property or facilities between persons subject to the Act, as amended. In instances where an agreement for the use of terminal property or facilities of the character defined herein grants renewal options without providing that the Commission be notified in the event that such options are exercised, this authority extends to the issuance of conditional approval, the condition of approval being that the agreement be modified to provide for notification to the Commission in the event that such options are exercised and refiled with the Commission.

8.03 Authority to determine whether agreements for the use or operation of terminal property or facilities, or the furnishing of terminal services, are within the purview of section 15.

8.04 Authority to approve unprotested transshipment agreements, and modifications thereto, covering transportation of cargo in the foreign commerce of the United States which are not unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, detrimental to the commerce of the United States, contrary to the public interest, or violative of the Shipping Act, 1916. Such agreements should include the:

(1) Complete name of the parties entering into the arrangement, specifically setting forth the portion of the trade that each party will cover, including ports or areas of origin and destination, cargo to be carried and ports or ranges of ports at which cargo will be transshipped;

(2) Responsibility of parties for establishing and filing the applicable through rates, rules, regulations, and other tariff matters;

(3) Provisions for the apportionment of the through revenue and transshipment expenses stated in percentages or specific dollar amounts;

(4) When applicable, provision for application and apportionment of other expenses such as wharfage, special handling, lighterage, tonnage dues, surcharges, and other such charges assessed by a governmental authority;

(5) When desired by the parties, provision for indemnification between the parties for liabilities incurred from loss, damage, delay, or misdelivery of goods;

(6) Provisions for the termination of the agreement within a stated notice period; and

(7) Provisions for the submission to the Federal Maritime Commission for approval of any modification or addition to the agreement.

8.05 Authority to approve the termination of section 15 agreements between common carriers by water and conferences of such carriers engaged in the foreign and domestic commerce of the United States, and between other persons subject to the Act, after publication of notice of intent to terminate in the **Federal Register**, when such terminations are (1) requested by the parties to the agreements, or (2) deemed to have occurred when it is determined that the parties are no longer engaged in concerted activities requiring section 15 approval and official inquiries and correspondence cannot be delivered to the parties.

8.06 Authority, not including changes in voting procedures, to approve unprotested modifications to approved section 15 agreements which are filed to reflect changes in the name of a country or port; increase or decrease the trade areas within the general geographic scope of the approved existing agreements, provided that such increases or decreases do not involve foreign-to-foreign trade; or reflect non-substantive changes in language, procedures, or administration.

8.07 Authority to approve, pursuant to section 15, unprotested passenger agency agreements and modifications thereto, and container interchange agreements and modifications thereto between ocean common carriers.

8.08 Authority to approve modifications to section 15 agreements when such modifications are filed in accordance with the requirements of Commission rules or general order and are clearly in compliance with the criteria and/or intent of such rules or general order, and require modification of the filed amendment to the extent necessary to conform to the requirements of such rules or general order.

8.09 Authority to review and determine the validity of alleged or suspected violations involving agreements between common carriers and/or other persons subject to the Shipping Act, exclusive of formal complaints, of the shipping statutes and rules and regulations of the Commission by common carriers by water in the domestic offshore or the foreign commerce of the United States, terminal

operators, freight forwarders, and other persons subject to the provisions of the shipping statutes; authority to determine corrective action necessary with respect to violations and conduct negotiations and obtain compliance by the violating parties, except where violations involve major questions of policy or major interpretations of statutes, or orders, rules, and regulations of the Commission, or acts having material effect upon the commerce of the United States; and authority to recommend to the Commission the initiation of formal proceedings or other actions with respect to such alleged or suspected violations.

8.10 Authority to issue notices of expiration of agreements for failure to have more than one party as a signatory when: (1) Notification has been received of the withdrawal of the next to last party to an agreement, and (2) notification has not been received of the addition of another party to the agreement prior to the effective date of the next to last party's withdrawal.

8.11 Authority to approve those classes of unprotested agreements, and modifications thereto, which, pursuant to section 35 of the Shipping Act, 1916, are specifically exempted from the approval requirements of that Act, but which, notwithstanding the exemption, have been filed for approval.

Section 9. Specific Authorities Delegated to the Director, Bureau of Tariffs

9.01 Authority, except as provided in subsection 9.02 of this Order with respect to a controlled carrier subject to the Ocean Shipping Act of 1978 (Pub. L. 95–483), to approve or disapprove Special Permission applications submitted by domestic offshore carriers or carriers in the foreign commerce of the United States, or conferences of such carriers, for relief from statutory and/or Commission tariff requirements.

9.02 Authority to approve or disapprove Special Permission applications submitted by a controlled carrier subject to the provisions of the Ocean Shipping Act of 1978 (Pub. L. 95–483) for relief from statutory and/or Commission tariff requirements, pursuant to section 18(c)(3) of the Shipping Act, 1916, when such requested relief is shown by the controlled carrier to be needed in order to:

(1) Meet the immediately filed rate of a competing carrier;

(2) Reinstate or correct a rate which was omitted or altered due to obvious or demonstrated clerical error or oversight; or

(3) Institute a rate to facilitate the movement of cargo when carriers serving the applicable trade are not able to transport such cargo or when no service exists.

9.03 Authority to request controlled carriers to file justifications for existing or proposed rates, charges, classifications, rules or regulations, and review responses to such requests for the purpose of recommending to the Commission that a rate, charge, classification, rule or regulation be found unlawful and, therefore, requires Commission action under section 18(c)(4).

9.04 Authority to issue notices of intent to cancel inactive tariffs of carriers in the foreign and domestic offshore trades, after a diligent effort has been made to locate the carrier without success, or if the carrier has advised the Commission that it no longer offers a common carrier service but refuses to cancel its tariff upon written request; and to cancel such tariff if, within 30 days after publication, the carrier does not furnish reasons why such tariff should not be cancelled.

9.05 Authority to accept or reject tariff filings of common carriers in the foreign and domestic offshore commerce of the United States or conferences of such carriers for failure to meet the requirements of the statutes or the Commission, for lack of completeness and clarity of the rules and regulations governing the tariffs, or noncompliance with special permission or other orders of the Commission.

9.06 Authority to approve or disapprove applications as specified in General Order 11, Revised, for extensions of time for filing (512.2(c)), alternative data (512.2(d)) and waiver of detailed filing requirements (512.2(e)).

9.07 Authority to develop, prescribe, and administer programs to assure compliance with the provisions of the shipping statutes of all persons subject thereto, including without limitations those programs for: the submission of regular and special reports, information, and data; the conduct of a plan for the field audit of activities and practices of common carriers by water in the domestic offshore trade and the foreign commerce of the United States, conferences of such carriers, terminal operators, freight forwarders, and other persons subject to the shipping statutes; and the conduct of rate studies.

9.08 Authority to review and determine the validity of alleged or suspected violations involving rates, charges, rules, regulations and practices, exclusive of formal complaints, of the shipping statutes and rules and regulations of the Commission by common carriers by water in the domestic offshore or foreign commerce of the United States, terminal operators, and other persons subject to the provisions of the shipping statutes; authority to determine corrective action necessary with respect to violations and conduct negotiations and obtain compliance by the violating parties, except where violations involve major questions of policy or major interpretations of statutes, or orders, rules, and regulations of the Commission, or acts having material effect upon the commerce of the United States; and authority to recommend to the Commission, with respect to the foregoing, the initiation of formal proceedings or other actions with respect to such alleged or suspected violations.

Section 10. Specific Authorities Delegated to the Director, Bureau of Certification and Licensing

10.01 Authority to: (a) Approve within the framework of prescribed Commission policy and criteria, applications for independent ocean freight forwarder licenses and issue or reissue or transfer licenses to persons, partnerships, corporations, or associations desiring to engage in the business of ocean freight forwarding; (b) issue a letter stating that the Commission intends to deny an application unless within 20 days applicant requests a hearing to show that denial of the application is unwarranted; (c) deny any application for a freight forwarder license where an applicant has received a letter of intent to deny and, within notice period, has not requested a hearing; (d) rescind letters of intent to deny or grant extensions of the time specified in such letters; (e) revoke the license of a freight forwarder upon the request of the licensee; (f) upon receipt of notice of cancellation of any bond, notify the licensee in writing that its license will automatically be suspended or revoked, effective on the bond cancellation date, unless a new or reinstated bond is submitted and approved prior to such date, and subsequently order such suspension or revocation for failure to maintain a bond; (g) approve extensions of time to licensed freight forwarders, in which to furnish the Commission the name(s) and ocean freight forwarding experience of the managing partner(s) or officer(s) who will replace the qualified partner or officer upon whose qualifications the original licensing was approved; and (h) approve changes in an existing licensee's organization.

10.02 Authority to: (a) Approve applications for Certificates of Financial Responsibility (Water Pollution) and issue of reissue such certificates; (b)

issue a written notice to an applicant stating that the Commission intends to deny an application, indicating the reasons therefor, and advising the applicant of the time for requesting a hearing where provided for under section 542.12 of General Order 40; (c) deny any application for a Certificate where an applicant has received a letter of intent to deny, and has not submitted a timely request for hearing on the denial; (d) rescind notices of intent to deny an application and grant extensions of time for filing a request for hearing; (e) revoke a Certificate upon request of the certificant; (f) revoke a Certificate for reasons set forth in sections 542.12(a)(2), (a)(4) and (a)(5) of General Order 40; and (g) exercise the various grants, waivers and requests relating to the filing of financial data by self-insurers and guarantors pursuant to the provisions of section 542.8(b) of General Order 40.

10.03 Authority to: (a) approve applications for Certificates of Financial Responsibility (Alaska Pipeline), and to issue or reissue such Certificates; (b) issue a written notice to an applicant stating that the Commission intends to deny an application, indicating the reason therefor, and advising the applicant of the time for requesting a hearing where provided for under section 543.8 of General Order 37; (c) deny any application for a Certificate where the applicant has been issued the written notice of intent to deny, and has not submitted a timely request for a hearing on the denial; (d) rescind notices of intent to deny an application, and grant extensions of the time within which a request for a hearing may be filed; (e) revoke a Certificate upon request of the certificant; (f) revoke a Certificate for the reasons set forth in sections 543.8(a)(2), (a)(4) and (a)(5) of General Order 37; and (g) exercise the grants and requests related to filing of financial data by self-insurers and guarantors pursuant to section 543.6 of General Order 37.

10.04 Authority to: (a) approve applications for Certificates of Financial Responsibility (Outer Continental Shelf), and to issue or reissue such Certificates; (b) issue a written notice to an applicant stating that the Commission intends to deny an application, indicating the reasons therefor, and advising the applicant of the time for requesting a hearing where provided for under section 544.11 of General Order 41; (c) deny any application for a Certificate where the applicant has been issued a written notice of intent to deny, and has not submitted a timely request for a hearing on the denial; (d) rescind notices of intent to deny an application, and grant extensions of time within which a request for a hearing may be filed; (e) revoke a Certificate upon request of the certificant; (f) revoke a Certificate for the reasons set forth in sections 544.11(a)(2), (a)(4), and (a)(5) of General Order 41; and (g) exercise the various grants, requests, and waivers related to filing of financial data by self-insurers and guarantors pursuant to the provisions of section 544.6 of General Order 41.

10.05 Authority to review and determine the validity of alleged or suspected violations, exclusive of formal complaints, of the shipping statutes and rules and regulations of the Commission by freight forwarders; authority to determine corrective action necessary with respect to violations except where violations involve major questions of policy or major interpretations of statutes, or orders, rules, and regulations of the Commission, or acts having material effect upon the commerce of the United States; and authority to recommend to the Commission the initiation of formal proceedings or other actions with respect to such alleged or suspected violations.

10.06 Authority to: (a) Approve applications for Certificates (Casualty) and to issue, reissue, or amend such Certificates; (b) reissue or amend Certificates (Performance); (c) issue a written notice to an applicant stating that the Commission intends to deny an application for a Certificate (Performance and/or Casualty), indicating the reason therefor, and advising applicant of the time for requesting a hearing as provided for under sections 540.8 and 540.26 of General Order 20; (d) deny any application for a Certificate (Performance and/or Casualty) where the applicant has been issued the written notice of intent to deny, and has not submitted a timely request for a hearing on the denial; (e) rescind notices of intent to deny an application, and grant extensions of the time within which a request for hearing may be filed; (f) issue written notice to a certificant stating that the Commission intends to revoke, suspend, or modify a Certificate (Performance and/or Casualty), indicating the reason therefor, and advising of the time for requesting a hearing as provided for under §§ 540.8 and 540.26 of General Order 20; (g) revoke, suspend or modify a Certificate (Performance and/or Casualty) where the certificant has been issued the written notice of intent to revoke, suspend or modify, and has not submitted a timely request for hearing; (h) rescind notices of intent to revoke, suspend or modify a Certificate (Performance and/or Casualty) and grant extensions of time within which a request for hearing may be filed; (i) revoke a Certificate (Performance and/or Casualty) upon request of or acquiescence of the certificant; (j) revoke a Certificate (Performance and/or Casualty) which has expired; (k) notify a certificant when a Certificate (Performance and/or Casualty) has become null and void in accordance with sections 540.8(a) and 54026(a) of General Order 20; and (l) grant or deny requests for extension of time pursuant to General Order 20.

Section 11. Specific Authority Delegated to Director, Office of Energy and Environmental Impact

11.01 Authority, in appropriate cases, to publish in the Federal Register notices of intent to prepare an environmental assessment.

Section 12. General Authority Delegated to the Managing Director, Secretary, General Counsel, and Chief Administrative Law Judge

12.01 Authority to exercise all functions and take all actions necessary to direct and carry out the duties and responsibilities assigned to the Managing Director, Office of the Secretary, Office of the General Counsel, and Office of Administrative Law Judges, in accordance with their functional assignments as heretofore prescribed in this Order.

Section 13. Public Requests for Information and Decisions

13.01 General

(1) 5 U.S.C. 552(a)(1)(A) requires that every agency separately state and currently publish in the Federal Register, for the guidance of the public, descriptions of its central and field organizations and the established places at which, the officers from whom, and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions.

(2) Section 5 of this Order complies with that portion of the statute which requires the publication of a description of the Federal Maritime Commission's central and field organization.

(3) Accordingly, there is hereby stated and published for the guidance of the public the established places at which, the officers from whom, and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions. For this purpose, the officials hereinafter designated may be contacted by

telephone, in writing, or in person, at the Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

13.02 The *General Counsel* will provide information and decisions, and will accept and respond to requests relating to the program activities of the Office of the General Counsel. Any document, report, or other submission required to be filed with the Federal Maritime Commission by statute or the Commission's rules and regulations relating to the specific functions of the Office of the General Counsel, as set forth in section 5.04 of this Order, shall be filed with or submitted to the General Counsel.

13.03 The *Secretary* will provide information and decisions, and will accept and respond to requests, relating to the program activities of the Office of the Secretary. Any document, report, or other submission required to be filed with the Federal Maritime Commission by statute or the Commission's rules and regulations relating to the specific functions of the Office of the Secretary, as set forth in section 5.05 of this Order, shall be filed with or submitted to the Secretary.

13.04 The *Chief Administrative Law Judge* will provide information and decisions, and will accept and respond to requests, relating to the program activities of the Office of Administrative Law Judges. Any document, report, or other submission required to be filed with the Federal Maritime Commission by statute or the Commission's rules and regulations relating to the specific functions of the Office of Administrative Law Judges, as set forth in section 5.06 of this Order, shall be filed with or submitted to the Chief Administrative Law Judge.

13.05 The *Directors of the following Bureaus and Offices* will provide information and decisions, and will accept and respond to requests relating to the program activities of their respective Bureaus and Offices as set forth in this Order; provided, however, that the dissemination of such information or decisions is not prohibited by statute or the Commission's Rules of Practice and Procedure.

(1) Office of Regulatory Policy and Planning
(2) Bureau of Agreements
(3) Bureau of Tariffs
(4) Bureau of Certification and Licensing
(5) Bureau of Hearings and Field Operations
(6) Office of Consumer Affairs
(7) Office of Energy and Environmental Impact
(8) Office of Personnel
(9) Office of Budget and Financial Management
(10) Office of Management Evaluation and Review
(11) Office of Data Systems
(12) Office of Administrative Services

13.06 The *Directors of the Atlantic, Gulf, Pacific, Great Lakes, Mid-Atlantic, and Puerto Rico District Office, and the senior Investigators of the Miami and Los Angeles Sub-Offices,* will provide information and decisions to the public within their geographic areas, or will expedite the obtaining of information and decisions from headquarters, relating to the program activities of the District Offices as set forth in this Order. The addresses of these Offices and Sub-Offices are as follows:

Atlantic District—Director, Atlantic District, Federal Maritime Commission, 6 World Trade Center, Suite 614, New York, New York 10048–0949
Great Lakes District—Director, Great Lakes District, Federal Maritime Commission, 610 Canal Street, Chicago, Illinois 60607
Gulf District—Director, Gulf District, Federal Maritime Commission P.O. Box 30550, 610 South Street, New Orleans, Louisiana 70190
Miami Sub-Office—Federal Maritime Commission, 1001 North America Way, Room 102, Miami, Florida 33132
Mid-Atlantic District—Director, Mid-Atlantic District, Federal Maritime Commission, 1100 L Street, NW., Room 9102, Washington, D.C. 20573
Pacific District—Director, Pacific District, Federal Maritime Commission, 525 Market Street, 25th Floor, San Francisco, California 94105
Los Angeles Sub-Office—Federal Maritime Commission, P.O. Box 3184, U.S. Customs House Building, Terminal Island Station, San Pedro, California 90731
Puerto Rico District—Director, Puerto Rico District, Federal Maritime Commission, U.S. District Courthouse, Federal Office Building, Room 702, Carlos Cardon Street, Hato Rey, Puerto Rico 00917.

13.07 Any document, report or other submission required to be filed with the Federal Maritime Commission by statute or the Commission's rules and regulations relating to the specific functions of the Bureaus and Offices shall be filed with or submitted to the Director of such Bureau or Office.

Section 14. Effect on Other Orders

14.01 This Order supersedes Commission Order Number 1 (Revised) dated September 15, 1973, and all amendments and supplements thereto, and Commission Order Number 201.1 (Revised), dated June 30, 1975, and all amendments and supplements thereto.

Alan Green, Jr.,
Chairman.

[FR Doc. 81-37080 Filed 12-28-81; 8:45 am]
BILLING CODE 5730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than January 19, 1982.

A. Federal Reserve Bank of Cleveland (Harry W. Hunning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

Mellon National Corporation, Pittsburgh, Pennsylvania (insurance underwriting activities in Delaware for credit insurance associated with loans generated in Louisiana): To engage through its wholly-owned indirect subsidiary, Mellon Life Insurance Company, in insurance underwriting activities through the partial reinsuring of credit life and credit accident & health insurance associated with consumer loans made by Freedom Financial Services Corporation, a subsidiary of Mellon National Corporation, in the State of Louisiana. These activities would be conducted

from the Mellon Life offices located in Wilmington, Delaware, and would be associated with the credit life and credit accident & health insurance generated from the consumer loans made by Freedom Financial Services Corporation at its office located in 2800 Hessmer Street in Metairie, Louisiana.

B. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

Dominon Bankshare Corporation, Roanoke, Virginia (mortgage financing, servicing, and insurance activities; Virginia): To engage, through its subsidiary, Dominion Bankshares Mortgage Corporation, in mortgage banking activities of originating residential, commercial, industrial, and construction loans for its own account and for sale to others, and servicing such loans for others, and writing credit life, credit accident and health, and mortgage redemption insurance in connection with such mortgage loans. These activities will be conducted from an office in Fredericksburg, Virginia, and will service the city of Fredericksburg, Virginia, and the counties of Culpeper, Spotsylvania, Stafford, King George, and Caroline.

C. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

Fidelity Southern Corporation, Tucker, Georgia (financing and insurance activities; Georgia): To engage through its subsidiary, Hebersham Mortgage, Inc., in first and second mortgage loan activities to serve such first and second mortgage loans and to act as insurance agent or broker for the sale or credit life, credit accident and health insurance directly related to extensions of credit by a bank or bank related firm or directly related to the provision of other financial services by a bank or such bank related firm. These activities would be conducted from an office located in Tucker, Georgia, serving the fourteen counties comprising the greater Atlanta, Georgia, metropolitan area.

D. Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, December 21, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-37077 Filed 12-28-81; 8:45 am]

BILLING CODE 6210-01-M

Banca Commerciale Italiana; Formation of Bank Holding Company

Banca Commerciale Italiana, Milan, Italy, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent (less directors' qualifying shares) of the voting shares of LITCO Bancorporation of New York, Inc., Garden City, New York. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than January 20, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 21, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-37078 Filed 12-28-81; 8:45 am]

BILLING CODE 6210-01-M

Great Lakes Financial Resources, Inc.; Formation of Bank Holding Company

Great Lakes Financial Resources, Inc., Blue Island, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank of Blue Island, Blue Island, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 20, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 21, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-37079 Filed 12-28-81; 8:45 am]

BILLING CODE 6210-01-M

Greater Jersey Bancorp.; Acquisition of Bank

Greater Jersey Bancorp., West Paterson, New Jersey, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Anthony Wayne Bank, Wayne, New Jersey. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 20, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 21, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-37080 Filed 12-28-81; 8:45 am]

BILLING CODE 6210-01-M

Ogden-Saratoga Corp.; Formation of Bank Holding Company

Ogden-Saratoga Corporation, Downers Grove, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to First Security Bank of Downers Grove, Downers Grove, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 20, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 21, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-37011 Filed 12-28-81; 8:45 am]

BILLING CODE 6210-01-M

Old Stone Corp.; Proposed Acquisition of Pacific-Southern Mortgage Trust

Old Stone Corporation, Providence, Rhode Island, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2), for permission to acquire 100 per cent of the assets and liabilities of Pacific-Southern Mortgage Trust, San Diego, California.

Applicant would engage in the activities of mortgage banking and real property leasing on a full payout basis for the sole and limited purpose of liquidating the acquired assets. Applicant would not make any new mortgage loans as a result of this transaction. These activities would be performed from offices of Applicant's subsidiary in Providence, Rhode Island, and the geographic area to be served generally is the entire United States, but primarily western, south-western and middle southern United States. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received no later than January 20, 1982.

Board of Governors of the Federal Reserve System, December 21, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-37012 Filed 12-28-81; 8:45 am]

BILLING CODE 6210-01-M

Pioneer Bancshares Corp.; Formation of Bank Holding Company

Pioneer Bancshares Corporation, Shreveport, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 80 percent of the voting shares of Pioneer Bank & Trust Company, Shreveport, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Pioneer Bancshares Corporation, Shreveport, Louisiana, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Zachary Taylor Life Insurance Company, Shreveport, Louisiana.

Applicant states that the proposed subsidiary would engage in credit-related insurance agency activities. These activities would be performed from offices of Applicant's subsidiary in Shreveport, Louisiana and the geographic area to be served is the State of Louisiana. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board Approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any views or requests for hearing should be submitted in writing and received by the Secretarty, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 20, 1982.

Board of Governors of the Federal Reserve System, December 21, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc 81-37013 Filed 12-28-81; 8:45 am]

BILLING CODE 6210-01-M

Provident National Corp.; Acquisition of Bank

Provident National Corporation, Philadelphia, Pennsylvania, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to acquire 100 percent of the voting shares, less directors' qualifying shares, of Provident of Delaware Bank, Wilmington, Delaware. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than January 20, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 21, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-37014 Filed 12-28-81; 8:45 am]

BILLING CODE 6210-01-M

RCB Corp.; Formation of Bank Holding Company

RCB Corporation, Sacramento, California, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of River City Bank, Sacramento, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 20, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 21, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-37015 Filed 12-28-81; 8:45 am]

BILLING CODE 6210-01-M

Republic of Texas Corp.; Acquisition of Bank

Republic of Texas Corporation, Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares,less directors' qualifying shares, of RepublicBank Barton Creek, National Association, Austin, Texas, a *de novo* bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than January 19, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 21, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-37016 Filed 12-28-81; 8:45 am]

BILLING CODE 6210-01-M

Snook Bancshares, Inc.; Formation of Bank Holding Company

Snook Bancshares, Inc., Snook, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of First Bank of Snook, Snook, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than January 20, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 21, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-37017 Filed 12-28-81; 8:45 am]

BILLING CODE 6210-01-M

Texas Commerce Bancshares, Inc.; Acquisition of Bank

Texas has Commerce Banchares, Inc., Houston, Texas, applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Texas Commerce Bank-Cypress Station, National Association, Houston, Texas, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than January 20, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 21, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-37018 Filed 12-28-81; 8:45 am]

BILLING CODE 6210-01-M

United Missouri Bancshares, Inc.; Acquisition of Bank

United Missouri Banchares, Inc., Kansas City, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Paris Savings Bank, Paris, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than January 20, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 21, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-37019 Filed 12-28-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[E-81-37]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Arkansas Public Service Commission involving electric rates, Docket 81-144U.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Arkansas Public Service Commission involving the application of the Arkansas Power and Light Company for an increase in its electric rates in Docket 81-144U.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add GSA to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Defense filings.

Dated: December 17, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-36280 Filed 12-28-81; 8:45 am]

BILLING CODE 6820-AB-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 79N-0047]

Alevaire; Final Decision Following Formal Evidentiary Public Hearing in Adjudicatory Proceeding

Correction

In FR Doc. 81-32638 appearing at page 56043 in the issue of Friday, November 13, 1981, make the following changes:

(1) On page 56043, middle column, first complete paragraph, eighteenth line, insert "spray" in between "nasal" and "apparatus".

(2) On page 56045, middle column, in the footnote material at the bottom, second complete paragraph, second line, the word "Group" should be changed to read "Croup".

(3) On page 56047, third column, in the footnote at the bottom, "(S-181-198)" should be changed to read, "(S-181-98)".

BILLING CODE 1505-01-M

[Docket No. 78N-0057]

Guides for Naturally Occurring and Accelerator-Produced Radioactive Material

AGENCY: Food and Drug Administration.

ACTION: Notice..

SUMMARY: The Food and Drug Administration (FDA) is announcing that a June 1981 revised document entitled, "Guides for Naturally Occurring and Accelerator-Produced Radioactive Materials (NARM)" (FDA 81-8025) developed by the Conference of Radiation Control Program Directors, is now complete and available for public review. The Guides were developed through cooperation by FDA's Bureau of Radiological Health (BRH), the Environmental Protection Agency (EPA), and the Nuclear Regulatory Commission (NRC) to assist the various States in establishing uniform standards for evaluating the safety of sources and products discussed in the Guides and for distributing these products.

ADDRESSES: The Guides are available for public examination in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Requests for single copies of the Guides identified by the title of the document and the Docket number appearing in the heading of this notice may be sent to the Bureau of Radiological Health (HFX-28), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Paper or microfiche copies of the Guides may be purchased from the National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Rd., Springfield, VA 22161, Order No. PB-81-238842. (Paper price code and price; A05, $9.50; Microfiche price code and price; A01, $3.50; Price subject to change.)

FOR FURTHER INFORMATION CONTACT: Jeannine T. Lewis, Bureau of Radiological Health (HFX-1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2850.

SUPPLEMENTARY INFORMATION: The manufacturer, distribution, and use of products containing naturally occurring and acceleration-produced radioactive materials are not covered by the Atomic Energy Act of 1954, as amended, and, therefore, are not regulated by NRC. Rather, the regulation of these sources and devices has been left to the discretion of each State, and the degree of regulation consequently varies from State to State.

In this notice, FDA is announcing that a June 1981 revised document entitled, "Guides for Naturally Occurring and Accelerator-Produced Radioactive Materials (NARM)" (FDA 81-8025) developed by the Conference of Radiation Control Program Directors, is now complete and available for public review. The Guides were developed through cooperation by FDA, EPA, and NRC to assist the various States in establishing uniform standards for evaluating the safety of sources and products discussed in the Guides and for distributing these products.

Under the Public Health Service Act (42 U.S.C. 241, 243), FDA encourages cooperation among the States to protect the public against radiation hazards. The Guides facilitate this cooperation. The Guides also are compatible with existing guidance and procedures developed by NRC for other radioactive materials, i.e., source, special nuclear, and byproduct materials, and by EPA, which is responsible for establishing Federal radiation guidance. In addition, the Guides reflect recommendations and suggestions of the American National Standards Institute, Inc., and the National Council on Radiation Protection and Measurements.

The Guides are intended to provide, through the cooperative efforts of the States and the Federal government, the basis of State programs for standardizing the safety evaluation and distribution of sources and products subject to the Guides.

The Guides also assist manufacturers, assemblers, and distributors in matters of radiation safety for naturally occurring and accelerator-produced radioactive material sources and devices. The Guides are designed to be used in conjunction with the Radioactive Materials Reference Manual (RMRM) and the Suggested State Regulations for Control of Radiation (SSRCR). A copy of each of the latter two documents has been placed on file in the Dockets Management Branch under the Docket number appearing in the heading of this document.

This June 1981 second edition of the Guides supersedes the July 1977 report (FDA 77-8025). It adds new Guides 13 and 14, reflects several amendments to existing Guides, and places the relevant rationale information immediately after the respective Guide. Guide 13 provides standard licensing conditions for specific licenses issued to each manufacturer, assembler, or distributor. Guide 14 provides a list of main points to be observed when conducting onsite surveys of manufacturers, assemblers, or distributors. "Scope" revisions, "labeling" changes, or "definition" amendments were made to Guides 3, 7,

8, 10, and 12. Rationales for Guides 13 and 14 were also added.

During the development stage of these revised Guides, drafts were sent for review and comments and for informational purposes to State and Federal agencies that have an interest and responsibilities in radiation control. FDA anticipates that the Guides will be reviewed annually by representatives of the Conference of Radiation Control Program Directors and appropriate Federal agencies and updated as necessary. Future revisions of the Guides also will be announced by notice in the **Federal Register.**

The Guides are available for public review in the Dockets Management Branch (address above). Copies of the Guides may be obtained from BRH or NTIS (address above).

Interested persons may at any time submit written comments and recommendations regarding the June 1981 revision of the Guides. Comments should be identified with the docket number appearing in brackets in the heading of this document and should be submitted to the Dockets Management Branch (address above). To be helpful, recommendations should be accompanied by appropriate rationale and background data that clearly establish the administrative, scientific, technical, and public health bases for the recommendations. Any written comments or suggestions received about this matter will be collated and kept on file for consideration by those individuals given responsibility for review and revision of the Guides.

Dated: December 21, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-36859 Filed 12-28-81; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81N-0231]

Philips Roxane, Inc.; Oxytocin Injectable; Refusal To Approve NADA Supplement

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Director of the Bureau of Veterinary Medicine (BVM), Food and Drug Administration, is issuing a final order refusing to approve a supplement to a new animal drug application (NADA) for oxytocin injection. This action is being taken because the sponsor has elected not to avail itself of an opportunity for a hearing on the refusal to approve the application.

EFFECTIVE DATE: December 27, 1981.

FOR FURTHER INFORMATION CONTACT: Philip J. Frappaolo, Bureau of Veterinary Medicine (HFV-232), Food and Drug Administration, 5600 Fisher Lane, Rockville, MD 20857, 301-443-4940.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 18, 1981 (46 FR 46396), the Director of the Bureau of Veterinary Medicine (the Director) provided a notice of opportunity for a hearing to Philips Roxane, Inc., on BVM's refusal to approve a supplement to an NADA. Philips Roxane, holder of approved NADA 99-169 for oxytocin injection as a prescription drug, submitted a supplement to its application requesting approval for the over-the-counter marketing of the drug labeled for milk letdown in sows after farrowing. The Director stated that for approval, the applicant must establish that oxytocin injection can be used safely by laymen for milk letdown in sows after farrowing, and that directions for use in the proposed labeling are reasonably certain to be followed in paractice (21 U.S.C. 360b(d)). The Director concluded that the applicant had not met these statutory requirements.

By letter dated October 16, 1981, Philips Roxane stated that it did not intend to request a hearing on the refusal to approve their application. Therefore, under section 512(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(d)(1)) and § 514.200 (21 CFR 514.200), the Director is issuing this final order refusing to approve the supplement to NADA 99-169 for the over-the-counter marketing of oxytocin injection.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.84).

Dated: December 18, 1981.

Gerald B. Quest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-36860 Filed 12-28-81; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81N-0392]

Meeting; Availability of Draft Standards Policy for Medical Devices

Note.—This document originally appeared in the **Federal Register** for December 24, 1981. It is reprinted in this issue to meet requirements for publication on the Tuesday/Friday schedule assigned to the Food and Drug Administration.

AGENCY: Food and Drug Administration.

ACTION: Notice of public meeting and availability of draft standards policy for medical devices.

SUMMARY: The Food and Drug Administration (FDA) announces a meeting to allow public discussion of a draft standards policy for medical devices developed by the Bureau of Medical Devices. FDA also announces the availability of this draft standards policy.

DATES: The meeting will be held on January 26, 1982, from 9 a.m. to 5 p.m.; requests to make a formal presentation at the meeting should be submitted to the contact person by December 31, 1981; summaries of any presentations to be made at the meeting should be submitted to the contact person by January 19, 1982.

ADDRESSES: The meeting will be held in the auditorium on the main floor (Rm. 1073) of the Health and Human Services—North Building, 330 Independence Ave. SW., Washington, D.C. 20201. FDA's draft standards policy is on public display in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1751, and copies of the draft standards policy may be obtained by contacting that office. Requests should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Neal Dunning, Bureau of Medical Devices (HFK-60), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7184.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to allow public discussion of a draft standards policy for medical devices that have been classified into class II (performance standards). The standards policy has been developed by FDA's Bureau of Medical Devices. The meeting is to be conducted under provisions of FDA's administrative practices and procedures regulations (21 CFR 10.65(b)).

This meeting is intended by FDA to encourage public discussion of FDA's policies concerning medical device standards and promote cooperation among all persons affected by the regulation by FDA of medical devices. The meeting will begin with a series of formal presentations on medical device standards policy made by interested persons who may respond to this notice. FDA suggests that the presentations be limited to 10 minutes or less each. FDA will schedule the presentations on a

first-come first-served basis. Any person who wishes to make a formal presentation at the meeting should notify the contact person by December 31, 1981; and, by January 19, 1982, the person should submit to the contact person the person's name, address, business affiliation, and a summary of the planned presentation. The meeting will be open to the public. Seating will be available on a first-come first-served basis. To the extent that time permits, interested persons who did not request an opportunity to make a formal presentation will be given an opportunity to make an oral presentation at the conclusion of the meeting. Copies of FDA's draft standards policy are available from the Dockets Management Branch (address above).

Dated: December 21, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-36666 Filed 12-21-81; 2:51 pm]

BILLING CODE 4110-81-M

Health Services Administration

Funding Reductions in Fiscal Year 1982

AGENCY: Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces: (1) Factors that the Health Services Administration (HSA) will use in determining which Community Health Center (CHC) projects to fund, and (2) restrictions on the type of project activities that will be eligible for Federal support under the CHC program. A reduced level of authorization of appropriations for section 330 of the Public Health Service (PHS) Act in the recently enacted Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) is the reason for the announcement of these factors and restrictions.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Bohrer, Acting Associate Bureau Director, CHC, Bureau of Community Health Services, HSA, Room 7A-55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone number 301 443-2260.

SUPPLEMENTARY INFORMATION: As a result of the new authorization level for Fiscal Year 1982 provided for in the Omnibus Budget Reconciliation Act of 1981, funds available to support the CHC projects funded under the authority of section 330 of the PHS Act will be significantly reduced. The CHC program regulations specify the considerations the Secretary will use, taking into account the funds available for grants, in deciding which projects to fund (42 CFR 51c.305). These regulations also describe the Secretary's authority to determine the amount of grants and the uses of project funds (42 CFR 51c.106 and 51c.107). The purpose of this notice is to explain how the Secretary, acting through the HSA, will exercise his discretion in carrying out these provisions.

In order to most effectively use the limited amount of Fiscal Year 1982 funds which are anticipated to be available for this program, the HSA has identifed some currently supported types of projects and activities for which funds may be significantly reduced or eliminated in Fiscal Year 1982 without seriously impairing the goals of the CHC program.

The projects and activities identified by the HSA include the following:

Operational grants for projects which received only planning grants in Fiscal Year 1981.

Grants for projects which do not fully meet all productivity/effectiveness measures or clinical standards (44 FR 14640; March 13, 1979).

That part of any grant awarded in Fiscal Year 1982 used to support:

(1) Supplemental health services (as defined in section 330(b)(2)); and

(2) Services other than "primary medical care," which the HSA defines for these purposes as including only the following: General internal medicine, family medicine, general pediatrics, and obstetrics and gynecology. Inpatient hospital services provided through prepaid and other CHCs are not "primary medical care" services as defined herein.

Because of the significant reductions in available funds, greater emphasis will be placed on the relative need for a project's services than may have occurred in the past. It must be demonstrated by the applicant that the population to be served has a need for these services. Applicants for grants must include the results of an assessment of the need for their services. This assessment must be based upon, but need not be limited to, the factors for assessing need set forth in 42 CFR 51c.1-2(b)(1)-(4). In order to make these relative need determinations, the HSA will take into consideration the results of the assessment, the quartile into which a project area's index of medical underservice falls and other relevant factors.

New statistical data are available which indicate that many areas now designated as medically underserved areas (MUAs) are no longer medically underserved. Consequently, it is expected that those areas will lose their designations as MUAs. Any CHC serving an area that is no longer a MUA will not be eligible for further funding.

It should be emphasized that these changes are based upon the reduced Fiscal Year 1982 authorization level in the Omnibus Budget Reconciliation Act. It may be necessary to make further changes in funding priorities based upon the actual amount of the final appropriation.

Dated: December 22, 1981.

John H. Kelso,

Acting Administrator, Health Services Administration.

[FR Doc. 81-36675 Filed 12-28-81; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Irrigation Operation and Maintenance Charges; Water Charges and Related Information on the Crow Irrigation Project, Montana

This notice of operation and maintenance rates and related information is published under the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs in 209 DMB and redelegated by the Assistant Secretary—Indian Affairs to the Area Directors in 10 BIAM 3, and by authority delegated to the Project Engineer and to the Superintendents by the Area Director in 10 BIAM 7.0, Sections 2.70-2.75. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and Sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9), and also under 28 CFR 191.1(e).

Pursuant to final rule published on June 14, 1977, in 42 FR 30361, this notice sets forth changes to the operation and maintenance charges and related information applicable to the Crow Irrigation Project, Crow Agency, Montana. These charges were proposed pursuant to the authority contained in the Acts of August 1, 1914, and March 7, 1928, (38 Stat. 583, 25 U.S.C. 385; 45 Stat. 210, 25 U.S.C. 387).

Interested persons were given 30 days in which to submit written comments, views or arguments regarding the proposed rates and related provisions. Several comments were received during the 30-day comment period, from the three Water Districts. As a result two meetings were held to supply the District Water Users additional information on the proposed increases. As the result of the meetings the three

Water Districts agreed to accept the negotiated rates shown below. In compliance with the above, the operation and maintenance charges for the lands under the Crow Irrigation Project, Montana for the season of 1981 and subsequent years until further notice, are hereby fixed as follows:

Unit	Rate/acre
Two Leggins	[illegible]
Bozeman Trail	2.70
All Regular Units	7.57
All Units under Willow Creek Storage	0.30
Two Leggins Drainage	1.21

[1] Or minimum of $20 per land owner.

Blake T. Smith,

Acting Superintendent, Crow Indian Agency.

[FR Doc. 81-36866 Filed 12-28-81; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[INT FEIS 81-53]

Final Westside Salem Timber Management Environmental Impact Statement: Availability of FEIS

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of Interior has prepared a final environmental impact statement for the Westside Salem EIS area. The proposal involves implementing a 10-year timber management plan on public lands on the Columbia and Alsea-Rickreall Sustained Yield Units of the Salem District in western Oregon.

Public reading copies will be available for review at the following locations:

Bureau of Land Management, Office of Public Affairs, 18th and C Streets NW., Washington, DC 20240.
Bureau of Land Management, Office of Public Affairs, 729 NE. Oregon Street, Portland, OR 97208.
Bureau of Land Management, Salem District Office, 1717 Fabry Road SE., Salem, OR 97302.
Oregon State Library, State Library Building, Salem, OR 97310.
Oregon State University Library, Government Document Section, Corvallis, OR 97331.
Portland State University Library, 724 SW. Morrison, Portland, OR 97201.
University of Oregon Library, Government Document Section, Eugene, OR 97403.
Corvallis Public Library, 645 NW. Monroe, Corvallis, OR 97330.
Linn-Benton, Community College Library, Albany, OR 97321.
Corvallis Public Library, 645 NW. Monroe, Corvallis, OR 97330.
Dallas Public Library, 187 SW Court, Dallas, OR 97338.
Hillsboro Public Library, 775 SE. 10th, Hillsboro, OR 97123.
St. Helens Public Library, The Plaza, St. Helens, OR 97051.
Tillamook County Library, 210 Ivy, Tillamook, OR 97141.
McMinnville Public Library, 230 W. 2nd, McMinnville, OR 97218.
Multnomah County Library, 801 SW. 10th, Portland, OR 97205.
Newport Public Library, 251 W. Olive, Newport, OR 97365.
Salem Public Library, 585 Liberty SE., Salem, OR 97302.

A limited number of copies are available upon request from the Bureau of Land Management, Oregon State Office, or the Salem District Office, at the above addresses.

Comments on the FEIS will be accepted by the Salem District Manager until Janaury 31, 1982.

Dated: December 18, 1981.

Philip C. Hamilton,

Chief, Division of Planning and Environmental Coordination.

[FR Doc. 81-36910 Filed 12-28-81; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Mines

Advisory Committee on Mining and Mineral Resources and Research; Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. I) and the Office of Management and Budget's Circular No. A 63, Revised.

The Advisory Committee on Mining and Mineral Resources and Research will meet from 9:00 a.m. to 5:00 p.m. (or completion of business) on January 21 and 22, 1982, in room 1042A, Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C. 20240.

The meeting will deal with the following prinicipal subjects:

1. Welcome of New Committee Members
2. Review of Minutes—Meeting of July 1 and 2, 1980
3. Current Status of Program
4. Fiscal Year 1981 Actions
5. Recommendations Re: Fiscal Year 1982
6. New Business

The meeting of this committee is open to the public. Approximately 25 visitors can be accommodated on a first come, first serve basis. Written statements concerning the subjects are welcome.

Visitors who expect to attend should make this known no later than January 14, 1982, to Dr. John Morgan, Chief Staff Officer, Bureau of Mines, Room 1038, Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C. 20240, phone (202) 643-1330.

Dated: December 23, 1981.

John Morgan,

Chief Staff Officer.

[FR Doc. 81-37088 Filed 12-28-81; 8:45 am]

BILLING CODE 4310-02-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before December 18, 1981. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20243. Written comments should be submitted by January 13, 1982.

Sally G. Oldham,

Acting Keeper of the National Register.

ALABAMA

Barbour County

Eufaula, *Kiels-McNab House*, W. Washington St.

Jefferson County

Bessemer, *Kartus-Vance House (Dr. Thomas McAdory Owen House)* 510 N. 18th St.

Madison County

Huntsville vicinity, *Flint River Place*, 1997 Jordan Rd.
Meridianville vicinity, *Otey, William Madison, House*, S of Meridianville
New Market, *Whitman-Cobb House*, *Winchester Rd.*

Mobile County

Mobile, *Tschiener House (Damus School) 1120 Old Shell Rd.*

Morgan County

Decatur vicinity, *Westview*, S of Decatur

Pickens County

Aliceville vicinity, *Ball, Parks E., House*, NW of Aliceville

Sumter County

Gainesville, *Mobley, Col. Green G., House*, Webster and Pearl Sts.

OHIO

Franklin County

Columbus, *Union Station Arch*, Arch Park

WISCONSIN

Dane County

Madison, *State Office Building*, 1 W. Wilson St.

Jefferson County

Lake Mills, *Fargo, L. D., Public Library*, 120 E. Madison St.

[FR Doc. 81-37005 Filed 12-28-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 347 (Sub No. 1)]

Coal Rate Guidelines; Nationwide

AGENCY: Interstate Commerce Commission.

ACTION: Interim Decision.

SUMMARY: This is an interim decision in the development of ratemaking standards for the transportation of market dominant coal. Certain final guidelines on a number of cost issues are established. The Commission has decided not to adopt the proposed ton/ton-mile method for allocating system common costs and to retain its commitment to the concept of differential pricing. The Commission also has decided how it will handle fixed plant and equipment additives and deferred taxes in future proceedings. Comments are sought on other related cost issues. No final decision has been made on the treatment of environmental and energy issues and on a precise methodology for prescribing maximum rates. All maximum rate prescriptions on coal will be based on case-by-case adjudication at least until remaining issues are resolved.

DATES: Comments must be received on or before February 12, 1982.

COPIES: This decision may be obtained from the Office of the Secretary, Room 2227, Interstate Commerce Commission, Washington, D.C. 20423.

ADDRESS: An original and 15 copies of any comments should be sent to: Bureau of Accounts, Interstate Commerce Commission, Room 6133, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Ronald S. Young, Phone (202) 275-7565

or

Leslie Selzer, Phone (202) 275-7627.

SUPPLEMENTARY INFORMATION: On May 17, 1978 (43 FR 22151), the Commission issued an Advance Notice of Proposed Guidelines for the establishment of maximum rate guidelines on Western Coal. After receiving public comment, we closed the lead investigation and issued on November 18, 1980 [45 FR 80370, December 4, 1980] in Ex Parte No. 347 (Sub-No. 1) a Notice of Proposed Guidelines for the establishment of maximum rate guidelines for coal—nationwide. A number of significant changes from the advance notice were offered. This included: (1) expanding the scope of the investigation to include all coal, (2) a shift from the ratio to the ton/ton-mile method of allocating system constant costs, (3) elimination of fixed plant and equipment additives except in unusual circumstances, (4) allowing the substitution of actual locomotive fuel and maintenance expenses and roadway maintenance expense in gross ton miles (GTM) for system averages, and (5) permitting a return on deferred income taxes for ratemaking purposes. Public comments were received in response to this notice. Based on those comments we have decided not to use the ton/ton-mile method for allocating constant costs. We have reconsidered our proposal to limit the use of fixed plant and equipment additives, and we have decided to permit a return on deferred income taxes. Finally, we have also decided to permit the substitution of actual locomotive fuel and maintenance expenses and roadway maintenance expenses in GTM costs, if available, on a case-by-case basis. We have not reached a decision on the environmental and energy issues and the methodology for prescribing maximum rates.

In this interim decision the Commission is seeking further comments on the use of the Ramsey principle for establishing differential pricing, as well as certain cost issues including the use of fixed plant and equipment additives and recognition of prospective investments.

(49 U.S.C. 10321, 10701a, 10704 and 5 U.S.C. 553)

Decided: December 16, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam. Commissioner Gresham concurring in part, will issue a separate expression at a later time.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-37027 Filed 12-28-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 72)]

Lamoille Valley Railroad Co., Exemption for Contract Tariff ICC-LVRC-C-0003

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirement of 49 U.S.C. 10713(e). This contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Donald J. Shaw or

Jane F. Mackall (202) 275-7656.

SUPPLEMENTARY INFORMATION: The Lamoille Valley Railroad Company (LVRC) filed a petition on December 11, 1981, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e), to permit the LVRC to file its contract tariff ICC-LVRC-C-0003 on one day's notice to become effective December 21, 1981. Because of an error in the effective date, the contract tariff had to be refiled. Thus, the petition could not be acted upon by the requested date. The contract involves the storage of woodpulp for the shipper at Morrisville, VT.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. CF former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition shall be granted. The shipper has a major mill at Shawmut, ME producing woodpulp with a daily output of over 900 tons. The shipper has experienced an increasing shortage of storage space at its mill in recent months, well above its normal inventory. With total available storage space at the mill of about 3000 tons, this capacity will be reached very shortly due top the inability of receiving points to accept deliveries. The shipper must find an immediate means of securing additional storage space or else curtail the operation of its Shawmut mill. We find this to be the type of exceptional circumstance which warrants granting a provisional exemption.

LVRC's contract tariff ICC-LVRC-C-0003 may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking these exemptions under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505).

Dated: December 21, 1981.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-37028 Filed 12-28-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-74)]

Louisville and Nashville Railroad Exemption for Contract Tariff ICC-L&N-C-0008

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirement of 49 U.S.C. 10713(e). This contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall (202) 275-7656.

SUPPLEMENTARY INFORMATION: The Louisville and Nashville Railroad (L&N) filed a petition on December 16, 1981, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e), to permit the L&N to file its contract tariff ICC-L&N-C-0008 on one day's notice to become effective December 17, 1981. The petition was not filed in time to be acted on by the requested date. The contract involves the movement of coal over the lines of the L&N from an origin coal mine in east Kentucky to Mobile, AL, for export.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. CF former section 10762(d)(I). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

This interim contract covers a 3-month period during which test shipments of 300,000 tons each will be exported to determine if foreign buyers are satisfied with the quality of the coal, prior to finalizing a multi-year coal purchase contract. It is imperative that the short-term test contract become operative immediately, in order not to delay or jeopardize the placing of the subsequent long-term contract. As indicated, the contract is of limited scope and the shipper's ability to meet its contractual obligations may be disrupted if the carrier is forced to file its tariff on the basis of the usual 30-day notice period. Imposition of the usual requirements are not necessary to protest shipper from an abuse of market power since the contract will not impair the L&N's ability to provide regular service to its other shippers. The coal shipper will probably furnish open hopper cars and in any case, the short term of the contract will not produce a significant impact on L&N's ability to meet common carrier obligations.

L&N's contract tariff ICC-L&N-C-0008 may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking these exemptions under 49 U.S.C 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Dated: December 21, 1981.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-37030 Filed 12-28-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. MC-82 (Sub-4)]

New Procedures in Motor Carrier Revenue Proceedings; Inclusion of Niagara Frontier Tariff Bureau, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision.

SUMMARY: Niagara Frontier Tariff Bureau, Inc. is directed to submit with its cost justification statements for general increases a continuing Traffic Study and Appendix A and Appendix B financial data for a carrier frame consisting of all Instruction 27 carriers and other carriers who meet the Instruction 27 requirements, except that they do not file financial reports with the I.C.C., which derive $1 million or more in annual operating revenues from issue traffic and whose issue revenues are at least five percent of their system revenues. Niagara is further directed to calculate the U.S. and Canadian mix of expenses for all carriers to develop cost projections. Such cost projections should be based on the appropriate U.S. and Canadian indices, as fully described below.

DATES: Comments must be received on or before January 28, 1982. Effective February 12, 1982.

FOR FURTHER INFORMATION CONTACT: Jane Mackall, (202) 275-7656, or Raymond Hobbs, (202) 275-7457.

SUPPLEMENTARY INFORMATION: By decision served October 15, 1979, we found that valid statistical data does not exist to subject Niagara Frontier Tariff Bureau, Inc. (Niagara) to the present Ex Parte No. MC-82 procedures, and that the use of the Ex Parte No. MC-82 methodology would not produce representative data. We ordered Niagara to comply with alternative cost justification procedures in general rate increase proposals. We further directed that a statistician and a cost analyst be assigned to meet with and assist Niagara to develop such alternative procedures.

Our staff accordingly studied Niagara's operations, as well as data collection and development procedures, to determine how Niagara could capture costs of its international operations. The reporting guidelines which follow,

applicable to international traffic are the result of these studies.

Carrier Frame

Niagara has demonstrated that a statistically adequate carrier frame can be developed using all Instruction 27 carriers and other carriers who meet the Instruction 27 requirements (except that they do not file financial reports with the I.C.C.) which derive $1 million or more in annual operating revenues from issue traffic and whose issue revenues are at least five percent of their system revenues. This carrier frame, hereinafter referred to as the five percent frame, covers more than 60 percent of all revenues on a carried basis and was demonstrated to be adequately representative of all issue traffic by weight of shipment, type of rate (class and commodity) and territory. Niagara has further demonstrated that the five percent frame is responsive to shifts in financial ratios, and is thus adequate for development of traffic study information and cost/revenue relationships. Niagara points out, however, that the five percent frame is still deficient insofar as its application to development of revenue need projections. The deficiency lies in the mix of U.S. and Canadian costs in the frame which is different from the mix of costs that all international traffic has. Niagara's studies in this area indicated that 62 percent of all costs were U.S. and 38 percent were Canadian. The five percent frame developed by Niagara understates the percentage of U.S. costs. While this percentage mix does not impair the cost projections on an annual basis to a large degree, short-term cost increases are substantially affected. Therefore, Niagara proposes to use the five percent frame for the purposes of development of the Continuing Traffic Study (CTS), the Appendix A and B ratios and the development of operating ratios, while using the expense mix of all carriers for the projection of the U.S. and Canadian mix of expenses.

We agree that the weighting of revenue need projections by the expense mix of all carriers is superior to the usage of the five percent frame. Nevertheless, this expense mix may be subject to fluctuations. Therefore, we direct Niagara to apply the expense mix studies subject to the same time requirements as those applicable to the use of the CTS, as outlined in Section 1104.2(a) in Ex Parte No. MC–82, *supra.*

Continuing Traffic Study

Niagara is directed to maintain a CTS for the five percent frame for both the development of cost/revenue relationships as well as the impact of any rate filing. The CTS shall be subject to all requirements of Ex Parte No. MC–82, *supra,* except as expressly stated herein.

Financial Data

Niagara is directed to submit both Appendix A and Appendix B information for the five percent frame. This information will be filed on an aggregate basis, in order to protect the confidentiality of Canadian carrier data; however, underlying working papers will be made available as necessary for inspection by this Commission.

Non-Labor other than Fuel—the Canadian Industry Selling Price Index (ISPI) less the Petroleum Refineries Index (PRI) published by statistics Canada, projected by a least squares log linear regression. The ISPI is constructed in a similar manner to the Producers' Price Index (PPI) published by the Bureau of Labor Statistics (BLS).

Niagara's source data and cost projection procedures are acceptable for purposes of anaylsis of cost justification statements. Niagara is directed to include the source data for the Canadian indices used for cost projections in its submissions, since these data are not readily available to this Commission.

We note that Niagara proposes to base parts of its cost projections on data developed by this Commission. The use of such data is acceptable for development of Niagara's cost justification statements. However, if in the future this data is no longer produced by the Commission, Niagara is directed to follow procedures outlined in Ex Parte No. MC–82, *supra,* for development of alternative data.

Regulatory Flexibility Act: Pursuant to 5 U.S.C. 605(b) the Secretary of the Commission has certified that the requirements of the Regulatory Flexibility Act do not apply to this final decision since its adoption in this proceeding will not have a significant economic impact on a substantial number of small businesses. The additional requirements and data required by this decision is primarily directed to establishing attenative procedures for filing justification statements in general rate increase proposals and will require little or no additional input from the carriers, large or small, represented by the Niagara Frontier Tariff Bureau, Inc. This action is a direct result of the rules promulgated in Ex Parte No. MC–82, *New Procedures in Motor Carrier Revenue Proceedings,* Title 49 of the Code of Federal Regulations, Chapter 10, Sub Chapter B, Part 1104.

We find that a Notice of Proposed Rulemaking is not necessary to adopt these reporting requirements for Niagara for two reasons. First, the reporting requirements are not substantially different from those outlined in Ex Parte No. MC–82 for all carriers. We have received and taken into consideration public comment on those procedures. Second, these reporting requirements were arrived at in consultation with and were agreed to by Niagara. Nevertheless, in keeping with out belief that any rule can benefit from public scrutiny, we are requesting that the public study the decision and report, within 30 days after publication in the **Federal Register**, any suggested changes.

If the Commission concludes, after reviewing the comments, that it is necessary to reconsider this decision, a further notice will be published in the **Federal Register**. Otherwise, the provisions of this decision will become effective February 12, 1982.

Cost/Revenue Data

The cost data being developed by Niagara to produce cost/revenue relationships is based on a cost study being conducted by Niagara. While preliminary data are sufficiently refined to allow analysis of cost/revenue relationships, Niagara is directed to continue to refine this data. These refinements should produce more accurate costs in the following areas:

1. Line-haul costs of traffic moving via piggyback or owner-operators.
2. Terminal service costs of traffic moving via owner-operators.
3. Costs incurred solely on international traffic.
4. Costs of customs clearance operations.

Cost Projections

Niagara has developed cost increase factors for U.S. and Canadian operations. The cost projections are based on the following sources:

United States:

Labor—cost projections developed by Trucking Management, Inc. and labor studies conducted by both the Middle Atlantic and Central States Bureau.

Fuel—the fuel index developed by this Commission.

Non-Labor other than Fuel—the industry non-labor study projected by a least squares log linear regression.

Canada:

Labor—cost projections developed by Motor Transport Industrial Relations Bureau, and labor studies conducted by Niagara. These studies are similar to the U.S. studies.

Fuel—cost projections developed from Niagara's study of major international carriers. This study conforms with the Commission's Ex Parte No. 311, *Expedited Procedures for Recovery of Fuel Costs.*

This decision will not significantly affect the quality of the human environment or conservation of energy resources.

Dated: December 7, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-37038 Filed 12-28-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

OPY-2-245

Decided: December 16, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 16502 (Sub-23), filed December 2, 1981. Applicant: ROBINSON TRUCK LINE, INC., P.O. Box 737, West Point, MS 39773. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, 601-948-8820. Transporting *machinery and metal products,* between points in Lowndes County, MS, on the one hand, and, on the other, points in AR, CT, IL, IN, IA, KY, MA, MI, MN, NY, OH, PA, TN and WI.

Note.—Applicant intends to tack this authority with its existing authority.

MC 45813 (Sub-13), filed December 4, 1981. Applicant: THE DUMFORD TRUCKING CO., 6437 Germantown Rd., Middletown, OH 45042. Representative: James E. Dumford (same address as applicant), 513-422-3653. Transporting *scrap or waste paper,* between points in the U.S., under continuing contract(s) with Diamond International Corporation, of Middletown, OH.

MC 52793 (Sub-688), filed December 3, 1981. Applicant: BEKINS VAN LINES CO., 333 S. Center St., Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant), 312-547-2184. Transporting *data processing equipment and parts,* between points in the U.S. (except AK and HI), under continuing contract(s) with ITT Courier Terminal Systems, Inc. of Tempe, AZ.

MC 95813 (Sub-22), filed November 30, 1981. Applicant: SHUMAKER TRUCKING CO., 601 U.S. Route 15 North, Dillsburg, PA 17019-1696. Representative: David Shumaker (same address as applicant), 717-432-9617. Transporting *refractories and refractory products* between points in the U.S. in and east of MN, IA, AR and LA.

MC 107012 (Sub-757), filed December 4, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant), 219-429-2234. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Tandem Computers, Inc. of Cupertino, CA.

MC 108973 (Sub-19), filed December 1, 1981. Applicant: INTERSTATE EXPRESS, INC., 2334 University Ave., St. Paul, MN 55114. Representative: Sperling R. Englehart (same address as applicant), 612-645-4527. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Jeno's, Inc., of Duluth, MN, Cherry Central Cooperative, Inc., of Traverse City, MI, and Morton Salt, of Chicago, IL.

MC 117993 (Sub-17), filed November 19, 1981. Applicant: FRUITBELT TRUCKING, INC., 12 Smith St., St. Catharines, Ontario, Canada. Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202 716-854-5870. Transporting *food and related products,* between ports of entry on the International Boundary line between the U.S., and Canada in NY and MI, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, CO, OK, and TX, and points in WA and CA.

MC 126313 (Sub-11), filed December 2, 1981. Applicant: CHO-BO, INC., P.O. Box 38, Rte. Kennedy, St. Georges (Beauce County), Quebec, Canada G5Y 5C0. Representative: Frank J. Weiner, 15 Court Sqaure, Boston, MA 02108, 617-742-3530. Transporting *general commodities* (except classes A and B explosives), between points in Somerset and Kennebec Counties, ME.

MC 126302 (Sub-25), filed December 11, 1981. Applicant: THE MANFREDI

MOTOR TRANSIT CO., 14841 Sperry Rd., Newbury, OH 44065. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 42215, 614–228–1541. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Algan, Inc., of Chagrin Galls, OH.

MC 134453 (Sub-29), filed December 3, 1981. Applicant: STERNLITE TRANSPORTATION CO., Winsted, MN 55359. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, 612–457–6880. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with Empire Wholesale Lumber Co., of Akron, OH.

MC 140302 (Sub-6), filed December 2, 1981. Applicant: AMERICAN TANK TRANSPORT, INC., 6350 Ordnance Point Rd., Baltimore, MD 21225. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, 201–572–5551. Transporting *commodities in bulk*, between points in the U.S., under continuing contract(s) with Union Oil Company of California, of Clark, NJ.

MC 140902 (Sub-19), filed December 2, 1981. Applicant: DPD, INC., 3600 N.W. 82nd Ave., Miami, FL 33166. Representative: Harry J. Jordan, Suite 502, Solar Bldg., 1000–16th St. N.W., Washington, DC 20036, 202–783–8131. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S.

MC 141093 (Sub-1), filed November 30, 1981. Applicant: BERKSHIRE BULK SERVICE, INC., The Port of Albany, Albany, NY 12202. Representative: Neil D. Breslin, 11 North Pearl St., Albany, NY 12207, (518) 434–1136. Transporting *petroleum and petroleum products*, between points in Albany and Rensselaer Counties, NY, on the one hand, and, on the other, points in MA, CT, VT and PA.

MC 141932 (Sub-51), filed December 7, 1981. Applicant: POLAR TRANSPORT, INC., 176 King St., Hanover, MA 02339. Representative: Alton C. Gardner (same address as applicant), 617–871–2550. Transporting (1) *building materials*, between points in the U.S., (2) *garments*, between Braintree and Randolph, MA, on the one hand, and, on the other, points in AR, FL, GA, MS, NC, SC, TN, TX and VA, (3) *pulpwood and fiberboard and aluminum and paper novelties*, between points in OH, on the one hand, and, on the other, points in IL, IN, KY, MI, NJ, PA and TN, (4) *such commodities* as are dealt in or used by manufacturers, converters and distributors of paper and paper products, between points in the U.S. and (5) *materials and supplies* used in the maunfacturing of textile mill fabrics and finished goods, between points in Androscoggin and Kennebec counties, ME, on the one hand, and, on the other, points in AR, ZA, GA, NY, NC and SC.

MC 146343 (Sub-13), filed December 7, 1981. Applicant: SOUTHERN EXPRESS CORPORATION, 505 South Ocean Blvd., Pompano Beach, FL 33062. Representative: Warren V. Picillo, Jr., 2 Sawyer Drive, Conventry, RI 02816, 401–822–0678. Transporting *geneard commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Essex Chemical Corporation of Clifton, NJ.

MC 147492 (Sub-7), filed December 7, 1981. Applicant: MEL MOTOR EXPRESS, INC., P.O. Box 29058, New Orleans, LA 70189. Representative: James T. Harmon, III (same address as applicant), 504–246–8221. Transporting *beer*, between points in the U.S. (except AK and HI), under continuing contract(s) with Neal W. Kaye, Inc. of Harahan, LA.

MC 149302 (Sub-4F), filed November 27, 1981. Applicant: EXPRESS TRANSPORT, INC., 247 Moorland St., Fall River, MA 02724. Representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043, (617) 749–6500. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Philadelphia, PA, and New York, NY, and points in MA, RI, and NJ, on the one hand, and on the other, points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 151142 (Sub-7), filed December 3, 1981. Applicant: H & H TRANSPORTATION, INC., 1701 E. Main St, Newark, OH 43055. Representative: Andrew Jay Burkholder, 275 E. State St., Columbus, OH 43215, 614–228–8575. Transporting *food and related products*, between Detroit and Warren, MI, and points in Coshocton County, OH, on the one hand, and, on the other, points in the U.S.

MC 151622 (Sub-2F), filed December 4, 1981. Applicant: SERVICE TRUCKING, INC., P.O. Box 158, Eustis, FL 32726. Representative: K. Edward Wolcott, 235 Peachtree St., NE Suite 1200, Atlanta, GA 30303, (404) 522–2322. Transporting *such commodities* as are dealt in or used by distributing of engines, and parts, accessories and supplies for engines, between points in the U.S., under continuing contract(s) with Southeast Diesel Corporation of Miami, FL.

MC 152082 (Sub-9), filed December 4, 1981. Applicant: R.C. SERVICE, INC., P.O. Box 823, Bensenville, IL 60106. Representative: Daniel C. Sullivan, 10 South LaSalle St., Suite 1600, Chicago, IL 60603, 312–263–1600. Transporting *such commodities* as are dealt in or used by printers and distributors of printed matter, between points in the U.S., under continuing contract(s) with R.R. Donnelley & Sons Company of Chicago, IL.

MC 153293 (Sub-2), filed December 2, 1981. Applicant: PREMIUM PLASTICS, INC., 250 Forrest St., Metuchen, NJ 08840. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410, 201–791–2270. Transporting *plastic materials*, between points in the U.S., under continuing contract(s) with Amoco Chemical Corp. of Chicago, IL.

MC 154612 (Sub-1), filed November 24, 1981. Applicant: ROBERT T. LEVESQUE, d.b.a. R. J. LEVESQUE & SONS, 9 Mayhill Rd., Monson, MA 01057. Representative: Patrick A. Doyle, 40 Sky Ridge Lane, Springfield, MA 01128, 413–783–0442. Transporting *heavy equipment and road construction materials*, between points in MA, ME, NH, VT, CT, RI, NY, NJ, and PA.

MC 155332, filed November 30, 1981. Applicant: BELL LUXURY LIMOUSINE, 100 Sunshine Lane, Reno, NV 89502. Representative: Michael W. Dyer, 50 W. Liberty, Suite 610, Reno, NV 89501, (702) 322–4200. Transporting *passengers and their baggage, in the same vehicle with passengers*, in special and charter operations, limited to the transportation of not more than seven passengers in any one vehicle, not including the driver thereof, between points in Washoe, Douglas, Carson City and Storey Counties, NV, and CA.

MC 158503, filed December 7, 1981. Applicant: DICK MILES CANINE TRANSPORTATION, INC., 749 East Logan Drive, Longwood, FL 32750. Representative: Norman A. Cooper, 145 West Wisconsin Ave., Neenah, WI 54956, 414–722–2848. Transporting *racing dogs*, between points in FL, on the one hand, and, on the other, points in CT, MA, NH, RI, and VT.

MC 159462, filed November 27, 1981. Applicant: HADLEY MOORES AND HAMES DEWEVER, d.b.a. M & D COMPANY, Box 296, Eliot, ME 03903. Representative: John F. O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187, (617) 696–7610. Transporting *sectional construction barges, machinery, metal products, lumber and wood products, clay, concrete, glass and*

stone products between points in CT, DE, MA, MD, ME, NC, NH, NJ, NY, OH, PA, RI, SC, VA, VT, WV and DC.

MC 159492, filed November 30, 1981. Applicant: JOSEPH A. BEAULIEU, 1 Belair Drive RFD #3, Colchester, VT 05446. Representative: Joseph A. Beaulieu (same address as applicant), 802–658–2484. Transporting *computers*, between points in VT, NY, ME, NH, MA, CT, and RI.

MC 159532, filed December 3, 1981. Applicant: M & M MOTOR FREIGHT CORP., River Rd., P.O. Box 595, Utica, NY 13501. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 13202, 315–472–8845. Transporting *general commodities* (except classes A and B explosives) between Syracuse and Utica, NY, on the one hand, and, on the other, points in Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Oneida, Onondaga, Oswego and St. Lawrence Counties, NY.

MC 159573, filed December 4, 1981. Applicant: WINCHESTER TRANSPORTATION, INC., 7780 W. Chicago Ave., Gary, IN. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, 317–846–6655. Transporting (1) *metal products*, between points in IL and IN, on the one hand, and, on the other, points in the U.S., and (2) *machinery*, between points in Lake County, IN, on the one hand, and, on the other, points in the U.S.

Volume No. OPI–325

Decided: December 15, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating in part.)

MC 15100 (Sub-3), filed December 7, 1981. Applicant: JOHN DeGRAND & SON, INC., 52 Hood Terrace, West Haven, CT 06516. Representative: William J. Meuser, 86 Cherry Street, P.O. Box 507, Milford, CT 06460, (203) 878–1747. Transporting *household goods*, between points in CT, on the one hand, and, on the other, points in MA, RI, CT, NY, NJ and PA.

MC 55891 (Sub-7), filed December 10, 1981. Applicant: JIM MARRS TRUCKING CO., INC., P.O. Box 632, Drumright, OK 74030. Representative: J. Michael Alexander, First Continental Bank Bldg., Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237–2385, (214) 339–4108. Transporting *machinery*, between points in Blue Earth and Nicollet Counties, MN, on the one hand, and, on the other, points in KS, OK and TX.

MC 99761 (Sub-2), filed December 2, 1981. Applicant: MICHAEL N. BECHINA, d.b.a. CARMICHAEL CARTAGE COMPANY, 2200 South Loomis, Chicago, IL 60608. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603, (312) 263–2306. Transporting *general commodities* (except household goods, commodities in bulk, and classes A and B explosives), (a) between points in IL, and (b) between points in IL, on the one hand, and, on the other, points in the U.S. (except AK and HI). Condition: Issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request, of its Certificate of Registration in MC–99761 Sub. 1.

MC 125951 (Sub-76), filed December 7, 1981. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 3035 South 72nd Street, Suite 200, Omaha, NE 68124. Representative: Robert M. Cimino, (same address as applicant), (402) 393–5005. Transporting *such commodities* as are dealt in by wholesale and retail grocery and food business houses, between points in the U.S.

MC 133780 (Sub-7), filed December 7, 1981. Applicant: JOHN P. WEYER, INC., Route 1, Box 86B; Brownsville, WI 53006. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *building and construction materials*, (1) between points in WI, on the one hand, and, on the other, points in AL, AR, CO, GA, ID, IL, IN, IA, KS, KY, MI, MN, MO, MS, MT, NE, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, WA and WY, and (2) between points in Cook County, IL, on the one hand, and, on the other, points in IN, IA, MI, MN, MO, NE, NC, OH, PA and WI.

MC 146800 (Sub-4), filed December 7, 1981. Applicant: VERMILLION BROTHERS, INC., Main Street Road, Keokuk, IA 52632. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, (515) 682–8154. Transporting *food and related products*, between points in IL and IN, on the one hand, and, on the other, points in ID, OR, WA, AZ, CO, IA, NV, UT, CA and NM.

MC 148791 (Sub-17), filed December 10, 1981. Applicant: TRANSPORT-WEST, INC., 2125 North Redwood Rd., Salt Lake City, UT 84116. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531–1777. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Weyerhaeuser Company, of Tacoma, WA.

MC 152321 (Sub-1), filed December 9, 1981. Applicant: BOB WHITE, d.b.a. TRI LAKES EXPRESS, 728 North Washington, Springfield, MO 65803. Representative: Stephen G. Newman, P.O. Box 456, Jefferson City, MO 65102, (314) 635–7166. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in Barry, Christian, Greene, Stone, and Taney Counties, MO, on the one hand, and, on the other, points in Baxter, Benton, Marion, and Washington Counties, AR.

MC 152420 (Sub-2), filed December 7, 1981. Applicant: LAND TRANSPORT CORPORATION, 24 Sabrina Road, Wellesley, MA 02181. Representative: James E. Mahoney, 148 State Street, Boston, MA 02109, (617) 523–2660. Transporting *general commodities* (except classes A and B explosives), between points in ME, NH, VT, MA, RI, and CT.

Volume No. OPY–4–490

Decided: December 21, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 159676, filed December 11, 1981. Applicant: C. L. U., INC., 3400 Occidental Ave. S., Seattle, WA 98134. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228–3807. Transporting *general commodities* (except Classes A and B explosives), between points in King, Snohomish and Pierce Counties, WA, on the one hand, and, on the other, points in the WA and OR.

MC 159696, filed December 8, 1981. Applicant: HOLIDAY TOURS, LTD., 3413 Boulevard, Colonial Heights, VA 23834. Representative: Alma Louise Barker, 501 Fairmont Dr., Colonial Heights, VA 23834. To operate as a *broker*, at Colonial Heights, VA, in arranging for the transportation of *passengers and their baggage* in the same vehicle with passengers, in charter and special operations in round-trip tours, beginning and ending at points in Colonial Heights, and Petersburg, VA, and extending to points in the U.S.

Volume No. OPY–4–492

Decided: December 21, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 34027 (Sub-22), filed December 11, 1981. Applicant: GREETINGS, INC., P.O. Box 82, Pella, IA 50219. Representative: Ronald R. Adams, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting

nonmetallic minerals and nonmetalic earths, between points in Marion County, IA, and Breckenridge County, KY, on the one hand, and, on the other, points in the U.S.

MC 138567 (Sub-4), filed December 15, 1981. Applicant: R. L. PAQUETTE, INC., Box 162, Middlebury, VT 05753. Representative: Roger L. Paquette, Jr., (same address as applicant), (802) 388–4839. Transporting *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with White Pitment Corporation, of Florence, VT.

MC 148407 (Sub-2), filed December 15, 1981. Applicant: CHEMICAL DISTRIBUTORS, INC., 2262 N.W. Nicholai St., P.O. Box 10763, Portland, OR 97210. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235–1111. Transporting (1) *building materials*, (2) *used railroad ties*, and (3) *lumber and wood products*, between points in AZ, CA, ID, MT, VT, NV, OR, UT, and WA.

MC 156017, filed December 11, 1981. Applicant: GLEASON, INCORPORATED, 1248 S. Verde, Tacoma, WA 98405. Representative: Kathy A. Gleason (same address as applicant), (206) 759–6130. Transporting *lumber, pipe, tubing, building and construction material*, between points in the U.S., under continuing contract(s) with Halco Fence and Wire Co., of Hadlock, WA, and Commerce City, CO.

MC 157457 (Sub-3), filed December 11, 1981. Applicant: CONGOLEUM CARTAGE CORPORATION, 2323 S. 17th St., Elkhart, IN 46514. Representative: H. Barney Firestone, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Transporting *such commodities* as are dealt in by discount, variety and department stores, between Kaufman, TX, and points in Bristol County, MA, Horry and Cherokee Counties, SC, Bergen County, NJ, and Los Angeles County, CA, on the one hand, and, on the other, points in the U.S.

MC 157457 (Sub-4), filed December 11, 1981. Applicant: CONGOLEUM CARTAGE CORPORATION, 2323 S. 17th St., Elkhart, IN 46514. Representative: Ronald N. Cobert, 1730 M St., N.W., Suite 501, Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Rail Services, Inc., of Chicago, IL.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–37031 Filed 12–28–81; 8:45 am]

BILLING CODE 7035–01–M

INTERNATIONAL TRADE COMMISSION

Awarding SES Bonuses

The Office of Personnel Management guidelines require that each agency publish a notice in the **Federal Register** for the agency's schedule for awarding Senior Executive Service Bonuses at least 14 days prior to the date on which the awards will be paid. The United States International Trade Commission intends to award a Senior Executive Service bonus for the performance rating cycle of October 1, 1980, through September 30, 1981 with payouts scheduled by January 15, 1982.

Issued: December 23, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–37021 Filed 12–28–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–112]

Certain Cube Puzzles; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on November 17, 1981, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Ideal Toy Corp., 200 Fifth Ave., New York, New York 10010. An amended complaint was filed on December 14, 1981. The complaint alleges unfair methods of competition and unfair acts in the importation of certain cube puzzles into the United States, or in their sale, by reason of the alleged (1) infringement of complainant's common law trademark, (2) false designation of origin by reason of copying complainant's trade dress, and (3) passing off of respondents' cube puzzles as those of complainant. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that, during the pendency of the investigation, the Commission issue a temporary exclusion order, prohibiting importation of said articles into the United States except under bond, and, after a full investigation, the Commission issue both a permanent exclusion order and a permanent cease and desist order.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in § 210.12 of the Commission's Rules of Practice and Procedure.

Scope of the investigation: Having considered the complaint, the U.S. International Trade Commission, on December 16, 1981, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337(b)), an investigation be instituted to determine whether there is reason to believe there is a violation and whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain cube puzzles into the United States, or in their sale, by reason of the alleged (1) infringement of complainant's common law trademark, (2) false designation of origin by reason of copying complainant's trade dress, and (3) passing off of respondents' cube puzzles as those of complainant, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of this investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Ideal Toy Corp., 200 Fifth Ave., New York, N.Y. 10010

(b) The respondents are the following persons, alleged to be in violation of section 337, and are parties upon which the complaint is to be served:

Atco Electronics, Ltd., 1191 Broadway, New York, N.Y. 10001
BMJ Trading, Ltd., 12 East 33rd Street, New York, N.Y. 10016
Chinese Arts & Crafts, 537 S. Western Avenue, Los Angeles, Calif. 90020
Continental Variety, 1127 Broadway, New York, N.Y. 10010
Global Imports, 160 Fifth Avenue, New York, N.Y. 10010
John N. Hansen Co., 369 Adrian Blvd., Milbrae, Calif. 94030
Metro Charles Co., Inc., 1220 Broadway, New York, N.Y. 10001
Pan-Lon International, Inc., 1147 Broadway, New York, N.Y. 10001

P.G. Continental, Inc., 556 Pilgrim Drive, Suite A, Foster City, Calif. 99404
Plawner Toy Mfg. Corp., 250 Route 17, Lodi, New Jersey 07644
Rand International, 11 Lawson Lane, Great Neck, N.Y. 11023
Jack Stern, d/b/a Worldwide Discount, 22 Cornell Drive, Great Neck, N.Y. 11020
The Super Game Corp., 6330 N. California Avenue, Chicago, Ill. 60659
Vanguard Jewelry Corp., 1178 Broadway, New York, N.Y. 10001
Henry Wedermeyer Inc., 41 Madison Avenue, New York, N.Y. 10010
A & H Ltd., P.O. Box 67–774, Taipei, Taiwan
Abtron Industrial Corp, 5th Fl., No. 230, Sec. 4, Jen Ai Rd., Taipei, Taiwan
All Strong Enterprises Co., Ltd., P.O. Box 6–36, Peitou, Taipei, Taiwan
Alpha & Beta Toys Industrial Co., Ltd., P.O. Box 67–338, Taipei, Taiwan
Bayeast Industrial Co., Ltd., 9th Fl., No. 97, Nanking E. Rd., Sec. 2, Taipei, Taiwan
Cahinteef Corp. Ltd., Shui-Yuan Building, 4th Fl., No. 134, Shih Ta Rd., Taipei (107), Taiwan
Chi Mei Trading Co., Ltd., 10th F., No. 27 Chang-An E. Rd., P.O. Box 9–100, Taipei, Taiwan
Chin Yuee Industrial Co., Ltd., P.O. Box 68–1500, Taipei, Taiwan
Chiu Hop Enterprise Corp., 4th Fl., No. 9, Lane 38, Sung Chiang Rd., Taipei, Taiwan
Chi-Wei Enterprise Co., Ltd., 3rd Fl., No. 116, Nanking E. Rd., Sec. 5, Taipei, Taiwan
Chumunion C.L.W. International Corp., 10th F., 121 Jen Air Rd., Sec. 3, Taipei, Taiwan
The Coaster Co., Ltd., P.O. Box 68–446, Taipei, Taiwan
Dah Chiang Industrial Co., Ltd., P.O. Box 19, Ru Tsuo H. Hsiang, Taipei Hsien, Taiwan
Dargen Co., Ltd., 2nd Fl., 1–1, Lane 129, Chang An E. Rd., Sec. 2, Taipei, Taiwan
Doddiu Enterprise Co., Ltd., P.O. Box 6–323, Taipei, Taiwan
Evercheering Enterprise Co., Ltd., P.O. Box 3576, Taipei, Taiwan
Ever New Products International Corp., P.O. Box 17–48, Taipei, Taiwan
Excellent Metal Industrial Corp., P.O. Box 112, Hsin Chuang, Taipei, Taiwan
Gaiety Trading Co., Ltd., No. 38, Alley 29, Lane 291, Nanking, E. Rd. Sec. 5, Taipei 105, Taiwan
Gameking Industry Co., Ltd., P.O. Box 7–467, 11th Fl., No. 88, Sec. 8, Chungking S. Rd., Taipei, Taiwan
Gem Gem & Co., Ltd., P.O. Box 47–51, Taipei (103), Taiwan
Giocoso Products Co., Ltd., No. 76, Chuang Shan N. Rd., Sec. 1, 2nd Fl., P.O. Box 46–608, Taipei, Taiwan
Good Partner Corp. Ltd., P.O. Box 19–162, Taipei, Taiwan
or
2 Fl., No. 3, Lane 13, Shieh Chu Wei St., San Chung City, Taipei, Taiwan
Hanlong Products Corp., 2 Fl., No. 7–2, Lane 93, Chung San N. Road, Sec. 2, P.O. Box 59043, Taipei, Taiwan
Happy-Home Electro & Hardware Works S.A., P.O. Box 55–0624, 7 Lane, 539 Cheng Teh Rd., Taipei, Taiwan
Honbin International Co., Ltd., Fl. 1, 350 Fu Hsing N. Rd., Taipei, Taiwan
Jacktune Co., Ltd., P.O. Box 84–312, Taipei, Taiwan
Jen Shin National Co., Ltd., P.O. Box 1990, Taipei, Taiwan
Junn-Ho Enterprise Co., Ltd., 3rd Fl., No. 90, Lern-Ai Rd., Sec. 3, Taipei, Taiwan
JWU Lih Shing Yeh Co., Ltd., 2nd Fl., No. 143 Chun, Shan Rd., Sec. 3, Chung Ho City, Taipei, Taiwan
KTC (Taiwan), Inc., P.O. Box 67–095, Taipei, Taiwan
Kan Shin Trading Co., Ltd., P.O. Box 10153, No. 18, Lane 14, Di-Hwa St., Sec. 1, Taipei, Taiwan
Key Men Co., Ltd., P.O. Box 91–321, Taipei, Taiwan
King Swey Enterprises Co., Ltd., P.O. Box 66–2328, Taipei, Taiwan
Lee Tai Industrial Co., Ltd., P.O. Box 46–578, Taipei, Taiwan
Lee Tata International Corp., P.O. Box 53–196, Taipei, Taiwan
Liang Hwa Toys Co., Ltd., P.O. Box 40–64, 2d Fl., 199, Tzu Chiang Rd., Sec. 1, San-Chung City, Taipei, Taiwan
Linca Co., Ltd., 6, Alley 24, Lane 208, Zui An St., P.O. Box 7–185, Taipei, Taiwan 106
Long Ten-Ten Industrial Co., Ltd., 3 Fl., No. 380–8, Chung Hou St., P.O. Box 138, Pei-Tou, Taipei, Taiwan
Lonvy Enterprise Co., P.O. Box 16–510, Taipei, Taiwan
Maruwa Gain Corp., No. 15–1, Alley 2, Lane 250, Nanking E. Rd., Sec. 5, P.O. Box 48–371, Taipei, Taiwan
Ming Juo Industries Co., Ltd., Rm 6, 7 Fl., No. 69, Lane 390 Tuo Hua S. Rd., P.O. Box 53–1056, Taipei, Taiwan
Motee Enterprises (Taiwan), Inc., 3 Fl., No. 39, Sec. 2, Hsin-Sheng N. Road, P.O. Box 39–599, Taipei, Taiwan
Multi-Bri Inc., P.O. Box 24–818, No. 66, Dah Daw Road, Taipei, Taiwan 106
Nissho Trading Co., Ltd., 8–16–3-chome, Higashi-Mukojima, Sumida-Ku, Tokyo, Japan
Olivewood Enterprise Co., Ltd., No. 30, Lane 60, Kuang Fu N. Rd., P.O. Box 36–114, Taipei, Taiwan
Orient International Corp., P.O. Box 59394 Taipei, 28–1, Lane 96, Chung Shan N. Rd., Sec. 2, Taipei, Taiwan
Otto International Corp., 5th Fl., No. 103 Roosevelt Rd., Sec. 2, Taipei, Taiwan
Outpost Enterprise Co., Ltd., P.O. Box 24–596, Taipei, Taiwan
Oxo Toy Corp., P.O. Box 68–84, Taipei, Taiwan
Pan International Ltd. (Taiwan), Rm. 1020, 10th Fl., No. 90, Chun Hwa Rd., Sec. 1, Taipei, Taiwan
Penn Brother Industrial Co., Ltd., P.O. Box 36–440, Taipei, Taiwan
Robert S. Hong & Co., Ltd., P.O. Box 6–59, Taipei, Taiwan
Rongine International Corp., 6th Fl., 259–262: Chung Hsiao East Rd., Sec. 5, Taipei 105, Taiwan
Royce Enterprise Co., Ltd., P.O. Box 18–113, Taipei, Taiwan
S.L. C., Ltd., P.O. Box 91–77, Taipei, Taiwan
San Wu Hong Co., Ltd., P.O. Box 68–419, 239, Tihwa St., Sec. 1, Taipei, Taiwan
San Yu Inc., 55 Min Teh Rd., Wu Ku Hsiang, Taipei Hsein, Taiwan
Sharer Enterprises Co., Ltd., P.O. Box 55–32, Taipei, Taiwan
Sun Ching Industrial Corp., P.O. Box 6–344, Taipei, Taiwan
Sundry Products, Inc., P.O. Box 58947, No. 16, Alley 9, Lane 31, Sec. 5, Nanking East Road, Taipei, Taiwan
Sung Shang Enterprise Co., Ltd., No. 84, Lane 920, Chung, Shan Rd., Sec. 2, Chung Hwa, Taiwan
Sunseed Corp., 5th Fl., 271, Chung Hsiao E. Rd., Sec. 3, Taipei, Taiwan
Taifa Polymer Corp., Al-li Yuan Building, 5th Fl., 78 An-Ho Road, P.O. Box 26–370, Taipei, Taiwan
Taiwan Sports & Trading Ltd., P.O. Box 59024, Taipei, Taiwan (100)
Taiwell (Toys) Enterprise Inc., P.O. Box 17–331, Taipei, Taiwan
Tapou Industries Co., Ltd., 5/F No. 50 Nanking E. Rd., Sec. 5, P.O. Box 48–104, Taipei, Taiwan
Tay Horng Enterprise Co., Ltd., No. 42, Lane 156, Hsi Wei St., Sanchung City, Taiwan
Teh Yor Industrial Co., Ltd., 129, 2nd Fl., Chung Shan N. Rd., Sec. 1, Taipei, Taiwan 104
Thumb Enterprise Co., Ltd., P.O. Box 84–421, Taipei, Taiwan
Tip Top & Co., Ltd., P.O. Box 45–66, Taipei, Taiwan
Top Sales Corp., P.O. Box 3029, Mucha, Taipei, Taiwan
Torng Huei Enterprise Co., Ltd., P.O. Box 19–220, Taipei, Taiwan
Torng Yih Enterprise Co., Ltd., P.O. Box 46–59, Taipei 105, Taiwan
Trades-Man Industrial Co., Ltd., P.O. Box 39–276, Taipei, Taiwan
Vuzu Development Cor., 213 Rau-her Street, P.O. Box 18–61, Taipei 105, Taiwan
Whole Yean Industry Corp., P.O. Box 67–266, Taipei, Taiwan
Wiland International Corp., P.O. Box 14–138, Taipei, Taiwan
William Woo Int'l (Taiwan) Ltd., P.O. Box 53–202, Taipei, Taiwan
Ying Hui Co., Ltd., P.O. Box 1345, Taipei, Taiwan
Jack Young Ltd., P.O. Box 107, Peitou, Taipei, Taiwan

(c) Ralph Elsas-Patrick, Unfair Import Investigations Division, U.S. International Trade Commission, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to § 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than twenty (20) days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E. Street, NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Ralph Elsas-Patrick, Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202–523–0440.

By order of the Commission.

Issued: December 23, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–37022 Filed 12–28–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 104–TAA–4]

Galvanized Fabricated Structural Steel Units for the Erection of Electrical Transmission Towers From Italy

Determination

Based on the record [1] developed in investigation No. 104–TAA–4, the Commission determines,[2] pursuant to section 104(b) of the Trade Agreements Act of 1979, that an industry in the United States would not be materially injured, or threatened with material injury, nor would the establishment of an industry in the United States be materially retarded, by reason of imports of galvanized fabricated structural steel units for the erection of electrical transmission towers from Italy if the countervailing duty order on such merchandise were to be revoked.

Background

On March 27, 1980, the U.S. International Trade Commission received a request from counsel for Societa Anonima Elettrificazione S.p.A. (SAE), an exporter accounting for a significant proportion of exports to the United States of the merchandise covered by the countervailing duty order, for an investigation under section 104(b) of the Trade Agreements Act of 1979. A second request for the investigation was received from the Delegation of the Commission of the European Communities on March 28, 1980.

On April 28, 1981, the Department of Commerce published a notice in the **Federal Register** of its preliminary determination of the net amount of the subsidy applicable to the merchandise covered by the countervailing duty order. On the basis of that determination by Commerce, the U.S. International Trade Commission, pursuant to section 104(b)(2) of the Trade Agreements Act, on July 10, 1981, instituted investigation No. 104–TAA–4 on galvanized fabricated structural steel units for the erection of electrical transmission towers from Italy, to determine whether an industry in the United States would be materially injured or threatened with material injury, or the establishment of an industry in the United States would be materially retarded, by reason of imports of the merchandise covered by the countervailing duty order if the order were to be revoked.

Notice of the institution of the Commission's investigation was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** of July 15, 1981 (46 FR 36780). The hearing, which had initially been scheduled for October 7, 1981, was subsequently rescheduled and held on October 23, 1981, in Washington, D.C. All persons requesting the opportunity were permitted to appear in person or by counsel. The Commission vote on this investigation was held in public session on December 10, 1981.

Views of Chairman Alberger, Vice Chairman Calhoun, Commissioner Stern and Commissioner Eckes

Imports of galvanized fabricated structural steel units for transmission towers have been subject to a countervailing duty order since April 1967. Based on the record of this investigation we conclude that revocation of this order would not result in material injury or threat of material injury to the U.S. industry.[3] In arriving at this decision, we considered, among other factors, the relatively insignificant effect of the outstanding order on the overall competitiveness of Italian imports, the improving performance of the domestic industry, and the long-term decline in the absolute and relative quantity of the subject imports.

The Domestic Industry

The domestic industry is defined as "the domestic producers as a whole of a like product, or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product." [4] The term "like product" means "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation." [5]

The imported Italian products are galvanized fabricated structural steel units for the erection of electrical transmission towers. These towers are used to support wires and cables for transmitting high voltage electric power between generating stations and substations. Imports from Italy have consisted entirely of components for lattice transmission towers.[6] No known importations of components for galvanized tubular transmission towers have been made.[7]

There are about twelve domestic producers of galvanized fabricated structural steel units for lattice transmission towers. For all practical purposes the domestically-produced lattice transmission towers are identical to the imported products. Therefore, we find them to be the "like product." For the purpose of this investigation, the producers of these units constitute the U.S. industry.

Several of these producers also manufacture components for galvanized steel tubular transmission towers. Except for shipments, the only available economic data includes galvanized tubular steel transmission towers which account for less than 5 percent of domestic production. In situations such as this, section 771(4)(D) of the Tariff Act permits the Commission to assess the impact of the imports under

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[1] The "record" is defined in § 207.2(j) of the Commission's *Rules of Practice and Procedure* (19 CFR 207.2(j)).

[2] Commissioner Frank determined that an industry in the United States would be threatened with material injury if the countervailing duty order were to be revoked.

[3] We did not consider the issue of material retardation of the establishment of an industry in the United States if the duty were revoked because there are already firmly established producers of the like product as defined in this investigation.

[4] Section 771(4)(A) of the Tariff Act of 1930, 19 U.S.C. 1677(4)(A).

[5] Section 771(10) of the Tariff Act of 1930, 19 U.S.C. 1677(10).

[6] To a limited extent, tubular steel poles can also be used to transmit high voltage electric power.

[7] Commission Report at A–4.

investigation by examining the production of the narrowest group or range of products, which includes the like product, for which the necessary information can be provided. Therefore, with the exceptions of shipments data, our determination in this investigation is based upon an examination of the potential impact of these imports on the production of all galvanized fabricated structural steel units for transmission towers.[8]

Present Condition of the Domestic Industry

The domestic industry's performance generally improved over the period covered by this investigation (January 1978–June 1981). The industry reported net losses in 1978 and 1979, but reported aggregate operating profits in 1980, which rose to 10.5 percent of sales in the first six months of 1981.

Some restructuring of the industry occurred—several of the major producers closed plants in one location to open facilities or expand operations in other areas. As a result of these changes, industry capacity will increase an estimated 17 percent (to 262,000 tons) by the end of 1981 as compared to 1980. Several fabricators have expansion plans, and there are some new entrants to the industry (reportedly organized to take advantage of the small business set-aside for government contracts).

Capacity utilization rose significantly in this period. In the first six months of 1981, it declined slightly, but in 1980, capacity utilization was substantially higher than in 1979. Productivity remained relatively stable in 1978–80, and then increased approximately 5 percent in January–June 1981.

Although U.S. consumption of galvanized fabricated steel units for transmission towers during the investigation period was low compared to the late 1960's, the recent trend is up. Total consumption for 1980 was 10 percent over 1979, and the first six-month figures for 1981 showed an additional increase over the comparable 1980 period. U.S. producers' domestic shipments increased from 109,044 tons in 1978 to 128,799 tons in 1980, or be about 18 percent.[9] However, shipments in January–June 1981 were about 12 percent less than shipments during the corresponding period in 1980.[10] This decline reflected an increase in imports, primarily from countries other than Italy. U.S. export shipments rose sharply in the investigation period, although they still account for a relatively small percentage of total producer shipments.

Likely Effects of Removal of the Countervailing Duty Order

Our review of the record leads us to conclude that removal of the order will not provide a material competitive advantage to the Italian importers and will not appreciably alter their behavior so as to cause material injury to the domestic producers. Even if revocation results in a reduction in import prices fully equivalent to the amount of the duty, we do not expect the volume of U.S. imports from Italy to increase appreciably. This is because (1) any price decrease resulting from revocation of the order would be relatively insignificant, (2) the importance of imports from Italy in the U.S. transmission tower market has changed dramatically since 1967 when the order first came into effect, and (3) the bid evaluation process in this industry focuses on a number of factors in addition to price.

First, removal of the countervailing duty order will not cause a significant change in the price of galvanized steel units for transmission towers imported from Italy. From its imposition in 1967 until 1980, the absolute amount of the countervailing duty remained constant.[11] However, the effect of the countervailing duty has declined significantly as the value of steel units for transmission towers increased. In 1967, the countervailing duty was equivalent to an effective rate of about 6.5 percent ad valorem. In 1980, it was about 2 percent, and in 1981, it was less than 1.5 percent. The current small amount of the countervailing duty relative to total landed value essentially limits the price reductions on U.S. imports from Italy that could result from revocation.

Second, since 1967, imports from Italy have declined both in relative and in absolute terms. In 1967, imports amounted to roughly 75,000 tons or 25 percent of the U.S. market. In contrast, in 1979 and 1980, imports amounted to less than 10,000 tons and 5,000 tons, respectively, representing less than 5 percent and less than 2 percent of the U.S. market.[12] In the period covered by this investigation, with the exception of the first half of 1981, Italian imports trended downward as a percentage of U.S. consumption.

This trend is reflected in SAE's bid award pattern, which shows a sharply declining ratio of bids awarded, from more than 25 percent of the tonnage bid by SAE in 1979 to less than 5 percent in January–June 1981. SAE's ratio of tonnage awarded to total tonnage bid will, however, show an increase in the latter half of 1981 on the basis of the awarding of a large contract in July 1981. This single contract is not necessarily indicative of a reversal of the downward trend.

In the 1960s, when the countervailing duty was significantly larger on an ad valorem basis, the order led to the initial reversal of SAE's performance in the U.S. market.[13] This reversal was intensified by other market developments. These included a severe decline in consumption of transmission towers as a result of high interest rates and environmental concerns; a dramatic increase of U.S. imports of towers from Japan and Canada; increased competitiveness of the U.S. industry resulting from the growth of minimills, relocation of capacity, improved productivity, and lower costs; and an increase in the use of substitute products. At the present time, with the effective rate of the countervailing duty greatly reduced, the level of U.S. imports from Italy is no longer significantly linked to the existence of the countervailing duty order.

The third point supporting our view that imports will not increase appreciably if the order is revoked relates to the role of price in competition for transmission towers sales. Contract awards are made in this industry on the basis of bid evaluation. In this process, many factors are considered. Among the most important, in addition to price, are maintenance costs, erection costs, punctuality of the vendor, tower appearance, and, in one recent case, payment terms. The contract usually goes to the lowest bidder as determined by the overall bid evaluation process, not solely on the basis of price. The record of this investigation includes reports of several instances in which the lowest bidder on a price basis did not win a particular sale.

Conclusion

We foresee little, if any, increase in imports of galvanized structural steel units for transmission towers from Italy as a result of revocation. The insignificant price and volume changes that may occur will not adversely effect

[8] See Additional Views of Vice Chairman Calhoun.

[9] For purposes of this investigation, production and shipments are considered synonymous since parts and components for transmission towers are not normally inventoried. Commission Report at A–16.

[10] Id. at A–14.

[11] In 1980 the Department of Commerce revised its determination as to the value of the net subsidy bestowed by the Italian government from 13.07 lire per kilogram to 18 lire per kilogram.

[12] Commission Report at A–23 and A–24.

[13] SAE's Posthearing Brief at 8.

the currently favorable performance of the domestic industry. We, therefore, conclude that the domestic industry would not be materially injured or threatened with material injury by termination of the countervailing duty order.

Additional Views of Vice Chairman Calhoun

This is a minor point, but one I think is worthy of note. The majority's language in our industry analysis that 771(4)(D) permits us to assess the impact of the imports on the narrowest group or range of products which includes the like product is, by an important omission, misleading. To be precise, this section requires us to make our injury assessment against production of the like product. We can do the alternative assessment described only when available information does not permit assessment against production of the like product. In this case, for the reasons given, information does not allow for such an assessment.

Views of Commissioner Frank

Introduction

Based on the record developed in Investigation No. 104–TAA–4, I determine, pursuant to section 104(b) of the Trade Agreements Act of 1979, that an industry in the United States would be threatened with material injury by reason of imports of the merchandise (Steel Units for Electrical Transmission Towers from Italy), covered by the countervailing duty order if the order were to be revoked.

My determination is based upon the considerations set forth below.

Discussion

Domestic Industry

Section 771(4)(A) of the Tariff Act of 1930 defined the term "industry" as the "domestic producers as a whole of a like product or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product." [14] "Like product" is defined as a product which is like, or in the absence of like, most similar in characteristics and uses with, the article under investigation.[15]

The imported products which are the subject of this investigation are galvanized fabricated structural steel units for the erection of electrical transmission towers from Italy.[16] These towers are utilized by electric utilities whether publicly or privately owned.

Condition of the U.S. industry

The staff report to the Commission of November 27, 1981, covering Investigation No. 104–TAA–4, indicates historical demand and trade trends in the subject products with particular focus on the January 1978 through June 1981 period. References to the pre-1967 surge in Italian exports of the steel units for electrical transmission towers were made in the above-mentioned Commission Staff Report, testimony by or submissions from the North American representative of Societa Anonima Elettrificazione S.p.A. (SAE) of Italy, or by Mr. Alfred R. McCauley, Esq. on behalf of Saelectric Transmission, Inc., and by United States Steel Corportation, *et al.*

These sources provided current opinion on the U.S. industry and impacts which would occur as a result of revocation of the countervailing duty order (CVD) for the subject products. Essentially, galvanized steel transmission towers are built to order specifications so that inventory considerations are minimal. The four largest (U.S.) firms involved in this industry accounted for 80% of the aggregate domestic output of galvanized fabricated steel for transmission towers reported in January 1978–June 1981.[17]

SAE has a major position in the Italian export of galvanized steel transmission towers world-wide, and in many developing countries, SAE has provided services similar to those of a general contractor while at the same time providing transmission towers. However, in the U.S. market, numerous general contractors or utility company employees perform functions SAE might provide in construction and related areas. Hence, the U.S. market is based predominantly on price and related factors. The impact of high interest rates did tend to curb U.S. utility companies' commitments to new projects in 1981.

Because of the long bid and order to delivery cycle in the industry, up to two and one-half years, the recent and present economic and profit situations are not fully reflective of future operational achievements. Examination of recent bidding tactics and orders won is important. The use of external payment terms without interest charges for a significant time period by SAE in their sale to San Diego Power & Light is one illustration of intensified price discounting and price-related competition. The Japanese and Canadian manufacturers of steel units for transmission towers essentially have gained a very significant share of the U.S. market during the last decade. Now, because of worldwide slack demand, companies such as SAE (which experienced some loss of opportunities and business in countries involved in warfare, internal strife, and balance of payments problems) may seek to gain a larger share of U.S. business that has not been lost to the Japanese, *et al.* Potentials for export business for U.S. manufacturers of galvanized steel units for transmission towers is still minimal and depressed, although growing recently for U.S. producers.

Many U.S. steel producers are hurt by the overall U.S. investment and economic decline, especially in construction areas. Some of these producers will be threatened with material injury by the termination of the countervailing duty order on galvanized structural steel units for electrical transmission towers from Italy. SAE has already displayed a capability to obtain large orders by aggressive special price-related concessions in the case of the 7,000 ton San Diego Power & Light order. There is a serious threat of material injury to U.S. manufacturers of steel units for electrical transmission towers if other large orders are lost to Italian suppliers of such units because of price-related concessions.

One extremely serious aspect of the entire situation is that the full extent of Italian subsidies and related benefits has not been determined. The U.S. Department of Commerce, because of apparent inadequate or inaccurate response by the Italian Government and SAE to the U.S. Department of Commerce questionnaire utilized in its Section 751 net subsidy review, did not obtain information I consider to be crucial to the Commission's Section 104 investigation. While I recognize the bifurcation of duties on the part of Commerce and the Commission as mandated by regulations and rules and procedures emanating from the Trade Agreements Act of 1979, I contend it is appropriate for the Commission to grant a postponement of decision in this investigation until after the second annual review by the U.S. Department of Commerce. Deputy Assistant Secretary for Import Administration, Gary Horlick, indicated that the final results of the Commerce Department's scheduled next

[14] Section 771(4)(A) of the Tariff Act of 1930.

[15] Section 771(10).

[16] Galvanized fabricated structural steel units for the erection of electrical transmission towers are currently provided for under Tariff schedules of the United States (TSUS) items 653.00, if imported complete or substantially complete; 652.94, if made up into a series of sections; or other items including but not necessarily limited to 609.84, 646.54, 646.65, 646.70, 646.72, 657.25 and 923.51, if imported as individual pieces.

[17] Investigation No. 104–TAA–4, Staff Report to the Commission, November 27, 1981, at page 12, footnote 1.

review of this countervailing duty order would be *published* by May 1982, or about 6 months from now. However, a Commission determination of no injury in Investigation No. 104–TAA–4 will terminate Commerce's investigation. In the event of such termination, the U.S. Government may deprive itself, as well as others, of knowing the full answers to the Commerce Department's questionnaire or the extent to which subsidies exist relative to U.S. imports of steel units for electrical transmission towers from Italy.

The practice of seeking to bring investigations to fast resolution when material evidence is not officially available can be damaging to the U.S. economy. This is especially true when statutory requirements do not mandate such fast action. These actions can lead to many other efforts by foreign countries or companies to seek revocation of countervailing duty orders under similar circumstances where sufficiency of questionnaire responses is questioned. The precedence that the Commission has established can lead to some decisions which are based upon inadequate information. Such insufficiency could result from unintentional or intentional response efforts by foreign governments or corporations. Since, in the case of Investigation No. 104–TAA–4, the Commission could withhold decision even until 1983, I believe it is only appropriate to determine more exactly the level of subsidies that are applicable. It is alleged by the U.S. Steel Corporation that the previously undisclosed subsidies exceed significantly the ten-percent level. This alleged subsidization is not reflected in the present countervailing duty order.

Such a level could partly explain the unusual ability of SAE to provide a grace period without interest charges when interest levels have recently exceeded 15 percent. Such subsidy advantages can enable an aggressive marketing company to obtain significant orders in U.S. markets and threaten to materially injure the U.S. Manufacturers of galvanized steel units for the erection of electrical transmission towers. Thus, I conclude that based on the record developed in Investigation No. 104–TAA–4, I determine, pursuant to section 104(b) of the Trade Agreements Act of 1979, that an industry in the United States would be threatened with material injury by reason of imports of the merchandise covered by the countervailing duty order if the order were to be revoked.

By order of the Commission.

Issued: December 16, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–37084 Filed 12–28–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–85]

Certain Surface Grinding Machines and Literature for Promotion Thereof; Termination of Respondents

AGENCY: International Trade Commission.

ACTION: Termination of investigation as to respondents Lian Feng Machine Co., Ramco Machinery Sales, Inc., Langford Machinery, Ralmike's Tool-A-Rama, Sigma Machinery, Inc., and Performance Machine Tools.

SUMMARY: The Commission has terminated the above-captioned investigation as to respondents Lian Feng Machine Co., and Ramco Machinery Sales, Inc. based on consent order agreements and as to respondents Langford Machinery, Ralmike's Tool-A-Rama, Sigma Machinery, Inc., and Performance Machine Tools based on settlement agreements.

SUPPLEMENTARY INFORMATION: This investigation is being conducted under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and concerns alleged unfair trade practices in the importation into and sale in the United States of certain surface grinding machines and literature for the promotion thereof. The complainant, Brown and Sharpe Mfg. Co., and respondents Lian Feng and Ramco jointly moved to terminate the investigation as to aforementioned respondents on the basis of consent order agreements. Complainant, Brown & Sharpe Mfg. Co., and respondents Langford, Ralmike's Tool-A-Rama, Sigma, and Performance jointly moved to terminate the investigation as to the aforementioned respondents on the basis of written settlement agreements.

Copies of the Commission's Action and Order and all other nonconfidential documents filed in connection with the investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E St., NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Clarease E. Mitchell, Esq., Office of the General Counsel, telephone 202–523–0146.

By order of the Commission.

Issued: December 23, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–37023 Filed 12–28–81; 8:45 am]

BILLING CODE 7020–02–M

[332–134]

Conditions Relating to the Importation of Canadian Softwood Lumber into the United States

AGENCY: International Trade Commission.

ACTION: At the request of the Committee on Finance of the U.S. Senate and following receipt of a request from the Chairman of Subcommittee on Trade of the Committee on Ways and Means of the U.S. House of Respresentatives on December 4, 1981, and December 8, 1981, respectively, the U.S. International Trade Commission instituted investigation No. 332–134 under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), for the purpose of gathering and presenting information on softwood lumber imports from Canada and the factors affecting the competitiveness of U.S. producers of softwood lumber. This study will present a profile of the United States and Canadian markets and industries, with an emphasis on the costs of producing softwood lumber in the U.S. Pacific Northwest and in British Columbia.

EFFECTIVE DATE: December 16, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. William Hoffmeier or Mr. Jeff Wood, Agriculture, Animals and Forest Products Division, U.S. International Trade Commission, Washington, D.C. 20436, telephone 202–724–1766 or 202–724–0095, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Committee on Finance requested that the Commission report include, in particular, information with respect to:

1. The U.S. market (United States and Canadian factors of competition including a discussion of imports, production including multinational operations, and consumption).
2. A comparison of stumpage prices and appraisal methods.
3. A comparison of fixed and variable costs of production.
4. A comparison of transportation costs.
5. A comparison of marketing practices (including a discussion of the impact of Canadian softwood lumber on the various regions of the U.S. market).
6. A comparison of Government policies and regulations and their

influence on the softwood lumber industry.

The Committee asked that the Commission transmit its report not later than 4 months after receipt of the request.

The Chairman of the Subcommittee on Trade of the Committee on Ways and Means requested that the report include, in addition to a review of the composition of the industry in both countries, "a comparative analysis of the stumpage appraisal systems, industry wage rates, nature of forest resources, forest policy, employment policy as it relates to this industry, methods of taxation, and profit and risk allowances."

Public Hearing: A public hearing in connection with the investigation will be held in Room 223, Federal Center Building, 1220 SW 3rd Street, Portland, Oregon, on February 17, and 18, 1982. All persons shall have the right to appear by counsel or in person, to present information, and to be heard. Requests to appear at the pubblic hearing should be filed with the Secretary, United States International Commission, 701 E Street NW., Washington, D.C. 20436, not later than noon, February 12, 1982.

Written Submissions: In lieu of or in addition to appearances at the public hearing, interested persons are invited to submit written statements concerning the investigation. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be ensured of consideration by the Commission, written statements should be submitted at the earliest practicable date, but no later than February 20, 1982. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

Issued: December 18, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-37079 Filed 12-28-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 81-23]

Ben Phillip Estes; Revocation of Registration

On August 28, 1981, the Acting Adminstrator of the Drug Enforcement Administration (DEA) directed an Order To Show Cause to Ben Phillip Estes, M.D. (Respondent), of 1309 South Adams Street, Fort Worth, Texas. The Order To Show Cause proposed to revoke the Respondent's DEA Certificate of Registration, AE6099027, and was predicated upon the Respondent's conviction in the United States District Court for the Northern District of Texas following his plea of nolo contendere to two counts of unlawfully causing the distribution of controlled substances in violation of 21 U.S.C. 841(a)(1) and 21 CFR 1306.04(a).

By letter dated September 28, 1981, the Respondent requested a hearing on the issues raised by the Order To Show Cause. The matter was placed in the docket of Administrative Law Judge Francis L. Young. On October 1, 1981, Judge Young ordered that the Respondent and the Government file and exchange written prehearing statements of issues perceived and evidence to be presented. The Government complied with the Administrative Law Judge's order. However, the Respondent failed to file a prehearing statement and, in fact, no correspondence has been received from him since receipt of his original letter requesting a hearing.

On November 17, 1981, Judge Young entered a Memorandum and Order Terminating Proceedings. Judge Young noted that Respondent had twice failed to comply with directions to specify the issues which he perceives as requiring a hearing. Judge Young further noted that by failing to file a Prehearing Statement, Respondent has said, in effect, that he intends to call no witnesses and to offer no documentary evidence at a hearing. Citing *United States* v. *Consolidated Mines and Smelting Co., Ltd.*, 455 F.2d 432 (1980), Judge Young concluded that the law does not require Government agencies to perform useless and meaningless acts such as scheduling and convening a hearing in this case. Accordingly, Judge Young terminated the proceedings before him. The Acting Administrator likewise finds that Respondent waived his right to a hearing, and enters this Final Order on the record as it appears, as he is permitted to do by 21 CFR 1301.54 (d) and (e).

The Acting Administrator has examined the record in this matter and finds that on October 23, 1981, during the pendency of these proceedings, the Texas State Board of Medical Examiners cancelled and revoked Respondent's medical license. Under Texas law, the cancellation and revocation of a practitioner's medical license terminates his authorization to possess, dispense, prescribe or otherwise handle controlled substances. This Administration has consistently held that termination of state authorization to handle controlled substances will result in revocation of a practitioner's DEA registration or denial of a practitioner's application for DEA registration. See *In the Matter of Jess B. Caderao, M.D.*, Docket No. 81-15, 45 FR 50866 (1981); *In the Matter of Marshall S. Tuck, M.D.*, Docket No. 80-28, 45 FR 85845 (1980); *In the Matter of Jack A. Braley, D.O.*, Docket No. 80-14, 45 FR 74596 (1980); *In the Matter of John Forrest Cornely, M.D.*, 46 FR 38166 (1981); *In the Matter of David Sachs, M.D.*, Docket No. 77-2, 42 FR 29112 (1977).

Since the Respondent might choose to appeal the action of the Texas Board of Medical Examiners and move to stay the cancellation of his license, the Acting Administrator has decided to premise his action on the fact of Respondent's conviction as well as the fact of the cancellation and termination of his Texas medical license.

The Acting Administrator has examined the facts giving rise to the plea of nolo contendere Respondent entered in the United States District Court for the Northern District of Texas on May 22, 1981. Undercover officers and agents from the Fort Worth Police Department and the Texas State Board of Medical Examiners purchased prescriptions for controlled substances from Respondent fifteen (15) times in 1979 and 1980. The controlled substances which Respondent prescribed was Didrex, a Schedule III stimulant. The Acting Administrator finds that one Fort Worth Police Department officer purchased Didrex prescriptions from Respondent on six occasions. At no time did the officer manifest any symptoms requiring the prescribing of Didrex. The Acting Administrator further finds that Respondent sold Didrex prescriptions on seven occasions to one agent of the Texas State Board of Medical Examiners and similar prescriptions on three occasions to another Texas Medical Board agent. Respondent telephoned prescriptions to a Fort Worth pharmacy after a perfunctory medical

examination consisting only of taking the agent's blood pressure and pulse. These agents did not manifest any symptoms, nor were they suffering from any condition requiring Didrex. The Acting Administrator finds that each such prescription written by Respondent was an unlawful distribution of a controlled substance.

This Administration has consistently held that a DEA registration may be revoked based upon a controlled substance related felony if the Respondent merely asks for a hearing and does no more. *In the matter of Marshall D. Nickerson, Jr., M.D.*, Docket No. 80-19, 45 FR 72310 (1980); *In the Matter of Thomas E. Johnston, M.D.*, Docket No. 80-17, 45 FR 72311 (1980).

Having examined the record in this case, and having concluded there is sufficient statutory ground for the revocation of DEA Certificate of Registration AE6099027 under 21 U.S.C. 824, it is the decision of the Acting Administrator to revoke the Respondent's DEA Certificate of Registration. Accordingly, pursuant to the authority vested in the Attorney General by 21 U.S.C. 824, and redelegated to the Administrator of the Drug Enforcement Administration, the Acting Administrator hereby revokes DEA Certificate of Registration AE6099027, issued to Ben Phillip Estes, M.D., for the reason that on October 23, 1981, the Texas State Board of Medical Examiners cancelled and revoked his medical license, terminating his authority to handle controlled substances in Texas; and for further reason that on May 22, 1981, Respondent was convicted in the United States District Court for the Northern District of Texas on two (2) counts of unlawfully causing the distribution of Schedule III nonnarcotic controlled substances, in violation of 21 U.S.C. 841(a)(1), a felony relating to controlled substances. This revocation is effective immediately.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

December 10, 1981.

[FR Doc. 81-36983 Filed 12-28-81; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 81-12]

Joseph Henry Pritchett, Tuscaloosa, Alabama; Hearing

Notice is hereby given that on March 20, 1981, the Drug Enforcement Administration, Department of Justice, issued to Joseph Henry Pritchett, M.D., an Order To Show Cause as to why the Drug Enforcement Administration should not deny the application executed by him on August 4, 1980 for authority to possess, dispense and distribute controlled substances pursuant to Section 303 of the Controlled Substances Act (21 U.S.C. 823).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on Tuesday, January 12, 1982, in Room 116, Cumberland School of Law, Samford University, 800 Lakeshore Drive, Homewood, Alabama.

Dated: December 22, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc 81-36969 Filed 12-28-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period December 14-18, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-11, 779; Genesco, Inc., Nashville, TN
TA-W-11, 780; J & M Plant, Nashville, TN
TA-W-11, 781; Genesco, Inc., Danville, KY
TA-W-11, 782; Genesco, Inc., Fulton, MS
TA-W-11, 783; Genesco, Inc., Iuka, MS
TA-W-11, 784; Genesco, Inc., Ripley, MS
TA-W-11, 785; Genesco, Inc., McMinnville, TN
TA-W-11, 786; Genesco, Inc., Lewisburg, TN
TA-W-11, 787; Genesco, Inc., Pulaski, TN
TA-W-11, 788; Genesco, Inc., Waynesboro, TN
TA-W-11, 789; Genesco, Inc., Hohenwald, TN
TA-W-11, 790; Genesco, Inc., Centerville, TN
TA-W-11, 791; Genesco, Inc., Camden, TN
TA-W-11, 792; Chapel Hill Terminal, Chapel Hill, TN
TA-W-11, 793; Fayetteville Terminal, Fayetteville, TN
TA-W-11, 794; Genstar Terminal, Nashville, TN
TA-W-11, 795; Huntsville Terminal, Huntsville, AL
TA-W-11, 796; J & M Terminal, Nashville, TN
TA-W-11, 797; Customer Service Terminal, Nashville, TN
TA-W-11, 798; Fayetteville Terminal MMD, Fayetteville, TN
TA-W-11, 799; 63rd Ave. Warehouse, Nashville, TN
TA-W-11, 800; Main St. General Maintenance & Capitol Products, Nashville, TN
TA-W-11, 801; Dominion Shoe Co., Charlotte, NC
TA-W-11, 802; Chapel Hill Sole Cutting, Chapel Hill, TN
TA-W-11, 803; General Adhesives & Chemical, Nashville, TN
TA-W-11, 804; Southern Sole, Nashville, TN
TA-W-11, 805; Tullahoma Capitol Products, Tullahoma, TN
TA-W-11, 614; Laporte Plastics Corp., Laporte, IN
TA-W-12, 165; Utica Duxbak Corp., Utica, NY
TA-W-12, 239; Disposable Profiles, Inc., Utica, NY
TA-W-12, 008; Ray-O-Vac Corp., Lancaster, OH
TA-W-11, 152; Standard Steel, Div. of Titanium Metals Corp., Burham, PA
TA-W-12, 036; Vogue Dolls, Inc., Laconia, NH

TA–W–12, 349; Intersystem Design & Technology Corp., Goose Creek, SC
TA–W–12, 350; Intersystem Design & Technology Corp., Summerville, SC
TA–W–12, 515; Dayton Industries, Inc., Passaic, NJ
TA–W–11, 411; Joseph Dyson & Sons, Inc., Painesville, OH
TA–W–11, 747; Nakagawa Corp. de Puerto Rico, San Lorenzo, Puerto Rico
TA–W–11, 850; The Telescope Folding Furniture Co., Inc., Granville, NY

In each of the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA–W–10, 731; Roane Limited, Rockwood, TN
TA–W–12, 818; New City Steel Co., Chicago, IL
TA–W–12, 807; Volkswagen of America, Inc., Westmoreland Assembly Plant, New Stanton, PA
TA–W–12, 808; South Charleston Stamping Plant, South Charleston, WV

In each of the following cases the investigation revealed that criterion (3) has not been met for the specified reason(s).

TA–W–13, 003; Schwartz Industries, Inc., Warren, MI

Aggregate U.S. imports of prototypes are negligible.

TA–W–12, 218; United Technologies Corp., Control Products Div., Franklin, TN

A survey of customers indicated that with respect to gas manifolds, increased imports did not contribute importantly to worker separations at the firm. With respect to gas valves, any sales declines were the result of normal business fluctuations.

In the following case, the investigation revealed that criterion (1) has not been met.

TA–W–11, 810; Jacoby-Bender, Inc., Woodside, NY

In each of the following cases the investigation revealed that workers of the subject firm did not produce an article within the meaning of section 223(3) of the Act.

TA–W–12, 825; American Handling Equipment, Inc., Cambell Hall, NY
TA–W–13, 052; S.M. Astro Drilling & Blasting Co., Inc., Kingston, NY
TA–W–72, 748; Zevon Textitle-Service Co., Inc., New York, NY

Affirmative Determinations

TA–W–11, 001; Farrel Connecticut Div., U.S.M. Corp., Ansonia and Derby, CT

A certification was issued in response to a petition received on September 15, 1980 covering all workers separated on or after March 23, 1980.

TA–W–10, 354; International Minerals & Chemical Corp., Orrington, ME

With respect to workers producing sodium chlorate, a certification was issued in response to a petition received on August 13, 1980 covering those workers separated on or after February 1, 1980 and before October 1, 1980.

I hereby certify that the aforementioned determinations were issued during the period December 14–18, 1981. Copies of these determinations are available for inspection in Room 10,332, U.S. Department of Labor, 601 D Street, NW, Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: December 22, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81–36825 Filed 12–28–81; 8:45 am]
BILLING CODE 4510–30–M

Federal-State Unemployment Compensation Program; Extended Benefits; Ending of Extended Benefit Period in the State of Michigan

This notice announces the ending of the Extended Benefit Period in the State of Michigan, effective on November 28, 1981.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State reaches the state trigger rate set in the Act and the State law. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rate set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Michigan on September 30, 1979, and has now triggered off.

Determination of "Off" Indicator

The head of the employment security agency of the State of Michigan has determined that the rate of insured unemployment in the State for period consisting of the week ending on November 7, 1981, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in that State.

Therefore, the Extended Benefit Period in that State terminated with the week ending on November 28, 1981.

Information for Claimants

The state employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State of Michigan should contact the nearest Branch Office of the Michigan Employment Security Commission in their locality.

Signed at Washington, D.C., on December 18, 1981.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 81–36827 Filed 12–28–81; 8:45 am]
BILLING CODE 4510–30–M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether

absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 7, 1982.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 7, 1982.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 21st day of December 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Armco, Inc., Kansas City Works (USWA)	Kansas City, Mo	12/14/81	12/11/81	TA-W-13,139	Rods, bolts, nuts, rope—steel and wire.
Berkeley-Davis, Inc. (UAW)	Danville, Ill	12/15/81	12/11/81	TA-W-13,140	Equipment—welding, resistance and arc.
Boss Manufacturing Company (ACTWU)	Chillicothe, Mo	12/14/81	12/4/81	TA-W-13,141	Gloves—work.
Ford Motor Co., Engine Plant No. 1 (UAW)	Brook Park, Ohio	12/4/81	11/25/81	TA-W-13,142	Engines.
Ford Motor Co., Engine Plant No. 2 (UAW)	Brook Park, Ill	12/4/81	11/25/81	TA-W-13,143	Engines.
Ford Motor Co., Cleveland Casting Plant (UAW)	Brook Park, Ill	12/4/81	11/25/81	TA-W-13,144	Engines.
KY & J Shake Co. (Company)	Chehalis, Wash	12/15/81	12/10/81	TA-W-13,145	Shakes—wood.
Laconia Needle Manufacturing Co., Inc. (Workers)	Laconia, N.H	12/15/81	12/9/81	TA-W-13,146	Needles—knitting.
Limerick Footwear, Inc. (workers)	Limerick, Maine	12/15/81	12/9/81	TA-W-13,147	Shoes, boots—men's.
Rheem Manufacturing (USWA)	Linden, N.J	12/14/81	12/7/81	TA-W-13,148	Drums—steel.
The Baltimore Luggage Company (company)	Baltimore, Md	12/15/81	12/9/81	TA-W-13,149	Luggage—aluminum.
Charley Company, Inc. (workers)	Hialeah, Fla	12/15/81	11/30/81	TA-W-13,150	Webbing—belts seat.
Firestone Tire & Rubber Company (workers)	Des Moines, Iowa	12/14/81	12/10/81	TA-W-13,151	Tires car, radial, tractor.
Fitzgerald Planting Company (workers)	Detroit, Mich	12/15/81	12/10/81	TA-W-13,152	Parts—auto, plating, dying, chroming.
Inferno Fashions, Inc. (workers)	New York, NY	12/4/81	11/30/81	TA-W-13,153	Sportswear—jr's.
Tri Star Manufacturing (Company)	Fort Smith, Ark	12/15/81	12/11/81	TA-W-13,154	Jackets—men's ladies' boys'.
Vardaman Sportswear (company)	Vardaman, Miss	12/15/81	12/11/81	TA-W-13,155	Jackets—men's ladies' boys'.
Zenith Radio Corp., Plant No. 1 (Independent Radionic Worker of America).	Chicago, Ill	12/17/81	12/14/81	TA-W-13,156	Television assembly.
Zenith Radio Corp., Plant No. 2 (Idenpendent Radionic Workers of America).	Chicago, Ill	12/17/81	12/14/81	TA-W-13,157	Television assembly.
Zenith Radio Corp., Plant No. 6 (Idenpendent Radionic Workers of America).	Chicago, Ill	12/17/81	12/14/81	TA-W-13,158	Television assembly.

[FR Doc. 81-38924 Filed 12-28-81; 8:45 am]

BILLING CODE 4510-30-M

Office of Pension and Welfare Benefit Programs

[Application Nos. D-2975, D-2978, and D-2979]

Proposed Exemption for Certain Transactions Involving the Bell System Trust Located in New York, New York

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt (1) transactions relating to the proposed purchase by Atel I, Inc. (the Feeder Corp.) for the Bell System Pension Plan Trust and the Bell System Management Pension Trust (the Plans) of equity interests and mortgage interests in certain improved real property (the Property); (2) the proposed continuation by the Feeder Corp. of existing leases of space in the Property to three tenants, including a Plan fiduciary, who provide services to the Plans; and (3) the proposed leasing of space in the Property to other current or future tenants who will provide services to the Plans in the future. The proposed exemption, if granted, would affect First Chicago Realty Services Corporation (Lender 1), The Citizens and Southern National Bank (Lender 2), Eastdil Adviser, Inc. (the Fiduciary), the G. A. Dexter Company (the Realtor), Equitable Life Assurance Society of the United States (Tenant 1), Georgia Building Services, Inc. (Tenant 2), Peachtree Summit Developers (the Developer) the Feeder Corp., the Plans, the Bell System Trust (the Trust), participants and beneficiaries of the Plans and the Trust, other current or future tenants in the Property who provide services to the Plans in the future, and other persons (such as escrow agents and Plan trustees) participating in the subject transactions.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before February 5, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20216, Attention: Application Nos. D-2975, D-2978, and D-2979. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S.

Department of Labor, Room N–4677, 200 Constitution Avenue, NW, Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mrs. Miriam Freund, of the Department of Labor, telephone (202) 523–8671. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1), and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) though (E) of the Code. The proposed exemption was requested in an application filed on behalf of Lender 1, Lender 2, the Fiduciary, and the Realtor, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued soley by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. *The Plans and the Trust.* The Trust is a group trust which is used for the investment on an undivided basis of the assets of two additional trusts known as the Bell System Pension Plan Trust and the Bell System Management Pension Plan Trust, which were established to fund benefits under the Plans. The Plans result from the consolidation, effective October 1, 1980, of the 33 predecessor pension plans for employees of American Telephone & Telegraph Company (AT&T) and its subsidiaries. The Plans provide pension and death benefits to eligible employees and their beneficiaries. The Bell System Management Pension Plan covers all management and salaried employees of AT&T and of any of its subsidiaries which participates in the Plan, other than a small group of management and salaried employees who are covered under the Bell System Pension Plan. The Bell System Pension Plan covers employees of AT&T and its subsidiaries which participate in the Plan, who are in a bargaining unit represented by one of the unions named below or who are nonrepresented employees in similar job titles or classifications, including the small group of management or salaried employees not covered by the Bell System Management Pension Plan. The Bell System Pension Plan has been collectively bargained on a national basis for all participating employers and their respective collective bargaining units with the following unions (the Unions): The Communication Workers of America, 1925 K Street, NW., Washington, D.C. 20006; The International Brotherhood of Electrical Workers, 1125–15th Street, NW., Washington, D.C. 20005; and The Telecommunications International Union, 2341 Whitney Avenue, Hamden, Connecticut 06518. Both Plans have a one year of service and age 25 requirement for eligibility to participate in the pension provisions of the Plans. The Plans covered approximately 1,100,000 participants as of December 31, 1980. As of December 9, 1981, there were approximately 920,000 active employees participating in the pension provisions of the Plans and approximately 1,050,000 active employees, including the above-mentioned 920,000, who participate in the death benefit provisions. To promote diversification, AT&T has arranged for investment and reinvestment of Trust assets through the use of the professional services of more than 100 independent trustees (including Lender 2 and an affiliate of Lender 1) and independent investment managers (including the Fiduciary and Tenant 1). The fair market value of assets of the Bell System Management Pension Plan Trust as of December 31, 1980, was $17,547,173,955, and the fair market value of the assets of the Bell System Pension Plan Trust as of the same date was $15,976,550,205. As of June 30, 1981, the Fiduciary was managing $145,653,449 of the Plans' assets with an additional amount of $36,926,000 committed but still unfunded (i.e., real estate transactions closed but not yet funded) and an authorization for an additional $284,143,000 with respect to future outstanding commitments.

2. *The Fiduciary.* The Fiduciary is an investment adviser registered under the Investment Advisers Act of 1940, as amended, and is based in New York City. It is wholly owned by Eastdil Realty, Inc., which was founded in 1967 and has extensive experience in the financing and management of multi-tenant income producing real estate. The Fiduciary was incorporated in 1978 for the sole purpose of investing and managing real estate assets for large pension plans. The Fiduciary currently manages more than $450,000,000 in corporate pension assets on a separate account basis, consisting of multi-tenant commercial and industrial properties. The Fiduciary's investment personnel directly involved in approving the subject transactions collectively have over 35 years of real estate experience. On June 1, 1981, the Fiduciary entered into investment management agreements, effective as of October 1, 1980, with AT&T. Pursuant to these agreements, the Fiduciary was retained to act as investment manager for certain assets constituting part of the Plans. Prior to June 1, 1981, the Fiduciary had been serving as investment manager for the predecessor Pacific Telephone and Telegraph Company pension trusts, which became consolidated into the Plans, as mentioned in paragraph 1, above. The Fiduciary represents that to the best of its knowledge (a) neither the Fiduciary nor any of its officers, directors, stockholders, employees, or agents is affiliated with or otherwise related to Lender 1, Lender 2, the Realtor, the Developer, Tenant 1, Tenant 2, or any of their affiliates; (b) none of the applicants has in any manner influenced the exercise of the Fiduciary's judgment in its fiduciary capacity with respect to the Plans; and (c) neither the Fiduciary nor any of its officers, directors, stockholders, employees, or agents influence the exercise of Lender 1's, Lender 2's, or Tenant 1's judgment as a Plan fiduciary. Under the investment manager agreements between AT&T and the Fiduciary, AT&T causes the Fiduciary to be paid, out of assets not constituting any part of the Plan assets under the management of the Fiduciary, an annual fee equal to 1% of the appraised value of each real estate equity investment managed for the Plans by the Fiduciary. The appraised value of any such investment for purposes of calculating the Fiduciary's fee is the fair market value as determined by a qualified independent appraiser who is a Member of the Appraisal Institute, at least once for each fiscal year of the Plans during which such property is owned, except that until the first such appraisal is rendered the appraised value is deemed to be the purchase price of such investment. The Fiduciary's fee with respect to the subject transactions is at the identical rate as the fee payable with respect to any other real estate equity investment made by the Fiduciary for the Plans. The Fiduciary represents further that it will not receive any consideration for its own personal account, in connection with th subject transactions, from any party dealing with the Plans.

3. *The Feeder Corp.* The Feeder Corp. is a Delaware corporation wholly owned by the Plans which will apply for an exemption from federal income tax under section 501(c)(2) of the Code.[1] The Feeder Corp. was organized by the Fiduciary, acting for the Plans. All of the officers and directors of the Feeder Corp. are employees of the Fiduciary. The Feeder Corp. has no employees. Subject to the granting of the proposed exemption, the Fiduciary has agreed to acquire the Property on behalf of the Plans by causing the Feeder Corp. to acquire the Property.

4. *Lender 1.* Lender 1 is a Chicago based real estate company which is a wholly owned subsidiary of First Chicago Corporation. The First National Bank of Chicago, a separate wholly owned subsidiary of First Chicago Corporation, is a trustee of the Plans responsible for the investment of a portion of the Plans' assets which is not involved in any of the subject transactions. Lender 1's interest in the outstanding principal balance on the first mortgage loan on the Property was approximately $28,500,000 as of September 15, 1981.

5. *Lender 2.* Lender 2 is a national bank and a wholly owned subsidiary of Citizens and Southern Georgia Corporation. Lender 2 maintains its principal offices in Atlanta, Georgia, and engages in banking activities at numerous locations throughout Georgia. Lender 2 serves as a trustee of the Plans responsible for the investment of a portion of the Plans' assets which is not involved in any of the subject transactions. Lender 2's interest in the outstanding principal balance on the first mortgage loan on the Property was approximately $8,000,000 as of September 15, 1981.

6. *The Realtor.* The Realtor is a real estate firm headquartered in Atlanta, Georgia. The Realtor provides real estate investment consultation, brokerage, management, and development services. The Realtor organized the subject purchase transactions, negotiating separately and independently with each of the other parties involved, as described hereinafter. Initially, the Realtor and the Developer reached an oral agreement for the Realtor to acquire the Property from the Developer, subject to the mortgage loan on the Property. The Realtor then entered into separate independent negotiations (a) to obtain an option to acquire Lender 2's interest in the mortgage loan on the Property, (b) to obtain an option to acquire Lender 1's interest in the mortgage loan on the Property, and (c) to sell the equity in the Property and such options to the Plans, which were represented by the Fiduciary. The Realtor also leases space in the Property.

7. *The Developer.* The Developer is a Georgia limited partnership which was organized for the purchase and development of the Property. The partners of the Developer are identified below:

Name	Type of partner	Interest (percent)
SMC Realty Corp., a Georgia corporation	General	0.1
Fred R. Kaye, an individual resident of the State of Georgia	Managing General Partner	24.95
Trust Company Bank and Roseanne Diamond, trustees of trust created under the Will of Philip Diamond, deceased	Limited	24.95
Oppenheimer Peachtree Associates, a Georgia limited partnership	do	50

It is represented that neither the Developer nor any of its partners are officers, directors, or employees of the Fiduciary or AT&T and that neither the Developer nor any of its partners have any direct or indirect control of or any influence over the Fiduciary or AT&T. The Developer is the present owner of the equity interests in the Property and is the present property manager.

8. *Tenant 1 and Tenant 2.* Tenant 1 is a major life insurance company organized and incorporated in New York with its headquarters in New York City. Tenant 1 is an investment manager with respect to certain Plan assets which are not involved in any of the subject transactions and is presently a tenant in the Property. Tenant 2 is an Atlanta based building maintenance services company. Tenant 2 provides building maintenance services for the Property and is presently a tenant in the Property.[2]

9. *The Property.* The Property is located at 401 West Peachtree Street, NE., in the central business district of Atlanta, Georgia, and is commonly known as the Peachtree Summit Building. The Property is an improved 30-story reinforced concrete building with glass curtain wall encasement constructed between the years 1974 and 1976 for use as an office and commercial building. The building contains a gross floor area of approximately 850,000 square feet and net rentable area of approximately 769,000 square feet. The Property also includes a 12-level ramp-type reinforced concrete parking garage located at 501 West Peachtree Street, NE.—approximately one block north of the office building—and the land on which the building and parking lot stand. It is estimated that at the present time the office building is approximately 80% occupied. The Developer presently holds title to the Property.

10. *The Mortgage.* The Property is subject to a first mortgage loan extended to the Developer by Lender 1 and Citizens and Southern Realty Investors, the latter having subsequently assigned its interest to Lender 2. The outstanding principal balance on the loan as of September 15, 1981, was approximately $36,500,000. Although interest accrues on the loan at a 9% annual rate, interest is deferred except to the extent it can be paid out of net cash flow. However, minimum interest is payable monthly at the annual rate of 6.88% on principal up to $34,000,000 and 9% on principal in excess of $34,000,000. Interest at the minimum interest rate has been paid through September 15, 1981. Deferred interest as of that date was approximately $8,800,000. As of September 15, 1981, there were additional amounts available to be funded for specific purposes (such as to construct improvements required by tenants) under the loan agreements and the escrow account established under the loan agreements. It is contemplated that a portion of such amounts may be funded during the escrow period (see paragraph 15, below). The mortgage loan will mature on December 31, 1983. At maturity the entire principal plus the accrued but unpaid interest comes due.

11. *The Purchase Transactions—Chonological Background.* In late January 1981, the Realtor obtained a commitment from the Developer to sell the Property to the Realtor, subject to the mortgage loan on the Property. The Realtor approached the Fiduciary in February 1981 to discuss a joint venture for the purchase of the Property. However, the Fiduciary expressed an interest in acquiring all of the interests in the Property on behalf of one of its clients. Late in March 1981, the Realtor entered into negotiations with Lender 2 with a view towards obtaining an option to purchase Lender 2's interest in the outstanding mortgage loan on the Property at a discount from the total of the unpaid principal and accrued but unpaid interest on such loan. Following

[1] Section 501(c)(2) of the Code relates to corporations organized for the exclusive prupose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization which itself is exempt under section 501 of the Code, such as a tax-qualified pension trust. Such corporations are sometimes referred to as "feeder corporations" beacause their function is to feed the net income from property which they hold to an exempt organization.

[2] The Department is not proposing an exemption for the provision of services beyond that which is provided by section 408(b)(2) of the Act.

a detailed analysis of the Property, the present leases of space in the Property and the leasing market in Atlanta, Georgia, and based on its experience in commercial real estate investing for pension funds, the Fiduciary determined that it should purchase all of the interests in the Property from the Realtor on behalf of certain pension plans maintained by the Pacific Telephone and Telegraph Company for a total cost to such plans of $55,000,000. By letter dated March 24, 1981, the Fiduciary notified the Realtor that its investment committee had approved the purchase of all the interests in the Property at a total cost to such plans of $55,000,000. During the last week in April 1981, the Realtor entered into negotiations with Lender 1 with a view toward obtaining an option to purchase Lender 1's interest in the outstanding mortgage loan on the Property at a discount from the total of the unpaid principal and acrrued but unpaid interest on such loan. On June 1, 1981, pursuant to its negotiations with the Realtor, Lender 2 granted an option to the Realtor to sell its interest in the mortgage loan on the Property to the Realtor or its assignees. (This option agreement was amended on June 18 and 19, July 28, and September 14, 1981.) Also on June 1, 1981, the Fiduciary became investment manager for the Plans, effective October 1, 1980, as mentioned in paragraph 2, above. On July 15, 1981, Lender 1 granted an option to the Realtor to sell its interest in the mortgage loan on the Property to the Realtor or its assignees. (This option agreement was amended August 27, and September 4 and 11, 1981.) All of these negotiations and agreements were entered into by the Realtor with each party separately and independently. Thus, the applicants represent that when Lender 1 and Lender 2 granted their options to the Realtor, they were not aware that the Realtor might assign the options to the Plans, who could then purchase the lender's interests in the loan on the Property. Further, the applicants represents that not until the last week of July 1981 did the other parties realize that Lender 1 and Lender 2 are fiduciaries or affiliates of fiduciaries with respect to the Plans.

12. *Escrow Agreements and Related Agreements.* In order to preserve for the Plans the benefit of the bargain negotiated by the Fiduciary and at the same time avoid entering into prohibited transactions, all of the applicants agreed that the purchase transactions and all other steps leading up to the purchase transactions should be begun but not completed unless and until the proposed exemption is granted. Accordingly, a series of escrow agreements dated September 16, 1981 were executed which have the effect of commencing but not completing the transactions necessary for the purchase of the Property on behalf of the Plans. By executing these escrow agreements, each of the parties to the purchase transactions agreed to postpone the consummation of such transactions for an agreed period of time (the Escrow Period), which began September 16, 1981, and which will end either on the final closing date of the purchase transactions or on the date such transactions are nullified. All of the instruments and documents necessary to consummate the purchase transactions were placed in escrow on September 16, 1981, although no portion of the purchase price (see paragraph 14, below) was placed into escrow at that time. The various parties then agreed that if the purchase transactions were consummated by the end of the Escrow Period, the Feeder Corp. would acquire the interests in the Property as of September 16, 1981, by paying the purchase price. Conversely, if the purchase transactions were not consummated by the end of the Escrow Period, such transactions would be completely nullified and unwound, whereupon none of the parties involved would have any further rights or obligations in connection therewith. The escrow agreements were designed to place each of the parties to the purchase transactions in the same economic position which it would have occupied if the purchase transactions had been closed (and the purchase price had been paid) on September 16, 1981, provided the escrow conditions are met. Accordingly, if the purchase transactions are consummated by the end of the Escrow Period, the Feeder Corp. will be deemed to have taken title to the interests in the Property as of September 16, 1981, notwithstanding that the purchase transactions were not in fact consummated until several months after September 16, 1981. In such event, the escrow agreements provide that the Feeder Corp. will be entitled to (i) any net income earned on the Property during the Escrow Period, (ii) interest on the loan on the Property payable by the Developer during the Escrow Period, and (iii) any interest earned on both such amounts during the Escrow Period. Similarly, Lender 1, Lender 2, and the Realtor will each receive interest for the duration of the Escrow Period on their respective portions of the purchase price, in lieu of the interest which would have accrued to each such party during the Escrow Period if the purchase price had actually been paid, or placed into escrow, in September 16, 1981. Also, the Feeder Corp. will repay Lender 1 for all construction loan advances made by Lender 1 during the Escrow Period (to pay the cost of constructing tenant improvements in the Property) since such costs would have been paid by the Feeder Corp. had it actually owned the Property on September 16, 1981. Under the escrow agreements, the purchase transactions will be completed if the proposed exemption is granted and the notice of such grant is published in the **Federal Register** at least five business days prior to March 1, 1982. Only in such event will the Feeder Corp. pay the purchase price for the interests in the Property. If notice that the proposed exemption has been granted is not published in the **Federal Register** by February 22, 1982, the escrow agreements require a return of all documents to the appropriate parties and the purchase of the interests in the Property on behalf of the Plans will not be consummated. These escrow agreements and related agreements are described in more detail in paragraphs 13 through 16, below.

13. *Realtor-Developer Agreements.* By agreement dated September 14, 1981, the Developer agreed to sell and the Realtor agreed to buy for $24,435,000 the equity interests held by the Developer subject to the outstanding indebtedness on the Property to Lender 1 and Lender 2. Under escrow agreement dated September 16, 1981, the closing of the sale of the equity interests to the Realtor was begun on September 15, 1981 by the deposit of the title deed, assignment of leases and other appropriate documents, and a deposit of the Realtor's downpayment and certain notes with Chicago Title Insurance Company, the escrow agent. Pursuant to this escrow agreement, the Developer is obligated to continue to manage and supervise the leasing of the Property, subject to specified operating standards. This escrow agreement calls for deliveries of the appropriate documents and purchase price if the conditions for the escrow agreement have been satisfied by March 1, 1982, including the deposit by the Realtor of the balance of the purchase price presently evidenced by notes from the Realtor. This escrow agreement is not expressly conditioned upon the granting of the proposed exemption.

14. *The Feeder Corp's. Acquisitions of Equity and Mortgage Interests.* By agreement dated September 14, 1981, the Realtor agreed to sell and the Feeder

Corp., acting through the Fiduciary, agreed to buy the equity interest in the Property as well as the Realtor's option rights under its option agreements with Lender 1 and Lender 2, subject to satisfaction of the conditions which may be set forth in an escrow agreement between the parties. This contract reflects that the aggregate cost to the Feeder Corp. is $55,000,000, consisting of $25,650,000 as the price to acquire the equity interests in the Property and the options granted by Lender 1 and Lender 2; plus $22,850,000 as the price to exercise the option granted by Lender 1 to acquire its mortgage interests in the Property; plus $6,500,000 as the price to exercise the option granted by Lender 2 to acquire its mortgage interests in the Property. Under escrow agreement dated September 16, 1981, the Feeder Corp. and the Realtor placed in escrow with the escrow agent the closing statements, the title deed, the assignment of leases and other appropriate documentation in connection with the sales contract. After the proposed exemption has been granted and the other escrow conditions have been met, the Feeder Corp. will pay into escrow the purchase price plus interest thereon for the duration of the Escrow Period (see Paragraph 12, above). The final closing will then take place, involving, among other things, the delivery of (i) the title deed and other appropriate documents to the Feeder Corp., and (ii) the $25,650,000 purchase price plus the interest mentioned above to the Realtor.

15. *Option Granted by Lender 1.* As amended, this option entitled the Realtor or its assignee to purchase Lender 1's interest in the mortgage loan on the Property for a basic purchase price of $22,850,000. (The amended option also provided for payments of specified additional amounts under certain circumstances. Because these circumstances have not occurred in this case, no such additional amounts are payable by the Feeder Corp. under the amended option.) This agreement contains no restrictions regarding the persons or entities to whom the Realtor may assign its interest under the option agreement. However, the amended option provides for an escrow closing with respect to the exercise of the option on behalf of the Plans. Under an escrow agreement dated September 16, 1981, between the Realtor, the Fiduciary, a trustee of the Plans, the Feeder Corp., and an escrow agent, the Realtor deposited into escrow its assignment to the Feeder Corp. of the Realtor's rights under the amended option granted by Lender 1. By a separate escrow agreement dated September 16, 1981, Lender 1 and the Realtor entered into an agreement with the escrow agent, the Fiduciary, the Feeder Corp., and a trustee of the Plans for the escrow closing of the exercise by the Feeder Corp. of the amended option granted to the Realtor by Lender 1. No funds of the Feeder Corp. or the Plans have been deposited under either of these escrow agreements. The latter escrow agreement calls for delivery of the documents and payment into escrow of (a) the basic purchase price of $22,850,000 plus interest thereon for the duration of the Escrow Period, plus (b) amounts advanced under the loan during the Escrow Period plus interest thereon at the minimum interest rate (see paragraphs 10 and 12, above). The documents are to be delivered and the above-mentioned amounts paid into escrow after the proposed exemption is granted if notice of such grant is published by February 22, 1981. If all escrow conditions are met, including those relating to the granting of the proposed exemption, the final closing will take place immediately following the final closing described in paragraph 14, above, involving, among other things, the delivery (i) to the Feeder Corp. of the appropriate documents, the loan interest payable by the Developer during the Escrow Period plus interest thereon for such period, and the net income from the Property during the Escrow period plus interest thereon for such period (see paragraph 12, above); and (ii) to Lender 1 of the amounts mentioned in (a) and (b), above. If the escrow conditions are not met, the assignment and the exercise of this option will never be completed.

16. *Option Granted by Lender 2.* As amended, this option entitled the Realtor or its assignee to purchase Lender 2's interest in the mortgage loan on the Property for $6,500,000 plus interest thereon for the duration of the Escrow Period (see paragraph 12, above). Since Lender 2 will not advance any funds under the loan during this period, the Feeder Corp. will pay only the option price and the interest described above to exercise this option. The option as amended contains no express restrictions regarding the assignment by the Realtor of its interests under the option. However, the amended option agreement provided for an escrow closing with respect to any exercise of the option. Under an escrow agreement dated September 16, 1981, between the Realtor, the Fiduciary, a trustee of the Plans, the Feeder Corp., and an escrow agent, the Realtor deposited into escrow its assignment to the Feeder Corp. of the Realtor's rights under the amended option granted by Lender 2. By a separate escrow agreement dated September 16, 1981, Lender 2 and the Realtor entered into an agreement with an escrow agent, the Fiduciary, the Feeder Corp., and a trustee of the Plans for the escrow closing of the exercise by the Feeder Corp. of the amended option granted to the Realtor by Lender 2. No funds of the Feeder Corp. or the Plans have been deposited under either of these escrow agreements. The latter escrow agreement provides for the delivery of the documents and payment of the option price plus interest into escrow after the proposed exemption is granted if notice of such grant is published by February 22, 1981. If all escrow conditions are met, including those relating to the granting of the proposed exemption, the final closing will take place immediately following the final closing described in paragraph 14, above, by delivering (i) the appropriate documents to the Feeder Corp., and (ii) the option price plus the interest mentioned above to Lender 2. If the escrow conditions are not met, the assignment and the exercise of this option will never be completed.

17. *The Fiduciary's Opinions regarding the Purchase Transactions.* The Fiduciary states that these transactions are in the best interests of the Plans and their participants and beneficiaries because, based upon the Fiduciary's analysis of the value of the Property and the investment criteria of the Plans, the Property is a high grade commercial property which will be obtained by the Plans for a price which, in the Fiduciary's opinion, is not more than the fair market value of all the equity and mortgage interests to be acquired and is at a considerable discount from the replacement cost of the land and buildings. After conducting a detailed analysis of the Property, all present leases of space therein (including the leases to the Realtor, Tenant 1, and Tenant 2) and the general conditions of the Atlanta, Georgia leasing market, as well as the costs of construction today and the value of the parking facility included in the Property, the Fiduciary determined that the Property has a present fair market value of $55,000,000, the aggregate purhase price to the Plans of the equity and mortgage interests in the Property. The Fiduciary also believes that the payments of interest on such aggregate purchase price for the duration of the Escrow Period (as described in paragraphs 14, 15, and 16, above) and the repayment of loan advances during such period (as described in paragraph

15, above) are reasonable. (See also paragraph 12, above.) It was the Fiduciary's opinion that the present fair market value of the Property was substantially below its replacement cost and the potential future value of the equity interests considering that the rental rates on the building's existing leases are considerably below rates for space in comparable properties. In determining that the Plans were contracting to pay a reasonable aggregate price for the purchase of the equity and mortgage interests in the Property, the Fiduciary was not aware of the profit to the Realtor on the sale of the equity to the Plans. The Realtor's purchase price for the equity interests and the options will total $24,435,300. The Plan's purchase price for the equity intersts and the options will total $25,650,000, which is $1,214,700 greater than the Realtor's purchase price. However, the Fiduciary considers the Realtor's profit to be irrelevant to the Fiduciary's investment decision to acquire the Property on behalf of the Plans.

18. *The Lease with Tenant 1.* Tenant 1 occupies approximately 4% of the available rental space pursuant to a five-year lease executed on February 22, 1980. This lease also provides Tenant 1 with an option to lease additional space, a right of first refusal on further space, and a right to renew its lease for an additional five-year period. This lease was entered into on an arm's-length basis prior to the subject transactions. This lease will not constitute a prohibited transaction unless and until the Feeder Corp., on behalf of the Plans, becomes the owner of the Property. The Fiduciary states that the amount of rent payable under this lease at the time it was entered into was not less than the fair rental value of the premises leased by Tenant 1. The lease requires the tenant to pay to the landlord the tenant's share of the landlord's increase in operating expenses in each year over an agreed base year (1980). The Fiduciary has determined that this lease is beneficial to the Plans and should be continued because it cannot be unilaterally terminated by the Plans and because it would be difficult to find a replacement tenant of comparable quality and size.

19. *The Lease with Tenant 2.* The current lease with Tenant 2 was entered into July 15, 1980 and succeeds the original lease with this tenant, which began June 7, 1977 and expired June 30, 1980. The current lease is for a term of three years and requires the tenant to pay to the landlord the tenant's share of the landlord's increase in operating expenses in each year over an agreed base year (1980). The Fiduciary believes that the amount of rent payable under this lease at the time it was entered into was not less than the fair rental value of the premises leased by Tenant 2. The terms of the current lease are similar to those of leases with tenants in the Property who provide no services with respect to the Property. This lease will not constitute a prohibited transaction unless and until the Feeder Corp., on behalf of the Plans, becomes the owner of the Property. The Fiduciary has determined that this lease should be continued because it cannot be unilaterally terminated by the Plans and because it would be beneficial to the Plans to have the Property's maintenance contractor on the premises.

20. *The Lease with the Realtor.* The Realtor is a tenant in the Property pursuant to a lease with the Developer negotiated on or about January 30, 1981, dated June 30, 1981, and amended September 12, 1981. The Realtor will provide property management and leasing agent services with respect to the Property, pursuant to arrangements regarding such services between the Realtor and the Fiduciary.[3] Property management services are now provided by the Developer. Although the Realtor has not yet begun to provide such services, it wil begin to do so sometime before the Feeder Corp. becomes the owner of the Property. This lease will not constitute a prohibited transaaction unless and until the Feeder Corp., on behalf of the Plans, becomes the owner of the Property. The premises leased by the Realtor represents approximately 0.5% of the net rentable area in the building. The lease is for a term of ten years and requires the tenant to pay to the landlord the tenant's share of the landlord's increase in operating expenses in each year over an agreed base year (1982). The rental rate provided for in the lease was negotiated by the Realtor and the Developer within the context of the Realtor's negotiations for the purchase of the equity in the Property from the developer. The Fiduciary believes that the rental rate under the lease, considered alone, is less than the fair rental value of the premises leased by the Realtor. Nevertheless, the Fiduciary believes that the lease should be continued and that an exemption should be granted with respect to this lease because (i) the lease connot be unilaterally amended or terminated by the Fiduciary or the Feeder Corp. and the Realtor will not in any event consent thereto, (ii) the Fiduciary took the rental rate of the Realtor's lease (together with all other leases in the Property) into consideration in determining that the Plans were not paying more than fair market value for the Property, (iii) in the absence of an administrative exemption, the Feeder Corp. will have to honor the Realtor's lease but will lose the benefit of the Realtor's property management and leasing services to the Property, which services the Fiduciary considers beneficial to the plans, and (iv) the Fiduciary has determined that if the difference between the rental rate of the Realtor's lease and the fair rental value thereof were considered to be additional compensation to the Realtor for its property management and leasing services to the Property, the total compensation to the Realtor for providing such services would still be reasonable. The Fiduciary will also monitor the Realtor's obligations as tenant under this lease.

21. *Leases with Other Tenants Who Provide Furture Services.* The applicants believe it is likely that other Plan fiduciaries or service providers may seek to become tenants in the Property or may be required to become tenants in connection with the provision of management, leasing, maintenance, or other services. They represent that leases with such persons will be arranged on an arm's-length basis and approved by a Plan trustee or investment manager which is not affiliated with or otherwise related to such parties in interest in any manner which would affect the exercise of its judgement as a Plan fiduciary. As long as the Fiduciary serves as an investment manager to the Plans, it will directly control the activities of all persons providing services for the Property, as well as the leasing of space in the Property, and will monitor the obligations of the tenants thereunder, including those tenants who are parties in interest.

22. *Costs of All of the Subject Transactions.* The Fiduciary will pay the compensation of its employees and all items of an administrative or overhead nature incurred by the Fiduciary in connection with the subject transactions. AT&T is to direct Bank of America, N.T. & S.A., as trustee of the Plans, upon presentation of invoices or other appropriate evidence therefor, to pay the fees of other persons furnishing services to the Plans in connection with the subject transactions, including title insurance and other fees of the title company, and the fees of an engineering company, an accounting firm, and a law firm engaged by the Fiduciary, all of which fees aggregated approximately $161,000 as of October 1, 1981. The

[3] Please see footnote 2, above.

Fiduciary believes that no such fees are being paid in violation of the provisions of the Act.

23. *Summary.* In summary, the applicants state that the subject transactions would meet the criteria for an exemption provided by section 408(a) of the Act because: (a) The terms of each purchase transaction were negotiated separately on an arm's-length basis by independent parties who did not realize at the time of such negotiations that parties in interest with respect to the Plans were involved in the transactions; (b) the terms of the leases with Tenant 1 and Tenant 2 were negotiated separately on an arm's-length basis by independent parties before the plans or the Feeder Corp. became associated with the Property; (c) an independent fiduciary which has extensive experience with transactions of this type believes that all of the subject transactions are in the best interests of the Plans; (d) such independent fiduciary will monitor both the execution of all the purchase transactions affecting the Plans or the Feeder Corp. and also the operation of the subject leases; (e) such independent fiduciary believes that (i) the aggregate purchase price to be paid by the Feeder Corp. for the Property does not exceed the fair market value of the Property, (ii) the interest on such purchase price required to be paid by the Feeder Corp. represents reasonable compensation to the Realtor, Lender 1, and Lender 2 for the loss of earnings on the purchase price for the duration of the Escrow Period, and (iii) the repayments by the Feeder Corp. of loan advances made by Lender 1 are required to reimburse Lender 1 for expenses properly chargeable to the Fedder Corp.; (f) such independent fiduciary has determined that the rental rates of the leases with Tenant 1 and Tenant 2 were at fair rental value when such leases were entered into; (g) such independent fiduciary believes that although the rental rate under the lease with the Realtor is below the rental rate under the lease with the Realtor is below the fair rental value of the premises leased by the Realtor, the sum of the difference between these two rates plus the fee to be paid to the Realtor for its services as property manager and leasing agent for the Property represents reasonable compensation to the Realtor for such services; (h) all of the subject leases provide for increases in rental payments to compensate for yearly increases in the landlord's operating expenses; (i) less than 0.2% of the Plans' total assets will be involved in the subject transactions; and (j) most of the other parties to the subject transactions are banks (or bank affiliates), insurance companies, or registered investment advisors and subject to supervision by other federal and state authorities regarding their exercise of fiduciary responsibilities.

Notice to Interested Persons

Notice of the proposed exemption will be posted on all bulletin boards normally used for employee notices of all companies whose employees are covered by the Plans within six business days of the date of publication of the notice of pendency in the **Federal Register**. Such notice will contain a copy of the notice of pendency published in the **Federal Register** and a statement advising interested persons of their rights to comment and to request a hearing on the exemption. Notification will also be provided to the Unions by first class mail within the time period described above.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1), and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the following transactions:

(1) Lender 1's grant to the Realtor of an assignable option to acquire Lender 1's interest in the mortgage loan pertaining to the Property, as described in paragraph 15, above;

(2) Lender 2's grant to the Realtor of an assignable option to acquire Lender 2's interest in the mortgage loan pertaining to the Property, as described in paragraph 16, above;

(3) The acquisition from the Realtor by the Feeder Corp., acting through the Fiduciary as investment manager for certain assets of the Plans, of the equity interests in the Property and of the options granted by Lender 1 and Lender 2, all as described in paragraph 14, above, provided that the aggregate purchase price paid by the Feeder Corp. for such equity interests and such options does not exceed the fair market value of such equity interests and such options on the closing date of the purchase;

(4) The acquisition by the Feeder Corp., acting through the Fiduciary as

investment manager for certain assets of the Plans, of Lender 1's interests in the mortgage loan pertaining to the Property by means of the exercise by the Feeder Corp. of the option granted to the Realtor by Lender 1, as described in paragraph 15, above, provided that the price paid by the Feeder Corp. to exercise such option does not exceed the fair market value of such mortgage interests on the closing date of the purchase;

(5) The acquisition by the Feeder Corp., acting through the Fiduciary as investment manager for certain assets of the Plans, of Lender 2's interests in the mortgage loan pertaining to the Property by means of the exercise by the Feeder Corp. of the option granted to the Realtor by Lender 2, as described in paragraph 16, above, provided that the price paid by the Feeder Corp. to exercise such option does not exceed the fair market value of such mortgage interests on the closing date of the purchase;

(6) The continuation by Tenant 1 of its status as a tenant in the Property, including the potential future exercise by Tenant 1 of its additional space and first refusal options and its renewal options under its existing lease, and including renegotiations of its lease under terms and conditions which are no less favorable to the Feeder Corp. than the lease terms and conditions which are customary for similarly situated tenants in similarly situated buildings in the Atlanta, Georgia area;

(7) The continuation by the Realtor of its status as a tenant in the Property under its current lease, including the renegotiation of such lease under terms and conditions which are no less favorable to the Feeder Corp. than the lease terms and conditions which are customary for similarly situated tenants in similarly situated buildings in the Atlanta, Georgia area;

(8) The continuation by Tenant 2 of its status as a tenant in the Property under its current lease, including the renegotiation of such lease under terms and conditions which are no less favorable to the Feeder Corp. than the lease terms and conditions which are customary for similarly situated tenants in similarly situated buildings in the Atlanta, Georgia area; and

(9) The leasing of space in the Property by other present or future tenants in the Property who may provide services (including Plan fiduciaires) to the Plans in the furture, provided that the terms and conditions of any such lease are no less favorable to the Feeder Corp. then the lease terms and conditions which are customary for similary situated tenants in similarly situated buildings in the Atlanta, Georgia area, and provided further that any such lease is approved and monitored on behalf of the Feeder Corp. by a Plan trustee or investment manager which is not affiliated or otherwise related to such service-provider in any manner which would affect the exercise of such trustee's or investment manager's judgment as a Plan fiduciary.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 22nd day of December 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, United States Department of Labor.

[FR Doc. 81-38800 Filed 12-28-81; 8:45 am]
BILLING CODE 4510-29-M

Office of Pension and Welfare Benefit Programs

Proposed Class Exemption for Transactions Involving Certain Residential Mortgage Financing Arrangements; Extension of Comment Period

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of extension of comment period.

SUMMARY: The Department of Labor (the Department) is extending the comment period on the proposed class exemption for transactions involving certain residential mortgage financing arrangements as set forth in the notice of pendency published in the **Federal Register** at 46 FR 58773 (December 3, 1981). This action is being taken in view of requests by certain members of the public that additional time to prepare comments be provided to them, and in view of the importance of the proposed class exemption.

DATE: The comment period is extended through February 4, 1982.

ADDRESS: Written comments on the proposed class exemption should be submitted, preferably in triplicate, to: Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Applications D-1937 and D-2004.

FOR FURTHER INFORMATION CONTACT: Paul R. Antsen, Office of Fiduciary Standards, Pension and Welfare Benefit Programs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room C-4526, Washington, D.C. 20210, (202) 523-6915. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: On December 3, 1981, the Department issued a notice of pendency before the Department of a proposed class exemption from the restrictions of section 406(a) of the Employee Retirement Income Security Act of 1974 and from certain taxes imposed by sections 4975(a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) of the Code. That notice invited all interested persons to submit, on or before January 4, 1982, written data, views or arguments concerning the proposed class exemption. The proposed class exemption, if granted, will exempt transactions related to the issuance by an employee benefit plan of a commitment to provide mortgage financing to purchasers of certain residential construction and to the provision of loans pursuant to such commitments, if the conditions of the proposed exemption are met. If granted, the proposed exemption would affect participants and beneficiaries of employee benefit plans involved in such transactions, certain employers who contribute to such plans and other persons engaging in the described transactions.

The Department has received requests from certain members of the public that the comment period in this matter be extended to February 4, 1982. The requesting parties state that they need additional time to prepare comments, and the Department believes that it is appropriate to grant such additional time. Accordingly, the Department has determined to extend the comment period.

Notice of Extension of Comment Period

Notice is hereby given that the period of time for the submission of public comments on the proposed class exemption to permit transactions related to the issuance by an employee benefit plan of a commitment to provide mortgage financing to purchasers of certain residential construction and to the provision of loans pursuant to such commitments so set forth in the notice at 46 FR 58773 (December 3, 1981) is hereby extended to February 4, 1982.

All interested persons are invited to submit written data, views or arguments concerning the proposed class exemption to the above address on or before February 4, 1982.

Signed at Washington, D.C., this 23rd day of December 1981.

Jeffrey N. Clayton,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-37117 Filed 12-28-81; 8:45 am]
BILLING CODE 4510-29-M

Office of the Secretary

Senior Executive Service; Schedule for Awarding Performance Awards (Bonuses)

The Office of Personnel Management, in paragraph 3(b) of its Memorandum to Heads of Departments and Agencies, dated July 21, 1980, recommends that each agency "publish a notice in the **Federal Register** of the Agency's schedule for awarding bonuses at least 14 days prior to the date on which the awards will be made."

Accordingly, the Department of Labor announces that bonuses will be paid by January 15, 1982.

For Further Information Contact: Mr. Frank A. Yeager, Director of Personnel Management, Room C5526, Department of Labor, Frances Perkins Building, Washington, D.C. 20210.

Signed at Washington, D.C., this 23rd day of December 1981.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-37004 Filed 12-28-81; 8:45 am]
BILLING CODE 4510-23-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), as amended notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting on Monday, Tuesday, and Wednesday, January 18–20, 1982. The meetings will be held in Rooms 418 and B–100, Page Building 1, 2001 Wisconsin Avenue, NW., Washington, D.C.

The Committee, consisting of 18 non-Federal members appointed by the President from academia, business and industry, public interest organizations and State and local government, was established by Congress by Pub. L. 95–63, on July 5, 1977. Its duties are to (1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit other reports as may from time to time be requested by the President or Congress.

The tentative Agenda is as follows:

Monday, January 18, 1982

9:00 a.m.–12:00 Noon
Plenary
9:00 a.m.–9:15 a.m.
- Announcements

9:15 a.m.–11:15 a.m.
- Discussion of Oceanic and Atmospheric Issues by Members

11:15 a.m.–12:00 Noon
- William Woodward Staff Director, Subcommittee on Coast Guard and Navigation Committee on Merchant Marine and Fisheries

Topic: Oversight Report on Coast Guard
12:00 Noon–1:00 p.m.
Lunch
1:00 p.m.–5:00 p.m.
Panel Meetings
1:00 p.m.–3:00 p.m.
- Coast Guard (Room 418)

Topic: Organizing Session
3:00 p.m.–5:00 p.m.
- Environment and Regulations Co-Chairmen: Sylvia A. Earle, Michael R. Nacos (Room 418)

Topic: Offshore Diving Regulations
3:00 p.m.–5:00 p.m.
- Weather Services Chairman: Warren Washington (Room B–100)

Topic: Worksession—Draft Report
5:00 p.m.
Recess

Tuesday, January 19, 1982

8:30 a.m.–12:00 Noon
Panel Meetings
8:30 a.m.–12:00 Noon
- Environment and Regulations Co-Chairmen: Sylvia A. Earle, Michael R. Nacos (Room 418)

Topic: Clean Water Act—Section 404 [Permits]
Speakers: Department of the Army, Department of Interior
8:30 a.m.–12:00 Noon
- Hydrology Chairman: Paul Bock (Room B–100)

Topic: Worksession—Draft Report
12:00 Noon–1:00 p.m.
Lunch
1:00 p.m.–3:00 p.m.
Plenary
- Review of Action Items
- Panel Progress Reports
- Other Business

3:00 p.m.
Adjourn (Regular NACOA Meeting)
3:00 p.m.–6:00 p.m.
Panel Meeting
- Marine Minerals Chairman: Burt Keenan (Room 418)

Topic: Review, Revision, and Discussion of Draft Panel Report
6:00 p.m.
Recess

Wednesday, January 20, 1982

8:30 a.m.–3:00 p.m.
Panel Meetings (Continued)
8:30 a.m.–3:00 p.m.
- Marine Minerals Chairman: Burt Keenan (Room 418)

Topic: Review, Revision, and Discussion of Draft Report
9:00 a.m.–3:00 p.m.
- Marine Transportation Chairman: Don Walsh (Room B–100)

Topic: Review, Revision, and Discussion of Draft Report
3:00 p.m.
Adjourn

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., Washington, DC 20235. The telephone number is 202/653–7818.

Dated: December 22, 1981.

Steven N. Anastasion,

Executive Director.

[FR Doc. 81-36974 Filed 12-28-81; 8:45 am]
BILLING CODE 3510-12-M

NATIONAL SCIENCE FOUNDATION

Subcommittee on Ecology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Ecology of the Advisory Committee for Environmental Biology.
Date and time: January 21 & 22, 1982; 8:30 a.m. to 5:00 p.m. each day.
Place: Room 338, National Science Foundation, 1800 G St., NW, Washington, D.C. 20550.

Type of meeting: Part Open—Open January 22, 1982, 3:00 p.m. to 5:00 p.m.; Closed—January 21, 1982, 8:30 a.m. to 5:00 p.m. and January 22, 1982, 8:30 a.m. to 3:00 p.m.
Contact person: Dr. Gary W. Barrett, Program Director, Ecology Program, (202) 357–9734, Room 336, National Science Foundation, Washington, D.C. 20550.
Summary minutes: May be obtained from contact person, Dr. Barrett, at above stated address.
Purpose of meeting: To provde advice and recommendations concerning support for research in ecology. Open part of the meeting to discuss long-range plans for the Ecology Program.
Agenda: Closed—To review and evaluate research proposals and projects as part of the selection process of awards; Open—January 22, 1982, 3:00 p.m. to 5:00 p.m. Discussion to include long-range plans for the Ecology Program.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of the Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

December 23, 1981.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 81–37071 Filed 12–28–81; 8:45 am]
BILLING CODE 7555–01–M

Subcommittee for Measurement Methods and Data Resources of the Advisory Committee for Social and Economic Science; Meeting

In accordance with the Federal Advisory Committee Act, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Measurement Methods and Data Resources of the Advisory Committee for Social and Economic Science.
Date and time: January 22, 1982: 9:30 AM to 5:00 PM; January 23, 1982: 9:00 AM–5:00 PM.
Place: Room 642, National Science Foundation, 1800 G Street, NW, Washington, DC 20550.
Type of meeting: Part Open—January 22, 1982; 9:30 AM to 12:00PM; Closed—January 22, 1982: 1:00 PM to 5:00 PM; January 23, 1982: 9:00 AM to 5:00 PM.
Contact person: Dr. Murray Aborn, Program Director, Measurement Methods and Data Resources, Room 312, National Science Foundation, Washington, DC 20550, Telephone (202) 357–7913.
Summary of minutes: May be obtained from the contact person Dr. Murray Aborn at the above address.
Purpose of subcommittee: To provide advice and recommendations concerning support for research and research-related projects in Measurement Methods and Data Resources.
Agenda: Open: 9:30 AM to 12:00 PM, January 22, 1982—Discussion of budgetary outlook and recent program activities; Closed: 1:00 PM to 5:00 PM, January 22, 1982; 9:00 AM to 5:00 PM, January 23, 1982—Review and evaluation of research and research-related proposals as part of the award selection process.
Reason for closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

December 23, 1981.

[FR Doc. 81–37072 Filed 12–28–81; 8:45 am]
BILLING CODE 7555–01–M

Subcommittee on Political Science of the Advisory Committee for Social and Economic Science; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Political Science of the Advisory Committee for Social and Economic Science.
Date and time: January 21–22, 1982, 9:00 a.m. to 5:00 p.m.
Place: Room 421, National Science Foundation, 1800 G St., NW., Washington, D.C. 20550.
Type of meeting: Closed—9:00 a.m to 5:00 p.m., January 21–22, 1981.
Contact person: Dr. Frank P. Scioli, Jr., Acting Program Director, Political Science Program, Room 413, National Science Foundation, Washington, D.C. 20550, Telephone (202) 357–7534.
Purpose of subcommittee: To provide advice and recommendations concerning research in Political Science.
Closed: To review and evaluate research proposals as part of the selection process for awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemption (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

December 23, 1981.

[FR Doc. 81–37070 Filed 12–28–81; 8:45 am]
BILLING CODE 7555–01–M

Subcommittee on Population Biology and Physiological Ecology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Population Biology and Physiological Ecology of the Advisory Committee for Environmental Biology.
Date and time: January 28 and 29, 1982—8:30 a.m. to 5:00 p.m. each day.
Place: Room 338, National Science Foundation, 1800 G St., NW, Washington, D.C. 20550.
Type of meeting: Part Open—Open January 29, 1982, 10:00 a.m.–12:00 p.m. and from 1:30 p.m.; Closed—January 28, 1982, 8:30 a.m. to 5:00 p.m. and January 29, 1982, 8:30 a.m. to 10:00 a.m.
Contact person: Dr. Jerry F. Downhower, Program Director, Population Biology and Physiological Ecology Program, (202) 357–9728, Room 336, National Science Foundation, Washington, D.C. 20550.
Summary minutes: May be obtained from contact person, Dr. Downhower, at above stated address.
Purpose of meeting: To provide advice and recommendations concerning support for research in population biology and physiological ecology. Open part of the meeting to discuss long-range plans for the Population Biology and Physiological Ecology Program.
Agenda: Closed—To review and evaluate research proposals and projects as part of the selection process of awards. Open—January 29, 1982, 10:00 a.m. to 12:00 p.m. and from 1:30 p.m. Discussion to include long-range plans for the Population Biology and Physiological Ecology Program.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

December 23, 1981.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 81–37073 Filed 12–28–81; 8:45 am]

BILLING CODE 7555–01–M

Subcommittee on Systematic Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Systematic Biology of the Advisory Committee for Environmental Biology.

Date and time: January 14 and 15, 1982—8:30 a.m. to 5:00 p.m. each day.

Place: Room 338, National Science Foundation, 1800 G St., NW., Washington, D.C. 20550.

Type of Meeting: Part Open—Open January 15, 1982, 10:30 a.m.–12:00 p.m. and from 1:30 p.m.; Closed—January 14, 1982, 8:30 a.m. to 5:00 p.m. and January 15, 1982, 8:30 a.m. to 10:30 a.m.

Contact person: Dr. Grady L. Webster, Program Director, Systematic Biology Program, (202) 357–9588, Room 336, National Science Foundation, Washington, D.C. 20550.

Summary minutes: May be obtained from contact person, Dr. Webster, at above stated address.

Purpose of meeting: To provide advice and recommendations concerning support for research in systematic biology. Open part of the meeting to discuss long-range plans for the Systematic Biology Program.

Agenda: Closed—To review and evaluate research proposals and projects as part of the selection process of awards. Open—January 15, 1982, 10:30 a.m. to 12:00 p.m. and from 1:30 p.m. Discussion to include long-range plans for the Systematic Biology Program.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c); Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

December 23, 1981.

[FR Doc. 81–37069 Filed 12–28–81; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

State of Texas; Staff Assessment of Proposed Amended Agreement

Note.—This document was originally published in the issue of December 8, 1981. It is reprinted at the request of the NRC.

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of proposed amended agreement with State of Texas.

SUMMARY: Notice is hereby given that the Nuclear Regulatory Commission is publishing for public comment a proposed amendment to the existing section 274b. agreement between NRC and the State of Texas which became effective March 1, 1963. The request dated November, 6, 1981 from Governor Clements of the State of Texas, if approved, would permit Texas to regulate byproduct material as defined in section 11e(2) of the Atomic Energy Act, as amended, (uranium mill tailings) in conformance with the requirements of section 274b. of the Atomic Energy Act of 1954, as amended.

A staff asessment of the State's proposed radiation control program to implement the amended agreement is set forth below as supplementary information to this notice. A copy of the complete program description submitted by Texas including a narrative describing the State's proposed program for control over byproduct materials as defined in section 11e.(2) of the Act, appropriate State legislation, and Texas regulations is available for public inspection in the Commission's public document room at 1717 H Street, NW, Washington, DC.

DATE: Comments must be received on or before January 7, 1982.

ADDRESS: All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed amended agreement should send them to the Nuclear Reguatory Commission, Office of State Programs, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Craig Z. Gordon, Office of State Programs, Nuclear Regulatory Commission, Washington, DC 20555. Phone: (301) 492–9886.

SUPPLEMENTARY INFORMATION:

Assessment of Proposed Texas Program to Regulate Byproduct Material as Defined in section 11e.(2) of the Act, based on Criteria 29–36 of "Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreements," 44 FR 42818.

I. Introduction

The Uranium Mill Tailings Radiation Control Act of 1978 amended the requirements of section 274 of the Atomic Energy Act, "Cooperation With States" and imposed certain requirements that must be met by Agreement States in order to regulate uranium mill tailings after November 8, 1981. Governor William P. Clements, Jr. of the State of Texas has requested NRC to amend its agreement with NRC to permit continued State regulation of uranium mill tailings. His request was supported by a description of the State's program for control of uranium mills and mill tailings.

The State has 19 active licensees who process ore primarily for its source material content including two conventional uranium mills, 15 in-situ mining operations, and 2 smaller uranium recovery operations. Texas has also received four applications, one for a conventional mill and three for in-situ mining operations. No in-situ mining and recovery facility licensed by the State is authorized to establish a permanent tailings disposal area.

II. Assessment of Proposed State of Texas Radiation Control Program for Uranium Mills and Mill Tailings

1. Statutes

State statutes or duly promulgated regulations should be enacted, if not already in place, to make clear State authority to carry out the requirements of Pub. L. 95–604, Uranium Mill Tailings Radiation Control Act (UMTRCA).

In the enactment of any supporting legislation, the State should take into account the reservations of authority to the United States in UMTRCA as stated in 10 CFR 150.15a.

It is preferable that State statutes contain the provisions of section 6 of the Model Act,[1] but the provisions may be

[1] The reference is to the Model Uranium Mill Radiation Control Act, a copy of which has been placed in the Commission's Public Document Room. Section 6 of the Model Act requires that, among other things, statutory authority must be enacted to make clear State authority to carry out the requirements of the Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978, as amended. UMTRCA specifies that when States license an activity involving mill tailings, that has a significant impact on the human environment, they must prepare a written independent analysis of the impact of such license on the environment, including any activities conducted pursuant thereto.

procedures by regulation or technical criteria. In any case, authority for their implementation should be adequately supported by statute, regulation or case law as determined by the State Attorney General.

In the licensing and regulation of ores processed primarily for their source material content and for the disposal of byproduct material, procedures shall be established which provide a written analysis of the impact on the environment of the licensing activity. This analysis shall be available to the public before commencement of hearings and shall include:

a. An assessment of the radiological and nonradiological public health impacts;

b. An assessment of any impact on any body of water or groundwater;

c. Consideration of alternatives to the licensed activities; and

d. Consideration of long-term impacts of licensed activities.

The Texas Radiation Control Act, as amended by Senate Bills 480 and 735, includes the legislative provisions required by the UMTRCA of 1978 and provide satisfactory statutory authority for the State of Texas to implement the requirements of UMTRCA of 1978.

2. Regulations

State regulations should be reviewed for regulatory requirements, and where necessary, incorporate regulatory language which is equivalent, to the extent practicable, or more stringent than regulations and standards adopted and enforced by the Commission, as required by section 274o. (See 10 CFR Part 40, Appendix A and 10 CFR 150.31(b).)

On September 19, 1981, the Texas Board of Health adopted amendments to Parts 21, 41, and 43 of the *Texas Regulations for Control of Radiation* relating to the licensing and regulation of uranium mill tailings. Part 43 regulations address: bonding requirements, siting requirements, criteria for tailings management, dam stability analyses, inspection procedures, surety arrangements, requirements for site ownership, and criteria for decontamination, decommissioning, and reclamation of facilities following license expiration. The rules became effective on October 3, 1981. In the narrative section of the formal proposal, several statements describe how certain rules are to be implemented. It is the staff's opinion that these rules, in conjunction with the statements made in the narrative, are, to the maximum extent practicable, equivalent to the regulations promulgated and enforced by NRC.

3. Organizational Relationships Within the States

Organizational relationships should be established which will provide for an effective regulatory program for uranium mills and mill tailings.

a. Charts should be developed which show the management organization and lines of authority. This chart should define the specific lines of supervision from program management within the radiation control group and any other department within the State responsible for contributing to the regulation of uranium processing and disposal of tailings. When other State agencies or regional offices are utilized, the lines of communication and administrative control between other agencies and/or regions and the Program Director should be clearly drawn.

Organizational charts outlining the Texas Department of Health, the Bureau of Radiation Control (BRC), and divisions within the Bureau of Radiation Control have been included in the proposal. The BRC is organized into three operational divisions: The Division of Licensing, Registration, and Standards (LRS), the Division of Compliance and Inspection (CI), and the Division of Environmental Programs (EP). Each division is subdivided into Branch Offices. Regional office staff are included in the Division of Compliance and Inspection.

All other functions of the uranium mill regulatory program will be conducted by the Bureau's office located in Austin, Texas.

b. Those States that will utilize personnel from other State Departments or Federal agencies in preparing the environmental assessment should designate a lead agency for supervising and coordinating preparation of this environmental assessment. It is normally expected that the radiation control agency in Agreement States will be the lead agency. The basic premise is that the lead agency is required to prepare the environmental assessment.

The Uranium Program within the Industrial Operations Branch, Division of LRS, is responsible for the evaluation of all applications for uranium recovery facility licenses received by the Bureau. Included are the preparation of the in-plant safety analysis reports and licensing documents.

The Standards Branch is responsible for developing and coordinating adoption of rules, regulatory guides, and license application guides related to uranium recovery facilities. This Branch also works with the Legal Division in coordinating all public notices and public hearings.

It is not anticipated that staff from other State agencies will be directly utilized in the preparation of environmental assessments nor in the licensing and inspection of uranium recovery facilities. However, three State agencies do work closely with the Bureau of Radiation Control by providing reference materials, and supplying review and comments on the applicant's environmental report, and the environmental assessment. These are the Texas Air Control Board (emission of non-radioactive pollutants into air), the Texas Department of Water Resources (emission of non-radioactive pollutants into water, aquifers, and wells used for in situ mining), and the Texas Railroad Commission (regulation of open pit mining and uranium exploration).

c. When a lead agency is designated, that agency should coordinate preparation of the statement. The other agencies involved should provide assistance with respect to their areas of jurisdiction and expertise. Factors relevant in obtaining assistance from other agencies include the applicable statutory authority, the time sequence in which the agencies become involved, the magnitude of their involvement, and relative expertise with respect to the project's environmental effects.

The Texas Department of Health is the agency which will prepare the environmental assessment. The Environmental Assessment Branch is responsible for the evaluation, analysis, coordination, and preparation of environmental assessments issued by the Bureau of Radiation Control. This Branch has persons with expertise in geology, hydrology, soil mechanics, meteorology, zoology, botany, computer science, chemistry, physics, radiation protection and dose assessment. This Environmental Assessment Branch's effort may be augmented with other Bureau personnel on a case-by-case basis, if needed.

In preparing the environmental assessment, the Division of Environmental Programs will conduct site visits, evaluate computer analyses, perform literature reviews, coordinate laboratory analysis of environmental samples, and perform field evaluations. A draft environmental assesment is prepared.

Similarly, the Division of Compliance and Inspection furnishes the Division of Licensing, Registration, and standards with recommendations concerning potential problem areas within the proposed facility. After the LRS considers all recommendations, an independent safety evaluation report is

prepared. Following completion of the draft environmental assessment and the draft in-plant analysis, both documents are reviewed internally by Bureau Staff and the Legal Division taking into account comments, information, and data received from other State agencies. Final documents are then prepared. A flowchart has also been included in the proposal which describes coordination with the Department for processing uranium mill license applications.

d. For those areas in the environmental assessment where the State cannot identify a State agency having sufficient expertise to adequately evaluate the proposal or prepare an assessment, the State should have provisions for obtaining outside consulting services.

Due to the establishment of adequate expertise and resources in the Bureau of Radiation Control, it is not anticipated the Bureau will need consultants. However, monies are available for consultants if they are needed for evaluating any particular site or project.

Medical consultants recognized for their expertise in emergency medical matters relating to the intake of uranium and its diagnosis thereof associated with uranium mining and milling, should be identified and available to the State for advice and direct assistance.

Physician members of the Radiation Advisory Board serve as medical consultants to provide advice and direct assistance in emergency medical matters relating to radiation exposure including uranium intake.

4. Personnel

Personnel needed in the processing of the license applications can be identified or grouped according to the following skills: Technical, Administrative, and Support.

In order to met the requirements of UMTRCA, current indications are that 2–2.75 total professional person-years' effort is necessary to process and evaluate a new conventional mill license, in-situ license, or major license renewal. A complete review of in-plant safety, production of the environmental assessment, and consultant use are primary considerations in the total professional effort for each licensing case. With respect to clerical support, one secretary is required to process two conventional milling applications, including the pre-licensing and post-licensing phases. Legal support is also an essential element of the mill program, and the effort is set at a minimum of 1/2 staff-year. In addition, consideration must be given to such post-licenisng activities as issuance of minor amendments, mill inspections, and environmental monitoring. Professional staff effort is estimated at 0.5–1.0 person-years for each year of post-licensing activities.

a. We estimate the total professional and technical staff-years effort within the Bureau of Radiation Control directly responsible for regulation of uranium mills and mill tailings to be equivalent to 27 full-time staff members. A breakdown of professional personnel in each of the three Divisions has been provided along with job descriptions and duties for each position (including vacancies). Resumes describing the education, training, and experience of individual staff members were also submitted.

Details of staffing levels in each of the Bureau's three divisions are as follows:

(1) Division of Licensing, Registration and Standards. The organization of the Division of Licensing, Registration, and Standards, and the personnel assigned to each section within the division have been identified. Seven of eight professional positions having full-time or part-time responsibilities for regulation of uranium mills have been filled. These include two in the Industrial Operations Branch, two in the Uranium Program, one authorized but vacant position in the low-level waste program, and three in the Standards Branch.

(2) Division of Compliance and Inspection. The Division of Compliance and Inspection is organized into three Inspection and Enforcement Branches: Radioactive Materials, X-Ray/non-ionizing radiation, and Emergency Response. The Uranium Inspection Program and the Regional Inspection Programs are the two programs within the Radioactive Materials Inspection and Enforcement Branch responsible for conducting inspections at uranium mills. Currently, there are nine professional full-time staff members assigned to perform uranium mill compliance functions. The three members from the Uranium Inspection Program are responsible for performing on-site inspections. Inspectors from the Regional Inspection Program who are assigned to the regions in which certain uranium recovery facilities are located assist the three members during inspections of tailings areas and the environment. Also included in the uranium mill compliance program are three staff members from the Emergency Response Branch, an Administrator, and a Division Director.

(3) Division of Environmental Programs. Two branches in the Division of Environmental Programs are directly responsible for environmental monitoring and sampling at uranium mills. The Facility Surveillance Branch is responsible for implementation of the environmental surveillance program around milling facilities. There are three qualified staff members in this Branch. The basic functions of the Environmental Assessment Branch is to coordinate and prepare the environmental assessment. Personnel in this Branch have expertise in the areas of geology, hydrology, soil mechanics, meterology, computer science, radiation health, and dose assessments. A breakdown by program and associated personnel directly involved in preparation of an environmental assessment are: the Ecological Evaluations Program (3 members), the Hydrological and Geotechnical Program (2 members), and the Engineering Program (3 members). Directly supporting the Bureau and coordinating with the Division of Environmental Programs is the Bureau of Laboratories which provides five full-time environmental chemists (radiochemists) to process environmental samples.

b. Legal, Clerical, and Secretarial Support. Three full-time attorneys and two legal secretaries in the Environmental Law Branch of the Texas Department of Health's Legal Division are assigned to the Bureau of Radiation Control. They are responsible for providing legal assistance and advice on laws and regulations, issuance of public notices, and conducting public hearings.

c. Administrative Support. Senate Bills 480 and 375 established an 18-member Radiation Advisory Board whose members are appointed by the Governor. The Board acts in an oversight capacity to the Bureau to review and evaluate State policy relating to radiation sources. It also provides technical advice on matters related to regulation of sources of radiation. Within the Bureau, each division is staffed by at least one full-time individual who is responsible for administrative functions. In addition, programs in the Office of Information, Education, and Administration also provide administrative support to the Radiation Control Bureau in the following areas: public information, coordination of training for Bureau staff, maintaining license registration files, and procurement of equipment and supplies. Assisting the Bureau in maintaining the budget and in collection of surety arrangements for uranium mills (required by regulation) is the Financial Analysis Program.

5. Functions to be Covered

The State should develop procedures for licensing, inspection, and

preparation of environmental assessments.

Evaluation of an application for a uranium milling license is performed against appropriate State statutory and regulatory authority, and licensing guides. A list of NRC and State regulatory guides utilized in evaluating license applications has been furnished. The in-plant safety analysis and review of the applicant's enviromental report are performed concurrently.

In regard to the in-plant safety review, the Compliance and Inspection Division conducts a preliminary evaluation of the applicant's proposed facility, equipment, administrative procedures, radiation safety program, environmental monitoring program, and emergency procedures. Findings are then forwarded to the Division of Licensing, Registration and Standards for consideration in the safety analysis report.

A procedural flow diagram for processing the environmental report including interdivision coordination has been furnished. If the findings of the preliminary review are adequate, copies of the report are forwarded to outside State agencies for review and comment. At the same time, the Division of Environmental Programs initiates preparation of the environmental assessment pursuant to the requirements of UMTRCA and State regulation utilizing appropriate licensing guides.

Inspections of all byproduct material licensees are conducted by Texas in accordance with general inspection procedures. These procedures, which are common to all routine inspections, have been supplemented by instructions specific to inspections at mills.

Compliance and Inspection Division policy is to perform unannounced inspections. The functions of all State inspectors are to prepare for inspections, conduct on-site inspections, prepare a written report of the inspection, prepare enforcement letters, and review corrective actions. For uranium mill compliance functions, inspectors assigned to the uranium inspection program, in cooperation with regional inspectors, are required to review and evaluate all aspects of mill operations and tailings control. During these inspections, personnel utilize standard inspection forms supplemented by NRC inspection guides. Copies of forms and guides have been furnished with the proposal. The frequency for conducting on-site uranium mill inspections is on an annual basis.

An environmental sampling program which includes obtaining samples of groundwater, surface water, vegetation, soil, air, and processing of thermoluminescent dosimeters (TLD) is also conducted by the uranium mill inspectors on a quarter basis. Results of inspection findings are submitted to the supervisory staff for appropriate technical consultation and review.

Section 274o.(3)(c) of the Atomic Energy Act requires the State to prepare a written analysis of the impact on the environment with respect to uranium mill tailings from proposed operations. Sections 4 and 11A. of the Texas Radiation Control Act, as amended, indicate that the Texas Radiation Control Agency will act as lead agency to independently prepare the environmental impact statement (EIS). Procedural requirements specific to preparing, coordination, organizing, and completing the EIS and issuance of specific licenses for uranium milling operations are contained either in the Act or recently adopted Part 43 of the Texas regulations.

As a supplement to the reporting requirements required by regulations or license conditions, the State should require the licensee to submit in writing on a semi-annual schedule reports specifying the quantity of each of the principal radionuclides released to unrestricted areas in liquid and gaseous effluents from all pathways during the previous six months of operations. This data shall be reported in a manner that will permit the regulatory agency to confirm annual radiation doses to nearest individuals are within the requirements of 40 CFR Part 190, "Environmental Radiation Protection Standards for Nuclear Power Operations."

As previously noted, the Facility Surveillance Branch is responsible for designing and implementing a routine environmental surveillance program around each uranium recovery facility and conducting any special environmental surveillance project that may be needed. This Branch is also responsible for the operation of an environmental TLD monitoring system and verification of the licensee's environmental monitoring data. Dose assessments have been made at both conventional mills through utilization of computer models. The State's confirmation of radiation doses to nearest receptors from the conventional mills are determined to be within the limits of 40 CFR Part 190. Due to the absence of yellowcake dryer circuits, environmental doses may be considered to be negligible from in-situ uranium recovery operations.

6. Instrumentation

The State should have available both field and laboratory instrumentation sufficient to ensure the licensee's control of materials and to validate the licensee's measurements.

The Bureau of Radiation Control has utilized a portion of funds authorized under its UMTRCA grant to purcahse field equipment for monitoring and surveillance purposes. The list submitted in the proposal shows radiation detection instruments and environmental sampling capability of equipment available at the Bureau's headquarters and regional offices. A separate list of instruments each inspector uses in the field to conduct radiation surveys for identification of alpha, beta and gamma emitting isotopes, and equipment for sampling environmental media in and around milling facilities has also been included. Essential equipment has been duplicated and ensures full-time availability of appropriate instrumentation and equipment for inspection purposes. Detection capabilities of equipment include identification and analysis of alpha, beta and gamma emitters in the uranium decay chain (including Pb–210, Rn–222, RA–226, Th–230, and U–238) in solids, liquids, and gases. Commonly analyzed sample media includes smear samples, soil, water, vegetation, milk, and filter media.

All radiation instrumentation is calibrated within the Bureau according to written procedures. Standard radiation sources traceable to the U.S. National Bureau of Standards are used for calibration. In addition to internal quality control/quality assurance procedures, the Bureau of Laboratories also participates in the U.N. Environmental Protection Agency's Inter-Laboratory Quality Assurance Program.

Supplementing the radiochemical analyses, the Bureau of Laboratories can also provide standard chemical analysis for trace elements, inorganics, organics, etc. As the primary laboratory for water analysis under contract from the Texas Department of Water Resources, the Bureau of Laboratories conducts analyses of all water samples for the State required under U.S. Environmental Protection Agency regulations.

7. Conclusion

Based upon the foregoing, the NRC staff concludes that the State of Texas has met the criteria for an amended agreement.

III. Amendment to Agreement Between the United States Nuclear Regulatory Commission and the State of Texas for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended

Whereas, the United States Atomic Energy Commission[1] (hereinafter referred to as the Commission) entered into an Agreement (hereinafter referred to as the Agreement of January 10, 1963) with the State of Texas under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), which Agreement became effective on March 1, 1963, and provided for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials as defined in section 11e.(1) of the Act, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, it is necessary to enter into this amendment in order to implement new requirements of section 274 of the Act which become fully effective on November 8, 1981; and

Whereas, the Commission found on that the program of the State for the regulation of materials covered by this amendment is in accordance with the requirements of section 274o. of the Act and in all other respects compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, this amendment is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, Therefore, it is hereby agreed between the Commission and the Governor of the State, acting on behalf of the State, as follows:

Section 1. Article I of the Agreement of January 10, 1963, is amended by adding "as defined in section 11e.(1) of the Act;" after the words "byproduct materials" in paragraph A., by redesignating paragraphs B. and C. as paragraphs C. and D., and by inserting the following new paragraph immediately after paragraph A.:

"B. Byproduct materials as defined in section 11e.(2) of the Act;".

Section 2. Article II of the Agreement of January 10, 1963, is amended by inserting "A." before the words "This Agreement," by redesignating paragraphs A. through D. as subparagraphs 1. through 4., and by adding the following at the end thereof:

"B. Notwithstanding this Agreement, the Commission retains the following authorities pertaining to byproduct materials as defined in section 11e.(2) of the Act:

"1. Prior to the termination of a State license for such byproduct material, or for any activity that results in the production of such material, the Commission shall have made a determination that all applicable standards and requirements pertaining to such material have been met.

"2. The Commission reserves the authority to establish minimum standards governing reclamation, long term surveillance or maintenance, and ownership of such byproduct material. Such reserved authority includes:

"a. The authority to establish terms and conditions as the Commission determines necessary to assure that, prior to termination of any license for such byproduct material, or for any activity that results in the production of such material, the licensee shall comply with decontamination, decommissioning, and reclamation standards prescribed by the Commission; and with ownership requirements for such materials and its disposal site;

"b. The authority to require that prior to termination of any license for such byproduct material or for any activity that results in the production of such material, title to such byproduct material and its disposal site be transferred to the United States or the State at the option of the State (provided such option is exercised prior to termination of the license);

"c. The authority to permit use of surface or subsurface estates, or both, of the land transferred to the United States or the State pursuant to subparagraph B.2.b. of this Article;

"d. The authority to require the Secretary of the Department of Energy, other Federal agency, or State, whichever has custody of such byproduct material and its disposal site, to undertake such monitoring, maintenance, and emergency measures as are necessary to protect the public health and safety, and other actions as the Commission deems necessary; and

"e. The authority to enter into arrangements as may be appropriate to assure Federal long term surveillance or maintenance of such byproduct material and its disposal site on land held in trust by the United States for any Indian tribe or land owned by an Indian tribe and subject to a restriction against alienation imposed by the United States.".

Section 3. Article III of the Agreement of January 10, 1963, is amended by inserting "otherwise licensable by the State under Article I of this Agreement" after the words "special nuclear material."

Section 4. Article VII of the Agreement of January 10, 1963, is amended by inserting "all or part of" after the words "terminate or suspend," by inserting "(1)" after the words "finds that," and by adding at the end before the period the following:

", or (2) the State has not complied with one or more of the requirements of section 274 of the Act. The Commission shall periodically review this Agreement and actions taken by the State under this Agreement to ensure compliance with the provisions of section 274 of the Act.".

Section 5. Article VIII of the Agreement of January 10, 1963, is amended by redesignating it Article IX and by inserting a new Article VIII as follows:

"In the licensing and regulation of byproduct material as defined in section 11e.(2) of the Act, or of any activity which results in production of such material, the State shall comply with the provisions of section 274o. of the Act. If, in such licensing and regulation, the State requires financial surety arrangements for the reclamation of long term surveillance or maintenance of such material,

"A. The total amount of funds the State collects for such purposes shall be transferred to the United States if custody of such material and its disposal site is transferred to the United States upon termination of the State license for such material or any activity which results in the production of such material. Such funds include, but are not limited to, sums collected for long term surveillance or maintenance. Such funds do not, however, include monies held as surety where no default has occurred and the reclamation or other bonded activity has been performed; and

"B. Such State surety or other financial requirements must be sufficient to ensure compliance with those standards established by the Commission pertaining to bonds, sureties, and financial arrangements to ensure adequate reclamation and long term management of such byproduct material and its disposal site.".

This amendment shall become effective on .

Done at Austin, State of Texas, in triplicate, this day of 198 .

For the State of Texas.

William P. Clements, Jr.,

Governor.

Done at Washington, District of Columbia, in triplicate, this . day of 198 .

For the United States Nuclear Regulatory Commission.

Nunzio J. Palladino,

Chairman.

Dated at Bethesda, Maryland, this 2nd day of December, 1981.

For the United States Nuclear Regulatory Commission.

G. Wayne Kerr,

Director, Office of State Programs.

[FR Doc. 81-35079 Filed 12-7-81; 8:45 am]

BILLING CODE 7590-01-M

[1] Under the provisions of the Energy Reorganization Act of 1974, the regulatory functions formerly carried out by the Atomic Energy Commission are not carried out by the Nuclear Regulatory Commission as of January 19, 1975.

Advisory Committee on Reactor Safeguards, Subcommittee on Waste Management; Meeting

The ACRS Subcommittee on Waste Management will hold a meeting on January 18, 1982, Room 1046, 1717 H Street, NW, Washington, DC. The Subcommittee will review the technical assistance program in waste management research and will discuss the NRC Safety Research Program budget for FY 1983.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981 (46 FR 47903), oral or written statements may be presented by members of the public, recordings will

be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions of this meeting that may be closed to discuss the NRC Safety Research Program and Budget for 1983 as required (Sunshine Act Exemptions (2), (6), and (9)b). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance. The agenda for the subject meeting shall be as follows:

Monday, January 18, 1982—8:30 a.m. the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. John C. McKinley or the Staff Engineer, Mr. Herman Alderman (telephone 202/634–1414) between 8:15 A.M. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) Pub. L. 92–463 that it may be necessary to close sessions of the meeting as noted above to discuss matters which relate solely to the internal personnel rules and practices of the agency (Exemption (2)), to discuss information of a personal nature, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy (Exemption (6)), and to discuss preliminary information the release of which would be likely to significantly frustrate the Committee in the performance of its statutory function (Exemption (9)b). The authorities for such closure are Exemptions (2), (6) and (9)b to the Sunshine Act, 5 U.S.C. 552b(c)(2)(6)(9)b.

Dated: December 23, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-37002 Filed 12-28-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittees on Electrical Systems and Emergency Core Cooling Systems; Meeting

The ACRS Joint Subcommittees on Electrical Systems and Emergency Core Cooling Systems will hold a meeting on January 23, 1982, at the Holiday Inn Convention Center, 1020 South Figueroa, Windsor Room Right, Los Angeles, CA. The Subcommittees will continue to review the NRC- and Industry-sponsored research on core water level indicator instruments and the NRC and Industry implementation of core water level indicator installation requirements.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981 (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Saturday, January 23, 1982—8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio or Mr. Paul Boehnert (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: December 23, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-37006 Filed 12-28-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-254 and 50-265]

Commonwealth Edison Co. and Iowa-Illinois Gas and Electric Co.; Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 75 and 68 to Facility Operating License Nos. DPR–29 and DPR–30, issued to Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company, which revised the Technical Specifications for operating of the Quad Cities Nuclear Power Station, Unit Nos. 1 and 2, located in Rock Island County, Illinois. The amendments are effective as of the date of issuance.

• The amendments change the Technical Specifications relating to the containment cooling mode of the Residual Heat Removal system for each unit, to provide for shared service water cooling loops by means of an interconnection of the two loops.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration an

environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated December 3, 1981, as supplemented December 14, 1981, (2) Amendment No. 75 to License No. DPR–29 and Amendment No. 68 to License No. DPR–30, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Pubic Document Room, 1717 H Street, NW., Washington, D.C., and at the Moline Public Library, 504—17th Street, Moline, Illinois. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 18th day of December 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81–37094 Filed 12–28–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–341]

Detroit Edison Co., et al. (Enrico Fermi Atomic Power Plant, Unit No. 2); Order Extending Construction Completion Date

Detroit Edison Company and the two co-owners, Wolverine Electric Cooperative, Inc. and Northern Michigan Electric Cooperative, Inc., are holders of Construction Permit CPPR–87 issued, September 26, 1972, for the construction of the Enrico Fermi Atomic Power Plant, Unit No. 2, presently under construction at a site in Monroe County, Michigan. By letter, dated June 12, 1981, LeBouef, Lamb, Leiby & MacRae, legal counsel for the Detroit Edison Company filed an application for extension of the latest construction completion date from January 1, 1982 to June 30, 1984. An extension is required (1) due to delays in construction caused by new requirements resulting from the Three Mile Island Unit 2 accident on engineering manpower, and (2) to allow for contingencies in completing construction and preoperational testing.

This action involves no significant hazards consideration; good cause has been shown for the delays; and the requested extension is for a reasonable period, the bases for which are set forth in the staff's evaluation of the request for extension.

The Commission has determined that this action will not result in any significant environmental impact and, pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with this action.

The NRC staff's evaluation of the request for extension of the construction permit is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Monroe County Library System, Reference Department, 3700 South Custer Road, Monroe, Michigan 48161.

It is hereby ordered that the latest completion date for CPPR–87 is extended from January 1, 1982 to June 30, 1984.

Date of Issuance: December 21, 1981.

For the Nuclear Regulatory Commission.

Darrell Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–37095 Filed 12–28–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. STN 50–483]

Union Electric Co. (Callaway Plant, Unit No. 1); Order Extending the Construction Completion Date

Union Electric Company is the holder of Construction Permit No. CPPR–139 issued on April 16, 1976 for construction of the Callaway Plant, Unit No. 1 on a site in Callaway County, Missouri.

By letter, dated July 22, 1981, Union Electric Company filed a request for the extension of the latest construction completion date for the Callaway Plant from February 28, 1982 to December 31, 1983. The requested extension is required because of changes in Union Electric's construction program delaying scheduled completion for twelve months resulting from, according to Union Electric: (1) a change in the Missouri public utility law which prohibits the inclusion of construction work in progress in the rate base; and (2) projected load growth being less than originally anticipated. The aforementioned state law change, according to Union Electric, affected the amount of funds available for construction of the Callaway Plant. Additional reasons for the extension include successive strikes by the laborers' and operating engineers' unions which together lasted nine weeks, and design changes to the plant initiated to satisfy NRC requirements resulting from the accident at Three Mile Island. Included in the new requirements are two new buildings, a Technical Support Center and an Emergency Operations Facility, and associated data systems which are to be operational prior to fuel loading. The time required for design and construction of these two facilities will extend beyond the earlier fuel load date of April 1981. In addition, the productivity of construction labor has been lower than anticipated and is requiring more manhours than estimated at the initial planning stage due, in part, to increased quality control requirements.

This action involves no significant hazards consideration, good cause has been shown for the delays, and the requested extension is for a reasonable time, the bases for which are set forth in the staff's evaluation of the request for extension.

The Commission has determined that this action will not result in any significant environmental impact and, pursuant to 10 CFR Part 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with this action.

The NRC staff evaluation and the order and the request for extension of the construction permit are available for public inspection at the Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C. 20555 and at the Fulton City Library, 709 Market Street, Fulton, Missouri and at the Olin Library of Washington University, Skinker and Lindell Boulevards, St. Louis, Missouri 63130.

It is herey ordered that the latest construction competion date for CPPR–139 be extended from February 28, 1982 to December 31, 1983.

Date of Issuance: December 21, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–37096 Filed 12–28–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–309]

Maine Yankee Atomic Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 60 to Facility Operating License No. DPR–36, issued to Maine Yankee Atomic Power Company, which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station (the facility) located in Lincoln County, Maine. The

amendment is effective as of the date of issuance.

The amendment: (1) Revises the Technical Specifications in support of the Cycle 6 steam line break analyses; and (2) Revises the Technical Specifications by restructuring certain sections for clarification purposes.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated November 18, 1981, (2) Amendment No. 60 to License No. DPR–36 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of December, 1981.

For the Nuclear Regulatory Commission.

Ebin L. Conner,

Acting Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81–37087 Filed 12–28–81; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Services Policy Advisory Committee; Meeting and Determination of Closing of Meeting

The meeting of the Services Policy Advisory Committee (the Advisory Committee) to be held Wednesday, January 13, 1982, from 2:00 p.m. to 5:00 p.m. at the Federal Deposit Insurance Corporation, Executive Dining Room, will involve a review and discussion of the current issues involving the trade policy of the United States. The review and discussion will deal with information submitted in confidence by the private sector members of the Committee under Section 135(g)(1)(A) of the Trade Act of 1974, as amended, (the Act), information submitted by government officials under Section 135(g)(2) of the Act the disclosure of which could be reasonably expected to prejudice United States negotiating objectives, information the disclosure of which would be likely to significantly frustrate implementation of proposed government action, and information properly classified pursuant to Executive Order 12065 and specifically required by such Order to be kept secret in the interests of national security (i.e., the conduct of foreign relations) of the United States. All members of the Advisory Committee have all necessary security clearances. Consistent with previous determinations concerning other advisory committees, established under Section 135(c) of the Act, I hereby determine that the meeting of the Advisory Committee will be concerned with matters listed above and with matters listed in Section 552b(c) of Title 5 of the United States Code. Therefore, the meeting of the Services Policy Advisory Committee will be closed to the public.

More detailed information can be obtained by contacting Phyllis O. Bonanno, Director, Office of Private Sector Liaison, Office of the United States Trade Representative, Executive Office of the President, Washington, D.C. 20506.

William E. Brock,

United States Trade Representative.

[FR Doc 81–36981 Filed 12–28–81; 8:45 am]

BILLING CODE 3190–01–M

[Doc. No. 301–24]

Tanners' Council of America, Inc.; Extension of Time To Submit Briefs

On November 24, 1981, the United States Trade Representative decided to initiate an investigation pursuant to 19 U.S.C. 2412(a), into the allegations contained in a petition filed by the Tanners' Council of America, Inc. The text of that petition was published in the **Federal Register** on December 4, 1981 (46 FR 59353), and interested parties were invited to submit their views concerning the allegations in the petition.

Upon request, the time provided in 46 FR 59353 for filing of briefs is hereby extended as follows. Submissions should be filed in accordance with the procedures set forth in 15 CFR 2006.8 on or before January 18, 1982. In order to assure parties the opportunity to contest information provided by other interested parties, a rebuttal brief may be filed in accordance with the requirements of 15 CFR 2006.8 on or before February 1, 1982. For further information, contact Jane Bradley, Assistant General Counsel, Office of the United States Trade Representative: (202) 395–3432.

Jeanne S. Archibald,

Chairman, 301 Committee.

December 22, 1981.

[FR Doc. 81–36982 Filed 12–28–81; 8:45 am]

BILLING CODE 3191–01–M

SECURITIES AND EXCHANGE COMMISSION

[File No. 81–660]

Canadian Pacific Ltd.; Application and Opportunity for Hearing

December 18, 1981.

Notice is hereby given that Canadian Pacific Limited ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934 as amended (the "1934 Act"), for exemption from the provisions of Rule 14a–4(a)(3), (b), (c), and (e) under the 1934 Act.

The Applicant states, in part:

Applicant is a Canadian corporation subject to the provisions of the Railway Act (Canada). It proposes to solicit proxies from its United States shareholders through a procedure whereby shareholders would be furnished a discretionary form of proxy and a non-binding preference sheet.

Applicant believes that the exemption would be appropriate in that it would provide a workable solution to a conflict between Canadian and United States laws.

For a more detailed statement of the information presented, all persons are referred to the application which is on file at the offices of the Commission at 1100 L Street, NW, Washington, D.C. 20549.

Notice is further given that any interested person not later than January 12, 1982, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW, Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or

requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-37078 Filed 12-28-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-7851]

GNAC, Corp.; Application To Withdraw From Listing and Registration

December 21, 1981.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified securities from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing these securities from listing and registration include the following:

1. The securities of GNAC, Corp. ("Company") 11¾% Mortgage Notes (Due 7/1/94), 14¾% Subordinated Debentures (Due 6/15/95), are listed and registered on the Amex. Pursuant to a Registration Statement on Form 8-A which became effective on August 13, 1981, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the securites on the Amex and the NYSE.

2. This application relates solely to withdrawal of the securities from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before January 13, 1982, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-37080 Filed 12-28-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-6897]

Golden Nugget, Inc., Application To Withdraw From Listing and Registration

December 21, 1981.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The debentures of Golden Nuggett, Inc. ("Company"), 12¼% Secured Senior Sinking, Fund Debentures (due 3/1/94), are listed and registered on the Amex. Pursuant to a Registration Statement on Form 8-A which became effective on May 8, 1981, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the common stock on the Amex and the NYSE.

2. This application relates solely to withdrawal of the debentures from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before January 13, 1982, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investor. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-37081 Filed 12-28-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18355; File No. SR-MSTC-81-7]

Midwest Securities Trust Co.; Self-Regulatory Organizations; Proposed Rule Change

Proposed rule change by Midwest Securities Trust Company, relating to new terminal fees for MST Communication System participants. Comments requested on or before January 19, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 15, 1981, the Midwest Securities Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Attached as Exhibit A is *MST System Administrative Bulletin* dated December 7, 1981.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.*

The new terminal fees for MSTC Communication System participants are again necessitated by an increase imposed by AT&T. Due to this increase, MST Communication System

participants accounts will be charged the new rate beginning November, 1981. Subsequent monthly fees will remain the same unless another fee increase is declared by AT&T.

The new charge for the MST Communication System terminal fee is consistent with Section 17A of the Securities Exchange Act of 1934. The resulting cost from the AT&T increase must be offset by increased fees. The new fee will be allocated among all participants using the service.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.*

The Midwest Securities Trust Company does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) *Self-Regulatory Organization's Statement on Comments Received from Members, Participants or Others on the Proposed Rule Change.*

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW, Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on of before January 19, 1982.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 21, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–37076 Filed 12–28–81; 8:45 am]

BILLING CODE 8010–01–M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

December 22, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Dean Foods Company: Common Stock, $1 Par Value (File No. 7–6104)
Primark Corporation: Common Stock, No Par Value (File No. 7–6105)
Southwestern Energy Company: Common Stock, $2.50 Par Value (File No. 7–6106)
Tannetics Incorporated: Common Stock, $1 Par Value (File No. 7–6107)
Allied Telephone Company: Common Stock, $2 Par Value (File No. 7–6108)
KDI Corporation: Common Stock, $.35 Par Value (File No. 7–6109)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before January 14, 1982 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–37075 Filed 12–28–81; 8:45 am]

BILLING CODE 8010–01–M

Philadelphia Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

December 22, 1981.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stock:

Pantry Pride, Inc.: Common Stock, $.01 Par Value (File No. 7–6103)

This security is listed and registered on one or more other national securities exchanges. While this security is not included in the consolidated transaction and quotation reporting system, the Phlx has indicated in its application that last sale and quotation information for the security will be provided by the exchange to vendors of securities information and will be available on the Phlx floor.

Interested persons are invited to submit on or before January 14, 1982 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–37074 Filed 12–28–81; 8:45 am]

BILLING CODE 8010–01–M

[File No.: 22–11463]

United Bank Corp. of New York; Application and Opportunity for Hearing

December 21, 1981.

Notice is hereby given that United Bank Corporation of New York, a New York corporation ("UBNY"), has filed an application dated November 30, 1981 (the "Application") under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended (the "1939 Act") for a finding by the Securities and

Exchange Commission (the "Commission") that the trusteeships of Morgan Guaranty Trust Company of New York, a New York trust company (the "Bank"), under three indentures that were qualified under the 1939 Act and another indenture that was not qualified under the 1939 Act, and with regard to each of which UBNY is the obligor, are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under the indentures that have been qualified and the indenture that has not been qualified under the 1939 Act.

Under Section 310(b)(1) of the 1939 Act, a trustee shall not be deemed to have a conflicting interest by reason of acting as trustee under more than one indenture under which obligations of the same obligor are outstanding if such obligor sustains the burden of proving, on application to the Commission and after opportunity for hearing thereon, that the trusteeships under such indentures are not so likely to involve a material conflict of interest as to make necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under one of such indentures.

UBNY alleges that:

1. The Bank, as Trustee, has entered into three indentures with UBNY, each of which has been qualified under the 1939 Act:

1(a) The Indenture dated as of June 15, 1977 (the "1977 Indenture") pursuant to which UBNY issued $30,000,000 aggregate principal amount of its 7¾% Notes Due June 15, 1987.

(b) The Indenture dated as of September 15, 1980 (the "1980 Indenture") pursuant to which UBNY issued $5,227,526 aggregate principal amount of its 10% Non-Assignable Debentures Due 1981–1986.

(c) The Indenture dated as of May 1, 1981 (the "1981 Indenture") pursuant to which UBNY may issue not more than $5,215,000 aggregate principal amount of its 10% Non-Assignable Debentures Due 1982–1987 (Island State Bank Series). The 1977 Indenture, the 1980 Indenture and the 1981 Indenture are hereafter referred to as the "Qualified Indentures".

2. The Bank, as Trustee, entered into an Indenture dated as of June 1, 1981 (the "Rondout Indenture") with UBNY. No securities have been issued under the Rondout Indenture as of the date of this Application. However, it is contemplated that not more than $2,093,000 aggregate principal amount of its 10% Non-Assignable Debentures Due 1982–1987 (The Rondout National Bank Series) will be issued in accordance with the terms of an Agreement and Plan of Merger, dated as of June 30, 1981 among UBNY, The Rondout National Bank and Henry Street National Bank providing for the merger of The Rondout National Bank into Henry Street National Bank. It is anticipated that merger will become effective no later than December 1, 1981. The Rondout Indenture has not been qualified under the 1939 Act by virtue of the exemption contained in Section 304(a)(9) of the 1939 Act and Rule 4a–2 promulgated thereunder.

3. Both the 1980 Indenture and the 1981 Indenture contain in Section 606(c) of each thereof the provision permitted by the proviso of Section 310(b)(1) of the 1939 Act in each case excluding from the operation of Section 310(b) the previous indenture or indentures, as the case may be. As the 1980 Indenture and the 1981 Indenture were both qualified under the 1939 Act, the trusteeship of the Bank thereunder and under the 1977 Indenture did not disqualify the Bank from acting as trustee under any of such indentures. The Rondout Indenture does not contain the provision permitted by the proviso to Section 310(b)(1) of the 1939 Act because it was not required to be, and therefore was not, qualified under the 1939 Act.

4. UBNY's obligations under each of the Qualified Indentures and the Rondout Indenture are wholly unsecured and rank *pari passu*. Except for variations as to amounts and interest rates, maturity dates, dates of payment of principal and interest, transferability and certain other provisions there are no material variations among the Qualified Indentures and between the Qualified Indentures and the Rondout Indenture. Such differences as do exist would in no way inhibit or discourage the Bank's actions with respect to any such Indenture or present the Bank with any possible conflict of interest.

5. UBNY is not in default under, and there exists no event which with notice or lapse of time or both would constitute a default under, any of the Qualified Indentures or the Rondout Indenture.

UBNY has waived (a) notice of hearing, (b) hearing on the issues raised by the Application and (c) all rights to specify procedures under Rule 8(b) of the Commission's rules of practice.

For a more detailed account of the matters of fact and law asserted, all persons are referred to the Application, which is a public document on file in the office of the Commission at the Public Reference Room, 1100 L Street, NW., Washington, D.C.

Notice is hereby further given that any interested person may, not later than January 18, 1982, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest or for the protection of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–37877 Filed 12–28–81; 8:45 am]

BILLING CODE 8010–01–M

TENNESSEE VALLEY AUTHORITY

Privacy Act of 1974; Notice of Systems of Records and Revision of Systems of Records

AGENCY: Tennessee Valley Authority.

ACTION: Revision of routine uses for some of the agency's systems of records.

SUMMARY: On November 6 the Tennessee Valley Authority (TVA) at 46 FR 55175, published a notice of its intention to establish new or revised routine uses of systems of records. No comments were received. Accordingly, TVA adopts a new routine use for some of its systems of records to provide for necessary disclosures of information to officials of other agencies in connection with their statutory or regulatory oversight review responsibilities or authorized law enforcement activities. The routine use and the names of the systems of records to which it shall apply are described below.

FOR FURTHER INFORMATION CONTACT: Thomas E. Cressler II, Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902, (615) 632–2170.

SUPPLEMENTARY INFORMATION: To provide for the necessary disclosures of information to agencies in connection with their statutory law enforcement regulatory oversight review responsibilities, TVA has established a new routine use. The new routine use permits disclosure, "To the appropriate agency, whether Federal, State, or local,

in connection with its oversight review responsibilities or authorized law enforcement activities." This would apply to agencies administering Federal or State programs, to agencies charged with the enforcement of civil or criminal statutes, or agencies, commissions, or other regulatory bodies authorized to coordinate law enforcement activities. Such activities include, but are not limited to, certain computer matching programs designed to identify or locate unauthorized recipients under Government entitlement and other programs or persons otherwise in violation of Federal or State law.

The routine use to be added to the existing routines uses reads as follows:

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

Those systems of records to which the routine use apply are:

TVA–2 Personnel Files
TVA–3 Cooperative Training Program for Construction Craftsmen
TVA–5 Discrimination Complaint Files
TVA–6 Employee Accident Information System
TVA–7 Employee Accounts Receivable
TVA–8 Employee Alleged Misconduct Investigatory Files
TVA–9 Medical Record System
TVA–10 Employee Statements of Employment and Financial Interests
TVA–11 Payroll Records
TVA–12 Employee Travel Advance Records
TVA–13 Employment Applicant Files
TVA–14 Grievance Records
TVA–15 Land Between The Lakes Register of Hunter Applications
TVA–16 Land Between The Lakes Register of Law Violations
TVA–19 Consultant and Personal Services Contractor Records
TVA–21 OEDC Quality Assurance Personnel Records
TVA–23 Radiation Dosimetry Personnel Monitoring Records
TVA–24 Reforestation, Erosion Control, and Plantation Case History Record
TVA–25 Rehabilitation and Career Planning Records
TVA–26 Retirement System Records
TVA–27 Test Demonstration Farm Records
TVA–28 Wildland Owner Survey Records
TVA–29 Electricity Use, Rate, and Service Study Records

Dated: December 18, 1981.

W. F. Willis,

General Manager.

[FR Doc. 81–36867 Filed 12–28–81; 8:45 am]

BILLING CODE 8120–01–M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

Performance Review Board

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Notice of appointment of members of performance review board.

SUMMARY: Notice of the appointment of an individual to serve as a member of a Senior Executive Service Performance Review Board must be published in the Federal Register.

(5 U.S.C. 4314(c)(4))

DATE: October 30, 1981.

FOR FURTHER INFORMATION CONTACT: Gary E. Banas, 490 L'Enfant Plaza, SW., Washington, D.C. 20219; telephone No. (202) 447–1540.

SUPPLEMENTARY INFORMATION: The membership of the OCC PRB which appeared in the Federal Register, Volume 45, No. 27, page 8420, Thursday, February 7, 1980, has been changed. The current membership is as follows:

Paul M. Homan, Senior Deputy Comptroller for Bank Supervision
H. Joe Selby, Senior Deputy Comptroller for Operations
William A. Longbrake, Acting Senior Deputy Comptroller for Policy
John M. Miller, Acting Chief Counsel
Martha B. Stephens, Director for Human Resources (non-voting Executive Secretary and technical advisor to the PRB).

Charles E. Lord,

Acting Comptroller of the Currency.

[FR Doc. 81–36869 Filed 12–28–81; 8:45 am]

BILLING CODE 4810–33–M

Office of the Secretary

[Dept. Circular Public Debt Series No. 40–81]

Treasury Bonds of 2002

December 22, 1981.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $1,750,000,000 of United States securities, designated Treasury Bonds of 2002 (CUSIP No. 912810 CZ 9). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated January 6, 1982, and will bear interest from that date, payable on a semiannual basis on August 15, 1982, and each subsequent 6 months on February 15 and August 15 until the principal becomes payable. They will mature February 15, 2002, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Wednesday, December 30, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, December 29, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000, and larger bids must be in multiples of that amount.

Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Commmon fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in an borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of 1 percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 95.000. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Wednesday, January 6, 1982. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Monday, January 4, 1982. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities alloted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities alloted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The

interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-37068 Filed 12-28-81; 8:45 am]

BILLING CODE 4810-40-M

[Dept. Circular Public Debt Series No. 41-81]

Treasury Notes of January 15, 1989, Series C-1989

December 22, 1981.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $3,250,000,000 of United States securities, designated Treasury Notes of January 15, 1989, Series C-1989 (CUSIP No. 912827 MT 6). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated January 13, 1982, and will bear interest from that date, payable on a semiannual basis on July 15, 1982, and each subsequent 6 months on January 15 and July 15 until the principal becomes payable. They will mature January 15, 1989, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Wednesday, January 6, 1982. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, January 5, 1982.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid.

Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Wednesday, January 13, 1982. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Monday, January 11, 1982. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different form those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The anouncement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-37057 Filed 12-28-81; 8:45 am]
BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Availability of Report of Medical Research; Program Evaluation

Notice is hereby given that the program evaluation of the Veterans Administration's Medical Research Program has been completed.

Single copies of the Medical Research Report are available free. Reproduction of multiple copies can be arranged at the user's expense.

Direct inquiries, specifying the name of the program evaluation desired, to Mrs. Lynn H. Covington, Acting Director, Program Evaluation, Veterans Administration (074), 810 Vermont Avenue, NW., Washington, D.C. 20420.

Dated: December 21, 1981.

Robert P. Nimmo,

Administrator.

[FR Doc. 81-37025 Filed 12-28-81; 8:45 am]
BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 249
Tuesday, December 29, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 11:00 a.m. on Wednesday, December 23, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met by telephone conference call to consider certain matters which it determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), required its consideration on less than seven days' notice to the public.

The Board met in open session to consider the following matters:

Memorandum re: Budget of Liquidation Expenses for Budget Year 1982.

Memorandum and Resolution re: Accrual Accounting Requirements for Commercial and Mutual Savings Banks.

The Board then met in closed session to consider the following matters:

Reconsideration of an application of Golden West Bank, a proposed new bank, to be located at 1609 North State Street, Orem, Utah, for Federal deposit insurance.

Memorandum and Resolution regarding Reserves for Losses and Mutual Savings Banks Expenses—94 Open Liquidation Cases (Case No. 45, 051–L).

In considering the matters in closed session, the Board determined, by the same majority vote, that the public interest did not require consideration of the matters in a meeting open to public observation and that the matters could be considered in a closed meeting pursuant to subsections (c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

The Board further determined, by the same majority vote, that no earlier notice of the meeting was practicable.

Dated: December 23, 1981.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Assistant Executive Secretary.

[S–1936–81 Filed 12–24–81; 11:18 am]

BILLING CODE 6714–01–M

2

FEDERAL RESERVE SYSTEM.

FEDERAL RESERVE SYSTEM: Board of Governors.

TIME AND DATE: 10:00 a.m., Monday, January 4, 1981.

PLACE: 20th Street and Constitution Avenue, NW, Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Federal Reserve Bank and Branch director appointments.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT FERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Date: December 23, 1981.

James McAfee,

Assistant Secretary of the Board

[S 1939–81 Filed 12–24–81; 11:20 am]

BILLING CODE 6210–01–M

3

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: 2:00 p.m., Monday, January 4, 1982.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:
a. Plug-in blade fuses (Docket No. 781).
b. Proposal by Unfair Import Investigations Division to institute a section 603 investigation on airtight cast-iron stoves (Docket No. 784).
5. Investigation TA–406–7 (Unrefined Montan Wax from East Germany)—vote (on market disruption *and* remedy, if necessary).
6. Investigation 731–TA–52 (Preliminary) (Sheet Piling from Canada)—briefing and vote.
7. Any items left over from previous agenda.

Portions closed to the public:

5. Investigation TA–406–7 (Unrefined Montan Wax from East Germany)—briefing.

CONTACT PERSON FOR INFORMATION: Kenneth R. Mason, Secretary, (202) 523–0161.

[S–1937–81 Filed 12–24–81; 11:19 am]

BILLING CODE 7020–02–M

4

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 8:30 a.m., Wednesday, December 30, 1981.

PLACE: 1776 G Street N.W., Washington, D.C., 7th Floor Board Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Requests from federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
2. Requests for merger with special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357–1100.

[S–1934–81 Filed 12–23–81; 4:31 pm]

BILLING CODE 7535–01–M

5

POSTAL SERVICE. BOARD OF GOVERNORS.

Notice of Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold meetings at 2:00 P.M. on Wednesday, January 6, in Honolulu, Hawaii, and at 9:00 A.M., January 7, 1982 in Conference Room 112/114,

Honolulu Main Post Office, 6300 Aolele Street, Honolulu, Hawaii. The Thursday meeting is open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245–4632.

On December 21, 1981, by recorded vote taken during a telephone conference call, the Board of Governors of the United States Postal Service voted to close to public observation its meeting scheduled for January 6, 1982, which is expected to be attended by the following persons: Governors Hardesty, Babcock, Camp, Hughes, Jenkins and Sullivan; Postmaster General Bolger; Deputy Postmaster General Benson; Secretary to the Board Cox; and Counsel to the Governors Califano.

The meeting to be closed will consist of a discussion among the members of compensation for certain postal executives.

Agenda

1. Minutes of the Previous Meeting.

2. Remarks of the Postmaster General.

(In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. He might report, for example, the appointment or assignment of a key official, or the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item.)

3. Annual Report of the Postmaster General.

(The Board will consider the Annual Report of the Postmaster General to the Board concerning the operations of the Postal Service, as required by 39 U.S.C. § 2402. Upon approval thereof, or after making such changes as it considers appropriate, the Board is to transmit this report to the President and the Congress.)

4. Annual Report on Open Meetings Compliance.

(Mr. Cox, General Counsel, will present for approval of the Board the Annual Report to Congress that is required by the Government in the Sunshine Act regarding the Board's compliance with the Act.)

5. Report of the Audit Committee on FY 1981 Financial Statements.

(Mr. Babcock, as Chairman of the Audit Committee of the Board, will report to the members concerning the Service's Balance Sheet and Financial Statements for FY 1981.)

6. Review of the Annual Comprehensive Statement to the Congress.

(The Board will resume its consideration of the Comprehensive Statement, which was started at the meeting of December 2, 1981.)

7. Capital Investment Projects.

a. Vending Machines

(The Board will consider the purchase of stamp booklet dispensers, small currency changers, and small stamp venders.)

b. General Mail Facility, Salina, Kansas

(The Board will consider the construction of a new General Mail Facility at Salina, Kansas.)

c. Vehicles

(The Board will consider the purchase of 193 truck tractors.)

8. Report of the Regional Postmaster General.

(Mr. Coughlin, Regional Postmaster General, will report on postal conditions in the Western Region.)

9. Postal Service Employment Practices and the *Chisholm* case.

(The Board will discuss the implications of the recent decision of the U.S. Court of Appeals for the Fourth Circuit in *Chisholm* v. *United States Postal Service*.)

10. Election of Chairman and Vice-Chairman of the Board; Appointment of Chairmen of Board Committees.

(Under the Board's Bylaws, the first regular meeting of each calendar year is designated as the Annual Meeting. The terms of the Chairman and Vice-Chairman of the Board expire at the end of the first Annual Meeting following the meeting at which they were elected. Accordingly, the Board will consider the election of a Chairman and Vice-Chairman. The Bylaws also provide that the terms of the Chairmen of the several committees expire at the end of this meeting.)

Louis A. Cox,

Secretary.

[S–1935–81 Filed 12–24–81; 11:06 am]

BILLING CODE 7715–12–M

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federal register

Tuesday
December 29, 1981

Part II

Department of Labor

Office of the Secretary

Equal Access to Justice Act; Adoption of Regulations

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 16

Equal Access to Justice Act; Adoption of Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Final rule; request for comment.

SUMMARY: The Department of Labor withdrew its previously published rules implementing the Equal Access to Justice Act on October 13, 1981, 46 FR 50376, in order to reconsider the coverage provisions. After such reconsideration, the Department of Labor hereby publishes its rules for implementing the Equal Access to Justice Act which became effective on October 1, 1981. This Act authorizes the establishment of uniform rules by each agency to provide for the payment of fees and expenses to eligible parties who prevail in an adversarial administrative proceeding against any agency of the Government.

DATES: These rules are effective on December 29, 1981. Comments must be received by March 1, 1982.

ADDRESS: Send comments to Seth D. Zinman, Associate Solicitor, Office of the Solicitor, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–2464, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Sofia P. Petters, Counsel for Administrative Legal Services, Office of the Solicitor, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210; Telephone (202) 523–8007.

SUPPLEMENTARY INFORMATION: The Equal Access to Justice Act (hereinafter the Act), Pub. L. 96–481, 94 Stat. 2327, (5 U.S.C. 504) which was effective October 1, 1981, amends section 504 of the Administrative Procedure Act, to provide for the payment of fees and expenses to eligible parties who prevail in an adversarial proceeding against an agency of the Government. The Act authorizes the establishment of uniform rules by each agency. The Department of Labor hereby publishes its rules for implementing the Act. These rules set forth the type of hearings which are covered by the Act, the eligibility standards for applicants, the procedures for applying for and making awards, and other relevant matters. These rules apply only to administrative adjudications and not to the payment of fees and expenses in judicial proceedings, which are covered by court rules.

The Act applies to covered proceedings pending before an administrative officer on October 1, 1981 through September 30, 1984, except for those cases which have been decided but final judgment has not been entered by reason of an abatement. An abatement may occur in a case in which a decision on the merits has been rendered but a party has been granted a period of time within which to comply before entry of the final order.

Section 16.104(a) of these rules sets forth the categories of administrative hearings covered by the Act. The Act applies to hearings under section 554 of the Administrative Procedure Act, that is: adjudications required by statute to be determined on the record after opportunity for an agency hearing. The legislative history clarifies that the Act limits such coverage to hearings which are adversarial and in which the position of the agency is represented. The hearings which the Department of Labor considers to be covered by the Act are those required by statute and in which the Department appears as an adversarial party. In general, the categories of hearings include such matters as proceedings for civil money penalties; hearings before the Occupational Safety and Health Review Commission, and the Mine Safety and Health Review Commission; suspension, revocation or modification of licenses and certifications; and certain debarment cases.

The Act excludes administrative proceedings for rulemaking, ratemaking, license applications and renewals, and hearings under statutes which presently provide for the payment of fees and expenses. The Department has determined that at least the following proceedings are not covered by the Act for the reasons stated. Hearings on state plans and variances for national defense, which are required by section 16(b) and 14(b), respectively, of the Occupational Safety and Health Act, are exempt as rulemaking. Wage determinations under the Service Contract Act and Davis-Bacon Act are exempt as ratemaking. The payment of fees and expenses are already provided for under the Longshoremen's and Harbor Workers' Act, 33 U.S.C. 901, and the Black Lung Benefits Act, 30 U.S.C. 901 and accordingly proceedings under these acts are exempt. Hearings for license applications and renewals are specifically exempted under the Equal Access to Justice Act. Thus, for example, hearings under the Farm Labor Contractor Act for the certification of a contractor or hearings under section 408(a) of ERISA for the granting of an exemption from the provisions of section 406(b) of ERISA are excluded as licensing.

The legislative history of the Equal Access to Justice Act indicates that the Act excludes from coverage those hearings which are not required by an underlying statute. Accordingly, these rules exclude from coverage those proceedings which are established by regulation but are not required by the governing statute. The Department conducts hearings under several programs implementing statutes which do not require hearings under section 554 of the Administrative Procedure Act. The statutes include the Rehabilitation Act of 1973, the Vietnam Era Veterans' Act, standards and conduct provisions of the Civil Service Reform Act, WIN, the Redwood National Park Expansion Act of 1978, the Service Contract Act and the Davis-Bacon Act.

Section 16.105 of the regulations sets forth eligibility standards for applicants for awards, based generally on net worth and/or number of employees. Thus, to be eligible for an award, the applicant must be (1) an individual with a net worth of not more than $1 million, (2) a business, association or organization with a net worth of not more than $5 million and not more than 500 employees, or (3) a tax exempt or non-profit organization with fewer than 500 employees. Units of state and local government are not eligible for awards.

It should be noted that under these rules, a specific type of proceeding may be covered, but a substantial number of parties to the proceeding would nonetheless be ineligible for awards because of their status (e.g., units of state or local government) or size.

Finally, the Department finds that cases before the Board of Contract Appeals are not covered by this Act because these proceedings are governed by the procurement rules and regulations under the Contract Disputes Act, 41 U.S.C. 601.

Section 16.202(b) of these regulations provides that the net worth exhibit of an applicant seeking an award shall be considered a part of the public record. This rule differs from the model rule suggested by the Administrative Conference which incorporates the Freedom of Information Act. Since, by this rule, the documents will be available to the public, the issue of disclosability under the Freedom of Information Act will not arise.

Publication as a Final Rule; Request for Comments

The Department has determined that these rules are procedural in character. Accordingly, pursuant to 5 U.S.C.

553(b)(3)(A), notice and public comment are unnecessary. However, interested members of the public are invited to submit comments on this regulation within 60 days to Sofia P. Petters at the above address. If necessary, the rule will be modified after receipt of the comments.

Effective Date

Because this rule is procedural in character, it shall become effective December 29, 1981 instead of thirty days thereafter. This determination is made pursuant to 5 U.S.C. 553(d).

Drafting Information

This document was prepared under the direction and control of T. Timothy Ryan, Jr., Solicitor of Labor, U.S. Department of Labor, Room S–2002, 200 Constitution Avenue, NW., Washington, D.C. 20210; Telephone (202) 523–7675.

Classification—Executive Order 12291

The rule is procedural in character. Therefore, this rule is not classified as a "major rule" under Executive Order 12291 (46 FR 13193, February 19, 1981), because it is not likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, no regulatory impact analysis is required.

Regulatory Flexibility Act

This rule is not subject to the Regulatory Flexibility Act, Pub. L. 96–354 91 Stat. 1164, because it is not a rule within the meaning of that Act. See: 5 U.S.C. 601(2).

Therefore, pursuant to section 203(c)(1) of the Equal Access to Justice Act, 5 U.S.C. 504(c)(1), Title 29 of the Code of Federal Regulations is amended by adding a new part, Part 16, to read as follows:

PART 16—EQUAL ACCESS TO JUSTICE ACT

Subpart A—General Provisions

Sec.

16.101 Purpose of these rules.
16.102 Definitions.
16.103 When the Act applies.
16.104 Proceedings covered.
16.105 Eligibility of applicants.
16.106 Standards for awards.
16.107 Allowable fees and expenses.
16.108 Awards against other agencies.

Subpart B—Information Required From Applicants

16.201 Contents of application.
16.202 Net worth exhibit.
16.203 Documentation of fees and expenses.
16.204 When an application may be filed.

Subpart C—Procedures for Considering Applications

16.301 Filing and service of documents.
16.302 Answer to application.
16.303 Settlement.
16.304 Further proceedings.
16.305 Decision.
16.306 Review by the Secretary.
16.307 Judicial review.
16.308 Payment of award.

Authority: Pub. L. 96–481, 94 Stat. 2327 (5 U.S.C. 504)

Subpart A—General Provisions

§ 16.101 Purpose of these rules.

Section 203(a)(1) of the Equal Access to Justice Act amends section 504 of the Administrative Procedure Act to provide for the award of attorney fees and other expenses to eligible individuals and entities who are parties to certain administrative proceedings before the Department of Labor. An eligible party may receive an award when it prevails over an agency, unless the agency's position in the proceeding was substantially justified or special circumstances make an award unjust. The rules in this part describe the parties eligible for awards, the proceedings that are covered, how to apply for awards, and the standards under which awards will be granted.

§ 16.102 Definitions.

As used in this part:

(a) "The Act" means section 504 of Title 5, United States Code, as amended by section 203(a)(1) of the Equal Access to Justice Act, Pub. L. No. 96–481.

(b) "Adversary adjudication" means an adjudication under 5 U.S.C. 554 or other proceeding required by statute to be determined on the record after an opportunity for an agency hearing, but excludes an adjudication for the purpose of establishing or fixing a rate or for the purpose of granting or renewing a license.

(c) "Adjudicative officer" means the official who presides at the adversary adjudication, without regard to whether the official is designated as an administrative law judge, a hearing officer or examiner, or otherwise.

(d) "Department" refers to the cognizant departmental component which is participating in the adversary adjudication, (e.g., Occupational Safety and Health Administration, Mine Safety and Health Administration, and Employment Standards Administration).

(e) "Proceeding" means an adversary adjudication as defined in paragraph (b) of this section.

§ 16.103 When the Act applies.

The Act applies to any adversary adjudication pending before the Department at any time between October 1, 1981 and September 30, 1984. This includes proceedings begun before October 1, 1981 if final agency action has not been taken before that date, and proceedings pending on September 30, 1984, regardless of when they were initiated or when final agency action occurs, except that it shall not apply in any case pending on October 1, 1981 in which a decision has been issued, but final agency action has not been taken by reason of an abatement.

§ 16.104 Proceedings covered.

(a) The Act applies in adversary adjudications in which the position of the Department or another agency of the United States is presented by an attorney or other representative who enters an appearance and participates in the proceeding in an adversarial capacity. Any proceeding which prescribes a lawful present or future rate or is primarily rule-making is not covered. Proceedings to grant or renew licenses are also excluded, but proceedings to modify, suspend or revoke licenses are covered if they are otherwise adversary adjudications. The following types of proceedings are deemed to be adversarial adjudications which will be covered by the Act, when all other conditions in the Act and in these rules are met:

(1) Hearings conducted by the Occupational Safety and Health Review Commission under the authority of 29 U.S.C. 661 of the Occupational Safety and Health Act; and hearings conducted by the Federal Mine Safety and Health Review Commission under the authority of 30 U.S.C. 823 of the Mine Safety and Health Act. In these proceedings, the rules of the respective Commissions rather than the instant rules will be applicable.

(2) Wage and Hour Division, Employment Standards Administration:

(i) Civil money penalties under the child labor provisions of the Fair Labor Standards Act at 29 U.S.C. 216(e) and 29 CFR Part 579.

(ii) Violations and debarment in federal contracts under the Walsh-Healey Act at 41 U.S.C. 39 and 41 CFR 50–203.1.

(iii) Revocation, modification and suspension of licenses under the Farm Labor Contractor Registration Act at 7 U.S.C. 2045(b) and 29 CFR 40.101.

(iv) Civil money penalties under the Farm Labor Contractor Registration Act at 7 U.S.C. 2048(b)(2) and 29 CFR 40.101.

(3) Office of Federal Contract Compliance Programs, Employment Standards Administration hearings prior to the denial, withholding, termination or suspension of a government contract or any portion of a contract under Title VII of the Civil Rights Act of 1964, as amended, at 42 U.S.C. 2000e–17 and 41 CFR Part 60–30.

(4) Office of Civil Rights:

(i) Fund termination under Title VI of the Civil Rights Act at 42 U.S.C. 2000d2 and 29 CFR Part 31.

(ii) Fund termination under the Age Discrimination in Federally Assisted Programs Act of 1975 at 42 U.S.C. 6104(a).

(iii) Fund termination or refusal to grant because of discrimination under 20 U.S.C. 1682.

(5) Employment and Training Administration:

(i) Proceedings under the Comprehensive Employment and Training Act at 29 U.S.C. 818, where the Department determines that a recipient of CETA funds is failing to comply with the requirements of the Act and the implementing regulations.

(ii) Conformity and compliance under the Federal Unemployment Tax Act at 26 U.S.C. 3303(b) and 3304(c).

(iii) Proceedings under section 303(b) of the Social Security Act of 1935, as amended, 42 U.S.C. 503(b).

(6) Mine Safety and Health Administration:

(i) Petitions for modification of a mandatory safety standard under the Mine Safety and Health Act at 30 U.S.C. 811(c) and 30 CFR 44.20.

(7) Occupational Safety and Health Administration:

(i) Exemptions, tolerances and variances under the Occupational Safety and Health Act at 29 U.S.C. 655 and 29 CFR 1905.3.

(b) If a proceeding includes both matters covered by the Act and matters specifically excluded from coverage, any award made will include only fees and expenses related to the covered issues.

§ 16.105 Eligibility of applicants.

(a) To be eligible for an award of attorney fees and other expenses under the Act, the applicant must be a party, as that term is defined in 5 U.S.C. 551(3), to an adversary adjudication for which it seeks an award; the applicant must prevail; and must meet all the conditions of eligibility set out in this subpart and Subpart B.

(b) To be eligible for an award, the applicant must be:

(1) An individual with a net worth of not more than $1 million;

(2) The sole owner of an unincorporated business which has a net worth of not more than $5 million, including both personal and business interests, and not more than 500 employees;

(3) A charitable or other tax exempt organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with not more than 500 employees;

(4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) with not more than 500 employees;

(5) Any other partnership, corporation, association or public or private organization with a net worth of not more than $5 million and not more than 500 employees. A unit of state or local government is not a public organization within the meaning of this provision.

(c) For purposes of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the proceeding was initiated.

(d) An applicant who owns an unincorporated business will be considered as an "individual" rather than a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests.

(e) The employees of an applicant include all persons who perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included.

(f) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. Any individual, corporation or other entity that directly or indirectly controls or owns a majority of the voting shares of another business, or controls, *in any manner,* the election of a majority of that business' board of directors, trustees or other persons exercising similar functions, shall be considered an affiliate for purposes of this part, unless the adjudicative officer determines that such treatment would be unjust and contrary to the purposes of the Act in light of the actual relationship between the affiliated entities. In addition, the adjudicative officer may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(g) An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

§ 16.106 Standards for awards.

(a) A prevailing applicant may receive an award for fees and expenses incurred in connection with a proceeding, or in a significant and discrete substantive portion of the proceeding, unless the position of the Department as a party over which the applicant has prevailed was substantially justified or if special circumstances make the award sought unjust. No presumption arises that the Department's position was not substantially justified simply because the Department did not prevail.

(b) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding.

§ 16.107 Allowable fees and expenses.

(a) The following fees and other expenses are allowable under the Act:

(1) Reasonable expenses of expert witnesses;

(2) Reasonable cost of any study, analysis, engineering report, test, or project necessary for the preparation of the party's case;

(3) Reasonable attorney or agent fees;

(b) Awards will be based on the prevailing market rates for the kind and quality of services furnished not to exceed the rates set forth in paragraph (c) of this section.

(c) No award under these rules for the fee of an attorney or agent may exceed $75.00 per hour. No award to compensate an expert witness may exceed $24.09 per hour.

(d) In determining the reasonableness of the fee sought, the adjudicative officer shall consider the following:

(1) The prevailing rate for similar services in the community in which the attorney, agent or witness ordinarily performs services;

(2) The time actually spent in the representation of the applicant;

(3) The difficulty or complexity of the issues in the proceeding;

(4) Such other factors as may bear on the value of the services performed.

§ 16.108 Awards against other agencies.

If an applicant is entitled to an award because it prevails over another agency of the United States that participates in a proceeding before the Department of Labor and the other agency takes a position that is not substantially justified, the award or an appropriate portion of the award shall be made against that agency by the adjudicative officer for the Department of Labor.

Subpart B—Information Required From Applicants

§ 16.201 Contents of application.

(a) An application for an award of fees and expenses under the Act shall identify the applicant and the proceeding for which an award is sought. The application shall show that the applicant has prevailed and identify the position of an agency or agencies in the proceeding that the applicant alleges was not substantially justified. Unless the applicant is an individual, the application shall also state the number of employees of the applicant at the time the proceeding was instituted and describe briefly the type and purpose of its organization or business.

(b) The application shall also include a statement that the applicant's net worth at the time the formal proceedings were instituted did not exceed $1 million (if an individual) or $5 million (for all other applicants, including their affiliates). However, an applicant may omit this statement if:

(1) It attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) or, in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant's belief that it qualifies under such section; or

(2) It states that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)).

(c) If the applicant is a partnership, corporation, association, or organization, or a sole owner of an unincorporated business, the application shall certify that it did not have more than 500 employees at the time the formal proceedings were initiated, giving the number of its employees and describing briefly the type and purpose of its organization or business.

(d) The application shall state the amount of fees and expenses for which an award is sought.

(e) The application may also include any other matters that the applicant wishes the adjudicative officer to consider in determining whether and in what amount an award should be made.

(f) The application shall be signed by the applicant with respect to the eligibility of the applicant and by the attorney of the applicant with respect to fees and expenses sought. It shall also contain or be accompanied by a written verification under oath or under penalty of perjury that the information provided in the application is true and correct.

§ 16.202 Net worth exhibit.

(a) Each applicant except a qualified tax-exempt organization or cooperative association must provide with its application a detailed exhibit showing the net worth of the applicant and any affiliates (as defined in § 16.105(f) of this part) as of the date when the proceeding was initiated, i.e. the date the complaint was filed. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this part. The adjudicative officer may require an applicant to file additional information to determine its eligibility for an award.

(b) The net worth exhibit shall be included in the public record of the proceeding in which an award is sought.

§ 16.203 Documentation of fees and expenses.

(a) The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, engineering report, test, project or similar matter, for which an award is sought.

(b) The document shall include an affidavit from each professional firm or individual whose services are covered by the application, showing the hours spent in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided.

(1) The affidavit shall itemize in detail the services performed by the date, number of hours per date and the services performed during those hours. In order to establish the hourly rate, the affidavit shall state the hourly rate which is billed and paid by the majority of clients during the relevant time periods.

(2) If no hourly rate is paid by the majority of clients because, for instance, the attorney or agent represents most clients on a contingency basis, the attorney or agent shall provide affidavits from two attorneys or agents with similar experience, who perform similar work, stating the hourly rate which they bill and are paid by the majority of their clients during a comparable time period.

(c) The documentation shall also include a description of any expenses for which reimbursement is sought and a statement of the amounts paid and payable by the applicant or by any other person or entity for the services provided.

(d) The adjudicative officer may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

§ 16.204 When an application may be filed.

(a) An application may be filed whenever the applicant has prevailed in the proceeding or in a significant and discrete substantive portion of the proceeding, but in no case later than 30 days after the agency's final disposition of the proceeding.

(b) If review or reconsideration is sought or taken of a decision as to which an applicant believes it has prevailed, matters related to the consideration of an award of fees and expenses shall be stayed pending final disposition of the underlying controversy.

(c) For purposes of this rule final disposition means the later of (1) the date on which an initial decision or other recommended disposition of the merits of the proceeding by an adjudicative officer or intermediate review board becomes administratively final; (2) issuance of an order disposing of any petitions for reconsideration of this agency's final order in the proceeding; (3) if no petition for reconsideration is filed, the last date on which such a petition could have been filed; or (4) issuance of a final order or any other final resolution of a proceeding, such as a settlement or voluntary dismissal, which is not subject to a petition for reconsideration, or, in the case of an abatement, the end of the abatement period or the date on which an order is issued terminating the abatement period.

Subpart C—Procedures for Considering Applications

§ 16.301 Filing and service of documents.

Any application for an award or other pleading or document related to an application shall be filed with the adjudicative officer and served on all parties to the proceeding in the same manner as other pleadings in the proceeding.

§ 16.302 Answer to application.

(a) Within 30 days after service of an application, counsel representing the agency against which an award is sought may file an answer to the application. Unless agency counsel requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file an answer within the 30

day period may be treated as a consent to the award requested.

(b) If agency counsel and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 days, and further extensions may be granted by the adjudicative officer upon request by agency counsel and the applicant.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of agency counsel's position. If the answer is based on any alleged facts not already in the record of the proceeding, agency counsel shall include with the answer either supporting affidavits or a request for further proceedings under § 16.304.

§ 16.303 Settlement.

The applicant and agency counsel may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the underlying proceeding, or after the underlying proceeding has been concluded, in accordance with the agency's standard settlement procedure. If a prevailing party and agency counsel agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement.

§ 16.304 Further proceedings.

(a) Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or agency counsel, or on his or her own initiative, the adjudicative officer may order further proceedings, such as an informal conference, oral argument, additional written submissions or an evidentiary hearing. Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible.

(b) A request that the adjudicative officer order further proceedings under this section shall specifically identify the information sought or the disputed issues and shall explain why the additional proceedings are necessary to resolve the issues.

§ 16.305 Decision.

The adjudicative officer shall issue a recommended decision on the application which shall include written findings and conclusions on the applicant's eligibility and status as a prevailing party, and an explanation of the reasons for any difference between the amount requested and the amount awarded. The decisions shall also include, if at issue, findings on whether the agency's position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust. If the applicant has sought an award against more than one agency, the decision shall allocate responsibility for payment of any award made among the agencies, and shall explain the reasons for the allocation made.

§ 16.306 Review by the Secretary.

The Secretary, for purposes of this subsection, means the Secretary of Labor or a person, board or other organizational unit authorized to perform the review function. Either the applicant or agency counsel may seek review of the recommended decision on the fee application, or the Secretary may decide to review the decision on his or her own initiative, in accordance with the Department of Labor's regular review procedures. If neither the applicant nor agency counsel seeks review and the Secretary does not take review on his or her own initiative, the adjudicative officer's decision on the application shall become a final decision of the Department 45 days after it is issued. If review is taken, the Secretary will issue a final decision on the application or remand the application to the adjudicative officer for further proceedings.

§ 16.307 Judicial review.

Judicial review of final agency decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

§ 16.308 Payment of award.

An applicant seeking payment of an award shall submit to the Comptroller for the Department of Labor a copy of the final decision granting the award, accompanied by a statement that the applicant will not seek review of the decision in the United States courts. The request for payment shall be addressed to: Comptroller, U.S. Department of Labor, Frances S. Perkins Building, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 23rd day of December, 1981.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-37000 Filed 12-28-81; 8:45 am]

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Tuesday
December 29, 1981

Part III

Department of Agriculture

Science and Education Administration

Solicitation of Applications for Special and Alcohol Fuels Research Grants Programs, FY 1982

DEPARTMENT OF AGRICULTURE

Science and Education Administration

Special and Alcohol Fuels Research Grants Programs for Fiscal Year 1982, Solicitation of Applications

Special Research Grants Program

Notice is hereby given that under the authority of section 2(c)(1) of the Act of August 4, 1965, Pub. L. 89–106, as amended (7 U.S.C. 450i), the Cooperative State Research Service (CSRS), of the U.S. Department of Agriculture (USDA) will award project grants for certain areas of research. The total amount expected to be available for this program during the Fiscal Year 1982 is $10,255,810. The award of any grants under this program is subject to the availability of appropriations. This solicitation is being announced to allow adequate time for potential recipients to prepare and submit applications. See Appendix I for application procedures. The research to be supported is in the following areas:

Soybean Research—$502,460
CSRS Contact: Dr. C. I. Harris; Telephone (202) 447–4587
Antidesertification—$1,005,890
CSRS Contact: Dr. C. I. Harris; Telephone (202) 447–4587
Animal Health Research—$6,941,320
CSRS Contact: Dr. Earl Splitter; Telephone (202) 447–5007
Aquaculture Research—$502,460
CSRS Contact: Dr. Clyde Richards; Telephone (202) 447–6620
Energy Research—$931,200
CSRS Contact: Dr. Paul Schleusener; Telephone (202) 447–5680
Food Quality and Safety Research—$372,480
CSRS Contact: Dr. Richard Garner; Telephone (202) 447–5547

Alcohol and Industrial Hydrocarbons Research Program

In addition, notice is hereby given that pursuant to the authority of Section 1419 of the Food and Agriculture Act of 1977, Pub. L. 95–113, as amended (7 U.S.C. 3154), CSRS, USDA, will award project grants for research in the area of alcohols and industrial hydrocarbons from agricultural commodities and forest products and agricultural chemicals and other products from coal derivatives. The total amount expected to be available for this program during Fiscal Year 1982 is $502,460. The award of any grants under this program is subject to the availablity of appropriations. This solicitation is being announced to allow adequate time for potential recipients to prepare and submit applications. See Appendix I for application procedures. The research to be supported is in the following area:

Ethyl Alcohol Research—$502,460
CSRS Contact: Dr. Paul Schleusener; telephone (202) 447–5680

The Special Grants program energy funds and the Alcohol program funds are intended to stimulate and support energy-related research. Such research is national in scope, is not designated to meet the needs or address the problems of a particular State, area or locality, does not include demonstration or pilot research projects, and does not involve capital construction.

Proposals submitted in response to this notice will be evaluated in competition with proposals from other institutions. Grants will be awarded for research proposals selected by CSRS, utilizing recommendations of Peer Panels, from funds appropriated for Fiscal Year 1982 (October 1, 1981 through September 30, 1982). Projects may be up to 5 years' duration unless a shorter duration is specified. According to the requirements for Federal assistance program announcements under Pub. L. 95–220, The Federal Program Information Act, the following information is provided with respect to the areas of research described in this announcement for which project grants will be awarded:

(1) As outlined by OMB Circular No. A–89, the official program number and title for the Special Research grants are: 10.876, Grants for Agricultural Research, Special Research Grants.

(2) A program number and title will be established at a later date for research involving alcohols and industrial hydrocarbons.

(3) OMB Circular No. A–95, regarding State and local clearinghouse review of Federal and Federally assisted programs, does not apply.

Subject Matter Guidelines for Fiscal Year 1982, Grants Under Section 2(c)(1) of Public Law 89–106, as amended and Section 1419 of Pub. L. 95–113 as amended.

A. The applicable program should be indicated in Block 7 and the applicable program area and specific area of inquiry should be indicated in Block 8 of Form S&E–661 provided in the Grant Application Kit. Select one program and one program area only. The final determination of the program and program area will be made by the program staff and/or the appropriate panel. The number assigned to the specific area of inquiry must also be cited, if applicable (e.g., 2.1, 2.2), in Block 8 of Form S&E–661.

B. Information concerning the selection of proposals for funding is included in Appendix II. The appropriate format for preparation of the proposal is described in Appendix III. Appendix IV shows the scoring form which will be utilized by peer panel members and Appendix IV–A provides general information concerning proposal evaluation and grant administration. Detailed descriptions of the program areas to be supported follow.

Special Research Grants Program:

Program Areas

1.0 Soybean Research. The total amount expected to be available for this area during Fiscal Year 1982 is $502,460. Grant awards will be limited to a maximum of $100,000 per grant for research in the following specific areas of inquiry:

1.1 Soybean production research to increase yields, enhance production efficiency, and conserve natural resources. Preference will be given to strategies with broad or national implication.

1.2 Research on soybean genetic mechanisms that contribute to yield or tolerance to biotic and abiotic stress.

2.0 Antidesertification Research. The total amount expected to be available in Fiscal Year 1982 is $1,005,890. These funds will be awarded to research proposals seeking solutions to the sustained declined and destruction of biological productivity of arid and semiarid lands caused by man-made stresses sometimes in conjunction with extreme natural events. The overall objective is to develop strategies to measure and verify desertification trends, and sustain or increase productivity of desertified areas. Projects will be funded in the following specific areas of inquiry:

2.1 Laboratory or field studies focusing on a single biological, physical, economic or behavioral process of interest in verifying trends, preventing, or reversing desertification. Grant awards will be limited to a maximum of $80,000 per grant.

2.2 Subsystem and system oriented, interdisciplinary research projects using generated or extant information and including combinations of at least two of the following disciplines: biological science, physical sciences, economic science and socio-political science. Grant awards will be limited to a maximum of $200,000 per grant.

3.0 Animal Health. The total amount expected to be available for this area during Fiscal Year 1982 is $6,941,320. These funds will be awarded to support research seeking solutions to animal health problems of livestock, poultry and major aquaculture species. Grant awards will be limited to a maximum of $150,000 per grant.

The overall objective of this research is to develop and/or refine abiotic and biotic methodologies for suppression of animal losses due to infectious and noninfectious diseases and internal and external parasites of livestock, poultry, and major aquaculture species. Research will be directed toward (1) clarification of infectious and noninfectious diseases and parasites or their interactive effects on animal health and (2) development of practical implementable management systems for the producer to prevent or alleviate these causes of animal losses.

Research may include clarification of complex or unknown etiologies, development or improvement of diagnostic methodology, clarification of disease pathogenesis and methods of transmission, studies of resistance mechanisms and resistence enhancing factors, and development of disease prevent, control or eradication technology.

The specific areas of inquiry in which projects will be funded are listed below. The specific areas of inquiry are broken down into subcategories which will be funded in the approximate amounts listed. In the event that there are insufficient meritorious proposals recommended by peer panels to utilize all funds in each specific area of inquiry or in each subcategory, the balance of any such funds will be awarded to meritorious proposals recommended by peer panels under the other subcategories within the specific area of inquiry or the other specific areas of inquiry. Utilizing the recommendations of the peer panels, the Administrator of CSRS will make the final determination on specific grants to be awarded. Only proposals dealing with the following specific areas of inquiry will be selected for funding:

3.1 Beef Cattle.

(1) Respiratory disease complex. (Approximately 17 percent of available funds)

(2) Reproductive diseases, especially brucelosis and including but not limited to anestrus, leptospirosis and vibriosis. (Approximately 13 percent of available funds)

(3) Enteric diseases. (Approximately 8 percent of available funds)

(4) Parasites (internal and external), including but not limited to anaplasmosis, ticks, flukes, nematodes and interactive effects of internal and external parasites, and metabolic diseases, especially bloat, grass tetany and mineral imbalance. (Approximately 4 percent of available funds)

3.2 Diary Cattle.

(1) Mastitis (Approximately 6 percent of available funds)

(2) Reproductive diseases, especially brucelosis and including non-detected anestrus. (Approximately 5 percent of available funds)

(3) Respiratory diseases. (Approximately 4 percent of available funds)

(4) Digestive and enteric diseases. (Approximately 3 percent of available funds)

3.3 Swine.

(1) Enteric diseases, especially in young animals. (Approximately 5 percent of available funds)

(2) Respiratory diseases, especially causative agents and including but not limited to atrophic rhinitis. (Approximately 4 percent of available funds)

(3) Reproductive diseases, especially pseudorabies, parvovirus, leptospirosis, brucellosis and anestrus in gilts and sows. (Approximately 4 Percent of available funds)

(4) Parasites (internal and external), especially trichinosis and including but not limited to mange mites and lice. (Approximately 3 percent of available funds)

(5) Lameness, especially in breeding animals. (Approximately 2 percent of available funds)

3.4 Poultry.

(1) Respiratory diseases. (Approximately 5 percent of available funds)

(2) Skeletal problems such as femoral head necroses, tenosynovitis and tibial dyschondroplasia. (Approximately 4 percent of available funds)

(3) Enteric disorders including coccidiosis, salmonellosis, clostridial infections and malabsorption syndrome. (Approximately 2 percent of available funds)

(4) Neoplastic diseases including Marek's disease, lymphoid leukosis and reticuloendotheliosis. (Approximately 1 percent of available funds)

3.5 Sheep and Goats. (Approximately 5 percent of available funds) Bluetongue, foot rot, chlamydial polyarthritis, gastrointestinal parasites, caseous lymphadenitis, pneumonia, mastitis, bacterial scours, and predator control.

Horses (Approximately 3 percent of available funds) Especially respiratory diseases, but including enteric diseases, reproductive diseases, and musculoskeletal diseases (especially laminitis and lameness).

3.7 Aquaculture (Approximately 2 percent of available funds) Infectious diseases and parasites.

4.0 Aquaculture Research. The total amount expected to be available for this area during Fiscal Year 1982 is $502,460. Grant awards will be limited to a maximum of $80,000 per grant. The objective of this research is to provide and improve upon the scientific and technical base needed by the aquaculture industry.

Increased production of freshwater species having high commercial potential such as catfish, trout, bait minnows, crawfish and freshwater shrimp will be included. Proposals focused on aquaculture production in the following specific areas of inquiry will be considered.

4.1 Improved production efficiency in diet formulation, reproduction and breeding, and disease and parasite control.

4.2 Improved water quality requirements for production and factors affecting the quality of water discharge.

5.0 Energy Research. The total amount expected to be available for this area during Fiscal Year 1982 is $931,200. The overall objective of this research is to obtain the scientific knowledge and technical information to substitute energy from agricultural and forestry sources for petroleum-based energy and to seek net energy self-sufficiency in agricultural and forestry production and other rural activities. Grant awards will be made in four specific areas of inquiry with maximum grant amounts as indicated below:

5.1 Biomass Storage. Grant awards will be limited to a maximum of $80,000 per grant of 2 or 3 years duration. This area will cover research on systems for the collection and storage and storage problems of biomass resources to enable year around energy output from promising species for energy use.

5.2 Methanol Production. Grant awards will be limited to a maximum of $80,000 per grant of 2 or 3 years duration. The objectives of this research area include design and development of methanol generators suitable for cooperative or multiple farm use. Use of crop and forestry biomass (including residues), livestock wastes, and by-products are included.

5.3 Combustion, Pyrolsis, and Gasification. Grant awards will be limited to a maximum of $80,000 per grant of 2 or 3 years duration. The objectives of this research are to evaluate equipment and systems for direct combustion and gasification of crop and forestry biomass and residues in addition to livestock wastes.

5.4 Vegetable Oil as Diesel Substitute. Grant awards will be limited to a maximum of $80,00 per grant of 2 or 3 years duration. The objectives of the research are the development of new storage techniques to optimize the net energy output. The chemical and

physical properties of the oil must be determined in relation to extraction methods, degumming requirements, and refining.

6.0 Food Quality and Safety Research. The total amount expected to be available for this area during Fiscal Year 1982 is $372,490. Grant awards will be limited to a maximum of $100,000 per grant for research in the following specific areas of inquiry.

6.1 The mode of actions of nitrites and how nitrosamines are formed chemically and how to detect them.

6.2 Interactions of nitrite, ph, salt content, other additivies, heat and muscle type on residues and flavor.

6.3 Development of suitable nitrite substitutes.

6.4 Identification of systems that inhibit nitrosamines in cured products.

Alcohol and Industrial Hydrocarbons Research Program

Program Areas

7.0 Ethyl Alcohol Research. The total amount expected to be available for this program during Fiscal Year 1982 is $502,490. Grant awards will be limited to a maximum of $80,00 per grant of 2 or 3 years duration for research in ethyl alcohol conversion. This program will cover research on the evaluation (including economic), treatment, and conversion of biomass resources for manufacture of ethyl alcohol.

At least 25 percent of these funds shall be made available for research relating to the production of alcohol, to identify and develop agricultural commodities (including alfalfa, sweet sorghum, black locust and cheese whey) which may be suitable for such production. At least 25 percent of these funds shall be made available for research relating to the development of technologies for increasing the energy efficiency and commercial feasibility of alcohol production, including processes of cellulose conversion and cell membrane technology.

It has been determined that, because of the need to implement these programs so that research relating to plant production can be initiated in the Spring of 1982, compliance with the Notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Further, this action has been reviewed under Executive Order 12291 and it has been determined that this is not a major rule. Although this Notice establishes the procedures and criteria under which the recipients of Special and Alcohol Fuels Research grants in fiscal year 1982 will be selected, and the terms and conditions under which such grants will be administered, it does not involve a substantial or major impact on the Nation's economy or large numbers of individuals or businesses. There will be no major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

Done at Washington, D.C., this 23rd day, of December.

Anson R. Bertrand,

Director of Science and Education.

Appendix I.—Application Procedures

1. Eligible Institutions.

Special Research Grants Program:

Grants under section 2(c)(1) of Pub. L. 89–106, as amended, may be made to land-grant colleges and universities, research foundations established by land-grant colleges and universities, State agricultural experiment stations, and to all colleges and universities having a demonstrable capacity in food and agricultural research.

Alcohol and Industrial Hydrocarbons Research Program:

Grants under section 1419 of Pub. L. 95–113, as amended, may be made to any college, university, Government corporation or Federal laboratory. Research Foundations are not eligible to receive research grants under Section 1419 of Pub. L. 95–113 unless they independently meet the definition of college and university as set out in section 1404 of Pub. L. 95–113, as amended.

2. Proposal Submission.

A. Before submission write or call the Grants Administrative Management Office (address and telephone number below) for a copy(ies) of the Grant Application Kit.

Proposals should be submitted to the Grants Administrative Management Office at the address shown below. Your submission should include an original and 10 copies of the proposal and Form S&E–661, Grant Application, which is included in the Grant Application Kit. The Form S&E–661 submitted with the original proposal should have original signatures of the principal investigator(s) and the authorized organizational representative. CSRS must have original signatures on file for each application. A principal investigator whose signature does not appear on the Grant Application will not be listed as a principal investigator in the event of an award.

Grants Administrative Management Office, Science and Education Management Staff, USDA, U.S. Department of Agriculture, Suite 103, Rosslyn Commonwealth Building, 1300 Wilson Boulevard, Arlington, Virginia 22209, Telephone: (703) 235–2888.

All copies of the proposal should be mailed in one package, if at all possible. Due to the volume of proposals received, proposals submitted in several packages are very difficult to identify. If copies of the proposal *are* mailed in more than one package, the number of packages should be marked on the outside of each. It is important that *all packages be mailed at the same time.* The acknowledgement of receipt of the proposal will contain a proposal number and title. Later inquiries, addenda, etc., should include this information. However, every effort should be made to *assure* that the proposal contains all *pertinent information when initially submitted.* Prior to mailing, compare your proposal with the Application Requirements checklist contained in the Grant Application Kit and the format cited in Appendix III of this announcement.

B. To be considered for award, proposals must be prepared in the format prescribed in Appendix III and must be *received* in the Grants Administrative Management Office (GAMO) by the *close of business* on the date specified for each program area as listed below:

Soybean Research—deadline is March 5, 1982.

Antidesertification Research—deadline is March 5, 1982.

Animal Health Research—deadline is March 19, 1982.

Aquaculture Research—deadline is March 26, 1982.

Energy Research—deadline is April 9, 1982.

Food Quality and Safety Research—deadline is March 5, 1982.

Ethyl Alcohol Research—deadline is April 9, 1982.

Proposals should not exceed 10 pages (single spaced) excluding the literature citation, vitae appendices, and required forms from the Grant Application Kit.

When proposals exceed 10 pages in total, only the first 10 pages, excluding the pages referenced in the above paragraph, will be evaluated.

C. Research Involving Special Consideration. A number of situations frequently encountered in the conduct of research required special information and supporting documentation before funding can be approved for the project. If special information or supporting documentation is involved, the proposal should so indicate. Since some types of research targeted for CSRS support have a high probability of involving either recombinant deoxyribonucleic acid (DNA) or human subjects, special instructions follow:

Recombinant DNA. Principal investigators and endorsing performing organization officials must comply with the guidelines of the National Institutes of Health (See NIH "Guidelines for Research Involving Recombinant DNA Molecules" (43 FR 60108–60131) and subsequent revisions).

Human Subjects. Safeguarding the rights and welfare of human subjects used in research supported by CSRS grants is the responsibility of the performing organization. The informed consent of the human subject is a vital element in this process. Guidance is contained in Pub. L. 93–348, as implemented by Part 46, Subtitle A of Title 45 of the Code of Federal Regulations, as amended (45 CFR Part 46).

If the project involves human subjects at risk, the grantee must furnish CSRS with a statement that the research plan has been reviewed and approved by the appropriate Institutional Review Board at the grantee organization and that the grantee is in compliance with Department of Health and Human Services (DHHS)—policies, as amended, regarding the use of human

subjects. Form S&E–84, Protection of Human Subjects, may be used for this purpose.

3. Budget and Report Requirements.

The following items apply only to those proposals that are selected for funding:

A. The grant will be awarded on the basis of all financial support, from any source, that is shown in the proposal budget (Form S&E–55). While cost sharing is encouraged it will not be a factor in the selection process.

B. Annual financial reports (Standard Form 269) will be required.

C. An annual progress report not to exceed 2 pages will be required in addition to a shorter summary for insertion into a computerized research information service. Annual reports will be organized around the objectives and research timetable as specified in the project proposal.

D. Comprehensive (performance and financial) final reports must be submitted to CSRS within 90 calendar days after the termination date of the grant.

E. Grants awarded under the authority of Section 2(c)(1) of Pub. L. 90–106, as amended, and Section 1419 of Pub. L. 95–113, as amended, do not require matching or cost sharing, but cost sharing is encouraged.

Appendix II—Selection of Proposals for Funding

A. Selection Criteria. A panel of peer scientists for each specific area of inquiry will evaluate the proposals utilizing selection criteria listed in Appendicies IV and IV–A. The peer panel, when appropriate, can recommend a reduced level of funding for a proposal or that the research be confined to certain objectives for proposals under review. Utilizing the recommendations of peer panels, CSRS will select the proposals to be funded within the amount available for each program area.

B. When the peer panel recommends that the amount of award be reduced below the amount proposed for a proposal or where the panel recommends that only research dealing with selected objectives be funded, these changes will be discussed with the submitting institution. If the institution elects not to make these changes as a condition of the award, the proposal will be dropped from the list of proposals to be funded for a specific area of inquiry and another proposal selected from those recommended by the peer panel will be funded. After the grants are awarded, the CSRS program manager will retain one copy of unfunded proposals on file for 5 years. The remaining copies will be destroyed. A copy of the summary evaluation made by the peer panel will be provided for each unfunded proposal.

Appendix III—Format for Research Proposal

The Research Grant Application Kit (available from the Grants Administrative Management Office) includes forms, instructions, and other information to be used in applying for research grants which will be awarded in the areas described earlier.

Additional information and/or instructions relating to the format and content of the Research Proposal follow:

1. Grant Applicant (Form S&E–661). A Grant Application with all relevant original signatures must be included with the proposal. All other copies of the proposal should also contain a Grant Application, but facsimile or photocopied signatures will be accepted.

2. Title of Proposal. A brief, clear, specific designation of the subject of the research. The title (80 characters maximum) will be used for the USDA Current Research Information System (CRIS), for information to Congress, and for press releases. Therefore, it should not contain highly technical words. Phrases such as "Investigation of" or "Research on" should not be used.

3. Approval Signatures of Appropriate Officials. All proposals from a university, college, or institution must be signed by an authorized official.

4. Objectives. A clear, concise, complete, and logically arranged statement of the specific aims of the research.

5. Procedures. A statement of the essential working plans and methods to be used in attaining each of the stated objectives. Procedures should correspond to the objectives and follow the same order. Procedures should include items such as: The sampling plan, experimental design, and analyses anticipated.

6. Justification. This should describe (1) the importance of the problem to the needs of the Department of Agriculture and to the States or region, being sure to include estimates of the magnitude of the problem; (2) the importance of starting the work now; and (3) reasons for the work being performed in your particular institution.

7. Literature Review. A summary of pertinent publications with emphasis on their relationship to the research. Cite important and recent publications from other institutions, as well as your own institution. Citations should be accurate and complete including the title of the article. Literature citations should be appended to the proposal and are not included in the 10-page limit.

8. Current Research. Describe the relevancy of the proposed research to ongoing and as yet unpublished research at your own and at other institutions. Show other grants or support in this and related areas.

9. Facilities and Equipment. The location of the work and the needed and available facilities and equipment should be clearly indicated. This section may be combined with Section 4, Procedures, but the combination must clearly show needed and available facilities and equipment.

10. Research Timetable. Show all important research phases as a function of time, year by year.

11. Personnel support. Identify clearly all personnel who will be involved in the research. For each scientist involved, include (1) an estimate of the time commitments necessary and (2) vitae of the principal investigator, senior associates, and other professional personnel to assist reviewers in evaluating the competence and experience of the project staff. This section should include curricula vitae of all key persons who will work on the project, whether or not Federal funds are sought for their support. The vitae also can be provided as an appendix and will not be included in the 10-page limit. The vitae are to be no more than 2 pages each in length excluding publication listings. Provide for each person a chronological list of the most recent representative publications during the preceding 5 years, including those in press. List the authors in the same order as they appear on the paper, the full title, and the complete reference as they usually appear in journals.

12. Additions to Project Description (if any). Each project description is expected by the members of review committees and the program staffs to be complete in itself. Distribution of additional materials, other than for the records, will be limited to the principal reviewers. In those instances in which the submission of additional material is necessary (e.g., photographs which do not reproduce well, and reprints or other especially pertinent material which are not suitable for inclusion in the proposal), 8 copies or sets, identified by title of the research project and name of the principal investigator(s), should accompany the proposal.

Appendix IV—Peer Panel Scoring Form

Proposal Identification No.————————
Institution and Project Title————————

I. Basic Requirement:

Proposal falls within guidelines? ——— yes ——— no. If no, explain why proposal does not meet guidelines under comment section of this form.

II. Selection Criteria:

	Score 1–10	Weight factor	Score X weight factor	Comments
1. Scientific and technical quality of the idea		8		
2. Scientific and technological quality of the approach		8		
3. Relevance and importance of proposed research to solution of specific areas of inquiry		8		
4. Feasibility of attaining objectives during life of proposed research		5		
5. Adequacy of professional training or research experience of research team in essential disciplines needed to conduct the proposed research		5		
6. Adequacy of facilities, equipment, and professional and technical staffing		5		

Score————————— ———
Summary Comments:————————

Appendix IV–A—Evaluation of Proposals

The peer panel, subject to final determination by the Administrator of CSRS, will determine whether a proposal falls within the guidelines. If the proposal does not meet the guidelines the proposal will be eliminated from competition and returned to

the institution submitting the proposal. Proposals not meeting the guidelines will not be scored on selection criteria by the peer panel.

Proposals satisfactorily meeting the guidelines will be evaluated and scored by the peer panel for each criterion utilizing a scale of 1 to 10. A score of one is low for the selection criterion. A score of 10 is high for the selection criterion. A weighting factor is used for each criterion.

Grant Administration and Allowable Costs

The grants awarded will be administered in accordance with the USDA Uniform Federal Assistance Regulations (46 FR 55636, November 10, 1981), applicable OMB Circulars and Form S&E-638, General Provisions for Grants and Cooperative Agreements. A copy of Form S&E-638 is included in the Grant Application Kit.

The determination of allowable costs shall be made in accordance with the following applicable Federal Cost Principles in effect on the effective date of the Agreement:

Educational Institutions—OMB Circular A-21.

Nonprofit Organizations—OMB Circular A-122.

Commercial Firms—FPR 1-15.2.

[FR Doc. 81-37088 Filed 12-28-81; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
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DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

List of Public Laws

Last Listing December 24, 1981

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.R. 3455 / Pub. L. 97–99 Military Construction Authorization Act, 1982. (Dec. 23, 1981; 95 Stat. 1359) Price: $2.50.

H.R. 4035 / Pub. L. 97–100 Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1982, and for other purposes. (Dec. 23, 1981; 95 Stat. 1391) Price: $2.25.

H.R. 4034 / Pub. L. 97–101 Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1982. (Dec. 23, 1981; 95 Stat. 1417) Price: $2.25.

H.R. 4209 / Pub. L. 97–102 Department of Transportation and Related Agencies Appropriation Act, 1982. (Dec. 23, 1981; 95 Stat. 1442) Price: $2.25.

H.R. 4119 / Pub. L. 97–103 Making appropriations for Agriculture, Rural Development and Related Agencies programs for the fiscal year ending September 30, 1982, and for other purposes. (Dec. 23, 1981; 95 Stat. 1467) Price: $2.25.

H.R. 3484 / Pub. L. 97–104 George Washington Commemorative Coin Act. (Dec. 23, 1981; 95 Stat. 1491) Price: $1.50.

H.R. 4910 / Pub. L. 97–105 To amend the District of Columbia Self-Government and Governmental Reorganization Act and the charter of the District of Columbia with respect to the provisions allowing the District of Columbia to issue general obligation bonds and notes and revenue bonds, notes, and other obligations. (Dec. 23, 1981; 95 Stat. 1493) Price: $1.75.

H.R. 4241 / Pub. L. 97–106 Military Construction Appropriation Act, 1982. (Dec. 23, 1981; 95 Stat. 1503) Price: $1.75.

H.R. 5273 / Pub. L. 97–107 To allow the George Washington University Higher Education Facilities Revenue Bond Act of 1981 of the District of Columbia to take effect immediately. (Dec. 23, 1981; 95 Stat. 1509) Price: $1.50.

H.R. 1465 / Pub. L. 97–108 "State and Local Government Cost Estimate Act of 1981". (Dec. 23, 1981; 95 Stat. 1510) Price: $1.50.

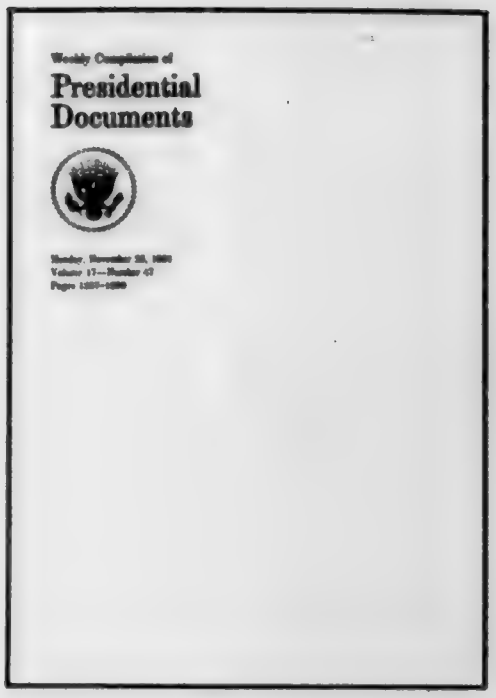
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12-30-81
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Pages 63031-63202

federal register

Wednesday
December 30, 1981

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63076, 63077 **Banking** FHLBB proposes to reduce restrictions on savings accounts. (2 documents)

63031 **Nuclear Power Plants and Reactors** NRC amends emergency planning regulations.

63085 **Flood Insurance** FEMA proposes to amend National Flood Insurance Program provisions.

63158 **Procurement** OMB solicits views on development of uniform Federal procurement procedures.

63034 **Small Businesses** SBA upgrades experience requirements for managers of investment companies receiving Federal funding.

63157 **Health Care** OMB issues notice on costs of hospital care and outpatient medical and dental treatment furnished by Federal agencies.

63174 **Waterways** Panama Canal Commission revises shipping and navigation rules. (Part III of this issue)

63159 **Postal Service** PS increases preferred postage rates.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Emergency Planning and Preparedness for Production and Utilization Facilities

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is making two changes to its emergency planning regulations. The change to 10 CFR Part 50, Appendix E delays the date by which prompt public notification systems must be operational around all nuclear power plants. The change to § 50.54 clarifies the language of the rule to conform with the Commission's intent at the time of promulgation.

EFFECTIVE DATE: December 30, 1981.

FOR FURTHER INFORMATION CONTACT: Michael T. Jamgochian, Human Factors Branch, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (telephone 301–443–5942).

SUPPLEMENTARY INFORMATION:

I. The Amendment to 10 CFR Part 50, Appendix E

On August 19, 1980, the NRC published a revised emergency planning regulation which became effective on November 3, 1980. The rule required licensees to demonstrate, among other things, by July 1, 1981:

"that administrative and physical means have been established for alerting and providing prompt instructions to the public within the plume exposure pathway EPZ. The design objective shall be to have the capability to essentially complete the initial notification of the public within the plume exposure pathway EPZ within about 15 minutes."

On August 11, 1981, the Commission discussed possible actions because licensees failed to comply with the July 1, 1981 requirement contained in 10 CFR 50.47(b)(5) and 10 CFR 50, Appendix E, Section IV.D.3. The licensees' failure to meet the July 1, 1981 date was attributed to unforeseen difficulties and uncertainties surrounding the design, procurement and installation of the prompt notification systems.

At the August 11, 1981 meeting, the Commission approved publication of a proposed rule change which would provide an extension of the July 1, 1981 date to February 1, 1982. (See 46 FR 46587). That **Federal Register** notice requested public comment during a 30-day period ending October 21, 1981.

To date, comments have been received from four NRC licensees, five individuals or organizations in the nuclear industry, one from the general public, three from environmental organizations, one from a mass transit system director, and one from a State governor. The comments received from the general public and from the environmental organizations were against delaying the implementation date to February 1982. The letters from the other commenters generally agree with extending the implementation date along with additional suggestions.

One suggested modification to the proposed rule change, which has been accepted and included in these final amendments, is not to eliminate the four-month period for correction of any deficiencies identified during the initial testing of the prompt notification system. The Commission now believes that the elimination of this four-month period would be inconsistent with the need to perform a reasonable test of the system and make any needed changes as indicated by the test results. The enclosed effective regulation incorporates this concept. The installation date, however, remains February 1, 1982, and any licensee not completing the installation by that date would be subject to enforcement action.

After evaluating all public comment letters received, the Commission has decided to publish, as immediately effective, a final rule change to 10 CFR Part 50, Appendix E which will delay the implementation date for the prompt public notification systems from July 1, 1981 to February 1, 1982.

This decision is based on a recognition that emergency plans and preparedness have significantly improved within the last year at and around every nuclear power plant site. This significant improvement has been confirmed by NRC teams who have visited a number of plant sites to evaluate the licensees' compliance with the upgraded emergency planning regulations of August 1980. In addition, the Federal Emergency Management Agency (FEMA) and the NRC have monitored numerous nuclear emergency exercises involving State and local governments and the licensees, and again have witnessed a significant improvement on onsite and offsite emergency preparedness.

The decision to delay the implementation data is also based on the recognition that there exist customary warning systems (police, radio, telephone) which are viewed as sufficiently effective in many postulated accident scenarios. In view of the above, the Commission finds that there exists sufficient reason to believe that appropriate protective measures can and will be taken for the protection of the health and safety of the public in the event of a radiological emergency during the extended time period for compliance.

II. The Amendment to 10 CFR 50.54

Additionally, 10 CFR 50.54(s)(2), currently requires that,

"For operating power reactors, the licensee, State, and local emergency response plans shall be implemented by April 1, 1981, except as provided in Section IV.D.3 of Appendix E of this part. If after April 1, 1981, the NRC finds that the state of emergency preparedness does not provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency and if the deficiencies are not corrected within four months of that finding, the Commission will determine whether the reactor shall be shut down until such deficiencies are remedied or whether other enforcement action is appropriate."

It has come to the Commission's attention that because this section of the regulation was written as one paragraph, it can be interpreted to mean that the four-month period for the correction of emergency preparedness deficiencies does not apply to "Section IV.D.3 of Appendix E."

This is a misinterpretation of the Commission's intent, which was that the four-month period is to apply to any deficiencies identified in the emergency plans. The Commission is therefore modifying § 50.54(s)(2) to more clearly reflect that intent. The four-month period provided in § 50.54(s)(2), will not apply to any licensee for the installation and initial test of the public notification system by February 1, 1982. If a licensee is not in compliance with this requirement for installation and testing by February 1, 1982, the Commission will consider taking appropriate enforcement actions promptly at that time. In determining appropriate enforcement action to initiate, the Commission will take into account, among other factors, the demonstrated diligence of the licensee in attempting to fulfill the prompt public notification capability requirement. The Commission will consider whether the licensee has kept the NRC informed of the steps that it has taken, when those steps were taken and any significant problems encountered, and the updated timetable which the licensee expects will be met in achieving full compliance with the prompt public notification capability requirements. The four-month period will, however, apply to correction of deficiencies identified during the initial test of the prompt public notification systems as well as those deficiencies discovered thereafter.

Because the amendment to § 50.54(s)(2) is interpretative and of a minor nature, simply resolving an ambiguity in the rules to the Commission's intended meaning at the time of promulgation, the Commission finds good cause to dispense with advance notice and opportunity for public comment thereon as unnecessary. For this reason, this change shall be effective as a final rule on December 30, 1981.

Likewise, the Commission is publishing the final amendments to 10 CFR Part 50, Appendix E (extending the implementation date for the installation of a prompt public notification system) as effective immediately upon publication, pursuant to 5 U.S.C. 553(d)(1), since the rule is expected to relieve the obligation of certain licensees with respect to the present July 1, 1981 deadline for operational public notification systems. In that regard, the Commission notes that the final rule, when effective, will be applied to ongoing licensing proceedings now pending and to issues or contentions therein. *Union of Concerned Scientists* v. *AEC*, 499 F. 2d 1069 (D.C. Cir. 1974).

Regulatory Flexibility Act Statement

Pursuant to the Regulatory Flexibility Act of 1980, Pub. L. 96–354, the NRC has determined: (1) That the delaying of the implementation date for the prompt public notification systems will not have a significant economic impact on a substantial number of small entities, pursuant to the Regulatory Flexibility Act of 1980, section 605(b) and (2) that the rule change to § 50.54(s)(2) is not subject to the provisions of the Regulatory Flexibility Act of 1980, because the Commission has determined pursuant to 5 U.S.C. 553 that a notice of proposed rulemaking for § 50.54 (s)(2) need not be issued and that the rule may be promulgated in final form and become effective on December 30, 1981.

Paperwork Reduction Act Statement

Pursuant to the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511), the NRC has made a determination that this final rule does not impose new recordkeeping, information collection, or reporting requirements.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, the following amendments to 10 CFR Part 50 are published as documents subject to codification:

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

The authority citation for Part 50 reads as follows:

Authority: Secs. 103, 104, 161, 182, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239); secs. 201, 202, 206, 88 Stat. 1243, 1244, 1246 (42 U.S.C. 5841, 5842, 5846), unless otherwise noted. Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 50. 78–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50.100–50.102 issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236). For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), § 50.41(i) issued under sec. 161i, 68 Stat. 949 (42 U.S.C. 2201(i)); §§ 50.70, 50.71, and 50.78 issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)), and the laws referred to in Appendices.

Appendix E [Amended]

1. Section IV.D.3 of Appendix E to Part 50 is revised to read as follows:

Appendix E—Emergency Planning and Preparedness for Production and Utilization Facilities*

* * * * *

D. *Notification Procedures*

* * * * *

3. A licensee shall have the capability to notify responsible State and local governmental agencies within 15 minutes after declaring an emergency. The licensee shall demonstrate that the State/local officials have the capability to make a public notification decision promptly on being informed by the licensee of an emergency condition. By February 1, 1982, each nuclear power reactor licensee shall demonstrate that administrative and physical means have been established for alerting and providing prompt instructions to the public within the plume exposure pathway EPZ. The four-month period in 10 CFR 50.54(s)(2) for the correction of emergency plan deficiencies shall not apply to the initial installation of this public notification system that is required by February 1, 1982. *The four-month period will apply to correction of deficiencies identified during the initial installation and testing of the prompt public notification systems as well as those deficiencies discovered thereafter.* The design objective of the prompt public notification system shall be to have the capability to essentially complete the initial notification of the public within the plume exposure pathway EPZ within about 15 minutes. The use of this notification capability will range from immediate notification of the public (within 15 minutes of the time that State and local officials are notified that a situation exists requiring urgent action) to the more likely events where there is substantial time available for the State and local governmental officials to make a judgment whether or not to activate the public notification system. Where there is a decision to activate the notification system, the State and local officials will determine whether to activate the entire notification system simultaneously or in a graduated or staged manner. The responsibility for activating such a public notification system shall remain with the appropriate governmental authorities.

* * * * *

2. § 50.54(s)(2) is revised to read as follows:

§ 50.54 Conditions of licenses.

* * * * *

(s) * * *

(2)(i) For operating power reactors, the licensee, State, and local emergency response plans shall be implemented by April 1, 1981, except as provided in Section IV.D.3 of Appendix E to this part.

(ii) If after April 1, 1981, the NRC finds that the state of emergency preparedness does not provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency (*including findings based on requirements of Appendix E, Section IV.D.3*) and if the

*The regulation has been typed in comparative text showing changes from the proposed rule change published in the Federal Register on September 21, 1981.

deficiencies (*including deficiencies based on requirements of Appendix E, Section IV.D.3*) are not corrected within four months of that finding, the Commission will determine whether the reactor shall be shut down until such deficiencies are remedied or whether other enforcement action is appropriate. In determining whether a shutdown or other enforcement action is appropriate, the Commission shall take into account, among other factors, whether the licensee can demonstrate to the Commission's satisfaction that the deficiencies in the plan are not significant for the plant in question, or that adequate interim compensating actions have been or will be taken promptly, or that that there are other compelling reasons for continued operation.

* * * * *

Dated at Washington, D.C. this 23rd day of December, 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-37091 Filed 12-29-81; 8:45 am]

BILLING CODE 7590-01-M

10 CFR Part 50

Reporting, Recordkeeping, and Application Requirements; Approval

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations on the domestic licensing of production and utilization facilities to indicate Office of Management and Budget approval of the information collection requirements contained in the regulations. This action is required by the Paperwork Reduction Act of 1980.

EFFECTIVE DATE: December 30, 1981.

FOR FURTHER INFORMATION CONTACT: Steve Scott, Chief, Document Management Branch, Division of Technical Information and Document Control, Office of Administration, Telephone: (301) 492-8585.

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1980 (Pub. L. 96-511; 44 U.S.C. Chapter 35) transferred the responsibility for approving the information collection requirements imposed by the Nuclear Regulatory Commission (NRC) on the public from the General Accounting Office (GAO) to the Office of Management and Budget (OMB). The Act requires that each existing information collection requirement be reapproved by OMB as existing GAO clearances expire. This requirement applies to the application, recordkeeping, and reporting requirements contained in NRC regulations.

On October 30, 1981, the NRC obtained OMB reapproval for the information collection requirements contained in 10 CFR Part 50. This amendment adds a new § 50.8 to Part 50 setting out the OMB approval number, the expiration date of the current approval, and a list of sections within Part 50 that contain an approved information collection requirement. This amendment also removes the note concerning the expired GAO clearance that follows § 50.110.

Because this is a nonsubstantive amendment dealing with a minor procedural matter, good cause exists for finding that the notice and comment procedures of the Administrative Procedure Act (5 U.S.C. 553) are unnecessary and for making the amendment effective December 30, 1981.

Under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the following amendments to 10 CFR Part 50 are published as a document subject to codification. The authority citation for this document is:

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Authority: Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201)

1. Section 50.8 is added to read as follows:

§ 50.8 Reporting, recordkeeping, and application requirements: OMB approval.

(a) the Nuclear Regulatory Commission has submitted the information collection requirements contained in this part of the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act (Pub. L. 96-511). OMB approved the information collection requirements on October 30, 1981.

(1) The OMB approval number is 3150-0011.

(2) OMB approval expires April 30, 1982.

(b) The approved information collection requirements include the application, recordkeeping, and reporting requirements contained in §§ 50.30, 50.33, 50.33a, 50.34(b), (c), (d), (f), 50.34a, 50.35(b), 50.36, 50.36a, 50.48, 50.54(f), (p), (q), (r), (s), (t), (u), 50.55(e), 50.55a, 50.59(b), (c), 50.71(a), (b), (c), (d), (e), 50.72(a), (b), 50.80, 50.82, 50.90, and Appendices A, B, C, E, G, H, J, K, and R.

§ 50.110 [Amended]

2. The note following § 50.110 is removed.

Dated at Bethesda, Maryland, this 11th day of December, 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-37090 Filed 12-29-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

10 CFR Part 503

[Docket No. ERA-R-81-06]

Powerplant and Industrial Fuel Use Act of 1978; Final Rules

Correction

In FR Doc. 81-34770 appearing on page 59872 in the issue of Monday, December 7, 1981, make the following corrections:

(1) In § 503.6(c)(2), the following lines were inadvertently omitted above the equation on page 59906:

EQ4 . DELTA = COST (ALTERNATE) — COST (OIL) where COST(ALTERNATE) and COST(OIL) are determined by:

(2) In § 503.36(a), paragraph (5) was incorrectly designated as (b); therefore, on page 59914, first column, in the 30th line, "(b) For powerplants . . ." should have read "(5) For powerplants . . .".

BILLING CODE 1505-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 522 and 545

[No. 81-800]

Payment of Litigation Expenses of Federal Home Loan Bank Officers, Directors, and Employees

Dated: December 17, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board is amending the Regulations for the Federal Home Loan Bank System to liberalize the terms on which the Banks may pay expenses of officers, directors, and employees involved in litigation arising out of their Bank duties. The amendment will allow the Federal Home Loan Banks to establish their own policies regarding litigation expenses.

EFFECTIVE DATE: December 17, 1981.

FOR FURTHER INFORMATION CONTACT: James C. Stewart ((202) 377-6457), Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board is

amending the Regulations for the Federal Home Loan Bank System to liberalize the terms on which the Federal Home Loan Banks may advance litigation expenses of Bank personnel. The indemnification of Bank officers, directors, and employees is generally governed by Bank System Regulation § 522.72 which allows the Banks to reimburse individuals for judgments and expenses from litigation related to their actions in their capacity as officers, directors, and employees. 12 CFR 522.72.

Payment of judgments is permitted only after a majority of the Bank's directors determine that the individual was acting in good faith, within the scope of employment or authority as could be reasonably perceived, and in what was reasonably believed to be the best interests of the Bank. *Id.* at § 522.72(c). Even after making this determination, indemnification may not be made until the Board has had 60 days to object. *Id.*

Advance payment of litigation expenses is governed by paragraph (e) of § 522.72 and may be made only after a majority of the Bank's directors concludes that the officer, director, or employee would ultimately become entitled to reimbursement under § 522.72. Accordingly, the directors must make the same determinations regarding the good faith and authority of the individual involved. In addition, however, the Bank may not advance expenses to an individual until that individual agrees to repay the advance in the event he is later determined to be ineligible for indemnification.

The requirement of an advance agreement is often found in state corporate statutes relating to indemnification and these statutes appear to be the source for this provision of the Bank System Regulations. *See* Del. Code Ann. tit. 8, 145(e); Cal. Corp. Code 317(f); N.J. Stat. Ann. 14A:3–5(8); Model Business Corporation Act 5(e). Although these agreements are of some utility in recovering improperly granted advances, the Board believes that their use is not always appropriate with respect to the Federal Home Loan Banks. The officers, directors, and employees of the Banks are performing a quasi-public service in which they are required to make many difficult decisions that may expose them to liability. In the Board's view, there may be circumstances in which the personal liability of officers, directors, and employees should end if they are able to convince the Bank's directors that their actions were in good faith, within the scope of employment, and in the interests of the Bank. The amendment gives the Banks the discretion to advance litigation expenses in such circumstances. The Board has determined that the assets of the Banks can be adequately protected against waste by the principled exercise of judgment of the Bank directors and by their personal liability for any funds improperly disbursed by them. *See Jesse v. Four-Wheel Drive Auto Co.*, 189 NW 270 (Wis. 1922); *Griesse v. Lang*, 37 Ohio App. 553, 175 NE 222 (1931). Although this amendment removes the requirement of a prior agreement from the regulations, it will not prevent the Bank directors from imposing a similar requirement before advancing litigation expenses. The Board also is leaving intact the requirement of a prior agreement imposed on Federally-chartered associations through Federal Regulation § 545.25 (12 CFR 545.45), because such service is corporate rather than quasi-governmental.

Since this amendment solely affects the internal operations of the Federal Home Loan Banks, the Board finds unnecessary the notice and public procedure of 5 U.S.C. 553(b) and 12 CFR 508.12 and the 30-day delayed effective date of 5 U.S.C. 553(d) and 12 CFR 508.14. Accordingly the Board hereby amends Parts 522 and 545, Subchapters B and C, respectively, of Chapter V, title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 522—ORGANIZATION OF THE BANKS

1. Revise paragraph (e) of § 522.72 by removing the last sentence thereof and replacing it with the following:

§ 522.72 Indemnification.

(e) * * * Nothing in this paragraph shall prevent the directors of a Bank from imposing such conditions on a payment of expenses as they deem warranted and in the interests of the Bank.

* * * * *

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

2. Amend § 545.25 by adding the following sentence after the second sentence thereof:

§ 545.25 Indemnification of directors, officers, and employees.

* * * Before making advance payment of expenses under paragraph (e), the association shall obtain an agreement that the association will be repaid if the person on whose behalf payment is made is later determined not to be entitled to such indemnification.

* * *

(Sec. 17, Federal Home Loan Bank Act, as amended, 12 U.S.C. 1437; sec. 5, Home Owners' Loan Act, as amended 12 U.S.C. 1464; Reorg. Plan No. 3 of 1947, 3 CFR 1071 (1943–48 Comp.))

By the Federal Home Loan Bank Board.

Gregory B. Smith,

Acting Secretary.

[FR Doc. 81-37170 Filed 12-29-81; 8:45 am]

BILLING CODE 6720-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 107

Small Business Investment Companies; Statement of Policy Concerning Upgrading Managerial Experience Requirements for Small Business Investment Companies

AGENCY: Small Business Administration.

ACTION: Statement of General Policy.

SUMMARY: Small business investment companies (SBIC) are privately owned and operated investment firms which are licensed by the Small Business Administration and are eligible to receive funding from the Federal Government, to stimulate and supplement the flow of private equity capital and long term loan funds which small business concerns need for the sound financing of their business operations and for their growth, expansion, and modernization. To assure SBA that licensed investment companies are managed by individuals with a real interest in and the capability to serve the small business community, SBA has upgraded managerial experience requirements for SBICs. SBA does not intend to apply this policy to existing Licensees, unless they request approval of a new manager.

EFFECTIVE DATE: December 30, 1981.

FOR FURTHER INFORMATION CONTACT: Lawrence F. Friess, Director, Office of SBIC Operations, Investment Division, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, 202–653–6584.

SUPPLEMENTARY INFORMATION: This Notice is published in accordance with Section 3 of the Administrative Procedures Act (5 U.S.C. 552(a)(1)(D)) requiring Federal Agencies to publish in the **Federal Register** for the guidance of the public "* * * statements of general policy * * * formulated and adapted by the agency."

STATEMENT OF GENERAL POLICY: Upgrading Managerial Requirements for Small Business Investment Companies. To assure SBA that licensed investment companies are managed by individuals with a real interest in and the capability to serve small business concerns in the licensee's area of operations, SBA will require that satisfactory provisions must be made for a full-time responsible manager to be in charge of the licensee's operations. Such manager shall have at least five year's successful experience in a position of responsibility involving investing in business concerns; for example, in a venture capital firm, investment banking, or comparable experience and background acceptable to SBA. A degree in business related fields may be substituted for up to two years of experience. SBA may approve a manager in circumstances where the above criteria are not met, but SBA determines that potential for capable management is present. In such circumstances no leverage or additional leverage will be provided to the licensee for at least one year. Thereafter, a request for leverage will be considered only if the licensee can demonstrate to SBA's satisfaction that it has made prudent investments in small businesses, in conformity with SBA Rules and Regulations, and that it is a satisfactory credit risk. If the licensee plans to specialize in a particular industry, the manager must, in addition, have had substantial experience with that industry.

A majority of the licensee's board of directors and all officers must be American citizens or permanent resident aliens of the United States and must be conversant with the English language and with American business and financial practices.

Dated: December 16, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-37109 Filed 12-29-81; 8:45 am]

BILLING CODE 8025-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Display of Office of Management and Budget (OMB) Control Numbers for Reporting and Recordkeeping Requirements

AGENCY: Commodity Futures Trading Commission.

ACTION: Technical amendments.

SUMMARY: This document amends the Commodity Futures Trading Commission regulations to include OMB control numbers at the places in the regulations where current information collection requirements are described.

EFFECTIVE DATE: December 30, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph G. Salazar, CFTC Clearance Officer, Commodity Futures Trading Commission, 2033 K Street, NW., Room 401, Washington, D.C. 20581, (202) 254-8735.

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1980 ("Act"), Pub. L. 96-511, 44 U.S.C. Chapter 35, requires Federal agencies to submit to the Office of Management and Budget ("OMB") all collection of information requests covered by the Act, so that an OMB contract number may be issued. Collection of information includes obtaining or soliciting of facts or opinions by an agency through the use of written report forms, application forms, schedules, questionnaires, reporting or recordkeeping requirements, or other similar methods calling for either—

(A) Answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on ten or more persons, other than agencies, instrumentalities, or employees of the United States; or

(B) Answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes.

After December 31, 1981, all information collection requests must display this control number.[1]

The Commission has obtained control numbers for all of its reporting and recordkeeping requirements.[2] In order to display the OMB control numbers that have been assigned, the Commission is amending its regulations so that the text of each section of the regulations which involves an information collection request is followed by the OMB control number. The list of regulations given below is also intended to display, for purposes of 44 U.S.C. 3512, reporting and recordkeeping requirements which have received OMB control numbers.

In consideration of the foregoing, the Commission hereby amends Chapter 1 of Title 17 of the Code of Federal Regulations by adding parenthetically the OMB numbers listed in the second column below following the text of the corresponding Part or Section of Chapter 1 listed in the first column:

CFR citation	OMB control No.
1.10	3038-0024
1.10(a)	3038-0025
1.10(b)	3038-0023
1.10(f)	3038-0009
1.10a	3038-0025
1.10b	3038-0023
1.10c	3038-0025
1.10d	3038-0025
1.10f	3038-0009
1.12	3038-0024
1.14	3038-0025
1.15	3038-0023
1.16	3038-0007, 3038-0024
1.17	3038-0024
1.18	3038-0024
1.20	3038-0007, 3038-0024
1.23	3038-0007, 3038-0024
1.26	3038-0007, 3038-0024
1.27	3038-0007, 3038-0024
1.31	3038-0007, 3038-0022
1.32	3038-0007, 3038-0024
1.33	3038-0007, 3038-0024
1.33(c)	3038-0005
1.34	3038-0007, 3038-0024
1.35	3038-0007, 3038-0022
1.36	3038-0007, 3038-0024
1.37	3038-0007, 3038-0024
1.37(b)	3038-0009
1.38	3038-0007, 3038-0022
1.39	3038-0007, 3038-0022
1.40	3038-0015
1.41	3038-0007, 3038-0022
1.42	3038-0020
1.43	3038-0018
1.44	3038-0015
1.46	3038-0007
1.47	3038-0013
1.48	3038-0013
1.50	3038-0007, 3038-0016
1.51	3038-0007, 3038-0022
1.52	3038-0007, 3038-0022
1.55	3038-0022
1.60	3038-0022
1.61	3038-0022
4.1	3038-0005
4.2	3038-0005
4.13	3038-0005
4.20	3038-0005
4.21	3038-0005
4.22	3038-0005
4.23	3038-0005
4.31	3038-0005
4.32	3038-0005
4.41	3038-0005

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[1] Section 3512 of the Act provides a public protection clause which states that "* * * no person shall be subject to any penalty for failing to maintain or provide any information if the information collection requests was made after December 31, 1981, and does not display a current control number assigned by the Director, or fails to state that such a request is not subject to this chapter."

[2] The Commission has received two OMB numbers for information collection requests which involve both options and futures transactions. On June 29, 1981, the Commission published proposed rules to govern a pilot program for the trading of options on futures contracts or contract markets, 46 FR 33293. Specific proposed rules which constituted information collection requests received OMB number 3038-0007. The proposed rules were as follows: 1.16(e)(2); 1.16(f); 1.20 (a) and (b); 1.23; 1.26; 1.27; 17.01(a); 33.3 (f), (g) and (h); 33.5 (a), (c)-(j), (l) and (m); 33.6 (a), (b), and (e)-(g); 33.8; 33.15 (a)-(g); 33.17, 33.18 (a)-(k); 33.19; 33.20; 33.22 (a)-(e); 33.23; 33.24; 33.25; and 33.27 (c)-(f), (h) and (i). Subsequently, the Commission determined to consolidate its regulations pertaining to options contracts with existing regulations concerning futures contracts. The Commission published in the Federal Register with its final rules on option trading, a table showing the correspondence between the proposed CFR citation for the proposed option rules and the CFR citations actually adopted. (See 46 FR 54515, November 3, 1981.) The regulations concerning futures contracts which were amended to apply also to options contracts and which constituted information collection requests had at that time already received a separate OMB number, and these numbers have been coordinated.

CFR citation	OMB control No.
8.07	3038-0022
8.09	3038-0022
8.11	3038-0022
8.14	3038-0022
8.16	3038-0022
8.17	3038-0022
8.18	3038-0022
8.19	3038-0022
8.26	3038-0022
9.5	3038-0022
9.11	3038-0022
9.12	3038-0022
9.21	3038-0022
9.22	3038-0022
9.34	3038-0022
9.35	3038-0022
Part 15	3038-0007, 3038-0009
Part 16	3038-0007
16.00	3038-0009
16.01	3038-0012
16.06	3038-0009, 3038-0012
Part 17	3038-0009
17.01	3038-0007
Part 18	3038-0009
18.00	3038-0007
Part 19	3038-0009
Part 21	3038-0009
21.02	3038-0007, 3038-0017
32.5	3038-0003
32.6	3038-0003
32.7	3038-0001
32.12	3038-0001
32.12(a)	3038-0009
33.2	3038-3007
33.3	3038-0007
33.4	3038-0007
33.5	3038-0007
33.6	3038-0007
33.7	3038-0007
33.8	3038-0007
Part 155	3038-0007, 3038-0022
166.2	3038-0022
170.5	3038-0022
170.6	3038-0022
170.7	3038-0022
170.11	3038-0022
180.1	3038-0007
180.2	3038-0022
180.3	3038-0022
190.04	3038-0021
190.09	3038-0021

The aforegoing amendments are effective immediately. The amendments which are made for purposes of compliance with the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35, contain no substantive changes and, therefore, the Commission finds that notice and other public procedures called for by 5 U.S.C. 553 are not required.

Issued in Washington, D.C., on December 23, 1981, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-37082 Filed 12-29-81; 8:45 am]

BILLING CODE 8251-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release Nos. 33-6369; 34-18353; 35-22331; 39-681; IC-12117; and IA-788]

Paperwork Reduction Act: Office of Management and Budget Control Numbers Assigned to Information Collection Requirements

AGENCY: Securities and Exchange Commission.

ACTION: Addition of subpart.

SUMMARY: The Commission is amending Title 17, Chapter II, of the Code of Federal Regulations to add a new subpart N. This amendment is administrative in nature and is intended to comply with the requirements of Section 3512 of the Paperwork Reduction Act, Pub. L. 96-511, which requires that agencies display a current control number assigned by the Director of the Office of Management and Budget ("OMB") on each agency information collection requirement. In particular, this subpart collects and displays current OMB control numbers and expiration dates of those information collection requirements of the Commission which are rules and regulations and codified in 17 CFR either in full text or incorporated by reference with the approval of the Director of the Office of the Federal Register. Where the information collection requirement also exists as a separate document, as, for example, an information collection requirement which the Commission incorporates by reference in 17 CFR, the Commission, of course, will also display on the separate document as well the current OMB Control Number and the expiration date as required by Section 3512.

EFFECTIVE DATE: December 30, 1981.

FOR FURTHER INFORMATION CONTACT: George G. Kundahl, Executive Director, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202) 272-2700.

SUPPLEMENTARY INFORMATION: Accordingly, Part 200 of 17 CFR Chapter II is amended by adding a new subpart N to read as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Subpart N—Commission Information Collection Requirements Under the Paperwork Reduction Act: OMB Control Numbers and Expiration Dates

Authority: 44 U.S.C. 3512.

§ 200.800 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(a) *Purpose.* This subpart collects and displays the control numbers and expiration dates assigned to information collection requirements of the Commission by the Office of Management and Budget pursuant to the Paperwork Reduction Act. The Commission intends that this subpart comply with the requirements of section 3512 of the Paperwork Reduction Act, Pub. L. 96-511, which requires that agencies display a current control number assigned by the Director of the Office of Management and Budget ("OMB") on each agency information collection requirement. In particular, this subpart displays current OMB control numbers and expiration dates of those information collection requirements of the Commission which are rules and regulations and codified in 17 CFR either in full text or incorporated by reference with the approval of the Director of the Office of the Federal Register. Where the information collection requirement also exists as a separate document, as, for example, an information collection requirement which the Commission incorporates by reference in 17 CFR, the Commission, of course, will display on the separate document as well the current OMB control number and the expiration date as required by Section 3512.

(b) *Display.*

Information collection device	17 CFR part or section where identified and described	Current OMB control No.	Expiration date
Regulation S-X	Part 210	3235-0009	12/31/82
Regulation S-K	Part 229	3235-0071	6/30/82
Rule 236	§ 230.236	3235-0095	11/30/83
Rule 242	§ 230.242	3235-0099	11/30/84
Regulation A	§§ 230.251 through 230.264	3235-0096	9/30/82
Regulation B	§§ 230.300 through 230.346	3235-0093	10/31/83
Regulation C	§§ 230.400-.490 (except .463)	3235-0074	6/30/82

Information collection device	17 CFR part or section where identified and described	Current OMB control No.	Expiration date
Rule 604	§ 230.604	3235-0232	12/31/84
Rule 605	§ 230.605	3235-0232	12/31/84
Rule 606	§ 230.606	3235-0232	12/31/84
Rule 607	§ 230.607	3235-0232	12/31/84
Rule 609	§ 230.609	3235-0232	12/31/84
Regulation F	§§ 230.651 through 230.656	3235-0084	10/31/84
Schedules A, B, C, and D	§ 239.10(a)	3235-0083	10/31/83
Form S-1	§ 239.11	3235-0065	6/30/82
Form S-1 proposed	§ 239.11	3235-0065	6/30/82
Form S-2	§ 239.12	3235-0075	6/30/82
Form S-2 proposed	§ 239	3235-0072	6/30/82
Form S-6	§ 239.16	3235-0184	8/31/82
Form S-6 proposed	§ 239	3235-0073	6/30/82
Form S-11	§ 239.18	3235-0067	8/30/82
Form S-12	§ 239.19	3235-0112	11/30/84
Form S-14	§ 239.23	3235-0052	10/31/84
Form S-7	§ 239.26	3235-0055	6/30/82
Form S-16	§ 239.27	3235-0077	6/30/82
Form S-18	§ 239.28	3235-0096	9/30/82
Form S-15	§ 239.29	3235-0053	10/31/84
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Rule 15c3-1	§ 240.15c3-1	3235-0200	12/31/84
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Form X-15AJ-1	§ 249.802	3235-0044	9/30/84
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Form 19b-4	§ 249.819	3235-0045	9/30/84
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Form MSD	§ 249.1100	3235-0083	10/31/84
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Form X-17F-1A	§ 249.1200	3235-0037	9/30/84
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Rule 3	§ 250.3	3235-0160	11/30/84
Rule 7	§ 250.7	3235-0165	11/30/84
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Rule 20(b)	§ 250.20(b)	3235-0125	11/30/84
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Rule 26	§ 250.26	3235-0183	12/31/84
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Rule 31a-2	§ 270.31a-2	3235-0179	8/31/82
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Rule 203.2	§ 275.203-2	3235-0042	9/30/84
Rule 204.1	§ 275.204-1	3235-0048	9/30/84
Rule 204.2	§ 275.204.2	3235-0244	9/30/84
Rule 204.3	§ 275.204.3	3235-0047	(1)
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Rule 206(4)-2	§ 275.206(4)-2	3235-0241	1/31/83
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Form 5-R	§ 279.5	3235-0240	12/31/84
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Form 7-R	§ 279.7	3235-0240	12/31/84

[1] Assignment of expiration date pending.

The Commission finds that this amendment, concerning the display of the control numbers and expiration dates assigned to information collection requirements of the Commission by the Office of Management and Budget pursuant to the Paperwork Reduction Act, pertains only to procedural matters; it is therefore not subject to the provisions of the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, requiring advance notice and opportunity for comment. Accordingly, it is effective December 30, 1981.

By the Commission.

Dated: December 21, 1981.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-37069 Filed 12-29-81; 8:45 am]
BILLING CODE 8010-01-M

RAILROAD RETIREMENT BOARD

20 CFR Parts 220, 266, and 345

Listing of OMB Numbers in Recordkeeping Requirements

AGENCY: Railroad Retirement Board.

ACTION: Technical amendments.

SUMMARY: Pursuant to its authority under the Paperwork Reduction Act of 1980, the Office of Management and Budget has directed Federal agencies to publish a listing of existing requirements for recordkeeping which are imposed on the public. In accordance with the directive, the Railroad Retirement Board hereby publishes its list of existing recordkeeping requirements and amends its regulations to include the OMB numbers.

EFFECTIVE DATE: December 30, 1981.

FOR FURTHER INFORMATION CONTACT: Pauline Lohens, Office of Information Management, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, Telephone 312-751-4692.

SUPPLEMENTARY INFORMATION: Accordingly, for the reasons set out in the preamble, the Board amends 20 CFR Chapter II as set forth below.

1. Employers Under the Railroad Unemployment Insurance Act.

Employers under the RUIA are required to keep such records as are necessary to establish compensation paid to employees quarterly.

PART 345—EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

§ 345.24 [Amended]

In § 345.24, paragraph (b) is amended by adding in parentheses following the text OMB Number 3220-0012.

2. Employers Subject to the Railroad Retirement Act.

Employers subject to the RRA are required to keep original records necessary to establish service and compensation for a number of years prior to 1937 which when added to the years elapsed after 1936 total at least 50.

PART 220—DEFINITION AND CREDITABILITY OF SERVICE

§ 220.4 [Amended]

In § 220.4, paragraph (f) is amended by adding in parentheses following the text OMB Number 3220-0003.

3. Representative Payees Receiving Benefits for Annuitants.

To keep records of railroad retirement checks received and the disposition of the proceeds in the beneficiary's behalf.

PART 266—INCOMPETENCE

§ 266.12 [Amended]

Section 266.12 is amended by adding in parentheses following the text OMB Number 3220–0052.

Dated: December 18, 1981.

By authority of the Board.

James T. Brown

Chief Executive Officer

[FR Doc. 81-37045 Filed 12-29-81; 8:45 am]

BILLING CODE 7905-01-M

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2200

Simplified Proceedings

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Interim rules for simplified proceedings adopted as final rules.

SUMMARY: On December 5, 1979, the Occupational Safety and Health Review Commission (Review Commission) added a new subpart to its rules of procedure, Subpart M, entitled "Simplified Proceedings." 44 FR 70106–70113 (codified at 29 CFR 2200.200–2200.211). This subpart, which became effective on March 1, 1980, has been applied in Review Commission proceedings on an experimental basis since that time, and is scheduled to expire on December 31, 1981. The Review Commission requested comments on the rules for simplified proceedings to determine whether these rules should be adopted as final rules. 46 FR 51933–51935 (Oct. 23, 1981). Based upon the comments received, as well as its experience with simplified proceedings, both of which have been largely positive, the Review Commission has decided to adopt the rules for simplified proceedings, as final rules, effective January 1, 1982.

The Review Commission is also actively considering amending the rules for simplified proceedings in light of the comments which have been received. However, in order to assure that permanent rules on simplified proceedings are in place before the current interim rules expire, the Review Commission now is adopting its interim simplified proceedings rules as permanent rules. Any future amendments to the rules will be published in the **Federal Register**.

DATES: The rules for simplified proceedings will become effective as final rules on January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Earl R. Ohman, Jr., Acting General Counsel, 1825 K Street, N.W., Washington, D.C. 20006; telephone (202) 634–4015.

Under the authority of section 12(g) of the Occupational Safety and Health Act (29 U.S.C. 661(f)) and for the reasons set out in the preamble, the Occupational Safety and Health Review Commission adopts the rules for simplified proceedings, contained in Subpart M, 29 CFR Part 2200, as final rules.

Signed this 22d day of December 1981.

Robert A. Rowland,

Chairman.

Timothy F. Cleary,

Commissioner.

Bertram Robert Cottine,

Commissioner.

PART 2200—RULES OF PROCEDURE

* * * * *

Subpart M—Simplified Proceedings

Sec.

2200.200 Purpose.
2200.201 Application.
2200.202 Eligibilty for simplified proceedings.
2200.203 Commencing simplified proceedings.
2200.204 Filing of pleadings.
2200.205 Discussion among parties.
2200.206 Conference/Hearing.
2200.207 Reporter present; transcripts.
2200.208 Decision of the Judge.
2200.209 Discovery.
2200.210 Interlocutory appeals not permitted.
2200.211 Applicability of Subparts A through G.

Authority: Sec. 12(g), Occupational Safety and Health Act (29 U.S.C. 661(f)).

* * * * *

Subpart M—Simplified Proceedings

§ 2200.200 Purpose.

(a) The purpose of this subpart is to provide simplified procedures for resolving contests under the Occupational Safety and Health Act of 1970, so that parties before the Commission may save time and expense while preserving fundamental procedural fairness. The rules shall be construed and applied to accomplish these ends.

(b) Procedures under this subpart are simplified in a number of ways. The major differences between these procedures and those provided in subparts A through G of the Commission's rules of procedure are the following: (1) Pleadings generally are not permitted or required. Early discussions among the parties will inform the parties of the legal and factual matters in dispute and narrow the issues to the extent possible. (2) Discovery is generally not permitted. (3) The Federal Rules of Evidence do not apply. (4) Interlocutory appeals are not permitted.

§ 2200.201 Application.

The rules in this subpart shall govern proceedings before an Administrative Law Judge when (a) the case is eligible for simplified proceedings under § 2200.202, (b) any party requests simplified proceedings, and (c) no party files an objection to the request.

§ 2200.202 Eligibility for simplified proceedings.

A case is eligible for simplified proceedings unless it concerns an alleged violation of section 5(a)(1) of the Act (29 U.S.C. 654(a)(1)) or an alleged failure to comply with a standard listed in table A.

Table A

All standards listed are found in title 29 of the Code of Federal Regulations.

§ 1910.94	§ 1910.96
§ 1910.95	§ 1910.97

Sections 1910.1000 to 1910.1045, and any occupational health standard that may be added to subpart Z of part 1910.

§ 1926.52	§ 1926.55
§ 1926.53	§ 1926.57
§ 1926.54	§ 1926.800(c)

§ 2200.203 Commencing simplified proceedings.

(a) *Requesting simplified proceedings.*—(1) *Who may request.* Any party may request simplified proceedings.

(2) *When to request.* After the Commission receives an employer's or employees' notice of contest or petition for modification of abatement, the Executive Secretary shall issue a notice indicating that the case has been docketed. A request for simplified proceedings, if any, shall be filed within 10 days after the notice of docketing is received, unless the notice of docketing states otherwise.

(3) *How to request.* A simple statement is all that is necessary. For example, "I request simplified proceedings" will suffice. The request shall be filed with the Executive Secretary and served in the manner prescribed for notices of contest in § 2200.7.

(4) *Effect of the request.* For those cases eligible under § 2200.202,

simplified proceedings are in effect when any party requests simplified proceedings and no party files a timely objection to the request.

(b) *Objecting to simplified proceedings.* (1) *Who may object.* Any party may object to a request for simplified proceedings.

(2) *When to object.* An objection shall be filed within 15 days after the request for simplified proceedings is served.

(3) *How to object.* A simple statement is all that is necessary. For example, "I object to simplified proceedings" will suffice. An objection shall be filed with the Executive Secretary and served in the manner prescribed for notices of contest in § 2200.7.

(4) *Effect of the objections.* The filing of a timely objection shall preclude the institution of simplified proceedings.

(c) *Notice.* (1) When the period for objecting to simplified proceedings expires and no objection has been filed, the Commission shall notify all parties that simplified proceedings are in effect.

(2) When a party files a timely objection to a request for simplified proceedings, the Commission shall notify all parties that the case shall continue under conventional procedures (Subparts A through G).

§ 2200.204 Filing of pleadings.

(a) *Complaint and answer.* There shall be no complaint or answer in simplified proceedings. If the Secretary has filed a complaint under § 2200.33, a response to an employee contest under § 2200.35, or a response to a petition under § 2200.34, the complaint or response shall not be included in the record. No response to these documents shall be required.

(b) *Motions.* A primary purpose of simplified proceedings is to eliminate, as much as possible, motions and similar documents. A motion will not be viewed favorably if the subject of the motion has not been first discussed among the parties prior to the conference/hearing.

§ 2200.205 Discussion among parties.

Within a reasonable time before the conference/hearing, the parties shall meet, or confer by telephone, and discuss the following: Settlement of the case; the narrowing of issues; an agreed statement of issues and facts; defenses; witnesses and exhibits; motions; and any other pertinent matter.

§ 2200.206 Conference/hearing.

(a) The Judge shall schedule and preside over a conference/hearing, which shall be divided into two segments: a conference and a hearing.

(b) *Conference.* At the beginning of the conference, the Judge shall enter into the record all agreements reached by the parties as well as defenses raised during the discussion set forth in § 2200.205. The parties and the Judge then shall attempt to resolve or narrow the remaining issues. At the conclusion of the conference, the Judge shall enter into the record any further agreements reached by the parties.

(c) *Hearing.* The Judge shall hold a hearing on any issue that remains in dispute at the conclusion of the conference. The hearing shall be in accordance with 5 U.S.C. 554.

(1) *Evidence.* Oral or documentary evidence shall be received, but the Judge may exclude irrelevant or unduly repetitious evidence. Testimony shall be given under oath. The Federal Rules of Evidence shall not apply.

(2) *Oral and written argument.* Each party may present oral argument at the close of the hearing. Parties wishing to present written argument shall notify the Judge at the conference/hearing so that the Judge may set a reasonable period for the prompt filing of written argument.

§ 2200.207 Reporter present; transcripts.

A reporter shall be present at the conference/hearing. An official verbatim transcript of the hearing shall be prepared and filed with the Judge. Parties may purchase copies of the transcript from the reporter.

§ 2200.208 Decision of the judge.

(a) The Judge shall issue a written decision in accordance with § 2200.90.

(b) After the issuance of the Judge's decision, the case shall proceed in the conventional manner (Subparts A through G).

§ 2200.209 Discovery.

Discovery, including requests for admissions, shall not be allowed except by order of the Judge.

§ 2200.210 Interlocutory appeals not permitted.

Appeals to the Commission of a ruling made by a Judge which is not the Judge's final disposition of the case are not permitted.

§ 2200.211 Applicability of subparts A through G.

Sections 2200.6, 2200.33, 2200.34(d)(4), 2200.35, 2200.36, 2200.38, and 2200.75 shall not apply to simplified proceedings. All other rules contained in subparts A through G of the Commission's rules of procedure shall apply when consistent with the rules in this subpart governing simplified proceedings.

[FR Doc. 81-37180 Filed 12-29-81; 8:45 am]
BILLING CODE 7600-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL 2001-8]

Approval and Promulgation of Implementations Plans; Bradford Dyeing Association, Westerly, Rhode Island

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is approving a revision to the Rhode Island State Implementation Plan which was submitted on January 30, 1981. This revision temporarily varies the provisions of Rhode Island Air Pollution Regulation 8, "Limitation of Sulfur in Fuels" to allow Bradford Dyeing Association (Bradford Dye) to increase its sulfur-in-fuel content from 1.0% to 2.2%. The effect of this revision is to allow Bradford Dye to burn less expensive fuel oil.

EFFECTIVE DATE: This action is effective March 1, 1982.

ADDRESSES: Copies of the Rhode Island submittal and EPA's evaluation are available for public inspection during regular business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; the Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, DC and Rhode Island Division of Air Resources, Department of Environmental Management, Cannon Building, Room 204, 75 Davis Street, Providence, Rhode Island 02908.

FOR FURTHER INFORMATION CONTACT: Margaret McDonough, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-5609.

SUPPLEMENTARY INFORMATION: On January 30, 1981 the Director of the Rhode Island Division of Air Resources (the Rhode Island Division) submitted a request for EPA approval of a revision to Rhode Island Air Pollution Regulation 8 "Limitation of Sulfur in Fuels" which would allow Bradford Dye to burn higher sulfur content fuel oil temporarily. Bradford Dye, rated at 200 million Btu per hour heat input capacity, is located in Westerly, Rhode Island. Regulation 8 limits the sulfur-in-fuel content of all sources in Rhode Island to 0.55 pounds of sulfur per million Btu

heat release potential (approximately equivalent to 1.0% sulfur content oil by weight). This revision to the Rhode Island State Implementation Plan (SIP) allows Bradford Dye to burn fuel oil with a maximum sulfur content of 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2% sulfur content oil by weight) at a reduced firing rate for a period of one year from the effective date of this rulemaking.

Technical support for the present revision includes an evaluation of compliance with National Ambient Air Quality Standards (NAAQS) for sulfur dioxide (SO_2) using mathematical modeling based on a reduced maximum firing rate and monitoring data. NAAQS are maximum ambient pollutant concentrations which are set to protect public health and welfare. The NAAQS for SO_2 are 80 $\mu g/m^3$ (annual average); 365 $\mu g/m^3$ (24 hr. average); and 1300 $\mu g/m^3$ (3-hr. average). The EPA-approved CRSTER model was used to predict the impact that the emissions from Bradford Dye will have on air quality. Emissions from the only major source within 20 km of Bradford Dye were included in the modeling analysis. Existing background concentrations of SO_2 were conservatively estimated from a 1974 modeling study performed to predict ambient SO_2 concentrations if all sources in Rhode Island were burning 2.2% sulfur fuel and from more recent (1979) monitoring data from an area similar to Westerly.

This technical analysis demonstrates that the burning of fuel oil having a sulfur content of 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2% sulfur content) at Bradford Dye will not cause or contribute to violations of air quality standards.

Bradford Dye is required to meet Prevention of Significant Deterioration (PSD) increments with respect to SO_2 under EPA's PSD regulations promulgated on August 7, 1980 (45 FR 52676). The PSD increments are allowable incremental increases in ambient pollutant concentrations which are set to limit air quality degradation over baseline levels. The PSD increments for SO_2 are 20 $\mu g/m^3$ (annual average); 91 $\mu g/m^3$ (24-hr. average); and 512 $\mu g/m^3$ (3-hr. average). Increases in sulfur dioxide emissions resulting from revisions to sulfur-in fuel limits must show compliance with PSD increments if the increases occur in or impact on an area in which a baseline date has been established. A baseline date is the date after August 7, 1977 on which the first PSD permit application in that area was filed with EPA by a source subject to the PSD regulations as amended on August 7, 1980. The baseline date is set in the area designated attainment under Section 107 of the Clean Air Act in which the source subject to the PSD regulations is located and all Section 107 designated attainment areas on which the source has an annual impact of 1 $\mu g/m^3$ SO_2. A baseline date with respect to SO_2 has been set in the entire State of Rhode Island which is a Section 107 designated attainment area; however, no increment has previously been consumed in the Westerly area. The emissions from Bradford Dye are conservatively predicted to consume less than the available SO_2 increment. A baseline date has not been set for any other pollutant.

Although 2.2% fuel oil burning will cause an increase in particulate emissions, the current particulate emission limitation (0.10 pound per million Btu) will not be violated.

Since this SIP revision affects only one source and the increase in SO_2 emissions is small and will not cause or contribute to any violation of the NAAQS or a PSD increment, this rulemaking is considered noncontroversial. Based on past experience with similar SIP revisions in Region I, no comments are expected. Therefore, this SIP revision is being published as a final rulemaking without going through proposed rulemaking. EPA believes that publishing a proposed rulemaking will be unnecessary.

However, if notice is received on or before January 29, 1982, that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective March 1, 1982.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule constitutes a SIP revision approval under the January 27 certification. This action approves only state actions. It imposes no new requirements. In addition, this action only applies to one facility.

Under Section 307(b)(1) of the Clean Air Act judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not Major since it applies to only one source.

After evaluation of the State's submittal, the Administrator has determined that the Rhode Island revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Rhode Island State Implementation Plan.

(Sec. 110(a), and sec. 301(a), Clean Air Act, as amended (42 U.S.C. 7410(a), 7601(a))).

Note.—Incorporation by reference of the State Implementation Plan for the State of Rhode Island was approved by the Director of the Federal Register on July 1, 1981.

Dated: December 24, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart 00—Rhode Island

1. Section 52.2070, paragraph (c) is amended by adding subparagraph (14) as follows:

§ 52.2070 Identification of plan.

* * * * * *

(c) * * *

(14) A revision to Regulation 8, "Limitation of Sulfur in Fuels," submitted on January 30, 1981, by the Director of the Rhode Island Division of Air Resources allowing Bradford Dyeing Association, Westerly, to burn higher sulfur fuel oil, temporarily.

[FR Doc. 81-37172 Filed 12-29-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-4-FRL-1997-7]

Approval and Promulgation of Implementation Plans; Alabama: 18-Month Extension

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA announces today that it is granting an 18-month extension of the deadline for submittal of implementation plan revisions providing for attainment and maintenance of the secondary national ambient air quality standard for particulate matter in Etowah County (Gadsden), as required under Part D of Title I of the Clean Air Act. The State has made this request on the basis that recent monitoring and modeling data must undergo analysis before a control strategy can be developed. This action will be effective March 1, 1982, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATE: This action is effective March 1, 1982.

ADDRESSES: The material submitted by the state in support of the extension may be examined during normal business hours at the following locations:

Public Information Reference Unit, EPA, 401 M Street, SW., Washington, D.C. 20460

Air Programs Branch, EPA, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365

Library Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20005

Division of Air Pollution Control, Alabama Air Pollution Control Commission, 645 S. McDonough Street, Montgomery, Alabama 36130

Notice of intent to make adverse comments should be directed to the EPA Region IV Air Programs Branch at the address given.

FOR FURTHER INFORMATION CONTACT: Archie Lee of the Region IV, Air Programs Branch at 404/881-3286 (FTS 257-3286).

SUPPLEMENTARY INFORMATION: On June 10, 1980 (45 FR 39255), EPA designated a portion of Gadsden, Alabama (Etowah County) nonattainment for the primary and secondary particulate standards. Implementation plan revisions for the area were due to be submitted by June 10, 1981. On May 19, 1981, the Alabama Air Pollution Control Commission requested an extension until December 10, 1982, for submittal of the revisions for the Etowah County secondary nonattainment area. The request was based upon recently acquired microscopy and modeling data which, upon analysis, may have a direct impact on the control strategies currently under development to correct this problem. EPA agrees that the use of additional time for plan development is prudent and necessary and therefore grants Alabama's request for an extension. A plan to attain the secondary ambient standard for total suspended particulates in Etowah County is to be submitted by December 10, 1982.

Since EPA views the granting of the extension request a routine action unlikely to cause concern to the public, this action is taken without prior proposal. The public should be advised that this action will be effective March 1, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of this request for an 18-month extension is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before March 1, 1982.

Pursuant to the provisions of 5 U.S.C. section 605(b), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only extends the deadline for submittal of implementation plan revisions. Any requirements stemming from the eventual submittal will be dealt with in another notice.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it imposes no requirements on sources or on the public.

Note.—Incorporation by reference of the State Implementation Plan for the State of Alabama was approved by the Director of the Federal Register on July 1, 1981.

(Sec. 110, Clean Air Act (42 U.S.C. 7410))

Dated: December 24, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart B—Alabama

1. In § 52.50, paragraph (c) is amended by adding subparagraph (34) as follows:

§ 52.50 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified. * * *

(34) Request for 18-month extension of the deadline for submitting a plan to attain and maintain the secondary ambient standard for particulate matter in the Etowah County nonattainment area, submitted on May 19, 1981, by the Alabama Air Pollution Control Commission.

2. Section 52.52 is amended by redesignating the existing text as paragraph (a) and by adding a new paragraph (b) as follows:

§ 52.52 Extensions.

* * * * *

(b) The Administrator hereby extends for 18 months (until December 10, 1982) the deadline for submittal of a plan to attain and maintain the secondary ambient standard for particulate matter in the Etowah County nonattainment area.

[FR Doc. 81-37187 Filed 12-30-81; 8:45 am]
BILLING CODE 6560-38-M

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40 CFR Part 180

[PP 6F1803/R369; PH-FRL-2014-2]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Carbofuran

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the insecticide carbofuran and its metabolites in or on certain raw agricultural commodities. This regulation to establish the maximum permissible level for the combined residues of carbofuran and its metabolites in or on the commodities was requested by FMC Corp.

EFFECTIVE DATE: Effective on December 30, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 202, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of August 5, 1976 (41 FR 32777) which announced that FMC Corp., 2000 Market St., Philadelphia, PA 19103, submitted a pesticide petition (PP 6F1803) proposing that 40 CFR 180.254 be amended by the establishment of tolerances for the combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate), its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-*N*-methylcarbamate, and the phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the raw agricultural commodities straw of barley, oats, rye, and wheat at 5 parts per million (ppm), of which not more than 1 ppm is carbamates, and in or on the grain of barley, oats, rye, and wheat at 0.2 ppm, of which not more than 0.1 ppm is carbamates. The petition was subsequently amended deleting the requested tolerances for rye grain and straw.

There were no comments received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the tolerances included a 2-year chronic feeding/oncogenicity study in the rat and the mouse with a no-observable-effect level (NOEL) of 20 ppm for cholinesterase inhibition and a systemic NOEL for 20 ppm and 125 ppm, respectively; a 3-generation rat reproduction study with a NOEL of 20 ppm; two rat teratology studies which were negative up to 160 ppm and 1.2 milligrams (mg)/kilogram (kg) of body weight (bw)/day and had a NOEL for fetotoxicity of 20 ppm and 1.2 mg/kg bw/day respectively; a rabbit teratology study which was negative for terata and fetotoxicity at 2.0 mg/kg bw/day; and mutagenicity testing which showed carbofuran not to be mutagenic. Based on the 2-year rat chronic feeding/oncogenicity study with a systemic effects and cholinesterase-inhibition NOEL of 20 ppm and using a 200 fold safety factor, the acceptable daily intake (ADI) for man is 0.005 mg/kg bw/day.

Desirable data that are lacking from the petition is a 6-month (or longer) dog feeding study. In a letter of August 7, 1981, the petitioner agreed to conduct the study and to voluntarily remove barley, oats, and wheat from the label should the results of the study be found to exceed the risk criteria for adverse effects. The study is expected to be submitted to the Agency by December 1982. The metabolism of carbofuran is adequately understood, and an adequate analytical method (gas chromatography using a nitrogen specific microcoulometric detector) is available for enforcement purposes. No actions are currently pending against continued registration of carbofuran, nor are there any other relevant considerations involved in establishing the tolerances. The existing meat and milk tolerances are adequate to cover any residues resulting from the proposed uses.

The pesticide is considered useful for the purpose for which the tolerances are sought, and it is concluded that the tolerances for the combined residues of carbofuran and the metabolites in or on the raw agricultural commodities will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, on or before January 29, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this rule from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601/612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement of this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on December 30, 1981.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

Dated: December 10, 1981.

Robert V. Brown,

Acting Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.254 is amended by adding and alphabetically inserting the commodities straw of barley, oats, and wheat and the grain of barley, oats, and wheat to read as follows:

§ 180.254 Carbofuran; tolerances for residues.

* * * * *

Commodity	Parts per million (ppm)
* * * * *	
Barley, grain (of which not more than 0.1 ppm is carbamates)	0.2
Barley, straw (of which not more than 1.0 ppm is carbamates)	5.0
* * * * *	
Oats, grain (of which not more than 0.1 ppm is carbamates)	0.2
Oats, straw (of which not more than 1.0 ppm is carbamates)	5.0
* * * * *	
Wheat, grain (of which not more than 0.1 ppm is carbamates)	0.2
Wheat, straw (of which not more than 1.0 ppm is carbamates)	5.0

[FR Doc. 81-38702 Filed 12-29-81; 8:45 am]
BILLING CODE 6560-32-M

40 CFR Part 180

[PP 5F1530/R368; PH-FRL-2014-3]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Carbofuran

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the insecticide carbofuran and its metabolites in or on the raw agricultural commodity cottonseed. This regulation to establish the maximum permissible level for carbofuran and its metabolites in or on cottonseed was requested by FMC Corp.

EFFECTIVE DATE: Effective on December 30, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:
Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 202, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7238).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of September 3, 1974 (39 FR 31945) which announced that FMC Corp., 2000 Market St., Philadelphia, PA 19103, submitted a pesticide petition (pp 5F1530) proposing that 40 CFR 180.254 be amended by the establishment of a tolerance for the combined residues of carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate), its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxoy-7-benzofuranyl-*N*-methylcarbamate, and the phenolic metabolites 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-7-benzofuranol,2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the raw agricultural commodity cottonseed at 1.0 part per million (ppm) of which not more than 0.2 ppm is carbamates.

There were no comments received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the tolerance included a 2-year chronic feeding/oncogenicity study in the rat and the mouse with a no-observable-effect level (NOEL) of 20 ppm for cholinesterase-inhibition and a systemic NOEL of 20 ppm and 125 ppm, respectively; a 3-generation rat reproduction study with a NOEL of 20 ppm; two rat teratology studies which were negative up to 160 ppm and 1.2 milligrams (mg)/kilogram (kg) of body weight (bw)/day and had a NOEL for fetotoxicity of 20 ppm and 1.2 mg/kg bw/day respectively; a rabbit teratology study which was negative for terata and fetotoxicity at 2.0 mg/kg bw/day; and mutagenicity testing which showed carbofuran not to be mutagenic. Based on the 2-year chronic rat feeding/oncogenicity study with a NOEL of 20 ppm for systemic effects and cholinesterase-inhibition, and using a 200-fold safety factor, the acceptable daily intake (ADI) for man is 0.005 mg/kg bw/day. The theoretical maximum residue contribution (TMRC) in the human diet from previously established tolerances at levels ranging from 0.05 ppm to 2.0 ppm and the proposed tolerance does not exceed the ADI.

Desirable data that are lacking from the petition is a 6-month (or longer) dog feeding study. In a letter of August 7, 1981, the petitioner agreed to conduct the study and to voluntarily remove cottonseed from the label should the results of the study be found to exceed the risk criteria for adverse effects. The study is expected to be submitted to the Agency by December 1982. The metabolism of carbofuran is adequately understood, and an adequate analytical method (gas chromatography using a nitrogen specific microcoulometric detector) is available for enforcement purposes. No actions are currently pending against the continued registration of carbofuran, nor are there any other relevant considerations involved in establishing the tolerance. The existing meat and milk tolerances are adequate to cover any residues resulting from the proposed use. There is no reasonable expectation of residues in poultry and eggs.

The pesticide is considered useful for the purpose for which the tolerance is sought, and it is concluded that the tolerance for the combined residues of carbofuran and its metabolites in or on the raw agricultural commodity cottonseed will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, on or before January 29, 1982, file written objections with the Hearing Clerk at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this rule from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on December 30, 1981.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

Dated: December 10, 1981.

Robert V. Brown,
Acting Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.254 is amended by adding the commodity cottonseed to read as follows:

§ 180.254 Carbofuran; tolerances for residues.

* * * * *

Commodity	Parts per million (ppm)
Cottonseed (of which no more than 0.2 ppm is carbamates)	1.0
* * * * *	

[FR Doc. 81–36783 Filed 12–29–81; 8:45 am]
BILLING CODE 6560–32–M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

41 CFR Part 51–4

Workshop Qualification and Responsibilities

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Technical amendments.

SUMMARY: This document amends the Committee's regulations to include OMB control numbers at the places in the regulations where current information collection or recordkeeping requirements are described.

EFFECTIVE DATE: December 31, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street, North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:
C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: The information collection requirements contained in the regulatory sections listed below have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and assigned the control numbers indicated.

The listing of OMB control numbers for the four Committee forms required in

§ 51–4.2 is shown in a new paragraph (e) of that section.

An administrative change has been made in § 51–4.3 to delete the reference to the authority for recordkeeping now shown immediately below the caption and to show that information in a new paragraph (c) of that section.

PART 51–4—WORKSHOPS

Accordingly, 41 CFR Part 51–4 is amended as follows:

1. In § 51–4.2 add a new paragraph (e) to read as follows:

§ 51–4.2 Procedures for qualification.

* * * * *

(e) The information collection requirements of this section have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned the following OMB control numbers:

Committee form	OMB control No.
Committee Form 401	3037-0004
Committee Form 402	3037-0003
Committee Form 403	3037-0011
Committee Form 404	3037-0012

2. In § 51–4.3 remove the introductory note relating to recordkeeping requirements immediately below the caption and add a new paragraph (c) to read as follows:

§ 51–4.3 Responsibilities.

* * * * *

(c) The recordkeeping requirements of this section have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB control number 3037–0005.

(Pub. L. 92–20, 41 U.S.C. 46–48c, 85 Stat. 77)

C. W. Fletcher,

Executive Director.

[FR Doc. 81–37171 Filed 12–29–81; 8:45 am]

BILLING CODE 6820–25–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6099

Emergency Withdrawal of Archeological Sites, Windy Gap Project, Grand County, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 679.46 acres of public land from the public land laws including the mining laws to protect valuable archeological sites.

EFFECTIVE DATE: December 23, 1981.

FOR FURTHER INFORMATION CONTACT: Sue Bosma, Washington Office, 202–343–6486.

SUPPLEMENTARY INFORMATION:

By virtue of the authority vested in the Secretary of the Interior pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and in accordance with subsection 204(e) of the Act, it is hereby ordered as follows:

1. Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the mining laws, 30 U.S.C. Ch. 2, for protection of archeological sites.

6th Principal Meridian

T. 2 N., R 76 W.,
Sec. 17, SE¼SE¼;
Sec. 19, NE¼;
Sec. 20, N½NE¼, SW¼NE¼, NW¼.
T. 2 N., R. 77 W.,
Sec. 23, Lot 8;
Sec. 24, Lots 3 and 4;
Sec. 25, Lots 1 and 2;
Sec. 26, Lot 1.

The lands aggregate 679.46 acres in Grand County, Colorado.

2. The emergency withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This emergency withdrawal shall remain in effect for a period of three years from the date that the order is signed unless extended under the provisions of subsections (c)(1) or (d), whichever is applicable, and (b)(1) of section 204 of the Federal Land Policy and Management Act of 1976.

Donald Paul Hodel,

Acting Secretary of the Interior.

December 23, 1981.

[FR Doc. 81–37143 Filed 12–29–81; 8:45 am]

BILLING CODE 4310–84–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket No. FEMA 6225]

44 CFR Part 65

Identification and Mapping of Special Flood Hazard Areas; Changes in Special Flood Hazard Areas Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Interim rule.

SUMMARY: This rule lists those communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer insurance on existing buildings and their contents.

DATES: These modified elevations are currently in effect and amend the Flood Insurance Rate Map (FIRM) in effect prior to this determination.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has ninety (90) days in which he can request through the community that the Associate Director, State and Local Programs and Support reconsider the changes. These modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base (100-year) flood elevation determinations are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table. Send comments to that address also.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P. E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0220.

SUPPLEMENTARY INFORMATION: The numerous changes made in the base (100-year) flood elevations on the Flood Insurance Rate Map(s) make it administratively infeasible to publish in this notice all of the modified base (100-year) flood elevations contained on the map. However, this rule includes the address of the Chief Executive Officer of the community where the modified base (100-year) flood elevation determinations are available for inspection. Any request for reconsideration must be based on knowledge of changed conditions, or new scientific or technical data.

These modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968) (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 65.4 (Presently appearing at its former site 24 CFR 1915).

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations, together with the flood plain management measures required by § 60.3 (presently appearing at its former § 1910.3) of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time, enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

The changes in the base (100-year) flood elevations listed below are in accordance with 44 CFR 65.4. (Presently appearing at its former § 1915.4):

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
Pennsylvania: Cameron	Borough of Driftwood	*Cameron County Echo*, Apr. 29 and May 6, 1981.	Honorable Bert Morton, Mayor, Borough of Driftwood, Driftwood, Pa.15832.	May 8, 1981	420245C
Virginia: Arlington	Unincorporated areas	*North Virginia Sun*, May 29, June 5, July 3, and July 10, 1981.	W. V. Ford, County Manager, Arlington County, 1400 North Courthouse Road, Room 204, Arlington, Va. 22201.	May 8, 1981 (EM).	515520A
Wisconsin: Dane	Village of Black Earth	*News Sickle Arrow*, May 28 and June 4, 1981.	John H. Curtis, Village President, Village of Black Earth, 1210 Mills Street, Black Earth, Wis. 53515.	May 8, 1981 (EM).	550079B
Manitowoc	Village of Mishicot	*Herald Times Reporter*, May 8 and May 15, 1981.	George Krauss, Sr., Village President, Village of Mishicot, P.O. Box 122, Mishicot, Wis. 54228.	May 15, 1981	550596C
California: Alameda	City of Union City	*The Daily Review*, June 15 and June 18, 1981.	The Honorable Tom Kitayama, Mayor, City of Union City, 34009 Alvarado-Niles Road, Union City, Calif. 94587.	May 19, 1981 (EM–R).	060014A
Delaware: Sussex	City of Seaford	*The Seaford Leader*, June 10 and June 17, 1981.	Woodrow W. Crosby, City Manager, City of Seaford, City Hall, 302 East King Street, Seaford, Del. 19973.	June 2, 1981 (EM).	100048B
Pennsylvania: Crawford	Borough of Conneaut Lake	*Meadville Tribune*, May 29 and June 5, 1981.	James E. Hubbard, President of Council, Borough of Conneaut Lake, State Street, Conneaut Lake, Pa. 16316.	June 5, 1981	422366C
Oklahoma: Tulsa and Osage	City of Tulsa	*Tulsa Daily World* and *Tulsa Tribune*, June 24 and June 25, 1981.	The Honorable James M. Inhofe, Mayor, City of Tulsa, 200 Civic Center, Tulsa, Okla. 74103.	June 15, 1981 (HS–R).	405381D
Minnesota: Anoka	City of Blain	*Blain-Spring Lake Park Life*, June 12 and June 19, 1981.	Lesley M. Johnson, City Manager, City of Blain, 9150 Central Avenue, Blain, Minn. 55434.	June 19, 1981	270007C
Wisconsin: Milwaukee	City of Glendale	*The Glendale Herald*, June 11 and June 18, 1981.	Honorable Norbert J. Hynek, Mayor, City of Glendale, 5909 North Milwaukee River Parkway, Glendale, Wis. 53209.	June 19, 1981	550275C
Wood	City of Wisconsin Rapids	*The Daily Tribune*, June 12, and June 19, 1981.	Honorable James Kubisiak, Mayor, City of Wisconsin Rapids, 444 West Grand Avenue, Wisconsin Rapids, Wis. 54494.	June 19, 1981	550597D
Missouri: Platte	Unincorporated area	*The Landmark*, July 10 and July 17, 1981.	The Honorable John M. Reineke, Presiding Judge, Platte County Courthouse, 324 Main Street, Platte City, Mo. 64079.	June 25, 1981 (HS–S).	290475A
Pennsylvania: Luzerne	Borough of Forty Fort	*Times Leader*, June 26 and July 3, 1981.	Honorable Paul Detweiler, Mayor, Borough of Forty Fort, 1271 Wyoming Avenue, Municipal Building, Forty Fort, Pa. 18704.	July 3, 1981	420607C
Luzerne	Borough of Wyoming	*Times Leader*, June 26 and July 3, 1981.	Honorable George Metcalfe, Mayor, Borough of Wyoming, 277 Wyoming Avenue, Wyoming, Pa. 18644.	July 3, 1981	420293D
California: San Luis Obispo	City of San Luis Obispo	*San Luis Obispo County Telegram-Tribune*, July 6 and July 9, 1981.	The Honorable Melanie Billig, Mayor, City of San Luis Obispo, P.O. Box 321, San Luis Obispo, Calif. 93406.	July 7, 1981	060310C
Florida: Hillsborough	Unincorporated area	*The Tampa Tribune*, Aug. 27 and Sept. 3, 1981.	Honorable Jan Platt, Chairperson, County Comm., Hillsborough Co., P.O. Box 1110, Tampa, Fla. 33601.	Aug. 13, 1981 (HS–S).	120112B
Illinois: Rock Island	City of Rock Island	*Rock Island Argus*, Feb. 6 and Feb. 13, 1981.	Honorable James R. Davis, Mayor, City of Rock Island, 1528 Third Avenue, Rock Island, Ill. 61201.	Sept. 18, 1981	175171C
North Carolina: Cumberland	City of FAyetteville	*Fayetteville Observer* Feb. 6 and Feb. 13, 1981.	The Honorable Beth Finch, Mayor, City of Fayetteville, City Hall, 234 Green Street, Fayetteville, N.C. 28301.	Sept. 25, 1981	370077C

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support))

Issued: December 4, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-37104 Filed 12-29-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations; Illinois

AGENCY: FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect

in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287–0230, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determination of flood elevation for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Agency has resolved the appeals presented by the community.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the (final) flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The final base (100-year) flood elevations for selected locations are:

FINAL BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Illinois	(V), Naples, Scott County (Docket No. FEMA-5944)	Illinois River	At the downstream corporate limit	*446
			At the upstream corporate limit	*446

Maps available for inspection at the Village Hall, P.O. Box 2023, Naples, Illinois.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: December 10, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-37168 Filed 12-29-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-5978]

National Flood Insurance Program; Final Flood Elevation Determination; Wisconsin

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency has erroneously published the final base flood elevation (BFE) determination for the Village of West Salem, La Crosse County, Wisconsin. This notice will serve to delete that publication. Following an engineering analysis and review, it has been determined that the BFE's for the La Crosse River are approximately two feet higher.

EFFECTIVE DATE: December 30, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287–0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: A recent reanalysis by the Wisconsin Department of Natural Resources has resulted in BFE's that are approximately two feet higher on the La Crosse River. The Federal Emergency Management Agency has determined, therefore, that the notice of final flood elevation determination for the Village of West Salem, published at 45 FR 58335 on December 1, 1981, should be deleted.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: December 17, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-37167 Filed 12-29-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for Harris County, Tex., Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included

Harris County, Texas. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Harris County, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: December 30, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0270.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–8620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480287 Panel 0200C, published on October 6, 1980, in 45 FR 66098 indicates, that Building Nos. 7 and 9 through 15, The Thicket Apartments, located on a 9.2685 acre tract of land out of Unrestricted Reserves "Q" and "R", Northborough, Section 3, Harris County, Texas, as recorded in Volume 292, Page 73, in the Office of the Clerk, Harris County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480287 Panel 0200C is hereby corrected to reflect that the above mentioned buildings are not within the Special Flood Hazard Area identified on February 24, 1981. These buildings are in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local programs and Support)

Issued: November 10, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-37162 Filed 12-29-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for City of Houston, Tex., Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Houston, Texas. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Houston, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: December 30, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0270.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–8620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480296 Panel 0080B, published on October 6, 1980, in 45 FR 66098, indicates that a 9.446 acre tract of land out of the O. P. Kelton Survey, A–493, Houston, Texas, recorded as Instrument Numbers 177–92–0348 through 177–92–0350, in the Office of the Clerk, Harris County, Texas, is within the Special Flood Hazard Area.

Map No. H & I 480296 Panel 0080B is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on December 11, 1979. This property is in Zone C.

Pursuant to provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: December 10, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-37163 Filed 12-29-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 81

[Docket No. FEMA-FIA-81]

Purchase of Insurance and Adjustment of Claims

AGENCY: Federal Insurance Administration (FIA), Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This rule amends the list of eligible states under the Federal Crime Insurance Program to include the State of Louisiana making the citizens of that state eligible to purchase Federal Crime Insurance policies against burglary and robbery losses under the Federal Crime Insurance Program.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert DeHenzel, Director for Urban Property Insurance Operations Division, Office of Insurance Operations, Federal Insurance Administration, 500 "C" Street, S.W., Room 433, Washington, D.C. 20472, Telephone Number 202-287-0800.

SUPPLEMENTARY INFORMATION: This action is being taken under the authority of 12 U.S.C. 1749bbb-10a on the basis of evidence obtained through a continuing review of the market availability situation in each of the several states and particularly upon consultation with and conclusions and recommendations from a Member of the Louisiana Congressional Delegation, the Mayor of New Orleans, along with statements from numerous Louisiana citizens, who expressed their difficulties in obtaining affordable crime insurance coverage in the state.

The Federal Crime Insurance Program commenced operation on August 1, 1971, and approximately 73,000 policies are currently in force in the District of Columbia, Puerto Rico, the Virgin Islands and twenty-six (26) states eligible for Federal Crime Insurance. The program enables residents and businesses to obtain affordable policies of burglary and robbery insurance which will not be canceled or nonrenewed because of losses. Applicants are required to meet minimum protective device requirements designed to reduce their vulnerability to losses. A Member of the Louisiana Delegation, and the Mayor of New Orleans, after considering the insurance needs of their constituents, has consulted with FIA and requested that their constituents be made eligible to purchase Federal Crime Insurance. On the basis of this evidence, the Administration has concluded that Louisiana should be added to the program.

With the addition of this state, the Federal Crime Insurance Program will be available to the residents and businesses in the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands and twenty-seven states. Accordingly, on the basis of the Administrator's continuing review of the crime insurance availability situation, it has been determined that a critical market unavailability situation exists in the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands and the states set forth in revised § 81.1(b) and that as of the effective date of this regulation, January 1, 1982, these jurisdictions will be made eligible for the sale of crime insurance or continued to be eligible for such sale. Because the increased availability of Federal Crime Insurance is beneficial to the public, and has no adverse effect upon any person, it is unnecessary to provide for notice and public procedure, and good cause exists for making this amendment effective as soon as possible. A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with FEMA Regulations published at 44 CFR Part 11. A copy of this Finding of Inapplicability is available for public inspection during regular business hours at the following address: Rules Docket Clerk, Federal Emergency Management Agency, 500 "C" Street, S.W., Room 835, Washington, D.C.

PART 81—PURCHASE OF INSURANCE AND ADJUSTMENT OF CLAIMS

Accordingly, Part 81 is amended as follows: Paragraph (b) of § 81.1 is revised to read as follows:

§ 81.1 Jurisdictions eligible for sale of crime insurance.

* * * * *

(b) On the basis of the information available, the Administration has determined that the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands and the states set forth in this paragraph have an unresolved critical market availability situation that requires the operation of the Federal Crime Insurance Program therein as of January 1, 1982. Accordingly, the program is in operation in the following jurisdictions.

Alabama	Missouri
Arkansas	New Jersey
California	New Mexico
Colorado	New York
Connecticut	North Carolina
Delaware	Ohio
Florida	Pennsylvania
Georgia	Rhode Island
Illinois	Tennessee
Iowa	Virginia
Kansas	Washington
Louisiana	Wisconsin
Maryland	District of Columbia
Massachusetts	Puerto Rico
Minnesota	Virgin Islands

* * * * *

(Section 7(d), 70 Stat. 670; 42 U.S.C. 3535(d); Section 1103, 82 Stat. 466, 12 U.S.C. 1749bbb-17)

Issued at Washington, D.C., November 13, 1981.

James M. Rose, Jr.,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-37160 Filed 12-29-81; 8:45 am]

BILLING CODE 6718-03-M

Proposed Rules

Federal Register
Vol. 46, No. 250
Wednesday, December 30, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service[1]

Food Safety and Quality Service

7 CFR Parts 53 and 2853

Standards for Grades of Carcass Beef and Standards for Grades of Slaughter Cattle

AGENCY: Agricultural Marketing Service (AMS), USDA.

ACTION: Proposed rules.

SUMMARY: This proposed rule would revise the official U.S. standards for grades of carcass beef and the related standards for grades of slaughter cattle. The proposed changes for grades of carcass beef provide that the minimum marbling requirements for the Prime, Choice, and Good Grades in A maturity (cattle up to approximately 30 months of age) would be reduced to minimum moderate, typical slight, and minimum traces, respectively; that all young beef inferior to the minimum requirements for the Good grade would be graded Utility; that the rate of increase in marbling requirements in B maturity (cattle approximately 30 to 42 months of age) would be doubled; and the quality grade requirements for bullock beef would be changed to be the same as those proposed for steer, heifer, and cow beef in A maturity. The related standards for grades of slaughter cattle which are based on the carcass grade standards would be revised to reflect the changes proposed for grades of carcass beef. No changes in the yield grade standards are proposed. The proposed changes should allow leaner beef to qualify for the Prime, Choice, and Good grades but not significantly lower the palatability of either the Prime or Choice grades. The changes that are proposed should improve the effectiveness of the standards in meeting the needs of users of the system.

DATES: Comments must be received on or before March 31, 1982. See Supplementary Information for dates of public hearing sessions.

ADDRESSES: Written comments to: Livestock, Meat, Grain, and Seed Division, Agricultural Marketing Service, 2M-Annex, U.S. Department of Agriculture, Washington, D.C. 20250. See Supplementary Information for locations of public hearing sessions.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Fuller, Deputy Director, Livestock, Meat, Grain, and Seed Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-4727. Copies of the Preliminary Regulatory Impact Analysis are available from Mr. Fuller.

SUPPLEMENTARY INFORMATION:

Regulatory Impact Analysis

This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a major rule pursuant to section 1(b)(1) of that order because it offers the potential for an annual savings of $100 million of more in feed costs in producing the nation's fed-beef supply. The Department's review is reported in its Preliminary Regulatory Impact Analysis (PRIA). The summary of the PRIA is published as an appendix to this proposal. The PRIA also satisfies the analysis requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 *et seq.*), which deals with the impact of regulation on small entities.

Comments and Hearings

The changes proposed in the beef standards are expected to have a significant impact on all parts of the livestock and meat industry and on the consuming public and it is anticipated that there will be widespread interest in the proposed changes. In order that all those affected have ample opportunity to comment, oral as well as written views, data, or arguments will be received on the proposal. In this regard, a public hearing will be held on the proposed changes contained in this notice. Hearing sessions will be held at the locations listed below beginning on the dates shown:

1. February 9, 1982—Salt Lake City, Utah 84116, Wright Center, Airport Hilton Inn, 5151 Wiley Post Way.
2. February 11, 1982—Atlanta, Georgia 30303, L. D. Strom Auditorium, Lower Plaza Level, R. B. Russell Federal Building, 75 Spring St. SW.
3. February 16, 1982—Washington, DC 20250, Jefferson Auditorium, South Agriculture Building, 14th and Independence SW.
4. February 22, 1982—Des Moines, Iowa 50319, Henry A. Wallace Building Auditorium, East 9th Street and Grand Avenue.
5. February 25, 1982—Dallas, Texas 75220, Dunfey Dallas Hotel, 3800 W. Northwest Highway.

Each day's session of the hearing will commence at 9 a.m., local time, unless the presiding official otherwise specifies during the course of the hearing. Any of the sessions may be continued beyond 1 day if necessary. Persons who wish to be heard are requested to notify the Administrator, Agricultural Marketing Service (AMS), Washington, D.C. 20250, on or before February 1, 1982, stating the session at which they wish to present a statement and how much time they will need to present the statement. However, any person who wishes to be heard at the hearing will be afforded opportunity to be heard, whether or not that person has given such advance notice. A written copy of the speaker's statement is requested and may be presented to the presiding official at the hearing sessions.

In addition, all persons who desire to submit written data, views, or comments on this proposal are invited to submit such material in duplicate, to the Livestock, Meat, Grain, and Seed Division, AMS, 2M-Annex, U.S. Department of Agriculture, Washington, D.C. 20250 on or before March 31, 1982. Comments must be signed and include the address of the sender and should bear a reference to the date and page number of this issue of the **Federal Register.** Since the comments will be considered in the resolution of this proposal, they should include definitive information which explains and supports the sender's views. All written submissions and transcripts of the comments at the public hearing will be made available for public inspection at the office of the Deputy Director,

[1] The Commodity Services Program of the Food Safety and Quality Service of the U.S. Department of Agriculture (USDA) was transferred to the Agricultural Marketing Service of USDA by USDA Secretary's Memorandum 1000-1, issued June 17, 1981. A notice detailing the agencies' reorganization is being drafted for later publication.

Livestock, Meat, Grain, and Seed Division, AMS, 2M–Annex, during regular business hours.

Background

The Federal grading of beef is a voluntary service, provided under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*), which is designed to facilitate the marketing of livestock and meat. Beef grades are intended to segregate the beef supply into groups of carcasses with similar attributes of palatability and yields of cuts. These are the criteria that generally are of ultimate concern to consumers and the beef industry as they affect the acceptability of beef and to a great extent the ultimate price and consumption of beef. Beef grades have served as useful marketing tools since the voluntary beef grading and stamping service was begun in May 1927. Grades provide a common language and basis for marketing of livestock and meat as well as providing an opportunity for consumer desires to be communicated through the industry so that necessary changes in livestock feeding and production may be made.

Beef grading is a voluntary service provided by the Department for a fee to users who request the service. Because beef grading is voluntary, not all marketed beef is graded. In 1980 approximately 56 percent of commercial beef production was graded. However, approximately three-fourths of the fed-beef supply was graded. Fed beef is the portion of the beef supply which provides most of the beef available to consumers as retail cuts. Non-fed beef is generally regarded as manufacturing beef and used in sausage, ground beef, and other prepared-type products. Of the beef that was graded in 1980, approximately 6 percent was Prime, 90 percent was Choice, and 4 percent was Good. Most of the fed-beef supply that was not graded would fail to meet the requirements for Prime or Choice. This beef is generally equivalent to the Good grade but is marketed ungraded.

When beef is voluntarily graded, the official grade consists of both a quality grade and a yield grade. The quality grades are intended to identify differences in the palatability of cooked beef principally through the characteristics of marbling and maturity. The official USDA quality grades are Prime, Choice, Good, Standard, Commercial, Utility, Cutter, and Canner. The yield grades identify differences in the percentage of product that may be obtained from a carcass. The official USDA yield grades are denoted by numbers 1 through 5 with Yield Grade 1 representing the highest yield of cuts (highest cutability).

The Department has followed the philosophy in developing grades that, to be effective, beef grades should sort the supply of beef carcasses into groups having a sufficiently narrow range of grade-determining factors so that carcasses within a given grade are essentially interchangeable. The degree of interchangeability should also be higher within a grade than it is between grades. Since grading is a tool to facilitate marketing, grades should identify segments of the beef supply that have similar attributes of importance to purchasers; e.g., a superior level of palatability or yield for which a value differential should exist. Thus, grading can provide a means of identifying and communicating users' desires throughout the industry. Grades should be as compatible as possible with efficient production practices although the most desired grade(s) is not necessarily the most efficient to produce. In addition, grades should be based on criteria that can be evaluated as rapidly and accurately as possible while still identifying attributes of importance.

The Department recognizes that the beef standards cannot be static—they must be dynamic to be of greatest value to the various users. In keeping with this philosophy, the Department has made changes in the standards as necessary to meet the changing needs of users of the system. Recommendations for changes in the standards may be initiated by the Department or by interested parties; however, before giving consideration to proposing changes, the Department must be assured that such changes would make a substantial improvement in the standards. When it appears that a change would improve the standards, a proposal is published and interested parties are provided an opportunity to comment. A decision regarding adoption of the proposed change is made only after receipt and analysis of all comments.

Changes are usually made in the standards for one or more of the following reasons: (1) to clarify the intent of the standards or to otherwise improve the ease of application or uniformity of their interpretation; (2) to incorporate the results of research findings with respect to the importance of various grade factors; or (3) to keep the standards abreast of established changes in consumer preferences and livestock production practices.

In April 1981 the National Cattlemen's Association (NCA) petitioned USDA to modify the beef quality grade standards to keep them current with new research information, with changes in production practices, and changes in consumer preference. The NCA stated their recommendations were based on a need to respond to a growing demand for more lean beef and to encourage producers to produce a product with a higher percentage of lean. Since the submission of the NCA petition, numerous other groups [2] and individuals have either formally or informally provided USDA with recommendations regarding the current beef grade standards. Still others have presented their positions publicly. These comments include some supporting the current system, others calling for a return to the standards in effect prior to the 1975 beef grade change, and others calling for changes similar to the NCA recommendations. The recommendations provided to USDA are included in the administrative record and are available for inspection during regular business hours at the office of the Deputy Director, Livestock, Meat, Grain, and Seed Division, AMS. Several of the groups that recommended changes in the beef grade standards represent major segments of the livestock and meat industry. Of the groups that recommended changes, each recommended that the relative emphasis placed on marbling and maturity in determining the quality grade be changed. However, the degree of recommended change was diverse. Livestock industry groups generally recommended a decrease in the marbling requirement of one degree for Prime, one degree for Choice, two degrees for Good, and elimination of the Standard grade. In addition, they generally recommended that carcasses

[2] Groups submitting letters or petitions containing recommendations or statements of position on beef grade changes prior to October 1, 1981.

American Brahman Breeders Association.
American-International Charolais Association.
American Meat Institute.
Arizona Cattle Feeders Association.
California Cattle Feeders Association.
California Cattlemen's Association.
Community Nutrition Institute.
Greater New York Association of Meat and Poultry Dealers.
Iowa Cattlemen's Association.
Kentucky Angus Association.
National Association of Meat Purveyors.
National Cattlemen's Association.
National Meat Association.
National Restaurant Association.
New England Wholesale Meat Dealers Association.
Oregon Cattlemens Association.
Texas and Southwestern Cattle Raisers Association.
Washington Cattlemen's Association.
Western States Meat Packers Association.

with a slight amount of marbling be required to meet a minimum fat thickness requirement (0.2 to 0.3 inch thickness at the 12th rib) and a fat color requirement in order to be graded Choice. The recommendations from the meat industry groups generally advocated maintaining the present Prime requirements, lowering the marbling requirement for Choice one degree and Good two degrees but not to include any fat thickness or color requirements as additional requirements for the Choice grade. Also, two meat industry groups recommended that yield grading be provided on an optional basis, as it was prior to the 1975 grade changes. In addition to these specific recommendations, the Department was also requested to consider allowing trimming of external fat on the kill floor prior to grading, to consider allowing removal of kidney, pelvic, and heart fat, and to consider changes in the grade nomenclature of carcasses in the C, D, and E maturity groups.

In 1975 the beef quality grade standards were revised (Figure A) to require that the minimum amount of marbling for a grade be the same throughout A maturity (cattle up to approximately 30 months of age). In B maturity (cattle approximately 30 to 42 months of age) the marbling requirements were reduced one full degree for Prime and Choice. The net effect of that change was to reduce the marbling required for most beef to qualify for Prime and Choice between one-half degree and one full degree. The change was supported by research which showed that, for beef in A maturity, increases in marbling were not needed to offset the effects of increased maturity on palatability. For more mature beef, however, it appeared that increased marbling was required to offset further increases in maturity.

A major reason for the 1975 revision of the beef grade standards was to provide a leaner product to consumers by reducing the amount of waste fat produced. It was believed that the reduced marbling requirements would not significantly reduce beef palatablity, but would be a factor in reducing the amount of grain feeding necessary for beef to qualify for Prime and Choice and, as a result, help reduce the amount of waste fat produced. There is little evidence of a reduction in waste fat production since 1975, although it is believed this is due to factors other than the grade standards. This is in spite of discounts for overfat beef (Yield Grades 4 and 5) which have often far exceeded the discounts for lower quality beef (below Choice).

Although the beef grade changes in 1975 tended to encourage improvement in the efficiency of beef production, several factors have prevented the industry from operating profitably. Increases in beef prices have not kept pace with production costs and inflation. Rising costs for all products have prompted consumers to look for ways to reduce expenses as their incomes have generally not kept pace with rising expenses. Because beef represents a relatively high volume, high cost item in the diet, many consumers have chosen to reduce their expenses through reductions in beef consumption. As consumers have reduced beef purchases in favor of less costly alternatives, overall beef production and per capita consumption have decreased, and beef prices have fallen further behind production costs. Consumers have also demanded leaner beef because of both economic and dietary concerns. Beef producers have sought ways to stimulate consumption and to improve production efficiency in an effort to return to a profitable basis. The industry believes that one way these goals may be achieved is through the production of leaner beef.

The 1975 grade changes were supported by most of the research that was applicable at that time. However, the Agricultural Marketing Service has continued to encourage and otherwise support further research to evaluate the effects of marbling and maturity on beef palatability and also to determine whether other factors could be used in grading to better identify palatability differences. In 1975 the Department of Agriculture initiated a major study of beef quality in cooperation with Texas A&M University, Colorado State University, and Iowa State University. This study, which involved over 1,000 beef carcasses, was the most comprehensive study of grades, grade factors, and beef palatability ever conducted. A major purpose for this study was to provide an evaluation of the 1975 revisions in the grading standards. It was also hoped that the study might provide a basis for making further improvements in the grades as indicators of palatability. The beef quality study has now been completed, and a report of the results has been furnished to USDA by Texas A&M University. USDA has also conducted independent analyses of the data and has carefully analyzed the effects of possible grade revisions using this data.

Several of the findings and associations indicated by the results of the 1975 USDA beef quality study and many other studies are relevant to any attempt to group carcasses into grades with similar palatability characteristics. These studies indicate that while differences in palatability are associated with marbling, maturity, and quality grade, there will always be an overlap of the palatability of carcasses at the point where a grade line is drawn. For example, the overall satisfaction scores for loin steaks by marbling score in the A, B, C, and E maturity groups from the USDA study are shown in Table 1.

TABLE 1.—MEAN SENSORY PANEL RATINGS AND STANDARD DEVIATIONS FOR OVERALL SATISFACTION FOR LOIN STEAKS BY MATURITY AND BY MARBLING SCORE

Marbling score	Sensory panel rating[1]			
	A maturity mean (S.D.)	B maturity mean (S.D.)	C maturity mean (S.D.)	E maturity mean (S.D.)
Moderately abundant	[a] 6.18 (0.95)	[a] 6.32 (0.64)	[a] 5.89 (0.84)	[a] 3.91 (0.89)
Slightly abundant	[a] 6.00 (0.53)	[a] 5.73 (0.98)	[ab] 5.36 (0.93)	[a] 3.86 (0.84)
Moderate	[ab] 5.93 (0.59)	[a] 5.65 (0.59)	[ab] 5.48 (0.71)	[ab] 3.65 (0.79)
Modest	[bc] 5.73 (0.52)	[a] 5.62 (0.57)	[bc] 5.10 (0.94)	[ab] 3.68 (0.81)
Small	[cd] 5.60 (0.55)	[b] 5.25 (0.66)	[cd] 4.78 (0.91)	[ab] 3.74 (0.71)
Slight	[d] 5.43 (0.52)	[b] 4.82 (1.04)	[de] 4.57 (0.75)	[bc] 3.27 (0.71)
Trace	[e] 5.01 (0.77)	[b] 4.46 (0.81)	[ef] 4.13 (1.08)	[ab] 3.61 (0.68)
Practically devoid	[f] 4.51 (0.97)	[b] 3.64 (0.91)	[f] 3.73 (0.75)	[c] 2.93 (0.59)

[1-4] Means in any column preceded by the same letter are not significantly different (P<.05).
[2] Differs significantly (P<.05) from corresponding marbling score in A maturity.
[3] 8 = extremely desirable in overall palatability, 1 = extremely undesirable in overall palatability.

Although there are significant differences in overall satisfaction in A maturity for marbling scores, due to the variation associated with the means, there will always be some carcasses within any given marbling score that will have palatability more typical of another marbling score. It is also evident from Table 1 that due to this overlap, distinct breaking points between grades are generally unavailable. Therefore, any segmentation into grades will by necessity place some carcasses into a grade for which their palatability is not typical. This problem has long been recognized and contributes to the difficulty of developing grade lines that are acceptable to all of the various users of the grading system. However, a major objective of the grade standards must be to minimize to the extent possible this overlap between grades as well as to minimize the variation within grades.

The USDA has carefully evaluated the recommendations and supporting data submitted, reviewed the available published research and information, and conducted specific analyses using the palatability data from the 1975 USDA study to determine whether revisions of the beef quality grade standards should be proposed. The results of these analyses comparing viable alternatives to the present and previous grade standards are contained in an "Issue Paper—Effects of Alternative Grade Systems on Beef Palatability" which is part of the administrative record available for public inspection.

Although the Department's review of the beef quality standards has culminated in a specific set of proposed modifications of the beef grades, it is believed to be in the public interest to present a brief discussion of the present standards, as well as alternatives reflecting recommendations provided to the Department. Because of the difficulty of developing any beef quality grade system able to meet the needs of all users, it is believed that comments and supporting data concerning not only the Department's proposal but also the present standards and other alternatives will be beneficial in the resolution of this proposed rulemaking. The alternatives that are discussed are believed to represent the major recommendations for change of which the Department is aware. Some deviations from the alternatives will also be presented to allow public comparison of the various alternatives presented. Although these alternatives have merit, the available data and information indicate that improvements in the beef quality standards ability to meet the needs of all users can be achieved most effectively by the revisions proposed.

Present Standards

The requirements for the present standards are shown in Figure A. The present grade standards appear to separate beef adequately according to palatability (Table 2), and there is support for maintaining the present system.

TABLE 2.—MEAN SENSORY PANEL RATINGS AND STANDARD DEVIATION FOR OVERALL SATISFACTION FOR LOIN STEAKS BY USDA QUALITY GRADE

Quality grade	Sensory Panel Rating [b]			
	Present standards—mean (S.D.)	Proposed standards—mean (S.D.)	NCA alternative—mean (S.D.)	New Grade alternative—mean (S.D.)
Prime	[a]6.02 (0.58)	[a]5.97 (0.59)	[a]5.97 (0.57)	[a]6.02 (0.58)
Choice	[b]5.71 (0.58)	[b]5.61 (0.58)	[a]5.56 (0.56)	[b]5.77 (0.58)
Good	[c]5.32 (0.58)	[c]5.10 (0.71)	[c]4.89 (0.96)	[c]5.46 (0.58)
Select **				
Commercial	[d]4.93 (1.07)	[d]4.93 (1.07)	[d]4.93 (1.07)	[d]4.93 (1.07)
Standard	[e]4.64 (0.94)			[e]4.60 (0.97)
Utility	[f]3.99 (0.07)	[e]4.11 (0.99)	[e]4.00 (1.06)	[e]4.00 (0.90)
Cutter	[g]3.39 (0.69)	[f]3.39 (0.68)	[f]3.39 (1.09)	[f]3.39 (1.09)
Canner	[g]2.84 (0.53)	[g]2.84 (0.53)	[g]2.84 (0.53)	[g]2.84 (0.53)

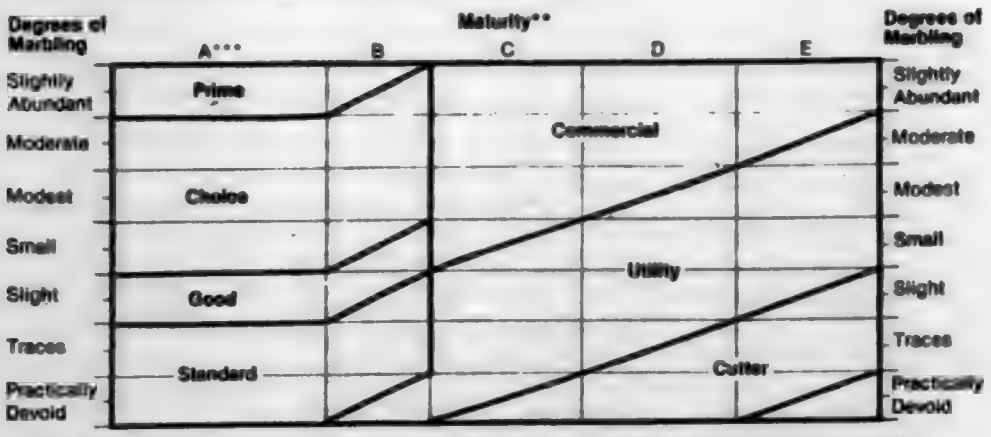
[a]-[g] Means in any column preceded by the same letter are not significantly different ($P<.05$).
* Differs significantly ($P<.05$) from current grade with the same name.
** New grade name
[b] 6=extremely desirable in overall palatability, 1=extremely undesirable in overall palatability.

The Prime grade is higher in palatability than Choice, Choice is superior to Good, and this relationship continues for all the present grades except for Cutter and Canner. It is believed by some users that these standards adequately sort beef according to palatability and that any change in the standards would cause purchasers to alter the levels of quality they buy. This could occur depending upon the degree of any change. Some changes would significantly alter the palatability associated with the various grades while others would not. If the present standards were maintained, there would be no changes in the numbers of cattle qualifying for any particular grade other than those caused by normal market forces. Proponents of the present standards believe that any changes in the marbling-maturity relationship would unnecessarily and unjustifiably lower the quality of beef in the various grades. There is also sentiment that the present grades do not necessarily discourage the production of leaner beef. It is believed that the current Good grade adequately identifies beef of acceptable quality that could also be produced with shorter feeding times than Choice. These proponents believe that many of the objectives of the proposed changes could be achieved by an extensive educational and promotional campaign extolling the virtues of Good grade beef or by changing the Good name, in order to avoid the perceived consumer and industry aversion to its connotation.

The Department believes that the present standards have effectively served the needs of users. However, there is sufficient evidence to support some modifications of the present system in order to improve its effectiveness in meeting the needs of both consumers and the industry.

Present Standards

Relationship Between Marbling, Maturity, and Carcass Quality Grade*



*Assumes that firmness of lean is comparably developed with the degree of marbling and that the carcass is not a "dark cutter."
**Maturity increases from left to right (A through E).
***The A maturity portion of the Figure is the only portion applicable to bullock carcasses.

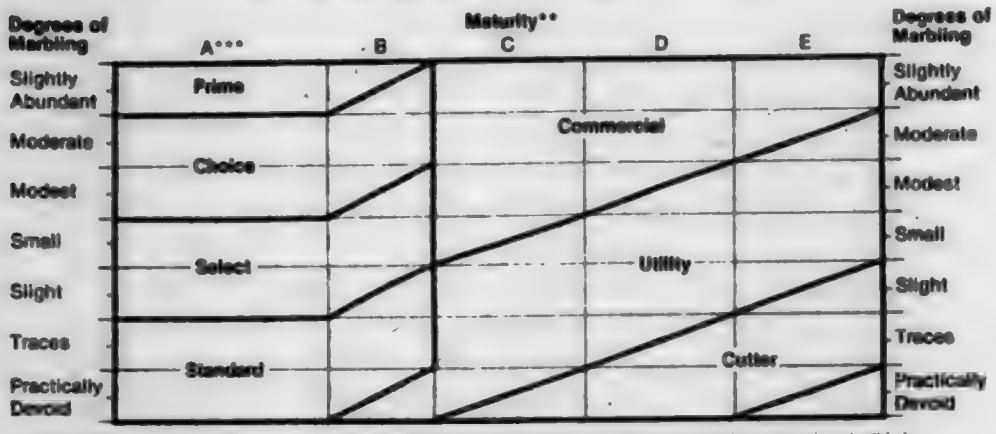
Figure A

New Grade Alternative

There is currently some support for a system which creates a new grade, and the Department believes that this alternative has sufficient merit to warrant its consideration. The marbling-maturity relationship for this system is shown in Figure B and the related palatability scores are shown in Table 2. The "Select" grade name has only been arbitrarily selected for discussion purposes and does not necessarily represent the grade name that would be used under this system. Under this alternative, the Prime grade would remain the same but the lower third of the current Choice grade would be combined with the current Good grade to provide the Select grade. Although not significantly different, the palatability of Choice would be slightly higher than that of the current Choice grade and Select would have a slightly higher palatability than that of the current Good grade.

"New Grade" Alternative

Relationship Between Marbling, Maturity, and Carcass Quality Grade*



*Assumes that firmness of lean is comparably developed with the degree of marbling and that the carcass is not a "dark cutter."
**Maturity increases from left to right (A through E).
***The A maturity portion of the Figure is the only portion applicable to bullock carcasses.

Figure B

It is believed that, under such a grading system, Prime and the new Choice grade would provide sufficient quantities of high quality beef to satisfy highly discriminating consumers and those segments of the industry (purveyors, restaurateurs, etc.) who have traditionally selected this type of beef. In addition, the Select grade should provide a sufficient amount of retail beef with a narrow range of variability and an acceptable level of palatability, although that level would be lower than that of the present Choice grade. The Select grade should include a relatively high percentage of the fed-beef supply. It is anticipated that the feeding times necessary to produce such beef would be essentially the same as for the other alternatives proposed that would allow shorter feeding times and less waste fat production.

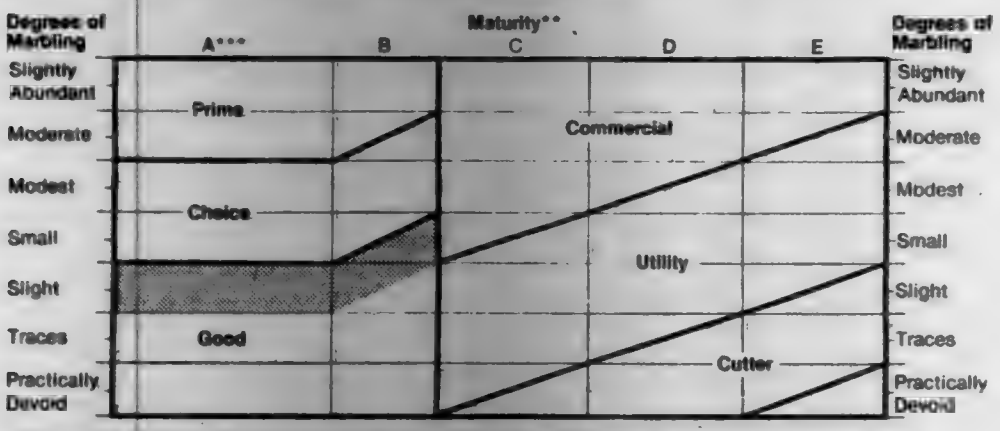
Although there is merit in this system from a palatability standpoint, there are some possible serious liabilities. It could require a very extensive change in marketing practices. In addition, it would shift a fairly large portion of the current fed-beef supply from the accepted Choice grade and the Good grade to a new grade with unknown market potential and acceptability. Little evidence is available to assess the impact of this change. Such a change would probably also require an extensive accompanying educational and promotional campaign for both the industry and consumers. In view of the lack of evidence to indicate the likelihood of acceptance of this system, the Department has sought an alternative able to provide both palatable and leaner beef to consumers without the associated marketing and acceptance problems which are probable with this system.

NCA Alternative

The changes proposed by NCA are shown in Figure C and the related palatability scores for the various grades are shown in Table 2. Using the USDA palatability data, the palatability of Prime under this alternative should be only slightly lower than the present Prime. Although the overall palatability of both Choice and Good would be significantly lowered, it is not evident whether these differences, which were determined by trained taste panelists, could be detected by the average consumer. This alternative would allow feeders more flexibility in feeding and marketing and should encourage the production of somewhat leaner beef. It is difficult to project the impact of any change on feeding times because of the myriad of factors other than grade standards that affect the economic returns to feeders, which subsequently affect feeding time.

NCA Alternative

Relationship Between Marbling, Maturity, and Carcass Quality Grade*



*Assumes that firmness of lean is comparably developed with the degree of marbling and that the carcass is not a "dark cutter."
**Maturity increases from left to right (A through E).
***The A maturity portion of the Figure is the only portion applicable to bullock carcasses.
Choice if fat 0.30 inch or more and not more than slightly yellow.

Figure C

There is considerable research indicating that at least portions of the current Good grade are as acceptable as Choice. This is especially true of beef from cattle that have been fed so as to assure a high percentage of Choice carcasses but that fails to meet the Choice marbling requirement. In order to identify these grain fed carcasses, the NCA recommended that carcasses with slight marbling meet a minimum fat thickness and a fat color requirement in order to qualify for Choice. However, recommendations from meat packers indicated that these requirements could produce problems from a grade

application standpoint that would more than offset the benefits from the inclusion.

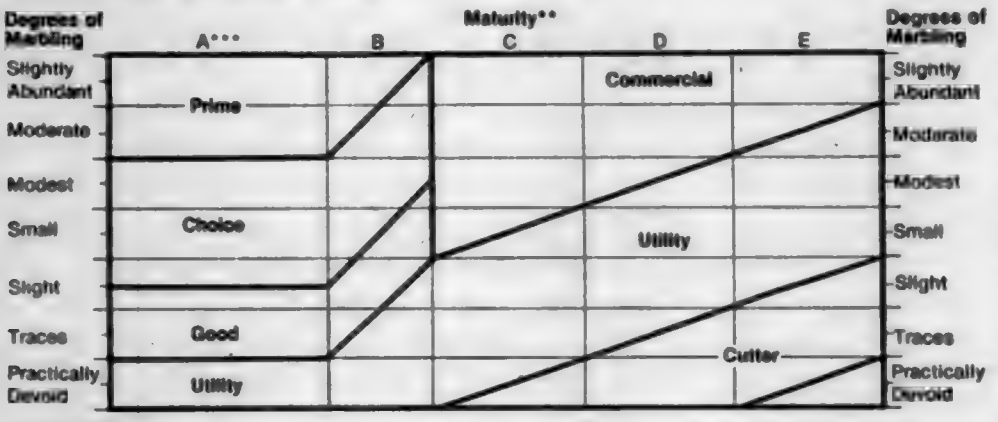
Proposed Quality Grade Standards

Consideration of all the available data and information and an evaluation of the alternatives available indicated that portions of several of the recommendations had merit and would effectively improve the standards. Therefore, the Department has developed an alternative for modification of the beef grade standards, combining those portions of the various alternatives that appear to improve them most effectively.

The relationship between marbling, maturity, and carcass quality grade for the standards that are proposed by USDA is shown in Figure D (Figure D in this discussion in Figure 1 in the proposed regulations) and the related palatability scores for these proposed standards are shown in Table 2. The data shown in Tables 1 and 2, the evaluation of alternative systems, and all other considerations indicated that the recommendation to include moderate marbling in the Prime should be proposed. In A maturity the overall palatability rating for moderate marbling was only slightly lower than for slightly abundant and was not significantly different from either slightly abundant or moderately abundant. Also, the palatability scores for Prime in alternative grading systems that included moderate in Prime were not significantly different from those of Prime under the current standards (Table 2). These results confirmed that moderate could be included in the Prime grade without significantly affecting palatability. This proposed Prime grade should continue to provide beef of high acceptability to consumers who desire these levels of palatability. Unless feeding practices are significantly altered, this change could allow approximately twice as much beef to quality for Prime, which could amount to about 10 percent of the graded-beef supply.

Proposed Standards

Relationship Between Marbling, Maturity, and Carcass Quality Grade*



*Assumes that firmness of lean is comparably developed with the degree of marbling and that the carcass is not a "dark cutter."
**Maturity increases from left to right (A through E).
***The A maturity portion of the Figure is the only portion applicable to bullock carcasses.

Figure D

The alternatives for modifying the Choice grade were more difficult to evaluate. Although a number of scientific studies were cited in support of some of the recommendations, further interpretation and evaluation of these studies did not provide definitive results. Analysis of the USDA data provided further indications for both including and not including carcasses with slight marbling in the Choice grade. For example, there was not a significant difference in overall palatability when small and slight were compared in A maturity (Table 1). However, the differences in palatability were significant when small and slight were compared in B maturity. Furthermore, although the differences in A maturity between modest and small or small and slight were not significant, the difference between modest and slight was significant. Thus, when overall palatability scores of the various recommendations including carcasses with slight marbling in Choice were compared to the present Choice grade, the palatability differences, although small, were significant.

The recommendations to include fat thickness and fat color requirements also presented problems. Although these requirements were recommended to help assure acceptable palatability, analysis of the USDA data indicated that these additional requirements provided very minimal improvements in palatability. Moreover, these additional requirements also have potential for creating serious problems in the grading operation. For example, the grader must first determine whether fat thickness and fat color should be considered (i.e., the marbling is somewhere in the slight degree) and then make an additional subjective evaluation of fat color and measure or estimate the fat thickness. At the speed at which grading is often conducted (chain speeds in excess of 200 carcasses per hour) these requirements could contribute significantly to inaccuracies in beef grading.

Establishment of the minimum marbling requirement for Choice at different points was the basis for several of the alternative grading systems considered. Setting the minimum marbling requirement for Choice at the midpoint (50 percent or "typical slight") of the slight degree appears to be the preferable alternative of those that would reduce the marbling requirements for Choice. The average palatability of Choice under this alternative was not significantly lower than that of the present Choice grade whereas including all of slight in Choice did result in a significantly lower palatability. This alternative would also avoid problems associated with the recommended requirements for fat thickness and fat color. Based on previously collected data, it was estimated that under present feeding practices about 20 percent of the beef with slight marbling would fail to qualify for Choice if a minimum fat thickness of 0.3 inch were required. On the same basis it was estimated that 25–35 percent of the beef with slight marbling would be below the midpoint slight requirement. These factors indicated that requiring typical slight marbling in A maturity for Choice would provide beef with slightly lower, although not significantly different, palatability than beef currently graded Choice (Table 2) and result in only a slightly lower percentage of cattle

qualifying for Choice than would the various recommendations for decreasing the marbling requirements for the Choice grade. This proposal should allow feeders an opportunity to produce leaner cattle more efficiently and provide greater marketing flexibility while avoiding the application problems associated with fat thickness and color requirements. Further, it should provide consumers with Choice beef which closely maintains the palatability levels associated with the present Choice grade.

Several groups proposed that all beef in A and B maturities that failed to meet the minimum requirements for Choice should be graded Good. They contended that this would give consumers a supply of a leaner, less costly alternative grade of beef which, because of its youthfulness, would still be fairly acceptable in palatability. Analysis of the palatability data, however, indicated that the palatability of beef that was practically devoid of marbling was of borderline acceptability in A maturity and generally unacceptable in all other maturity groups. Therefore, it was determined that in order to qualify for the Good grade, beef should have at least minimum traces of marbling. In the 1975 beef grade revision the Good grade was narrowed in the hope that it would be used to identify fed beef of acceptable palatability that lacked the marbling needed to qualify for Choice. By increasing the minimum requirements for Good, most of the lightweight beef that had previously been marketed as Good in some areas of the country was excluded from the grade. The intended use of the Good grade to identify heavier beef with slight marbling did not materialize. Lowering the minimum marbling requirement for Good to traces would return this grade to essentially where it was before the 1975 changes, and it could once again be used to identify lightweight beef. These proposed changes would result in a grade which, although it is significantly lower in palatability than the present Good grade (Table 2), still excludes the least desirable youthful beef and provides an adequate supply of an acceptable and leaner alternative to Choice with less variation in palatability within the grade than the alternatives which were proposed to the Department.

It is proposed that the Standard grade be eliminated and that all carcasses which fail to meet the minimum quality requirements for the Good grade be graded Utility. The palatability of those carcasses that would fail to meet the proposed Good requirements would be essentially equal to or lower than that of beef in C maturity that qualifies for Utility. Although it is recognized that these are youthful carcasses, it does not appear that there would be sufficient numbers to justify a separate grade to identify maturity but not palatability differences.

The principle of requiring the same minimum amount of marbling for each grade throughout A maturity was adopted in 1975. This principle is based on the concept that within this very young age category increases in marbling are not necessary to offset increases in maturity. The change was based on the best research available at that time and has since been supported by additional research, including the 1975 USDA study. Under the present standards, increased marbling is required to offset increases in maturity beyond A maturity. For each grade the marbling requirement increases one full degree across the width of B maturity. While the flat line marbling requirements in A maturity have been supported by recent research, the USDA data indicated that an increase of one marbling degree in B maturity was not sufficient to offset the decreased palatability associated with more advanced maturity, especially in conjunction with the reduced marbling requirements proposed in A maturity. For example, in Table 1 the palatability score for moderate marbling in A maturity is 5.93. To achieve a similar score in B maturity requires an increase in marbling to moderately abundant. Analysis indicated that the carcasses in the oldest third of B maturity were especially lower and more variable in palatability. Thus it was determined that across the width of B maturity an increase of two degrees of marbling should be required in order to maintain palatability essentially equivalent to that of A maturity in each grade. It is recognized that only a very small percentage of the cattle marketed fall into this maturity group. However, the additional increase in marbling requirements in B maturity will help to assure that the palatability levels associated with Prime, Choice, and Good are maintained.

In 1973, the official standards were revised to provide quality grades for beef from young bulls. Interest in such grades stemmed primarily from earlier research which showed that young bulls were superior to steers in efficiency and rate of feedlot gain and from a belief by many that requiring such beef to be identified as "Bull" was a deterrent to its acceptance. Research comparing the palatability of beef from steers with beef from young bulls has generally shown that, on the average, steer beef is slightly more palatable and is less variable in palatability than beef from young bulls. Therefore, the bullock class designation has been required as part of the official grade designation when this beef is officially graded. Since the requirements for the various grades of bullock beef have been the same as the requirements for the same grades of steer, heifer, and cow beef, it is proposed that the quality grade requirements for bullock carcasses be changed to be the same as those proposed for steer, heifer, and cow carcasses in A maturity (Figure D). Bullock beef, can be produced efficiently and provides a leaner product which consumers desire. This change should allow slightly more bullock beef to qualify for Prime and Choice and yet have little or no effect on the palatability of bullock beef in either grade.

In brief, the official U.S. standards for quality grades of carcass beef would be revised as follows: (1) The minimum amount of marbling required for steer, heifer, and cow beef in A maturity to quality for Prime, Choice, and Good would be reduced to minimum moderate, typical slight, and minimum traces, respectively; (2) An increase of two degrees of marbling would be required to offset increases in maturity across the width of B maturity; (3) Beef in A and B maturities failing to meet the minimum requirements for Good would be graded Utility; and (4) The quality grade requirements for bullock beef would be changed to be the same as those proposed for steer, heifer, and cow beef in A maturity. The relationship between marbling, maturity, and carcass quality grade for the present and proposed standards is shown, respectively, in Figure A and Figure D. Also, a comparison of the palatabilities of the present and proposed grades is shown in Table 2.

Yield Grade Standards

Among the grade changes implemented in 1975 was the requirement that all beef graded be indentified for both quality grade and yield grade. When the yield grades were adopted in 1965, the user of the grading service had the option of identifying beef for quality grade only, yield grade only, or both quality grade and yield grade. Meat packers, who opposed the change in 1975, have cited various problems with the current requirements and petitioned the Department to return to the previous requirements, allowing users the option of identifying quality grades, yield grades, or both.

The basic position of meat packers on yield grading was presented in a letter from the American Meat Institute (AMI) to the USDA on June 3, 1981. The AMI recommendations included: "1. Assignment of yield grades for beef carcasses should be returned to a voluntary option for users of the service. 2. Revise yield grade formula to allow removal of kidney, pelvic, and heart fat from the hot carcass. 3. Make allowances in the standards for other fats to be trimmed from the hot carcass prior to yield grading."

A major reason cited for wanting to return to optional yield grading is that the present regulation prevents meat packers from trimming excess external fat and kidney fat from beef carcasses. The packers contend that removal of such fat at the time of slaughter would result in significant savings of energy required for chilling fat and of labor for removing chilled fat. Fat removed at the time of slaughter would also likely have a higher salvage value than fat removed later. The current standards do allow removal of kidney, pelvic, and heart (KPH) fat prior to grading and actually encourage such a practice by reflecting the lower total fatness in the yield grade assigned. However, carcasses graded after KPH fat removal do have the grade indentification applied differently to allow them to be distinguished from carcasses graded with KPH fat intact, because KPH fat removal affects the relative yields between hindquarters and forequarters.

Removal of external fat prior to grading has not been allowed, despite the benefits, because of the potential effect of such trimming on the ability of graders to evaluate trimmed carcasses properly and the effect of trimming on the accuracy of yield grades in reflecting carcass yields. In the determination of yield grades, KPH fat is evaluated independently of external fat and relates directly to the amount of fat observed in specific places in the carcass. Thus, the amount of KPH fat present is easier to discern than the amount of external fat. External fat evaluation is based on a measured thickness of fat at a specific point and is largely dependent upon a constant relationship between that measurement and the amount of fat on other parts of the carcass. Trimming of fat would alter these relationships and could affect the accuracy of the yield grades as measures of carcass yields. Unless graders can be trained to recognize and account for fat variation due to trimming it will not be possible to grade trimmed carcasses accurately. Since no information has been available to ascertain whether graders can accurately evaluate trimmed carcasses, a study was recently initiated by USDA to provide such information. Analysis of the data is underway, and preliminary results indicate that further study may be necessary. However, final results of the study are not yet available.

The AMI also addressed the voluntary nature of grading, claiming that the current grade requirements amount to "mandatory yield grading" and are contrary to the intent of the Agricultural Marketing Act of 1946. Under the Agricultural Marketing Act of 1946, the Secretary of Agriculture is directed and authorized to develop and improve standards of quality, condition, quantity, grading, and packaging, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices. The Act specifically provides that no one is required to use the services, but that the Secretary has the authority to determine what the grade shall consist of if the grading service is used. In the case of beef, both quality and yield designations are considered to be integral parts of the grade and must be identified when beef is graded.

Between 1965 and 1975 yield grades came to be widely recognized as reliable indicators of an important value determining consideration (the expected yield of trimmed retail cuts to be derived from a carcass). Also, by 1975 a large amount of beef, including most of that which qualified for Yield Grades 1, 2, and 3, was voluntarily being identified for yield grade. Thus, the main effect of the 1975 change was to require identification of yield grades on graded carcasses in Yield Grades 4 and 5.

Prior to the 1975 grade changes, meat packers were among the leaders in calling for revisions of the beef quality grade standards. Among the changes they advocated was the elimination of conformation as a quality grade factor. Research had established that comformation made little or no contribution to the prediction of palatability, but it was believed that conformation was related to carcass cutability and was, therefore, a useful value determining consideration when beef was not yield graded. It was recognized, however, that the yield grades could do a much better job of reflecting cutability than could conformation. Thus, it was felt in 1975 that the identification or yield grade plus quality grade was a much better reflection of true carcass value than identifcation of only a quality grade that included conformation or only a yield grade.

By 1975 many beef purchasers had come to recognize the value of yield grades and frequently specified that beef they received be Yield Grade 3 or better. Thus discounts developed for beef in Yield Grades 4 and 5 and small premiums were sometimes paid for Yield Grades 1 and 2. Cattle producers were also interested in having all beef identified for yield grade in hopes that the true value differences between grades would be reflected through the marketing channels. They felt that this should encourage the production of leaner beef, which they believed consumers wanted.

Prior to 1975, the discounts for Yield Grades 4 and 5 beef, were much less than estimated value differences; since 1975, they have increased to often equal or even exceed the expected value differences. However, the premiums paid for Yield Grades 1 and 2 have not increased accordingly. It is unlikely that these price spreads would be altered significantly if beef were again allowed to be identified for quality grade only. Most large volume beef purchasers recognize the value of yield grades and would probably continue to insist on beef graded Yield Grade 3 or better. From past experience, they would assume that any beef not identified for yield grade would be in Yield Grades 4 and 5, and they would refuse to accept it or would accept it only at a discount. It is this segment of the beef population (Yield Grades 4 and 5) that packers contend can be merchandized more effectively without yield grades. The Department is concerned that the optional use of yield grading would cause the grades to be less descriptive on the important factor of carcass yield, and might work to the disadvantage of some small-volume purchasers who were unaware of the regulations regarding grading.

There are several arguments for returning the option of having graded beef identified for yield grade to the users of the grading service. The potential benefits of external fat trimming, which is currently prohibited if the beef is to be graded, are especially strong in this regard. However, the Department believes that the benefits of universal identification of graded beef for yield grade still outweigh these considerations. The Department will continue to seek ways to grade carcasses accurately that have had external fat trimmed. Consideration will also be given to other suggested changes in the yield grades. These include: (1) Requiring KPH fat removal prior to grading or changing the evaluation of KPH fat, (2) Revising the basic yield

grade equation, (3) Reducing the number of yield grade factors or using new yield grade factors, and (4) Changing the number of yield grades used. At this time no changes are being proposed for the beef carcass yield grade standards.

The standards for grades of slaughter cattle, which are based on the beef carcass grade standards, would be revised to reflect the changes proposed for the beef carcass grade standards.

For the reasons outlined, it is proposed that certain sections of the regulations and standards appearing at 7 CFR Part 2853 (formerly Part 53) as they relate to meats, prepared meats, and meat products, and certain sections of the regulations and standards appearing at 7 CFR Part 53 as they relate to livestock, be revised as set forth below.

PART 2853—MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

1. The authority citation for Part 2853 reads as follows:

Authority: Agricultural Marketing Act of 1946, sec. 203, 205, as amended; 60 Stat. 1087, 1090, as amended (7 U.S.C. 1622 and 1624)

2. 7 CFR 2853.102–2853.107 are revised to read as follows:

Note.—In this document, new or revised text is enclosed by arrows (► ◄). This proposed revision of the subpart also corrects typographical errors.

Carcass Beef

§ 2853.102 Scope.

These standards for grades of beef are written primarily in terms of carcasses. However, they also are applicable to the grading of sides. To simplify phrasing of the standards, the words "carcass" and "carcasses" are used to also mean "side" or "sides."

§ 2853.103 Classes of beef carcasses.

(a) Class determination of beef carcasses is based on evidences of maturity and apparent sex condition at the time of slaughter. The classes of beef carcasses are steers, bullocks, bulls, heifers, and cows. Carcasses from males—steers, bullocks, and bulls—are distinguished from carcasses from females—heifers and cows—as follows:

(1) Steer, bullock, and bull carcasses have a "pizzle muscle" (attachment of the penis) and related "pizzle eye" adjacent to the posterior end of the aitchbone.

(2) Steer, bullock, and bull carcasses have, if present, rather rough, irregular fat in the region of the cod. In heifer and cow carcasses, the fat in this region, if present, is much smoother.

(3) In steer, bullock, and bull carcasses, the area of lean exposed immediately ventral to the aitchbone is much smaller than in heifer and cow carcasses.

(b) Steer, bullock, and bull carcasses are distinguished by the following:

(1) In steer carcasses, the "pizzle muscle" is relatively small, light red in color, and fine in texture and the related "pizzle eye" is relatively small.

(2) In bullock and bull carcasses, the "pizzle muscle" is relatively large, dark red in color, and coarse in texture and the related "pizzle eye" is relatively large.

(3) Bullock and bull carcasses usually have a noticeable crest.

(4) Bullock and bull carcasses also usually have a noticeably developed small round muscle adjacent to the hipbone commonly referred to as the "jump muscle." However, in carcasses with a considerable amount of external fat, the development of this muscle may be obscured.

(5) Although the development of the secondary sex characteristics is given primary consideration in distinguishing steer carcasses from bullock or bull carcasses, this differentiation is also facilitated by consideration of the color and texture of the lean. In bullock and bull carcasses, the lean is frequently at least dark red in color with a dull, "muddy" appearance—and in some cases it may have an iridescent sheen. Also, it frequently has an "open" texture.

(6) The distinction between bullock and bull carcasses is based solely on their evidences of skeletal maturity. Carcasses with the maximum maturity permitted in the bullock class have slightly red and slightly soft chine bones, and the cartilages on the ends of the thoracic vertebrae have some evidence of ossification; the sacral vertebrae are completely fused; the cartilages on the ends of the lumbar vertebrae are nearly competely ossified; and the rib bones are slightly wide and slightly flat. Bull carcasses have evidences of more advanced maturity.

(c) Heifer and cow carcasses are distinguished by the following:

(1) Heifer carcasses have a relatively small pelvic cavity and a slightly curved aitchbone. In cow carcasses, the pelvic cavity is relatively large and the aitchbone is nearly straight.

(2) In heifer carcasses, the udder usually will be present. In cow carcasses, the udder usually will have been removed. However, neither of these are requirements.

§ 2853.104 Application of standards for grades of carcass beef.

(a) The grade of a steer, heifer, cow, or bullock carcass consists of separate evaluations of two general considerations: (1) The indicated yield of closely trimmed (⅛ inch fat or less), boneless retail cuts expected to be derived from the major wholesale cuts (round, sirloin, short loin, rib, and square-cut chuck) of a carcass, herein referred to as the "yield grade," and (2) Characteristics of the meat which predict the palatability of the lean, herein referred to as the "quality grade." The grade of a bull carcass consists of the yield grade only. When officially graded, the grade of a steer, heifer, cow, or bullock carcass consists of both the quality grade and the yield grade. The yield grade designation may be removed from officially graded beef carcasses, sides, quarters, wholesale cuts, or combinations of wholesale cuts on which the external fat (natural or trimmed) does not exceed ⅜ inch in thickness. For purposes of these regulations, wholesale cuts, or combinations thereof, which can qualify for yield grade designation removal are: round, sirloin, short loin, rib, square-cut chuck, shank, brisket, plate, and flank. The yield grade designation may be removed from all other cuts without trimming of external fat. In instances where removal of the yield grade designation is permitted, the USDA grade may consist of the quality grade designation only.

(b) The carcass beef grade standards are written so that the quality grade and yield grade standards are contained in separate sections. The quality grade section is divided further into two separate sections applicable to carcasses from: (1) Steers, heifers, and cows, and (2) bullocks. ►Seven quality grade desinations—Prime, Choice, Good, Commercial, Utility, Cutter, and Canner—are applicable to steer and heifer carcasses.◄ Except for Prime, the same designations apply to cow carcasses. ►The quality grade designations for bullock carcasses are Prime, Choice, Good, and Utility.◄ There are five yield grades applicable to all classes of beef, denoted by numbers 1 through 5, with Yield Grade 1 representing the highest ►yield of trimmed retail cuts.◄

(c) When officially graded, bullock and bull beef will be further identified for its sex condition; steer, heifer, and cow beef will not be so identified. The designated grades of bullock beef are not necessarily comparable in quality or cutability with a similarly designated grade of beef from steers, heifers, or

cows. Neither is the cutability of a designated yield grade of bull beef necessarily comparable with a similarly designated yield grade of steer, heifer, cow, or bullock beef.

(d) The Department uses photographs and other objective aids in the correct interpretation and application of the standards.

(e) To determine the grade of a carcass, it must be split down the back into two sides and one or both sides must be partially separated into a hindquarter and forequarter by cutting it with a saw and knife insofar as practicable, as follows: A saw cut perpendicular to both the long axis and split surface of the vertebral column is made across the 12th thoracic vertebra at a point which leaves not more than one-half of this vertebra on the hindquarter. The knife cut across the ribeye muscle starts—or terminates—opposite the above-described saw cut. From that point it extends across the ribeye muscle perpendicular to the outside skin surface of the carcass at an angle toward the hindquarter which is slightly greater (more nearly horizontal) than the angle made by the 13th rib with the vertebral column of the hindquarter posterior to that point. As a result of this cut, the outer end of the cut surface of the ribeye muscle is closer to the 12th rib than is the end next to the chine bone. Beyond the ribeye, the knife cut shall continue between the 12th and 13th ribs to a point which will adequately expose the distribution of fat and lean in this area. The knife cut may be made prior to or following the saw cut but must be smooth and even, such as would result from a single stroke of a very sharp knife.

(f) Other methods of ribbing may prevent an accurate evaluation of the grade determining characteristics. Therefore, carcasses ribbed by other methods will be eligible for grading only if an accurate grade determination can be made by the official grader under the standards.

(g) Beveling of the fat over the ribeye, application of pressure, or any other influences which may alter the characteristics of the ribeye or the thickness of fat over the ribeye prevent an accurate grade determination. Therefore, carcasses subjected to such influences shall not be eligible for a grade determination, and the presentation of such carcasses for an official grade determination shall be considered a fraudulent or deceptive practice in connection with the services requested for such carcasses. Carcasses that have had external fat removed in trimming for Federal meat inspection compliance may be graded only if the official grader determines that an accurate grade determination can be made. Although entire carcasses with more than minor amounts of lean removed from the major wholesale cuts (round, sirloin, short loin, rib, or square-cut chuck) shall not be eligible for a grade determination, the remaining portions of these carcasses which are unaffected by the removal of lean shall remain eligible for a grade determination provided a cross section at the 12th-13th rib is available and an accurate grade determination may be made.

(h) When both sides of a carcass have been ribbed prior to presentation for grading and the characteristics of the two ribeyes (area, marbling, color, texture, and firmness) would justify different quality and/or yield grades, the final grade of the carcass shall reflect the "highest" of each of these grades as determined from either side.

(i) To meet the demand of export trade or changing trade practices, grading of carcasses ribbed other than between the 12th and 13th ribs may be approved by the Director. In such cases, grading shall be based on the requirements specified in these standards and shall be consistent with the normal development of grade characteristics in various parts of a carcass of the quality level involved. When an exception is granted for export trade, such carcasses shall be identified with the word "EXPORT" in such a manner that will clearly distinguish them from other officially graded beef.

(j) Carcasses qualifying for any particular grade may vary with respect to their relative development of the various grade factors. There will be carcasses that qualify for a particular grade, some of whose characteristics may be more nearly typical of another grade. For example, in comparison with the descriptions of maturity contained in the standards, a particular carcass might have a greater relative degree of ossification of the cartilages on the ends of its lumbar vetebrae than its other evidences of maturity. In such instances, the maturity of the carcass is not► determined solely by the ossification of the lumbar vertebrae but neither is this ignored. All of the maturity-indicating factors are considered. In making any composite evaluation of two or more factors, it must be remembered that they seldom are developed to the same degree. Because it is impractical to describe the nearly limitless number of recognizable combinations of characteristics, the standards for each quality grade and yield grade describe only beef which has a relatively similar degree of development of the various factors affecting its quality and yield. Also, the quality grade and yield grade standards each describe beef which is representative of the lower limits of each quality grade and yield grade.

(k) For steer, heifer, and cow beef, quality of the lean is evaluated by considering its marbling and firmness as observed in a cut surface in relation to carcass evidences of maturity. The maturity of the carcass is determined by evaluating the size, shape, and ossification of the bones and cartilages—especially the split chine bones—and the color and texture of the lean flesh. In the split chine bones, ossification changes occur at an earlier stage of maturity in the posterior portion of the vertebral column (sacral vertebrae) and at progressively later stages of maturity on the lumbar and thoracic vertebrae. The ossification changes that occur in the cartilages on the ends of the split thoracic vertebrae are especially useful in evaluating maturity and these vertebrae are referred to frequently in the standards. Unless otherwise specified in the standards, whenever reference is made to the ossification of cartilages on the thoracic vertebrae, this shall be construed to refer to cartilages attached to the thoracic vertebrae at the posterior end of the forequarter. The size and shape of the rib bones also are important considerations in evaluating differences in maturity. In the very youngest carcasses considered as "beef," the cartilages on the end of the chine bones show no ossification, cartilage is evident on all of the vertebrae of the spinal column, and the sacral vertebrae show distinct separation. In addition, the split vertebrae usually are soft and porous and very red in color. In such carcasses, the rib bones have only a slight tendency toward flatness. In progressively more mature carcasses, ossification changes become evident first in the bones and cartilages of the sacral vertebrae, then in the lumbar vertebrae, and still later in the thoracic vertebrae. In beef of very advanced maturity, all the split vertebrae will be devoid of red color, very hard and flinty, and the cartilages on the ends of all the vertebrae will be entirely ossified. Likewise, with advancing maturity, the rib bones will become progressively wider and flatter until in very mature beef the ribs will be very wide and flat.

(l) In steer, heifer, and cow beef, the color and texture of the lean flesh also undergo progressive changes with advancing maturity. In the very youngest carcasses considered as "beef," the lean flesh will be very fine in

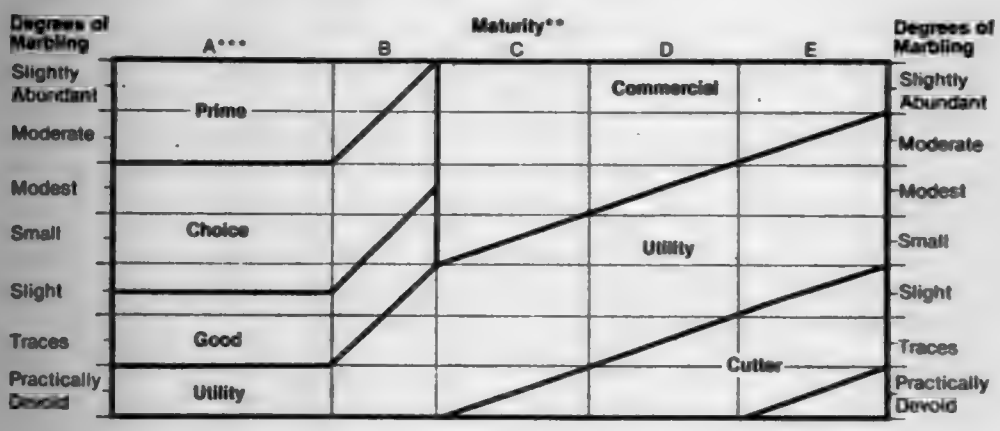
texture and light grayish red in color. In progressively more mature carcasses, the texture of the lean will become progressively coarser and the color of the lean will become progressively darker red. In very mature beef, the lean flesh will be very coarse in texture and very dark red in color. Since color of lean also is affected by variations in quality, references to color of lean in the standards for a given degree of maturity vary slightly with different levels of quality. In determining the maturity of a carcass in which the skeletal evidences of maturity are different from those indicated by the color and texture of the lean, slightly more emphasis is placed on the characteristics of the bones and cartilages than on the characteristics of the lean. In no case can the overall maturity of the carcass be considered more than one full maturity group different from that indicated by its bones and cartilages.

(m) The preceding two paragraphs also are applicable to the determination of quality in bullock beef except for carcasses having darker colors of lean than specified in the standards for the quality level for which they would otherwise qualify. In such carcasses, maturity will be evaluated on the basis of skeletal characteristics only, and the final grade will be determined in accordance with the procedures specified in the standards for grading "dark-cutting beef."

(n) In determining compliance with the maximum maturity limits for the ►Prime, Choice, and Good grades◄ for steer, heifer, and cow carcasses, color and texture of the lean are considered only when the maturity-indicating factors other than color and texture of the lean indicate only a slightly more advanced degree of maturity than that specified as maximum for these grades, and provided further, that the lean is considerably finer in texture and lighter in color than normal for the grade and maturity involved. The same principle, in reverse, is likewise applicable to determining compliance with the minimum maturity limits of the ►Commercial, Cutter, and Canner grades.◄

(o) These standards are applicable to the grading of beef throughout the full range of maturity within which cattle are marketed. However, in steer, heifer, and cow carcasses, the range of maturity permitted within each of the grades varies considerably. ►The Prime, Choice, and Good grades are restricted to beef from young cattle; the Commercial, Cutter, and Canner grades are restricted to beef from cattle too mature for Prime, Choice, and Good; and the utility grade may include beef from animals of all ages.◄ By definiton, bullock carcasses are restricted to those whose evidences of skeletal maturity do not exceed those specified for the juncture of the two youngest maturity groups referenced in the standards for steer, heifer, and cow carcasses. Except for the youngest maturity group, within any specified grade, the requirements for marbling ►increase with◄ evidences of advancing maturity. In the youngest maturity group, the marbling requirements do not ►increase with◄ evidences of advancing maturity. For each grade, the firmness requirements are different for each maturity group, but, within each maturity group, the firmness requirements do not ►increase with◄ evidences of advancing maturity. Also, regardless of the extent to which marbling may exceed the minimum of a grade, a carcass must meet the minimum firmness requirements for its maturity to qualify for that grade. To facilitate the application of these principles, the standards recognize five different maturity groups and seven different degrees of marbling. The five maturity groups are identified in Figure 1 as A, B, C, D, and E, in order of increasing maturity. The limits of these five maturity groups are specified in the grade descriptions for steer, heifer, and cow carcasses. The A maturity portion of the figure is the only portion applicable to bullock carcasses. The degrees of marbling referenced in the specifications, in order of descending quantity are: slightly abundant, moderate, modest, small, slight, traces, and practically devoid. However, for carcass evaluation programs and other purposes, three higher degrees are recognized—moderately abundant, abundant, and very abundant. ►Information on how to obtain illustrations of various degrees of marbling is available from the Department of Agriculture.[1]

Relationship Between Marbling, Maturity, and Carcass Quality Grade*



*Assumes that firmness of lean is comparably developed with the degree of marbling and that the carcass is not a "dark cutter."
**Maturity increases from left to right (A through E).
***The A maturity portion of the Figure is the only portion applicable to bullock carcasses.

Figure 1

(p) The relationship between marbling, maturity, and quality grade is shown in Figure 1. This figure assumes that the firmness of lean is comparably developed with the degree of marbling and that the carcass is not a "dark cutter." From this figure it can be seen, for instance, that the minimum marbling requirement for Choice varies from a ►typical slight◄ amount for carcasses throughout the youngest maturity group to a ►typical modest◄ amount for carcasses having the maximum maturity permitted in Choice. Likewise, in the Commercial grade the minimum marbling requirement varies from a minimum small amount in beef with the

[1] Information concerning such devices may be obtained from the ►Agricultural Marketing Service; Lovestock, Meat, Grain, and Seed Division.◄

minimum maturity permitted to a maximum moderate amount in beef from very mature animals. The marbling and other lean flesh characteristics specified for the various grades are based on their appearance in the ribeye muscle of properly chilled carcasses that are ribbed between the 12th and 13th ribs. For carcass evaluation programs and other purposes, in the Prime and Commercial grades, each additional degree of marbling (up to three) greater than specified as minimum for each of these grades is equal to one-third of a grade of higher quality.

(q) References to color of lean in the standards for steer, heifer, and cow beef involve only colors associated with changes in maturity. They are not intended to apply to colors of lean associated with so-called "dark-cutting beef." Dark-cutting beef is believed to be the result of a reduced sugar content of the lean at the time of slaughter. As a result, this condition does not have the same significance in grading as do the darker shades of red associated with advancing maturity. The dark color of the lean associated with "dark-cutting beef" is present in varying degrees from that which is barely evident to so-called "black cutters" in which the lean is actually nearly black in color and usually has a "gummy" texture. Although there is little or no evidence which indicates that the "dark-cutting" condition has any adverse effect on palatability, it is considered in grading because of its effect on acceptability and value. Depending on the degree to which this characteristic is developed, the final grade of carcasses which otherwise would qualify for the Prime, Choice, or Good grades may be reduced as much as one full grade. ►In beef otherwise eligible for the Commercial grade,◄ the final grade may be reduced as much as one-half of a grade. In the Utility, Cutter, and Canner grades, this condition is not considered.

(r) The yield grade of a beef carcass is determined by considering four characteristics: (1) The amount of external fat, (2) the amount of kidney, pelvic, and heart fat, (3) the area of the ribeye muscle, and (4) the carcass weight.

(s) The amount of external fat on a carcass is evaluated in terms of the thickness of this fat over the ribeye muscle, measured perpendicular to the outside surface at a point three-fourths of the length of the ribeye from its chine bone end. This measurement may be adjusted, as necessary, to reflect unusual amounts of fat on other parts of the carcass. In determining the amount of this adjustment, if any, particular attention is given to the amount of fat in such areas as the brisket, plate, flank, cod or udder, inside round, rump, and hips in relation to the actual thickness of fat over the ribeye. Thus, in a carcass which is fatter over other areas than is indicated by the fat measurement over the ribeye, the measurement is adjusted upward. Conversely, in a carcass which has less fat over the other areas than is indicated by the fat measurement over the ribeye, the measurement is adjusted downward. In many carcasses no such adjustment is necessary; however, an adjustment in the thickness of fat measurement of one-tenth or two-tenths of an inch is not uncommon. In some carcasses a greater adjustment may be necessary. As the amount of external fat increases, the percent of retail cuts decreases—each one-tenth inch change in adjusted fat thickness over the ribeye changes the yield grade by 25 percent of a yield grade.

(t) The amount of kidney, pelvic, and heart fat considered in determining the yield grade includes the kidney knob (kidney and surrounding fat), the lumbar and pelvic fat in the loin and round, and the heart fat in the chuck and brisket area which are removed in making closely trimmed retail cuts. The amount of these fats is evaluted subjectively and expressed as a percent of the carcass weight. As the amount of kidney, pelvic, and heart fat increases, the percent of retail cuts decreases—a change of 1 percent of the carcass weight in these fats changes the yield grade by 20 percent of a yield grade.

(u) The area of the ribeye is determined where this muscle is exposed by ribbing. This area usually is estimated subjectively; however, it may be measured. Area of ribeye measurements may be made by means of a grid calibrated in tenths of a square inch or by other devices designated by the ►Agricultural Marketing Service◄ of the U.S. Department of Agriculture.[1] An increase in the area of ribeye increases the percent of retail cuts—a change of 1 square inch in area of ribeye changes the yield grade by approximately 30 percent of a yield grade.

(v) Hot carcass weight (or chilled carcass weight × 102 percent) is used in determining the yield grade. As carcass weight increases, the percent of retail cuts decreases—a change of 100 pounds in hot carcass weight changes the yield grade by approximately 40 percent of a yield grade.

(w) The standards include a mathematical equation for determining yield grade. This grade is expressed as a whole number; any fractional part of a designation is always dropped. For example, if the computation results in a designation of 3.9, the final grade is 3—it is not rounded to 4.

(x) The yield grade standards for each of the first four yield grades list characteristics of two carcasses of two different weights together with descriptions of the usual fat deposition pattern on various areas of the carcass. These descriptions are not specific requirements—they are included only as illustrations of carcasses which are near the borderlines between groups. For example, the characteristics listed for Yield Grade 1 represent carcasses which are near the borderline of Yield Grades 1 and 2. These descriptions facilitate the subjective determination of the yield grade without making detailed measurements and computations. The yield grade for most beef carcasses can be determined accurately on the basis of a visual appraisal.

§ 2853.105 Specifications for official United States standards for grades of carcass beef (yield).

(a) The yield grade of a beef carcass is determined on the basis of the following equation: Yield grade = 2.50 + (2.50 × adjusted fat thickness, inches) + (0.20 × percent kidney, pelvic, and heart fat) + (0.0038 × hot carcass weight, pounds) − (0.32 × area of ribeye, square inches).

(b) The following descriptions provide a guide to the characteristics of carcasses in each yield grade to aid in determining yield grades subjectively.

(1) *Yield Grade 1.* (i) A carcass in Yield Grade 1 usually has only a thin layer of external fat over the ribs, loins, rumps, and clods and slight deposits of fat in the flanks and cod or udder. There is usually a very thin layer of fat over the outside of the rounds and over the tops of the shoulders and necks. Muscles are usually visible through the fat in many areas of the carcass.

(ii) A 500-pound carcass of this yield grade which is near the borderline of Yield Grades 1 and 2 might have three-tenths inch of fat over the ribeye, 11.5 square inches of ribeye, and 2.5 percent of its weight in kidney, pelvic, and heart fat.

(iii) An 800-pound carcass of this yield grade which is near the borderline of Yield Grades 1 and 2 might have four-tenths inch of fat over the ribeye, 16.0 square inches of ribeye, and 2.5 percent of its weight in kidney, pelvic, and heart fat.

(2) *Yield Grade 2.* (i) A carcass in Yield Grade 2 usually is nearly completely covered with fat but the lean is plainly visible through the fat over the outside of the rounds, the tops of the

shoulders, and the necks. There usually is a slightly thin layer of fat over the loins, ribs, and inside rounds and the fat over the rumps, hips, and clods usually is slightly thick. There are usually small deposits of fat in the flanks and cod or udder.

(ii) A 500-pound carcass of this yield grade which is near the borderline of Yield Grades 2 and 3 might have five-tenths inch of fat over the ribeye, 10.5 square inches of ribeye, and 3.5 percent of its weight in kidney, pelvic, and heart fat.

(iii) An 800-pound carcass of this yield grade which is near the borderline of Yield Grades 2 and 3 might have six-tenths inch of fat over the ribeye, 15.0 square inches of ribeye, and 3.5 percent of its weight in kidney, pelvic, and heart fat.

(3) *Yield Grade 3.* (i) A carcass in Yield Grade 3 usually is completely covered with fat and the lean usually is visible through the fat only on the necks and the lower part of the outside of the rounds. There usually is a slightly thick layer of fat over the loins, ribs, and inside rounds and the fat over the rumps, hips, and clods usually is moderately thick. There usually are slightly large deposits of fat in the flanks and cod or udder.

(ii) A 500-pound carcass of this yield grade which is near the borderline of Yield Grades 3 and 4 might have seven-tenths inch of fat over the ribeye, 9.5 square inches of ribeye, and 4.0 percent of its weight in kidney, pelvic, and heart fat.

(iii) An 800-pound carcass of this yield grade which is near the borderline of Yield Grades 3 and 4 might have eight-tenths inch of fat over the ribeye, 14.0 square inches of ribeye, and 4.5 percent of its weight in kidney, pelvic, and heart fat.

(4) *Yield Grade 4.* (i) A carcass in Yield Grade 4 usually is completely covered with fat. The only muscles usually visible are those on the shanks and over the outside of the plates and flanks. There usually is a moderately thick layer of fat over the loins, ribs, and inside rounds and the fat over the rumps, hips, and clods usually is thick. There usually are large deposits of fat in the flanks and cod or udder.

(ii) A 500-pound carcass of this yield grade which is near the borderline of Yield Grades 4 and 5 might have one inch of fat over the ribeye, 9.0 square inches of ribeye, and 4.5 percent of its carcass weight in kidney, pelvic, and heart fat.

(iii) An 800-pound carcass of this yield grade which is near the borderline of Yield Grades 4 and 5 might have one and one-tenth inch of fat over the ribeye, 13.5 square inches of ribeye, and 5.0 percent of its weight in kidney, pelvic, and heart fat.

(5) *Yield Grade 5.* A carcass in Yield Grade 5 usually has more fat on all of the various parts, a smaller area of ribeye, and more kidney, pelvic, and heart fat than a carcass in Yield Grade 4.

§ 2853.106 Specifications for official United States standards for grades of carcass beef (quality-steer, heifer, cow).

(a) *Prime.* (1) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Prime grade vary in their other indications of quality as evidenced in the ribeye muscle. Minimum quality characteristics are described for two maturity groups, which cover the entire range of maturity permitted in the Prime grade.

(2) Carcasses in the younger group range from the youngest that are eligible for the beef class to those at the juncture of the two maturity groups, which have slightly red and slightly soft chine bones and cartilages on the ends of the thoracic vertebrae that have some evidence of ossification. In addition, the sacral vertebrae are completely fused and the cartilages on the ends of the lumbar vertebrae are nearly completely ossified. The rib bones are slightly wide and slightly flat and the ribeye muscle is light red in color and is fine in texture. In carcasses throughout the range of maturity included in this group, a minimum ►moderate◄ amount of marbling is required (see Figure 1) and the ribeye muscle is moderately firm.

(3) Carcasses in the older group range from those described above as representative of the juncture of the two groups to those at the maximum maturity permitted in the Prime grade, which have chine bones tinged with red and cartilages on the ends of the thoracic vertebrae that are partially ossified. In addition, the sacral vertebrae are completely fused, the cartilages on the ends of the lumbar vertebrae are completely ossified, and the cut surface of the lean tends to be fine in texture. The minimum degree of marbling required increases with advancing maturity throughout this group from minimum ►moderate◄ to maximum slightly abundant (see Figure 1) and the ribeye muscle is firm.

(4) ►Cow beef◄ is not eligible for the Prime grade.

(b) *Choice.* (1) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Choice grade vary in their other indications of quality as evidenced in the ribeye muscle. Minimum quality characteristics are described for two maturity groups, which cover the entire range of maturity permitted in the Choice grade.

(2) Carcasses in the younger group range from the youngest that are eligible for the beef class to those at the juncture of the two maturity groups, which have slightly red and slightly soft chine bones and cartilages on the ends of the thoracic vertebrae that have some evidence of ossification. In addition, the sacral vertebrae are completely fused and the cartilages on the ends of the lumbar vertebrae are nearly completely ossified. The rib bones are slightly wide and slightly flat and the ribeye muscle is moderately light red in color and is fine in texture. In carcasses throughout the range of maturity included in this group, a ►typical slight◄ amount of marbling is required (see Figure 1) and the ribeye muscle may be slightly soft.

(3) Carcasses in the older group range from those described above as representative of the juncture of the two groups to those at the maximum maturity permitted in the Choice grade, which have chine bones tinged with red and cartilages on the ends of the thoracic vertebrae that are partially ossified. In addition, the sacral vertebrae are completely fused, the cartilages on the ends of the lumbar vertebrae are completely ossified, and the cut surface of the lean tends to be fine in texture. The minimum degree of marbling required increases with advancing maturity throughout this group from a ►typical slight amount to a typical modest◄ amount (see Figure 1) and the ribeye muscle is slightly firm.

(c) *Good.* (1) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Good grade vary in their other indications of quality as evidenced in the ribeye muscle. Minimum quality characteristics are described for two maturity groups, which cover the entire range of maturity permitted in the Good grade.

(2) Carcasses in the younger group range from the youngest that are eligible for the beef class to those at the juncture of the two maturity groups, which have slightly red and slightly soft chine bones and cartilages on the ends of the thoracic vertebrae that have some evidence of ossification. If addition, the sacral vertebrae are completely fused and the cartilages on the ends of the lumbar vertebrae are nearly completely ossified. The rib bones are slightly wide and slightly flat and the ribeye muscle is slightly ►dark◄ red in color and is fine in texture. In carcasses throughout the range of maturity included in this group,

►a minimum traces amount of marbling is required (see Figure 1) and the ribeye may be soft.◄

(3) Carcasses in the older group range from those described above as representative of the juncture of the two groups to those at the maximum maturity permitted in the Good grade, which have chine bones tinged with red and cartilages on the ends of the thoracic vertebrae that are partially ossified. In addition, the sacral vertebrae are completely fused, the cartilages on the ends of the lumbar vertebrae are completely ossified, and the cut surface of the lean tends to be fine in texture. The minimum degree of marbling required increases with advancing maturity throughout this group from a ►minimum traces◄ amount to a maximum slight amount (see Figure 1) and the ribeye muscle may be ►moderately soft.◄

►(d) *Commercial.* (1) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Commercial grade vary in their other indications of quality as evidenced in the ribeye muscle. Commercial grade beef carcasses are restricted to those with evidences of more advanced maturity than permitted in the Good grade. Thus, three maturity groups are recognized.◄ Minimum quality characteristics are described for the youngest and the most mature of these groups. The requirements for the intermediate group are determined by interpolation between the requirements indicated for the two groups described.

(2) Carcasses in the youngest group permitted in the Commercial grade range from those with indications of maturity barely more advanced than described as maximum for the ►Good◄ grade to those with moderately hard, rather white chine bones and with cartilages on the ends of the thoracic vertebrae that show considerable ossification but the outlines of the cartilages are still plainly visible. In addition, the rib bones are moderately wide and flat and the ribeye muscle is moderately dark red and slightly coarse in texture. The minimum degree of marbling required increases with advancing maturity throughout this group from a minimum small amount to a maximum small amount (see Figure 1) and the ribeye muscle is slightly firm.

(3) The youngest carcasses in the most mature group included in the Commercial grade have hard, white chine bones and the outlines of the cartilages on the ends of the thoracic vertebrae are barely visible, the rib bones are wide and flat, and the ribeye muscle is dark red and coarse in texture. The range in maturity in this group extends to include carcasses from the oldest animals marketed. The minimum degree of marbling required increases with advancing maturity throughout this group from a minimum moderate amount to a maximum moderate amount (see Figure 1) and the ribeye muscle is firm.

►(e)◄ *Utility.* (1) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Utility grade vary in their other indications of quality as evidenced in the ribeye muscle. Carcasses within the full range of maturity classified as beef are included in the Utility grade. Thus, five maturity groups are recognized. ►Minimum quality requirements are described for two of these groups—the third or intermediate and the fifth or the most mature. The requirements for the fourth maturity group are determined by interpolation between the requirements described for the adjoining groups. In the first and second maturity groups, only those carcasses that are inferior to the minimum requirements for the Good grade are included in the Utility grade.◄

►(2)◄ Carcasses in the third or intermediate maturity group range from those with indications of maturity barely more advanced than described as maximum for the ►Good◄ grade to those with moderately hard, rather white chine bones and with cartilages on the ends of the thoracic vertebrae that show considerable ossification but the outlines of the cartilages are still plainly visible. In addition, the rib bones are moderately wide and flat and the ribeye muscle is dark red in color and slightly coarse in texture. The minimum degree of marbling required increases with advancing maturity throughout this group from minimum practically devoid to maximum practically devoid (see Figure 1) and the ribeye muscle may be moderately soft.

►(3)◄ The youngest carcasses in the fifth or oldest maturity group have hard, white chine bones and the outlines of the cartilages on the ends of the thoracic vertebrae are barely visible, the rib bones are wide and flat, and the ribeye muscle is very dark red in color and coarse in texture. The range in maturity in this group extends to include carcasses from the oldest animals marketed. The minimum degree of marbling required increases with advancing maturity throughout this group from a minimum slight amount to a maximum slight amount (see Figure 1) and the ribeye muscle is slightly firm.

►(f) *Cutter.* (1) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Cutter grade vary in their other indications of quality as evidenced in the ribeye muscle. Cutter grade beef carcasses are restricted to those with evidences of more advanced maturity than permitted in the Good grade. Thus, three maturity groups are recognized. Minimum quality requirements are described for the youngest and the most mature of the groups. The requirements for the intermediate group are determined by interpolation between the requirements indicated for the two adjoining groups described.

(2) Carcasses in the first or youngest maturity group permitted in the Cutter grade range from those with indications of maturity barely more advanced than described as maximum for the Good grade◄ to those with moderately hard, rather white chine bones and with cartilages on the ends of the thoracic vertebrae that show considerable ossification but the outlines of the cartilages are still plainly visible. In addition, the rib bones are moderately wide and flat and the ribeye muscle is dark red in color and slightly coarse in texture. In carcasses throughout the range of maturity included in this group, the ribeye muscle is devoid of marbling and may be soft and watery.

►(3) The youngest carcasses in the most mature group included in the Cutter grade◄ have hard, white chine bones and the outlines of the cartilages on the ends of the thoracic vertebrae are barely visible, the rib bones are wide and flat, and the ribeye muscle is very dark red in color and coarse in texture. The range in maturity in this group extends to include carcasses from the oldest animals marketed. The minimum degree of marbling required increases with advancing maturity throughout this group from minimum practically devoid to maximum practically devoid (see Figure 1) and the ribeye muscle is soft and slightly watery.

►(g)◄ *Canner.* The Canner grade includes only those steer, heifer, and cow carcasses that are inferior to the minimum requirements specified for the Cutter grade.

§ 2853.107 Specifications for Official United States Standards for Grades of Carcass Beef (Quality-Bullock).

(a) *Prime.* For the Prime grade, the minimum degree of marbling required is a ►minimum moderate◄ amount for carcasses throughout the range of maturity permitted in the bullock class ►(see Figure 1).◄ The ribeye muscle is moderately firm and, in carcasses having maximum maturity for this class, the ribeye is light red in color.

(b) *Choice.* For the Choice grade, the minimum degree of marbling required is a ►typical slight◄ amount for carcasses throughout the range of

maturity permitted in the bullock class ►(see Figure 1).◄ The ribeye muscle may be slightly soft and, in carcasses having the maximum maturity for this class, the ribeye is moderately light red in color.

(c) *Good.* For the Good grade, the minimum degree of marbling required is a ►minimum traces◄ amount for carcasses throughout the range of maturity permitted in the bullock class ►(see Figure1).◄ The ribeye muscle may be moderately soft and, in carcasses having the maximum maturity for this class, the ribeye is slightly ►dark◄ red in color.

►(d) *Utility.* The Utility grade includes only those carcasses that are inferior to the minimum requirements specified for the Good grade.◄

PART 53—LIVESTOCK (GRADING, CERTIFICATION, AND STANDARDS)

1. The authority citation for Part 53 reads as follows:

Authority: Agricultural Marketing Act of 1946, sec. 203, 205, as amended; 60 Stat. 1087, 1090, as amended (7 U.S.C. 1622 and 1624).

2. 7 CFR §3.201–53.206 are revised to read as set forth below. In § 53.206, paragraphs (a)(4), (b)(4), (c)(4), (d)(4), and (e)(2) are removed.

Note.—In this document, new or revised text is enclosed by arrows (►◄). This proposed revision of the subpart also corrects typographical errors.

§ 53.201 Cattle.

The official standards for live cattle developed by the United States Department of Agriculture provide for segregation first according to use—slaughter and feeder—then as to class, which is determined by sex condition, and then as to grade, which is determined by the apparent relative excellence and desirability of the animal for its particular use. Differentiation between slaughter and feeder cattle is based solely on their intended use rather than on specific identifiable characteristics of the cattle. Slaughter cattle are those which are intended for slaughter immediately or in the very near future. Feeder cattle are those which are intended for slaughter after a period of feeding. However, under some economic conditions, specific kinds of cattle may be considered as feeders whereas under other economic conditions they might be considered as slaughter cattle.

§ 53.202 Classes of Slaughter and Feeder Cattle.

The classes of slaughter and feeder are steers, bullocks, bulls, heifers, and cows. Definitions of the respective classes are as follows:

(a) *Steer.* A steer is a male bovine castrated when young and which has not begun to develop the secondary physical characteristics of a bull.

(b) *Bullock.* A bullock is a young (under approximately 24 months of age) male bovine (castrated or uncastrated) that has developed or begun to develop the secondary physical characteristics of a bull.

(c) *Bull.* A bull is a mature (approximately 24 months of age or older) uncastrated, male bovine. However, for the purpose of these standards, any mature, castrated, male bovine which has developed or begun to develop the secondary physical characteristics of an uncastrated male also will be considered a bull.

(d) *Cow.* A cow is a female bovine that has developed through reproduction or with age, the relatively prominent hips, large middle, and other physical characteristics typical of mature females.

(e) *Heifer.* A heifer is an immature female bovine that has not developed the physical characteristics typical of cows.

§ 53.203 Application of Standards for Grades of Slaughter Cattle.

(a) *General.* Grades of slaughter cattle are intended to be directly related to the grades of the carcasses they produce. To accomplish this, these slaughter cattle grade standards are based on factors which are related to the grades of beef carcasses. The quality and yield grade standards are contained in separate sections of the standards. The quality grade standards are further divided into two sections applicable to: (1) steers, heifers, and cows, and (2) bullocks. ►Seven quality designations—Prime, Choice, Good, Commercial, Utility, Cutter, and Canner—are applicable to steers and heifers.◄ Except for Prime, the same designations apply to cows. ►The quality designations for bullocks are Prime, Choice, Good, and Utility.◄ There are five yield grades, which are applicable to all classes of slaughter cattle and are designated by numbers 1 through 5, with Yield Grade 1 representing the highest degree of cutability. The grades of slaughter cattle shall be a combination of both their quality and yield grades, except that slaughter bulls are yield graded only.

(b) *Quality Grades.* (1) Slaughter cattle quality grades are based on an evaluation of factors related to the palatability of the lean, herein referred to as "quality." Quality in slaughter cattle is evaluated primarily by the amount and distribution of finish, the firmness of muscling, and the physical characteristics of the animal associated with maturity. Progressive changes in maturity past approximately 30 months of age in the amount and distribution of finish and firmness of muscling have opposite effects on quality. Therefore, for cattle over approximately 30 months of age in each grade, the standards require a progressively greater development of the other quality-indicating factors. In cattle under approximately 30 months of age, a progressively greater development of the other quality-indicating characteristics is not required.

(2) Since carcass indices of quality are not directly evident in slaughter cattle, some other factors in which differences can be noted must be used to evaluate their quality. Therefore, the amount of external finish is included as a major grade factor herein, even though cattle with a specific degree of fatness may have widely varying degrees of quality. Identification of differences in quality among cattle with the same degree of fatness is based on distribution of finish and firmness of muscling. Descriptions of these factors are included in the specifications. For example, cattle which have more fullness of the brisket, flank, twist, and cod or udder and which have firmer muscling than that indicated by any particular degree of fatness are considered to have higher quality than indicated by the degree of fatness.

(3)►The approximate maximum age limitation for the Prime, Choice, and Good grades of steers, heifers, and cows is 42 months. The Commercial, Cutter, and Canner grades for steers, heifers, and cows include only cattle over approximately 42 months. There are no age limitations for the Utility grade of steers, heifers, and cows.◄ The maximum age limitation for all grades of bullocks is approximately 24 months.[1]

(c) *Yield Grades.* (1) The yield grades for slaughter cattle are based on the same factors as used in the official yield grade standards for beef carcasses (7 CFR 2853.105). Those factors and the change in each which is required to make a full yield grade change are as follows:

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[1] Maximum maturity limits for bullock carcasses are the same as those described in the beef carcass grade standards for steers, heifers, and cows at about 30 months of age. However, bullocks develop carcass indicators of maturity at younger chronological ages than steers. Therefore, the approximately age at which bullocks develop carcass indicators of maximum maturity is shown herein as 24 months rather than 30 months.

Factor	Effect of increase on yield grade*	Approximate change in each factor required to make a full yield grade change**
Thickness of fat over ribeye.	Decreases	4/10 in.
Percent of kidney, pelvic, and heart fat.	Decreases	5%.
Carcass weight	Decreases	250 lb.
Area of ribeye	Increases	3 in.²

*The yield grades are denoted by numbers 1 through 5 with Yield Grade 1 representing the highest cutability or yield of closely trimmed retail cuts. Thus, an "increase" in ►yield grade (cutability)◄ means a smaller yield grade number while a "decrease" in ►yield grade (cutability)◄ means a larger yield grade number.

**This assumes no change in the other factors.

(2) When evaluating slaughter cattle for yield grade, each of these factors can be estimated and the yield grade determined by using the equation contained in the official yield grade standards for grades of carcass beef. However, a more practical method of appraising slaughter cattle for yield grade is to use only two factors normally considered in evaluating live cattle—muscling and fatness.

(3) In the latter approach to determining yield grade, evaluation of the thickness and fullness of muscling in relation to skeletal size largely accounts for the effects of two of the factors—area of ribeye and carcass weight. By the same token, an appraisal of the degree of external fatness largely accounts for the effects of thickness of fat over the ribeye and the percent of kidney, pelvic, and heart fat.

(4) These fatness and muscling evaluations can best be made simultaneously. This is accomplished by considering the development of the various parts based on an understanding of how each part is affected by variations in muscling and fatness. While muscling of most cattle develops uniformly, fat is normally deposited at a considerably faster rate on some parts than on others. Therefore, muscling can be appraised best by giving primary consideration to the parts least affected by fatness, such as the round and the forearm. Differences in thickness and fullness of these parts—with appropriate adjustments for the effects of variations in fatness—are the best indicators of the overall degree of muscling in live cattle.

(5) On the other hand, the overall fatness of an animal can be determined best by observing those parts on which fat is deposited at a faster-than-average rate. These include the back, loin, rump, flank, cod or udder, twist, and brisket. As cattle increase in fatness, these parts appear progressively fuller, thicker, and more distended in relation to the thickness and fullness of the other parts, particularly the round. In thinly muscled cattle with a low degree of finish, the width of the back usually will be greater than the width through the center of the round. The back on either side of the backbone also will be flat or slightly sunken. Conversely, in thickly muscled cattle with a similar degree of finish, the thickness through the rounds will be greater than through the back and the back will appear full and rounded. At an intermediate degree of fatness, cattle which are thickly muscled will be about the same width through the round and back and the back will appear only slightly rounded. Thinly muscled cattle with an intermediate degree of finish will be considerably wider through the back than through the round and will be nearly flat across the back. Very fat cattle will be wider through the back than through the round, but this difference will be greater in thinly muscled cattle than in those that are thickly muscled. Such cattle with thin muscling also will have a distinct break from the back into the sides, while those with thick muscling will be nearly flat on top but will have a less distinct break into the sides. As cattle increase in fatness, they also become deeper bodied because of large deposits of fat in the flanks and brisket and along the underline. Fullness of the twist and cod or udder and the bulge of the flanks, best observed when an animal walks, are other indications of fatness.

(6) In determining yield grade, variations in fatness are much more important than variations in muscling.

(d) *Other considerations.* (1) Other factors such as heredity and management also may affect the development of the grade-determining characteristics in slaughter cattle. Although these factors do not lend themselves to description in the standards, the use of factual information of this nature is justifiable in determining the grade of slaughter cattle.

(2) Slaughter cattle qualifying for any particular grade may vary with respect to the relative development of the individual grade factors. In fact, some will qualify for a particular grade although they have some characteristics more nearly typical of cattle of another grade. Because it is impractical to describe the nearly infinite number of recognizable combinations of characteristics, the quality and yield grade standards describe only cattle which have a relatively similar development of the various quality and yield grade determining factors and which are near the lower limits of these grades. The requirements are given for two maturity groups in the quality grade standards for steers, heifers, and cows—but for only one maturity group for bullocks. In the yield grade standards, cattle with two levels of muscling are described and specific examples in terms of carcass characteristics also are included.

§ 53.204 Specifications for Official U.S. Standards for Grades of Slaughter Steers Heifers, and Cows (Quality).

(a) *Prime.* (1) Slaughter steers and heifers 30 to 42 months of age possessing the minimum qualifications for Prime have a fat covering over the crops, back, ribs, loin, and rump that tends to be thick. The brisket, flanks, and cod or udder appear full and distended and the muscling is very firm. The fat covering tends to be smooth with only slight indications of patchiness. Steers and heifers under 30 months of age have a moderately thick but smooth covering of fat which extends over the back, ribs, loin, and rump. The brisket, flanks, and cod or udder show a marked fullness and the muscling is firm.

(2) Cattle qualifying for the minimum of the Prime grade will differ considerably in cutability because of varying combinations of muscling and degree of fatness. Cattle with higher cutability than normal for this grade are thickly muscled and have a lower degree of fatness than described for the Prime grade. Such cattle have less width of back and loin and are less uniform in width than normal for the Prime grade. The thick, full muscling gives the back and loin a well-rounded appearance with very little evidence of flatness. The thickness through the middle part of the rounds is greater than over the top and the thick muscling through the shoulders causes them to be slightly prominent. Although such cattle have a lower degree of fatness over the back and loin than described as typical, evidence of more fatness than described is noticeable in the brisket, flanks, twist, and cod or udder and the muscling is firmer than described. Conversely, cattle with lower cutability than normal for this grade are thinly muscled and have a higher degree of fatness than described for the Prime grade. The distribution of fat is not typical, for it is thicker over the crops, back, loin, and rump than described while the brisket, flanks, twist, and cod or udder indicate less fatness. Such cattle are wide and nearly flat over the back and loin and there is a sharp break from these parts into the sides. The width over the back is much greater than through the rounds and shoulders.

(3) Cows are not eligible for the Prime grade.

(b) *Choice.* (1) Slaughter steers, heifers, and cows 30 to 42 months of age possessing the minimum qualifications for Choice have a fat covering over the crops, back, loin, rump and ribs that tends to be ►slightly thick.◄ The brisket, flanks, and cod or udder show a marked fullness and the muscling is firm. Cattle under 30 months of age carry a ►slightly thin◄ fat covering over the top. The brisket, flanks, and cod or udder appear moderately full and the muscling is moderately firm.

(2) Cattle qualifying for the minimum of the Choice grade will differ considerably in cutability because of varying combinations of muscling and degree of fatness. Cattle with higher cutability than normal for this grade are thickly muscled and have a lower degree of fatness than described for the Choice grade. Such cattle are less uniform in width than normal for the Choice grade. The thick, full muscling over the top results in a rounded appearance with little evidence of flatness. The thickness through the middle part of the rounds is greater than over the top and the thick muscling through the shoulders causes them to be slightly prominent. Although such cattle have a lower degree of fatness over the back and loin than described as typical, evidence of more fatness than described is especially noticeable in the brisket, flanks, twist, and cod or udder and the muscling is firmer than described. Conversely, cattle with lower cutability than normal for this grade are thinly muscled and have a higher degree of fatness than described for the Choice grade. The distribution of fat is not typical, for it is thicker over the crops, back, loin, and rump than described but with evidence of less fatness in the brisket, flanks, twist, and cod or udder. The back and loin break sharply into the sides and the width over the back is much greater than through the rounds and shoulders.

(c) *Good.* (1) Slaughter steers, heifers, and cows 30 to 42 months of age possessing the minimum qualifications for Good have a fat covering that tends to be ►thin◄ with some fullness evident in the brisket, flanks, twist, and cod or udder and the muscling is firm. Cattle under 30 months of age have a ►very thin◄ fat covering which is largely restricted to the back and loin. The brisket, flanks, twist, and cod or udder are slightly full and the muscling is slightly firm.

(2) Cattle qualifying for the minimum of the Good grade will differ considerably in cutability because of varying combinations of muscling and degree of fatness. Cattle with higher cutability than normal for this grade are thickly muscled and have a lower degree of fatness than described for the Good grade. Such cattle are less uniform in width than normal for the grade. The thick, full muscling through the back gives the back and loin a well-rounded appearance. The thickness through the middle part of the rounds is greater than over the top and the thick muscling through the shoulders causes them to be prominent. Evidence of more fatness than described is especially noticeable in the brisket, flanks, twist, and cod or udder and the muscling is firmer than described. Conversely, cattle with lower cutability than normal for this grade are thinly muscled and have a higher degree of fatness than described for the Good grade. The distribution of fat is not typical, for it is thicker over the crops, back, loin, and rump than described while the brisket, flanks, twist, and cod or udder indicate less fatness. Such cattle are nearly flat over the back and loin and the width over the back is greater than through the rounds and shoulders.

►(d)◄ *Commercial.* (1) The Commercial grade is limited to steers, heifers, and cows over approximately 42 months of age. Slaughter cattle possessing the minimum qualifications for Commercial and which slightly exceed the minimum maturity for the Commercial grade have a slightly thick fat covering over the back, ribs, loin, and rump and the muscling is moderately firm. Very mature cattle usually have at least a moderately thick fat covering over the back, ribs, loin, and rump and considerable patchiness frequently is evident about the tail-head. The brisket, flanks, and cod or udder appear to be moderately full and the muscling is firm.

(2) Cattle qualifying for the minimum of the Commercial grade will differ considerably in cutability because of widely varying combinations of muscling and degree of fatness. Cattle with higher cutability than normal for this grade are thickly muscled and have a lower degree of fatness than described for the Commercial grade. The thick, full muscling over the top results in a rounded appearance with little evidence of flatness. The thickness through the middle part of the rounds is greater than over the top and the thick muscling through the shoulders causes them to be slightly prominent. Although such cattle have less thickness of fat over the back and loin than described as typical, evidence of more fatness than described is especially noticeable in the brisket, flanks, twist, and cod or udder and the muscling is firmer than described. Conversely, cattle with lower cutability than normal for this grade are thinly muscled and have a higher degree of fatness than described for the Commercial grade. The distribution of fat is not typical, being thicker over the crops, back, loin, and rump than described while the brisket, flanks, twist, and cod and udder indicate less fatness. The back and loin break sharply into the sides and the width over the back is much greater than through the rounds and shoulders.

►(e) *Utility.* (1) Cattle under approximately 42 months of age which fail to meet the minimum requirements for the Good grade are graded Utility. The minimum degree of finish required for older slaugher steers, heifers, and cows to qualify for the Utility grade varies from a slightly thin covering of fat for cattle approximately 42 months of age to a slightly thick fat covering, generally restricted to the back, loin, and rump, for the very mature cattle in this grade.◄ In such mature cattle, the crops are slightly thin and the brisket, flanks, and cod or udder indicate very slight fullness.

(2) Cattle qualifying for the minimum of the Utility grade vary somewhat in cutability, especially among older animals. ►Those under 42 months of age have no fatness requirement to qualify for the minimum of the grade and ◄ most of the variation in cutability of such cattle is due to differences in muscling. Cattle over 42 months of age will vary in their degree of fatness as well as muscling. Thus, cattle with thicker muscling than normal and less external fat than specified for this grade will have higher cutability than cattle with thinner musling and more fatness.

►(f) *Cutter.* The Cutter grade is limited to steers, heifers, and cows over approximately 42 months of age. In slaughter cattle in the Cutter grade, the degree of finish ranges from practically none in cattle approximately 42 months of age to very mature cattle which have only a very thin covering of fat.◄

►(g)◄ *Canner.* Canner grade are those which are inferior to the minimum specified for the Cutter grade.

§ 53.205 Specifications for Official U.S. Standards for Grades of Slaughter Bullocks (Quality).

(a) *Prime.* (1) Slaughter bullocks possessing the minimum qualifications for the Prime grade have a moderately thick but smooth covering of fat which extends over the back, ribs, loin, and rump. The brisket and flanks show a marked fullness and the muscling is firm.

(2) Bullocks qualifying for the minimum of the Prime grade will differ considerably in cutability because of varying combinations of muscling and degree of fatness. Bullocks with higher cutability than normal for this grade are thickly muscled and have a lower degree of fatness than described as minimum for the Prime grade. Such bullocks have less width of back and loin and are less uniform in width than described as typical for the Prime grade but the muscling is firmer than described. Conversely, bullocks with lower cutability than normal for this grade are thinly muscled and have a higher degree of fatness than described as minimum for the Prime grade.

(b) *Choice.* (1) Slaughter bullocks possessing the minimum qualifications for the Choice grade carry a ►slightly thin◄ fat covering over the top. The brisket and flanks appear moderately full and the muscling is moderately firm.

(2) Bullocks qualifying for the minimum of the Choice grade will differ considerably in cutability because of varying combinations of muscling and degree of fatness. Bullocks with higher cutability than normal for this grade are thickly muscled and have a lower degree of fatness than described as minimum for the Choice grade but the muscling is firmer than described. Conversely, bullocks with lower cutability than normal for this grade are thinly muscled and have a higher degree of fatness than described as minimum for the Choice grade.

(c) *Good.* (1) Slaughter bullocks possessing the minimum qualifications for the Good grade have a ►very thin◄ fat covering which is largely restricted to the back and loin. The brisket and flanks are slightly full and the muscling is slightly firm.

(2) Bullocks qualifying for the minimum of the Good grade will differ considerably in cutability because of varying combinations of muscling and degree of fatness. Bullocks with higher cutability than normal for the grade are thickly muscled and have a lower degree of fatness than described as minimum for the Good grade. Such bullocks are less uniform in width than described as typical of the grade but the muscling is firmer than described. Conversely, bullocks with lower cutability than normal for this grade have thinner muscling and a higher degree of fatness than described as minimum for the Good grade.

►(d)◄ *Utility.* The Utility grade includes only those bullocks that do not meet the minimum requirements specified for the Good grade.

§ 53.206 Specifications for Official United States Standards for Grades of Slaughter Cattle (Yield).

(a) *Yield Grade 1.* (1) Yield Grade 1 slaughter cattle produce carcasses with very high yields of boneless retail cuts. Cattle with characteristics qualifying them for the lower limits of Yield Grade 1 (near the borderline between Yield Grade 1 and Yield Grade 2) will differ considerably in appearance because of inherent differences in the development of their muscling and skeletal systems and related differences in fatness.

(2) Very thickly muscled cattle typical of the minimum of this grade have a high proportion of lean to bone. They are moderately wide and the width through the shoulders and rounds is greater than through the back. The top is well-rounded with no evidence of flatness, and the back and loin are thick and full. The rounds are deep, thick, and full and the width through the middle part of the rounds is greater than through the back. The shoulders are slightly prominent and the forearms are thick and full. These cattle have only a thin covering of fat over the back and rump. The flanks are slightly shallow and the brisket and cod or udder have little evidence of fullness. Slaughter cattle of this description producing 600-pound carcasses usually have about 0.3 of an inch of fat over the ribeye and about 13.0 square inches of ribeye area.

(3) Because of the relatively low proportion of lean to bone, practically no thinly muscled cattle produce carcasses with an exceptionally high yield of boneless retail cuts. Therefore, it is unlikely that thinly muscled cattle will qualify for Yield Grade 1.

(b) *Yield Grade 2.* (1) Yield Grade 2 Slaughter cattle produce carcasses with high yields of boneless retail cuts. Cattle with characteristics qualifying them for the lower limits of Yield Grade 2 (near the borderline between Yield Grade 2 and Yield Grade 3) will differ considerably in appearance because of differences in the development of their muscling and skeletal systems and related differences in fatness.

(2) Very thickly muscled cattle typical of the minimum of this grade have a high proportion of lean to bone. They are wide through the back and loin and have slightly greater width through the shoulders and rounds than through the back. The top is well-rounded with little evidence of flatness and the back and loin are thick and full. The rounds are thick, full, and deep and the thickness through the middle part of the rounds is greater than that over the top. The shoulders are slightly prominent and the forearms are thick and full. There is a slightly thick covering of fat over the back and rump and the flanks are slightly deep. The brisket and cod or udder are slightly full. Slaughter cattle of this description producing 600-pound carcasses usually have about 0.6 of an inch of fat over the ribeye and about 12.5 square inches of ribeye area.

(3) Thinly muscled cattle typical of the minimum of this grade have a relatively low proportion of lean to bone. They tend to be flat and slightly narrow over the back and have slightly long, flat rounds. They are slightly wider over the back than through the rounds. The shoulders are slightly prominent and the forearms are only slightly thick. These cattle have a thin covering of fat over the back and rump. The flanks are slightly shallow and thin and the brisket and cod or udder have little evidence of fullness. Slaughter cattle of this description producing 600-pound carcasses usually have 0.3 of an inch of fat over the ribeye and about 10.0 square inches of ribeye area.

(c) *Yield Grade 3.* (1) Yield Grade 3 slaughter cattle produce carcasses with intermediate yields of boneless retail cuts. Cattle with characteristics qualifying them for the lower limits of Yield Grade 3 (near the borderline between Yield Grades 3 and 4) will differ considerably in appearance because of inherent differences in the development of their muscling and skeletal systems and related differences in fatness.

(2) Very thickly muscled cattle typical of the minimum of this grade have a high proportion of lean to bone. They are very wide through the back and loin and are uniform in width from front to rear. The back or top is nearly flat with only a slight tendency toward roundness and there is a slight break into the sides. The back and loin are very full and thick. The rounds are deep, thick, and full. The shoulders are smooth and the forearms are thick and full. There is a moderately thick covering of fat over the back and rump. The flanks are deep and full and the brisket and cod or udder are full. Slaughter cattle of this description producing 600-pound carcasses usually have about 0.9 of an inch of fat over the ribeye and about 12.0 square inches of ribeye area.

(3) Thinly muscled cattle typical of the minimum of this grade have a relatively low proportion of lean to bone. They are flat and slightly wide over the back and loin and are wider over the back than through the rounds. The shoulders are slightly smooth and the forearms are only slightly thick. These cattle tend to have a slightly thick covering of fat over the back and rump. The flanks are slightly deep and full and the brisket

and cod or udder are slightly full. Slaughter cattle of this description producing 600-pounding carcasses usually have about 0.6 of an inch of fat over the ribeye and about 9.5 square inches of ribeye area.

(d) *Yield Grade 4.* (1) Yield Grade 4 slaughter cattle produce carcasses with moderately low yields of boneless retail cuts. Cattle with characteristics qualifying them for the lower limits of Yield Grade 4 (near the borderline between Yield Grades 4 and 5) will differ considerably in appearance because of inherent differences in the development of their muscling and skeletal systems and related differences in fatness.

(2) Very thickly muscled cattle typical of the minimum of this grade have a high proportion of lean to bone. They appear wider over the top than through the shoulders or rounds. The back and loin are very thick and full, nearly flat, and break sharply into the sides. The rounds are deep, thick, and full. The shoulders are smooth and the forearms are thick and full. These cattle have a thick covering of fat over the back and rump. The flanks are very deep and full and the brisket and cod or udder are very full. Slaughter cattle of this description producing 600-pound carcasses usually have about 1.1 inches of fat over the ribeye and about 11.5 square inches of ribeye area.

(3) Thinly muscled cattle typical of the minimum of this grade have a relatively low ratio of lean to bone. They are flat over the back and loin and much wider through the back than through the shoulders or rounds. The rounds tend to be long and flat. The shoulders are smooth and the forearms are slightly thick. These cattle have a moderately thick covering of fat over the back and rump and the back breaks sharply into the sides. The flanks are deep and full and the brisket and cod or udder are full. Slaughter cattle of this description producing 600-pound carcasses usually have about 0.9 of an inch of fat over the ribeye and about 9.0 square inches of ribeye area.

►(e) *Yield Grade 5.*◄ Yield Grade 5 slaughter cattle produce carcasses with low yields of boneless retail cuts. Cattle of this grade consist of those not meeting the minimum requirements for Yield Grade 4 because of either more fat or less muscle or a combination of these characteristics.

Done at Washington, D.C., on December 23, 1981.

John Ford,

Deputy Assistant Secretary Marketing and Inspection Services.

U.S. DEPARTMENT OF AGRICULTURE, AGRICULTURAL MARKETING SERVICE

Appendix—Summary of the Preliminary Regulatory Impact Analysis of Proposed Changes in the United States Standards for Grades of Carcass Beef and Slaughter Cattle

High interst rates, inflation and a decrease in the amount of discretionary dollars in the consumer budget have created an economic situation where feeding cattle has been relatively unprofitable for the last 2 years. This has occurred during the phase of the cattle cycle that has traditionally been the most profitable. The cattle feeding industry has two basic problems to solve that are related. They are: (1) finding ways to produce cattle at reduced costs, and (2) finding and maintaining an overall production (supply) level that leads to a quantity-price relationship on the demand side that makes the production level profitable to produce.

During the last few years there has also been increasing evidence that consumers are more conscious of health concerns related to food consumption. Studies have reached conclusions that consumers are more concerned about the levels of saturated fats, cholesterol, and overall calories in their diets. These results are generally expressed in the broad statement that consumers are now demanding leaner beef.

In April 1981, the Department received a formal petition from the National Cattlemen's Association (NCA) that asked for consideration and appropriate action on a resolution "to improve and modernize the USDA Beef Grading Standards." The NCA petition maintains that the current grading system inhibits the production of leaner beef and leads to the overfattening of some cattle and to economic inefficiencies. The NCA petition suggests that revising the current standards can lower production costs by reducing the average feeding time by 15 to 30 days and at the same time provide a product that is as acceptable as the product in the current grades and more in line with consumer desires for leaner beef.

Since the submission of the NCA petition, numerous other groups and individuals have either formally or informally provided USDA with recommendations regarding the current beef grade standards or publicly presented their positions. These recommendations range from support of the current system, to calling for a return to the standards that were in effect prior to a revision implemented in 1976, to those recommending changes similar to the NCA recommendation.

In response, the Department has reviewed the beef quality standards, has considered several alternatives for modifying the existing standards and has developed a specific set of proposed modifications. This process has been consistent with the Department's philosophy that the beef standards cannot be static; they must be dynamic to be of greatest value to the various users. In keeping with this philosophy, the Department has made changes in the standards as necessary to meet the changing needs of users of the system. There have been eight revisions to the official beef grade standards since they were introduced in 1926. The voluntary, industry-funded grading program was initiated 1 year later in 1927.

Changes in the standards have normally been considered for one or more of the following reasons: (1) to clarify the intent of the standards or to otherwise improve the ease of application or uniformity of their interpretation; (2) to incorporate the results of research findings with respect to the importance of various grade factors; or (3) to keep the standards abrest of established changes in consumer preferences and livestock production practices.

The Department has continued to receive recommendations for change during the review of the existing standards. In August 1981, the Department received a petition from the Community Nutrition Institute (CNI) recommending that the current quality standards be maintained but that changes be made in the current nomenclature.

Alternatives Considered

In developing the current proposal, the Department initially considered a wide variety of options for quality grades that were narrowed down to the following four alternatives:

- The Present Standards
- The Proposed Standards
- The NCA Alternative
- A New Grade Alternative

These four alternatives, that are representative of the wide variety of suggestions the Department has received, are described in the Background section of the preceding proposed rule for grades of carcass beef and slaughter cattle.

In accordance with section 3(d) of Executive Order 12291 on Federal Regulation, the Department has prepared a Preliminary Regulatory Impact Analysis (PRIA) that includes (1) a description of the potential costs and benefits of the Department's proposal, including the beneficial and adverse effects that cannot be quantified in monetary terms, (2) identification of the public sectors likely to receive the benefits and likely to bear the costs and (3) a description of alternative approaches considered together with their costs and benefits. In accordance with the Regulatory Flexibility Act (Pub. L. 96–354), the PRIA identifies particular costs and benefits applicable to small businesses. Due to the nature and use of grade standards, it is not feasible to consider different requirements for different sizes of firms. This summary includes the major findings and conclusions of the PRIA.

The Present Standards

The Department recognizes that some users believe that the existing standards are adequately sorting beef according to palatability and that they do not necessarily discourage the production of leaner beef. Several beef industry sectors have, however, acknowledged the apparent inefficiencies in a system that produces excess fat that must

be chilled and transported only to be trimmed off before the final product appears in the meat counter of a retail store. While there is not a direct cause and effect relationship, there is some evidence that the existing standards do have an influence on the production system that now produces a relatively high percentage of overfat cattle.

A panel discussion at the National Beef Grading Conference held in Ames, Iowa, in January 1981, concluded that most cattle are sold based on an estimated percentage of Choice in conjunction with weight and number of days on feed. Most cattle are fed until the feeder or buyer estimates that 75 percent or more of the lot or pen will grade Choice. This normally occurs at market weights of 1,050 to 1,200 pounds depending on the size, age and breed of cattle. At the same time as the cattle are developing the marbling to grade Choice, they are also developing increased exterior and seam fat. The conclusion that has been reached by the NCA and other segments of the beef industry is, that with the existing grade standards, it is generally impossible to achieve the goal of 75 percent or more Choice without producing a relatively high percentage of Yield Grade 4 and Yield Grade 5 cattle that are discounted for being overfat.

Even though most fed cattle may be marketed only after they reach the goal of 75 percent or more Choice, the cattle feeder's profits are still based on considerations of marginal costs and marginal revenues. As cattle approach the traditional market weights of 1,050 to 1,200 pounds, marginal costs are increasing because of decreases in feed efficiency (pounds of grain required per pound of gain). Marginal revenues are simultaneously affected by rising and falling market prices, by premiums paid for Choice cattle over Good cattle and by discounts for Yield Grade 4 and 5 cattle. These premiums and discounts change over time. For example, over the last 4 years, premiums for Choice slaughter cattle over Good cattle have averaged from $3 to $5 per hundred pounds. However, in early February 1981, prices for Good and Choice cattle differed by only $2 dollars per hundred pounds based on the price quotations from certain central markets. These price quotations are based on the slaughter cattle standards. Since 1975, the wholesale discounts for Yield Grade 4 and 5 carcasses have varied considerably. Prior to 1975, The discounts were generally less than estimated value differences. The discounts, which presumably help establish slaughter cattle prices, have now increased to often reflect or even exceed the expected value differences. Under certain market conditions, cattle are fed to a point where the total discounts exceed the total premiums. Feeding to a goal of 75 percent or more Choice is one of several factors that can contribute to that type of situation.

Based on a sample of 1,287 carcasses examined in late 1980 and early 1981, the Department estimates that almost 23 percent of fed cattle now slaughtered produce a carcass that is either Yield Grade 4 or Yield Grade 5. In 1980, there were approximately 24 million fed steers and heifers slaughtered. This slaughter level produced an estimated 5.5 million Yield Grade 4 or Yield Grade 5 carcasses. An examination of wholesale dressed meat prices in 1980 shows that typical discounts for these carcasses ranged from $12 to $15 per hundred pounds. Assuming that these heavier carcasses averaged 750 pounds, then the total discount for these 5.5 million carcasses would probably have been between $500 and $600 million. These cattle cost as much, if not more, to produce than cattle with more desirable yield grades. It is believed that most of this loss in revenue is borne by the cattle feeder because buyers estimate the number of Yield Grade 4 and 5 cattle when they offer price quotations.

The number of Yield Grade 4 and Yield Grade 5 carcasses could potentially be reduced in a number of ways, including:

(1) Changes in breeding practices that would lead to a reduction in cattle that tend to put on excessive exterior and seam fat. This potential solution is analogous to the pork industry's move to a leaner market hog. Even if feasible, however, this is a long term solution not addressed here.

(2) Another potential solution would involve the identification, sorting and marketing of overfinished cattle earlier. Identification would be based on visual examination or on the use of instruments such as backfat probes. It has been suggested that sorting on a large scale is neither practical nor cost effective. A similar suggested approach is to sort cattle at placement based on frame size or other characteristics and then experiment with different feed rations.

(3) Reducing the overall time on feed. This is the solution that is the projected impact of two alternatives, the current proposal and the NCA petition.

(4) Feeding to a lower percentage (50 to 60 percent) of Choice, under the existing standards.

The NCA petition suggests that cattle feeders cannote produce leaner beef under the current standards. That is probably true as long as the target goal for feeders is 75 percent or more Choice. The number of overfat cattle could, however, be reduced if this goal was reduced to 50 to 60 percent Choice. It is not clear whether this goal is set by the production side of the industry (feeders and packers) or by the customer side (retailers, purveyors and consumers). In recent years, some retailers have shown that their customers will purchase an ungraded, generally leaner product over Choice if it is less expensive. Some have found supplies of this product limited. There is certainly some evidence that more Good quality beef would sell if it were produced and merchandised. However, there has not been sufficient evidence available on the production side to change overall feeding patterns. There may be a lot of tradition in the production goal of 75 percent or more Choice. The goal existed prior to 1976 when only 50 percent of feed beef was Choice quality. It exists today when an estimated 64 percent of fed beef is of Choice quality.

The Department does not expect to see major changes in feeding patterns under the current standards. Some proponents of the existing standards believe that many of the objectives of the proposed changes could be achieved by an extensive educational and promotional campaign extolling the virtues of Good grade beef or by changing the Good name in order to avoid the perceived consumer and industry aversion to its connotation. The petition from CNI has proposed changing the Good grade name to "Choice Light" and the Standard grade name to "Lean".

An obvious advantage of the existing standards is that any change requires an adustment and learning phase at all levels of the marketing system. There would be some costs associated with the implementation of any change.

The Proposed Standards

The current proposal would provide feeders with the opportunity to feed to a constant percentage of Choice with less time on feed. With shorter feeding times, overall profitability should increase because (1) overall feed efficiency would go up for lighter market weights, and (2) the total discounts for Yield Grade 4 and 5 carcasses should go down as fewer are produced. It is not clear what would happen to the price differentials between Good and Choice cattle.

However, the impacts of the current proposal are highly dependent on the resultant change in feeding patterns. The Department recognizes that there are differences in opinion as to (1) the number and types of feedlot operations that would change feeding patterns in response to a change in the grade standards, and (2) the magnitude of that response in terms of the reduction in average time on feed. The NCA suggests in their petition that relatively minor changes, such as those they recommend, would shorten the average feeding time by 15 to 30 days. Others believe that this is optimistic based on the reaction, to date, to the 1976 changes in the grade standards. The Department proposes to establish minimum marbling requirements for Choice beef that are higher than the requirements recommended by the NCA. If we accept the premise that there is a cause and effect relationship such that lower minimum marbling requirements for Choice beef result in a reduction in average time on feed, then we would expect the proposed standards to have a slightly smaller impact on feeding time than the NCA alternative, assuming a consistent goal of feeding to 75 percent or more Choice. The Department acknowledges that feeding times could be affected by changes in marbling requirements. However, the Department also recognizes that there are many other variables that will influence overall feeding patterns. Therefore, in the PRIA, the Department did not attempt to establish a functional relationship between marbling requirements and feeding patterns.

Because of the uncertainty of response, the PRIA analyzes the affects of a wide variety of potential reactions. In addition, we have developed a projected response by the cattle feeding sector to the proposed standards based on (1) the review of the 1976 revisions, (2) the magnitude of the changes in carcass weight and feed consumption, and (3) the collective judgment of multidisciplinary personnel across several USDA agencies.

This projection is that the average time on feed for approximately half of fed cattle would be reduced by approximately 15 days, or that the overall average time on feed would be reduced by approximately 7 days. The estimated impacts of this projected case and two others are summarized below. The other cases are included because there is so much uncertainty as to what the actual response would be.

● If all fed cattle were fed 7 days less (the Department's projected response) there would be a 1.7 percent decrease in total live weight, a 2.1 percent decrease in carcass weight and a 1.4 to 1.8 percent decrease in the supply of closely trimmed retail cuts. Total feed costs would be reduced by almost 5 percent or over $200 million. This represents a decrease in overall production costs of 1.1 percent. It has also been estimated that the average yield grade would be decreased by 0.1 to 0.15. With this amount of shift in average yield grade, an estimated 3 to 4 percent of fed cattle would move from Yield Grade 4 down to Yield Grade 3, potentially decreasing overall discounts by 13 to 17 percent. Under this response, we have estimated that the percentage of Choice cattle would rise from 64 percent to 74 percent and that the percentage of Good cattle would decrease from 26 percent to 12 percent. This could affect the premiums paid for Choice cattle.

● If all cattle were fed 15 days less, there would be a 4.1 percent decrease in total live weight, a 5.4 percent decrease in total carcass weight and a 3.8 to 4.1 percent decrease in the supply of closely trimmed retail cuts. Total feed costs would be reduced by approximately $450 million. This represents a decrease in overall production costs of 2.3 percent. It has also been estimated that the average yield grade would be decreased by 0.2 to 0.3. With this amount of shift in average yield grade, an estimated 6 to 8 percent of fed cattle would move from Yield Grade 4 down to Yield Grade 3, potentially decreasing overall discounts by 25 to 35 percent. Under this response, the percentage of Choice cattle will still increase and the percentage of Good cattle would decrease but changes would be less.

● There is also the possibility that there would be no noticeable change in feeding patterns. In this case, there would be no reduction in feeding costs and no reduction in the percentage of Yield Grade 4 and Yield Grade 5 cattle. It is estimated that the percentage of Choice cattle would rise to 77 percent and the percentage of Good cattle would fall to only 7 percent. There is no guarantee that total premiums for Choice cattle would increase. In early 1981, there was a relative surplus of Choice cattle relative to Good cattle. As a result, there was very little difference in the wholesale carcass prices for Good and Choice beef. Live cattle prices differed by about $2 per hundred pounds at Midwest markets.

There are some cattle feeders that would probably benefit from the proposed changes without a reduction in feeding time. Some feeders are now feeding an increasing, but unknown, number of cattle referred to as "Exotic Crossbreds." These cattle are, on the average, larger-framed, heavier-muscled, higher-cutting and faster-gaining than traditional cattle. However, they now have one problem. They geneally don't marble enough to qualify for Choice until they reach weights of 1,300 to 1,400 pounds and at these weights, they are too large to be desired by the restaurant or retail trade. Therefore, many of these cattle are sold at relatively young ages at traditonal market weights and do not qualify for Choice. Under the current proposal, more of these carcasses could qualify for Choice and these feeders should receive more for their live cattle. The proposal could encourage a shift to the production of more of these types of cattle.

The PRIA identifies several reasons that might inhibit a change to the shorter feeding times that would result in lighter cattle and fewer overfat cattle. Examples include:

● The packing industry may discount lighter cattle because their carcasses represent less total revenue.

• Retailers may not want lighter carcasses because the individual retail cuts may be too small. Traditional retail purchase specifications provide for a 600 to 700 pound carcass. In late August 1981, cattle under 1,050 pounds were being heavily discounted because of an oversupply of shorter-fed cattle, that are likely to produce a carcass under 600 pounds.

• Retailers may fear an adverse customer reaction and change their purchase specifications.

• Buyers and feeders may simply be slow to move away from traditional slaughter weights.

Past experience has shown that the percentage of Yield Grade 4 and 5 carcasses is highest during periods of overproduction and corresponding low market prices, when feeders hold on to cattle waiting for market improvements. Therefore, for the cattle feeding industry to fully realize the potential benefits from the current proposal, the industry must address the second overall problem identified above and maintain a production level that is consistent with a profitable price-quantity relationship on the demand side. If short term benefits from the proposal trigger overproduction then all potential long term benefits may be lost.

Retailers, restaurant and hotel owners and operators, purveyors and consumers will all be concerned about the affects that the proposed changes would have on the eating quality of beef within the proposed grades.

Subsequent to the changes promulgated in March 1975, the Department initiated a major study of beef quality in cooperation with Texas A&M University, Colorado State University, and Iowa State University. This study, which involved over 1,000 beef carcasses, was the most comprehensive study of grades, grade factors, and beef palatability ever conducted. The Department has used an analysis of that study in developing its current proposal. The Department has concluded that the proposed standards for the Prime and Choice grades would not significantly [1] lower the overall palatability part, the analysis assumes that there would not be a shift in demand due to the proposed changes in the standards. The one available consumer survey that has looked at the 1976 change, a change of similar magnitude, did not find any significant changes in purchasing patterns due to the revisions in the grade standards.

The Department does recognize, however, that no amount of research is going to convince all parties that the proposed changes would not result in a deterioration in quality without a corresponding reduction in price. The Department also recognizes that while price and leanness are important beef attributes to consumers, recent surveys still show that quality is the most important consideration for consumers in purchasing beef.

The impacts of reduced time on feed were analyzed using the Department's Food and Agricultural Policy Similator, an interactive economic model of the farm sector that utilizes supply-demand relationships for individual commodities and relationships of how different commodities and products substitute for each other at different price levels. The analysis has projected that if cattle feeders respond by reducing average time on feed, there would be increases in the average production cost per pound of fed beef, reductions in retail supplies of fed beef leading to some retail price increases, and decreases in grain use leading to reductions in grain prices. There would also be some secondary effects on the demand for pork and poultry and on the supplies of trimmed fat for rendering.

The following impacts (1 year following the change) are estimated for the projected response that overall average time on feed would be reduced by 7 days.

• Fed beef production would be down by 1.2 percent leading to a 1.3 percent increase in the retail price index for beef. Production costs per retail pound would be up by at most one cent per pound.

• The retail price index for pork would increase by 0.7 percent. Retail prices for both chicken and turkey would be up by 0.9 percent.

• Corn feed use would be decreased by 0.3 percent and the average farm price for corn would decrease by almost 1.0 percent.

• The Consumer Price Index (CPI) for food would be up by 0.3 percent; there would be no expected change in the overall CPI.

• Gross farm income would increase by 0.3 percent and net farm income would increase by 0.6 percent.

The production costs per pound go up because live weight decreases proportionally faster than direct costs, as feeding time is decreased. Under the projected response, it was estimated that feeders would reduce total feed costs by $217 million. It was also estimated that a 7 day reduction in average time on feed could reduce interest costs by approximately $25 million and other direct costs such as fuel, utilities, and repairs by approximately $60 million. Therefore, with the projected response, total direct costs could be reduced by approximately $300 million. However, at the same time, total live weight would decrease by approximately 470

[1] In dicussing palatability, the term "significantly lower" is used in the statistical sense to indicate that there is no change in the palatability scores at a 95 percent level of confidence.

million pounds, a loss in revenues of over $300 million at an average market price of $.65 per pound.

The analysis does not support a conclusion that reduced time on feed could lead to short term reduction in overall production costs that could be passed on to consumers in terms of lower beef prices. However, it is recognized that in the long term, feeders could feed out more cattle per year with reduced feeding times and spread their fixed costs over a wider base, thereby lowering the overall production costs per pound.

If feeding cattle continues to be unprofitable, feeders may drastically cut back on feeding operations leading to far more significant impacts on retail prices. It is possible that the price increases due to the revisions may help stabilize the fed beef portion of the cattle cycle and help prevent price increases that would otherwise result.

Slaughterers and processors would, most likely, see a decrease in total volume of sales. However, these firms normally see fluctuations due to changes in the profitability of cattle feeding and changes due to the overall cattle cycle. Total commercial cattle slaughter fell by over 21 percent between 1976 and 1979. The proposed revisions in the grade standards would be expected to reduce total carcass weight by only 2.1 percent based on the projected response. Of course, reductions in average size have different cost implications than reductions in the number of head. However, the analysis shows only minor increases (less than one cent per pound) in the slaughter and processing costs per retail pound of beef.

With the projected response, there would be considerable changes in the supplies of fed beef by quality level, graded or not graded. There would be a 13 percent increase in Choice beef, a 72 percent increase in Prime beef and a projected 54 percent decrease in Good beef.

These changes will cause some retailers and other wholesale buyers to change or modify their purchasing programs, their merchandising programs, or both. In recent years, retailers have shown an increased tendency to change or modify merchandising progams for other reasons. Stores apparently can move from a USDA graded program to a house brand program, or vice versa, without major effects. If retailers or wholesalers find they must purchase graded beef, where they previously purchased ungraded or "no roll" beef, the added cost due to the grading service is only a tenth of a cent per pound. The analysis has not attempted to project price differentials between the proposed grade levels. Some retail firms will support the proposal because they recognize a need to produce less wasteful carcasses that require less trimming. Consumer preferences have led to more boneless cuts and more closely trimmed cuts being available in retail stores.

The Department believes that the proposed change can benefit purveyors, restaurants and hotels by identifying a larger category of Prime beef for their customers who they believe are very discriminating and who demand top quality beef.

Again, the analysis has not attempted to predict the relative prices for the proposed Prime, Choice and Good grades. The Department has no analytical model that can project these levels.

In summary, the analysis has shown that, if feasible, it would be better to selectively feed only the overfat cattle for shorter periods of time. There are, however, potential benefits for producers if overall feeding times could be shortened, and if certain types of cattle could qualify for Choice with less marbling. The analysis has not identified any major reason for not changing the standards in order to allow the opportunity for shorter feeding times.

The NCA Alternative

The NCA alternative is conceptually the same as the Department's proposal in the sense that both alternatives would set lower marbling requirements for Prime and Choice beef. The difference is that the NCA alternative would set lower overall requirements for the Choice grade. Under current feeding patterns, the Department's proposal would result in fewer of the current Good carcasses qualifying for the Choice grade. The Department estimates that requirements recommended by the NCA would allow an additional 3 to 4 percent of the current fed-beef production to quality for the Choice grade. Because of the lower marbling requirements for Choice, we would expect that the NCA alternative would result in a slightly larger reduction in average time on feed. However, because of the uncertainty of response, and because of the relatively minor differences between the two alternatives, we have not attempted to project a different response for the NCA alternative.

The NCA alternative provides for a minimum marbling requirement for Choice that is also accompanied by conditional requirements related to fat color and external fat thickness. The Department believes that these conditional requirements would complicate the grading decision process and could lead to increases in both implementation costs and the ongoing costs of providing grading service.

The Department has determined from its analysis of the palatability research that the requirements recommended by the NCA would significantly lower the overall acceptability of Choice beef. Therefore, while the NCA alternative might allow for greater reductions in feeding time, the Department's assessement, somewhat quantitiative, somewhat subjective, is that the potential costs from reduced palatability are too high when compared to the potential benefits from reduced time on feed.

A New Grade Alternative

A new grade alternative appeals to those who desire a second major retail grade as an alternative to Choice. It is estimated that the proposed standards would result in an estimated 74 percent of fed beef qualifying for the Choice grade. If consumers are really looking for leaner beef in terms of less marbling and not just in terms of external fat, than a system where over 85 percent of the product would be Prime or Choice does not identify an adequate amount of an alternative leaner beef.

The new grade alternative would either result in a second major retail grade or it could result in a large volume of ungraded beef, or at least a large increase in the use of house brands. Retailers could decide to use the new grade in both purchasing and merchandising, in purchasing alone, or in neither. If retailers chose to not use a new grade in merchandising, then the potential customer benefits of having an alternative to Choice would be lost. If retailers and other customers do not use a grade in purchasing, the packing industry is not going to request that the product be graded. In a series of informal interviews, retailers have identified several reasons why it is preferable to offer only one line of beef per store. For example, with one grade retailers can offer a wider variety of cuts and packaging. Several retailers have also found that one grade leads to better inventory control, less spoilage and less customer confusion.

The Department has concluded that the new grade concept would cause a major change in the beef marketing system, with high potential costs and unknown benefits. At the current time the Department has no indication that this alternative would result in reduced feeding times. Assuming no change in feeding patterns, the new grade alternative would result in considerable changes in the supplies of fed beef by quality level, graded or not graded. With existing feeding patterns, the Department estimates that the majority of fed beef would qualify for the new grade alternative.

Other Issues

The PRIA also examined several issues in addition to the alternative changes in quality standards. A major issue is whether or not to require that quality grading be accompanied by yield grading.

The Department has strongly supported yield grading as a means of achieving better carcass valuation and improved pricing efficiency. In the 1976 revisions, the Department required that all carcasses graded for quality would also be yield graded. Today large price spreads exist between Yield Grade 3 or better, and Yield Grade 4 or 5 carcasses. However, the premiums paid for Yield Grades 1 and 2 have not increased accordingly. The system has not been totally successful in achieving improved pricing efficiency.

It is unlikely, however, that existing price spreads would be altered significantly if beef were again allowed to be identified for quality grade only. Most large volume beef purchasers recognize the value of yield grades and would probably continue to insist on beef graded Yield Grade 3 or better. From past experience, they would assume that any beef not idenified for yield grade would be in Yield Grades 4 and 5 and would refuse to accept it or would accept it only at a discount. The Department is concerned that a return to the optional use of yield grading might work to the disadvantage of some small volume purchasers who do not have the purchasing power to request yield grading and don't have personnel skilled in carcass evaluation.

There are several arguments for returning the option of having graded beef identified for yield grade to the users of the grading service. There are potential benefits of allowing external fat trimming, which is currently prohibited if the beef is to be yield graded. However, the Department believes the benefits of universal identification of graded beef for yield grade still outweigh these considerations.

The Department's proposal also includes changes in the grades for slaughter cattle. The two major uses of the slaughter cattle standards are for quoting market prices for live cattle, and for grading live cattle delivered to satisfy futures trading contracts. To the extent possible the current grades for slaughter animals conform directly to the grades for carcasses produced from the live animals. The changes now being proposed in the slaughter cattle standards are intended to maintain consistency between the two types of grades. The PRIA does not treat these changes as a separate action with separate impacts.

[FR Doc. 81-37038 Filed 12-29-81; 8:45 am]
BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1421

[Amdt. 3]

Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed

AGENCY: Commodity Credit Corporation, United States Department of Agriculture.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would amend the regulations found at 7 CFR §§ 1421.5551 *et seq.* relating to Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed. The proposed amendment would: (1) require warehousemen wishing to continue their approval under the Uniform Grain Storage Agreement (UGSA) and the Uniform Rice Storage Agreement (URSA) to pay contract fees to Commodity Credit Corporation (CCC) in advance of the annual renewal date to partially defray warehouse examinations and administrative costs incurred by CCC in administering the UGSA and URSA; and (2) require warehousemen requesting initial warehouse approval under the UGSA and URSA to pay contract fees to partially defray CCC's costs in examining and approving such facility.

DATES: Comments must be received on or before February 28, 1982, in order to be assured of consideration.

ADDRESS: Interested persons are invited to send written comments to Paul W. King, Director, Transportation and Storage Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Paul W. King or Tyrus Matsuoka, United States Department of Agriculture, Agricultural Stabilization and Conservation Service, Transportation and Storage Division, P.O. Box 2415, Washington, D.C. 20013; (202) 447-7433.

The Draft Regulatory Impact Analysis describing the options considered is available from the above named individuals.

SUPPLEMENTARY INFORMATION: The proposed rule has been reviewed under USDA procedures established in accordance with Secretary's Memorandum 1512-1 and Executive Order 12291, and has been classified "not major." It has been determined that the provisions of this proposed rule will not result in: (1) an annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, production, innovation, or an ability of United States-based enterprises to compete with foreign enterprises in domestic or export markets.

This action will not have a major impact on area and community development. Therefore, a review as established by OMB Circular A-95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this proposed rule since the CCC is not required by 5 U.S.C. or any other provision of law to publish a notice of rulemaking with respect to the subject matter of the proposed rule.

The Commodity Credit Corporation Charter Act (15 U.S.C. 714) provides authority for CCC to conduct a number of operations to stabilize, support, and protect farm income and prices. Section 4(h) of the CCC Charter Act provides that the Corporation shall not acquire real property in order to provide storage facilities for agricultural commodities, unless CCC determines that private facilities for the storage of such commodities are inadquate.

Further, Section 5 of the CCC Charter Act provides that in carrying out the Corporation's purchasing and selling operations, and in the warehousing, transporting, or handling of agricultural commodities, CCC is directed to use, to the maximum extent practicable, the usual and customary channels, facilities, and arrangements of trade and commerce.

Accordingly, CCC has set forth standards of approval which must be met by warehousemen before CCC will enter into storage agreements with such warehousemen for the storage of agricultural commodities which are owned by CCC or which are serving as collateral for CCC price support loans.

The Omnibus Budget Reconciliation Act of 1981, Public Law 97-35, requires the Secretary of Agriculture or his designee to assess user fees with respect to all warehouses licensed under the United States Warehouse Act. The user fees would be paid by federally licensed warehousemen to the Agricultural Marketing Service (AMS) to defray the costs of (1) warehouse examinations; (2) licenses issued to classify, inspect, grade, sample, or weigh agricultural commodities stored; and (3) warehouse licenses issued, amended, modified, extended, or reinstated. Since CCC contracts with federally licensed warehouses in the conduct of its business and thereby benefits from the services under the United States Warehouse Act, it has been proposed that CCC should pay a portion of the costs of these services.

The major service of AMS used by CCC is the report of periodic examinations of warehouses under the United States Warehouse Act. CCC, for its own protection, also requires the periodic examination of warehouses not licensed under the United States Warehouse Act. Under a proposed agreement with AMS, the warehouseman and CCC will together pay the cost representing user fees as mandated by the Omnibus Budget Reconcilation Act for those warehouses which are licensed under the United States Warehouse Act but which also have Uniform Grain or Rice Storage Agreements.

CCC now pays a portion of the costs incurred in the examinations of warehouses which are performed by States under Federal/State Cooperative Agreements. In addition, CCC now pays AMS all of the examination costs for those warehouses which have UGSA/URSAs but which are not federally licensed or licensed in States having Federal/State Cooperative Agreements. As a result of the assessment by AMS of user fees, the difference in costs among the three groups of warehouses under contract with CCC, which are specified above, could result in some warehouses withdrawing from the United States Warehouse Act program without any subsequent loss of their ability to

remain on the list of CCC approved warehouses. Since CCC now pays 100 percent of the costs of examining warehouses operating under the UGSA or URSA, such warehousemen could withdraw from the United States Warehouse Act program and still receive the advantages of AMS examinations with CCC paying all of the costs of such examinations.

Since other warehouse customers derive an indirect benefit from CCC's examination of UGSA and URSA warehouses, it is proposed that CCC, effective July 1, 1982, pay only a portion of the total costs of that examination under the UGSA and URSA. The remaining costs of examining UGSA and URSA warehouses would be obtained from the collection of contract fees from the warehousemen. Contract fees for UGSA and URSA warehouses would be based on the same formula as the formula used to assess fees for federally licensed warehouses. This proposal would establish parity between federally licensed warehouses and warehouses approved under the UGSA and URSA and distribute administrative costs more equitably.

Proposed Rule

Accordingly, it is proposed to amend Subpart—Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed of Part 1421, Title 7 of the Code of Federal Regulations as follows:

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1. The authority citation for such subpart, Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed, reads as follows:

Authority: Secs. 4 and 5, 62 Stat., 1070, as amended (15 U.S.C. 714).

2. Section 1421.5558 is added to read as follows:

§ 1421.5558 Contract fees.

For each warehouse with a Uniform Grain Storage Agreement or Uniform Rice Storage Agreement which is not licensed under the U.S. Warehouse Act or which is not licensed by a State having a Federal/State Cooperative Agreement for examination of warehouses for Commodity Credit Corporation:

(a) There shall be charged to and collected from the warehouseman for each warehouse approved under the Uniform Grain Storage Agreement and the Uniform Rice Storage Agreement an annual contract fee in accordance with the schedule in paragraph (c) of this section;

(b) There shall be charged to and collected from the warehouseman for each warehouse requesting approval under the Uniform Grain Storage Agreement and Uniform Rice Storage Agreement an initial contract fee in accordance with the schedule in paragraph (c) of this section;

(c) Contract fees collected from warehouses under this section shall be in accordance with the following schedule:

Grain capacity (bushels)	Annual contract fees (dollars)
1 to 150,000	$250
150,001 to 250,000	350
250,001 to 500,000	450
500,001 to 750,000	550
750,001 to 1,000,000	650
1,000,001 to 1,200,000	750
1,200,001 to 1,500,000	850
1,500,001 to 2,000,000	950
2,000,001 to 2,500,000	1,050
2,500,001 to 5,000,000	1,150
5,000,001+	1,250

Signed at Washington, D.C., on December 23, 1981.

Clarence L. Tardy,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-37449 Filed 12-29-81; 8:45 am]

BILLING CODE 3410-05-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 545

[No. 81-799]

Savings Account Activity Charges and Small Accounts

Dated: December 17, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: These proposed amendments would eliminate existing rules which prohibit Federal savings and loan associations from imposing charges in connection with opening or maintaining savings accounts. The proposed amendments would also eliminate the $50 ceiling for the maximum size of non-interest bearing small accounts offered by Federal Associations. The proposed changes are intended to give associations greater flexibility in structuring classes of accounts, and to provide parity with commercial bank practices.

COMMENTS MUST BE RECEIVED BY: January 29, 1982.

ADDRESS: Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT: David J. Bristol (202-377-6461).

SUPPLEMENTARY INFORMATION: Pursuant to its continuing goal of relieving Federal savings and loan associations of unnecessary regulatory constraints, the Board is proposing to eliminate certain provisions of 12 CFR 545.1 which prohibit Federal associations from charging any fees for becoming, remaining, or ceasing to be a holder of an account, and adopt a new provision expressly authorizing imposition of such fees. The Board is also proposing to amend 12 CFR 545.3(g) to eliminate the $50 ceiling for the maximum size of small accounts on which interest need not be paid.

The Board believes that allowing Federal associations to impose charges in connection with savings accounts will provide management with increased flexibility and a tool for developing different classes of accounts pursuant to 12 CFR 545.1-1(a)(1). By developing classes of accounts, associations will be able to encourage the size and type of accounts that will be profitable and provide substantial funds for lending. For similar reasons, the Board is proposing to amend § 545.3(g) to allow the management of each Federal association to set the minimum size for interest-bearing accounts. Federal banking agencies impose no similar prohibitions upon institutions subject to their jurisdiction, and therefore these proposed amendments would give Federal associations parity with commercial banks in encouraging or discouraging various types of savings accounts. Finally, as disclosure is currently required with respect to RSU and NOW account transactions, any Federal association imposing charges in connection with a savings account would be required to satisfy the disclosure requirements for such charges set forth in 12 CFR 563.3.

Regulatory Flexibility Act Certification

Pursuant to section 3 of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164 (September 19, 1980), the Board certifies that the proposed amendments, if promulgated, would not have a significant economic impact on a substantial number of small entities. The proposed regulations would reduce a number of existing restrictions on the issuance of savings accounts and give institutions greater flexibility in designing such accounts. The Board believes that increased flexibility will benefit institutions but does not believe that the amendments will have a significant economic impact on small institutions.

PART 545—OPERATIONS

Accordingly, the Federal Home Loan Bank Board proposes to amend Part 545, Subchapter C, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

1. Section 545.1 is amended by removing paragraph (c), and by revising paragraph (b) to read as follows:

§ 545.1 Savings accounts.

* * * * *

(b) *Fees.* As permitted by the rules for any class of accounts, an association may charge fees in connection with the administration of such accounts.

2. Revise paragraph (g) of § 545.3, to read as follows:

§ 545.3 Time and manner of distribution.

* * * * *

(g) *Small accounts.* An association may, by resolution of its board of directors, determine not to distribute earnings on any savings account of less than a specified minimum amount. An association may also so specify a lower minimum amount for accounts established under a plan offered by the association to children to encourage thrift.

* * * * *

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464), Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-37085 Filed 12-29-81; 8:45 am]

BILLING CODE 6720-01-M

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12 CFR Parts 545, 555, and 563

[No. 81-798]

Amendments on Negotiable and Other Certificates of Deposit, Eurodollar Deposits, and Savings Account Loans

Dated: December 17, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed amendments.

SUMMARY: The Board is proposing to reduce current restrictions on savings accounts by: (1) permitting savings accounts with fixed terms ("certificate accounts") to be evidenced by negotiable instruments regardless of denomination; (2) permitting the issuance of certificate accounts for terms of more than 10 years; (3) permitting the issuance of Eurodollar certificates subject only to the term and minimum denomination requirements for certificate accounts generally; and (4) permitting "loophole" certificate accounts without limitation. The proposed amendments would give savings and loan associations with accounts insured by the Federal Savings and Loan Insurance Corporation ("FSLIC") greater flexibility in designing certificate accounts to meet the needs of the institution, its customers and the financial marketplace.

COMMENTS MUST BE RECEIVED BY: January 29, 1982.

ADDRESS: Send comments to Information Services, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Peter M. Barnett (202-377-6445), Office of General Counsel, at the above address.

SUPPLEMENTARY INFORMATION:

Negotiable Certificates of Deposit

Board regulations governing certificate accounts (12 CFR 545.1-1, 545.1-3, 563.3-1) generally prohibit the issuance of any certificate account evidenced by a negotiable instrument. Exceptions to the prohibition are provided for "marketable" certificates of deposit and Eurodollar certificates issued by Federal savings and loan associations (12 CFR 545.1-5, 545.24-4) and for certificate accounts specifically approved by the Board and "marketable" certificates of deposit issued by other insured institutions (12 CFR 563.3-2, 563.3-3). "Marketable" certificates of deposit and negotiable Eurodollar certificates must be issued in minimum denominations of $100,000 or more.

The Board believe that negotiability may offer important benefits for both insured institutions and their customers by providing an alternative to withdrawal prior to the maturity of a certificate account and the imposition of a penalty for early withdrawal. For institutions, negotiability as an alternative to early withdrawal can provide certainty as to the term of a deposit, thus permitting more effective asset/liability management. For savers, negotiability can provide increased liquidity for certificate accounts and the opportunity to realize capital gains if interest rates decline subsequent to the purchase of a certificate. In addition, title II of the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221, 94 Stat. 136 (March 31, 1980)) has charged the Depository Institutions Deregulation Committee with removing limitations on rates paid on savings accounts. Since commercial banks are not restricted in issuing negotiable certificates, the Board desires to give insured institutions full flexibility to compete with other depository institutions as deregulation of savings accounts unfolds.

Therefore, the Board is proposing to amend §§ 545.1-1, 545.1-3 and 563.3-1 to permit institutions to issue certificate accounts evidenced by negotiable instruments regardless of denomination. These amendments obviate the need for special regulations governing "marketable" certificates of deposit (§§ 545.1-4 and 563.3-3), and the proposal would rescind those regulations. The proposal would permit negotiable certificates of deposit to be issued pursuant to regulations governing certificate accounts generally, subject only to the requirement that the opinion of counsel to be filed with the FSLIC along with the certificate form must state expressly that the certificate would constitute a negotiable instrument pursuant to applicable law.

Institutions should note that negotiable certificates would be subject to the limitations on the maximum rate of return of 12 CFR Parts 526 and 1204. In addition, negotiable certificates with an original maturity of less than four years would be subject to the reserve requirements of 12 CFR Part 204 (Regulation D) issued by the Board of Governors of the Federal Reserve System. Lastly, it should be noted that the proposal would eliminate the express authorization contained in §§ 545.1-4 and 563.3-3 permitting institutions to use commercial banks with accounts insured by the Federal Deposit Insurance Corporation to sign and deliver certificate accounts and to collect and transmit funds. Because the regulations applicable to savings account brokerage generally (12 CFR 563.25, 1204.110) apply to all types of certificate accounts, restatement of those provisions of §§ 545.1-4 and 563.3-3 is unnecessary.

Maximum Term of Savings Accounts

Existing regulations (12 CFR 545.1-1, 545.1-3, 563.3-1, 563.3-2) provide that the term of a certificate account shall not exceed 10 years. Since the Board desires to give institutions maximum flexibility in designing certificate accounts, the Board is proposing to eliminate the 10-year limit on their maximum term.

Eurodollar Deposits

The existing regulation (12 CFR 545.24-4) governing the issuance of Eurodollar certificates by Federal associations requires a minimum denomination of $100,000 for certificates

and $10,000 for participations and a minimum maturity of five years. The regulation permits collateralization of Eurodollar certificates only if the aggregate amount of all association assets securing deposits and outside borrowings does not exceed 20 percent of total association assets. Since the Board desires to grant institutions full flexibility in designing certificate accounts, including Eurodollar certificates, the proposed amendments would eliminate the minimum denomination and maturity requirements and make these certificates subject only to the denomination and maturity requirements generally applicable to certificate accounts. Thus, the minimum term for certificates of $100,000 or more would be 14 days and for certificates of less than $100,000 would be 90 days. There would be no maximum maturity and no minimum denomination requirements for either certificates or participations.

The Board also is proposing to conform the FSLIC right to purchase collateral securing Eurodollar certificates to recently proposed changes in the FSLIC right of purchase for secured outside borrowings. *See* Board Resolution No. 81-640 (October 20, 1981); 46 FR 53673 (October 30, 1981). Thus, the FSLIC right of purchase would apply to any secured Eurodollar certificate regardless of the term of the certificate or type of collateral pledged. The collateral pool would be subject to sale or other disposition on behalf of a certificate holder only after the FSLIC received written notice of default and did not exercise its right to purchase the collateral at the proposed sale price. The FSLIC would have 7 days to exercise its right of purchase for any collateral consisting of liquid assets pursuant to 12 CFR 523.10, Government National Mortgage Association guaranteed single-family mortgage-backed securities, or U.S. Department of the Treasury securities; and 30 days to exercise its right to purchase for any other collateral.

Lastly, the Board is proposing to simplify the requirements of the Eurodollar deposit regulation designed to ensure that the certificates are not issued to citizens or residents of the United States, its territories or possessions. All of the certification requirements would be restated in a more succinct form, and the written confirmation to be delivered by underwriters to purchasers would be eliminated.

Savings Account Loans

The Board ruling found at 12 CFR 555.7 (1981) provides that a savings account with a sufficient balance must be in existence before a Federal association may make a loan on the security of that savings account, and that no part of the proceeds of the loan may be used as collateral for the loan. This ruling was based upon the previously limited authority of associations pursuant to the Home Owners' Loan Act of 1933, as amended ("HOLA"), to lend their funds only on the security of shares or on the security of first liens. Subsequently, the Board has authorized associations to raise capital in the form of savings deposits and the HOLA has been amended to expand the lending authority of Federal associations to include expressly loans on all savings accounts. Because of these subsequent developments, the Board has determined that the ruling on savings account loans no longer implements a statutory directive but instead limits the ability of Federal associations to compete with other depository institutions in offering "loophole" certificates. "Loophole" certificates are accounts for which the institution lends the depositor part of the funds necessary to meet minimum deposit requirements. Accordingly, the Board is proposing to rescind § 555.7. This action would permit Federal associations to issue savings accounts funded by the proceeds of a loan secured by the account without limit. Institutions should note, however, that the requirement of 12 CFR 526.2 that the rate of interest on a loan secured by a savings account be equal to at least one percent per year more than the rate of return on the account applies to loophole certificates, and that the penalty on early withdrawal of a loophole certificate is applied to the entire amount of the certificate.

Other Amendments

The Board also desires to make other simplifying and clarifying amendments to its regulations governing savings accounts, as described below:

1. The proposal would restate the filing requirements for Board approval of savings account forms in §§ 545.2 and 563.1. The restatement clarifies that filing is made with the Board's Principal Supervisory Agent (the President of the Federal Home Loan Bank of which the institution is a member) and simplifies current procedure by providing that after 30 days an institution may use the form unless the Principal Supervisory Agent has given written notice of objection to the form.

2. Current regulations permit institutions to pay interest in the form of a discount only in the case of certificates exempt from interest-rate ceilings. Upon consideration, the Board has determined that this restriction is unnecessary as long as the rate of return on a discounted certificate account does not exceed the rates permitted pursuant to 12 CFR Parts 526 and 1204. Therefore, the proposal would eliminate the current restriction on payment of interest in the form of a discount.

3. The proposal would eliminate the current prohibition of redemption provisions in the certificate accounts of insured institutions and provide for disclosure of such provisions.

4. The proposal restates § 563.31 ("Other insurance or guaranty") of the Insurance Regulations to clarify the rules contained therein. The proposed restatement would not affect the substance of § 563.31 as it has been interpreted by opinions of the Office of General Counsel.

5. The proposal would eliminate the requirement currently found in § 545.2 that a Federal association secure and retain signature cards for the owners of savings accounts. The Board believes that associations will use prudent methods of identifying accountholders and that the signature care requirement is unnecessary.

6. Lastly, the proposal would correct an ambiguity that occurred when the Federal Regulations were simplified in July of 1979. At that time the "marketable" certificate regulation was moved from § 545.1-5 to § 545.1-4. However, in the *Code of Federal Regulations* the regulation continues to be published at § 545.1-5 as well as § 545.1-4. The proposal would move the Eurodollar deposit regulation to § 545.1-4 and rescind § 545.1-5.

Regulatory Flexibility Act Certification

Pursuant to section 3 of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164 (September 19, 1980), the Board certifies that the proposed amendments, if promulgated, would not have a significant economic impact on a substantial number of small entities. The proposed regulations would reduce a number of existing restrictions on the issuance of certificate accounts and give institutions greater flexibility in designing such accounts. The Board believes that increased flexibility will benefit institutions but does not believe that the amendments will have a significant economic impact on institutions.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend

Parts 545 and 555 of Subchapter C and Part 563 of Subchapter D, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

1. Revise paragraph (f) of § 545.1–1 to read as follows:

§ 545.1–1 Rates of return on savings accounts.

* * * * *

(f) *Certificate accounts.* A Federal association's board of directors may authorize a certificate account to receive a rate of return higher than the regular rate but not exceeding the applicable maximum rate of return prescribed for certificate accounts in Part 526 of this chapter. Such account shall be maintained at not less than the applicable minimum amount required by that part for a continuous period, determined by the association, of at least: (1) 90 days or (2) 14 days for a public unit account as defined in § 526.1(m) or an account of $100,000 (50,000 if the association's home office is in Puerto Rico) or more. The certificate shall be in a form determined by the association's board of directors, set forth in the board's minutes, together with the date after which, and the class of savings for which, the form will be used. The certificate shall comply with the requirements of § 545.2 and provide for penalties for early withdrawal prescribed in § 545.4. Any part of a savings account meeting the amount requirement prescribed by the association under this paragraph may, at the holder's request, be exchanged for one or more certificates, and the association may, at the time of such exchange or on the next regular distribution date, distribute any undistributed earnings and any applicable bonus on the savings account, or part thereof, so exchanged.

* * * * *

2. Amend § 545.1–3 by removing paragraph (d) and revising paragraphs (b) and (c) to read as follows:

§ 545.1–3 Fixed-term savings deposits.

* * * * *

(b) *Payment of interest.* Subject to the provisions of Part 526 of this Chapter, a deposit association may pay interest at the rate determined by the association at the time that the deposit is accepted in accordance with § 545.3 of this Part. The annual rate of return paid on a savings deposit either may be fixed at the time the deposit is accepted or may vary according to a schedule, index or formula specified at the time the deposit is accepted. The term of such savings deposits shall be at least (i) 90 days or (ii) 14 days for a public unit account as defined in § 526.1(m) or an account of $100,000 ($50,000 if the association's home office is in Puerto Rico) or more.

(c) *Form of account.* Fixed-term savings deposits may be issued in the form of a passbook or certificate as determined by the association's board of directors: *provided*, that the form of account makes the disclosures required pursuant to § 545.2 of this Part.

3. Revise § 545.1–4 to read as follows:

§ 545.1–4 Eurodollar deposits.

(a) *Definitions.* As used in this section:

(1) "Eurodollar certificate" means a certificate of deposit, denominated in United States dollars, evidencing a Eurodollar deposit;

(2) "Eurodollar deposit" means a deposit by a person who is not a United States person;

(3) "United States person" means any national or resident of the United States of America, its territories and possessions, including any corporation, trust, estate, or other entity organized under the laws thereof or of any political subdivision thereof; and

(4) "Participation" means an interest or participation in a Eurodollar certificate.

(b) *General.* A Federal association may issue Eurodollar certificates in conformity with this section and § 545.1–1 or § 545.1–3 of this Part. Eurodollar certificates shall be insured pursuant to Part 564 of this Chapter: *provided*, that participations in Eurodollar certificates shall not be separately insured.

(c) *Collateralization of certificates.* Notwithstanding the provisions of §§ 545.24 and 545.1–2 of this Part, an association which is a deposit association as defined in § 545.1–2 of this Part may give security for Eurodollar deposits. For any secured Eurodollar certificate, the terms of the certificate shall provide that the Federal Savings and Loan Insurance Corporation shall receive prompt written notification of any default on the obligation and, before a sale or other disposition of any portion of the collateral, that the Corporation shall have thirty days after written receipt of notice of the proposed sale or other disposition to exercise a right to repurchase the collateral at the price to be paid at the sale or to acquire the collateral at the value to be assigned to it in such other disposition: *provided* that, if the collateral consists of liquid assets as defined in § 523.10 of this Chapter, Government National Mortgage Association guaranteed single-family mortgage-backed securities or U.S. Department of the Treasury securities, the Corporation shall have seven days to exercise the rights granted in this paragraph (c).

(d) *Requirements as to distribution.* (1) In exercising authority under this section, an association shall require an undertaking in writing from each purchaser of a Eurodollar certificate or participation therein to the effect that:

(i) If the purchaser is not a dealer, he will not offer, sell or deliver such Eurodollar certificate(s) or participations therein directly or indirectly in the United States of America or its territories or possessions or to nationals or residents thereof, including any corporation, trust, estate or other entity organized under the laws thereof or of any political subdivision thereof; or

(ii) If the purchaser is a dealer, he has not offered, sold or delivered, and agrees that he will not offer, sell or deliver, any such Eurodollar certificate(s) or participations therein directly or indirectly in the United States of America or its territories or possessions or to nationals or residents thereof and he is not purchasing any such Eurodollar certificate(s) or participations therein for the account of any such nationals or residents. Further, if the purchaser is a dealer, he shall agree that he will require the undertaking required by paragraph (d)(1)(i) of this section on any sales of the Eurodollar certificate(s) or participations therein and that he will inform the issuing association promptly if any beneficial ownership by a United States person comes to his attention.

(2) Upon completion of the distribution of any Eurodollar certificates or participations therein, the lead or managing underwriter shall deliver to the issuing association a certification as to the sale stating that to the knowledge of the underwriter no beneficial owner or owners of the Eurodollar certificate(s) or participations therein is a United States person; and, further, that the underwriter has not knowingly sold or offered for sale and will not sell or offer for sale, the Eurodollar certificate(s) or participations therein to any United States person.

(3) To the extent that beneficial ownership of a Eurodollar certificate or participation therein is acquired by a United States person, the return payable thereon will be the maximum permissible rate of return payable on a regular account from the time ownership is acquired by the United States person.

The issuing association shall take the necessary and appropriate action to ensure that the interest paid on a Eurodollar certificate, or that portion of a Eurodollar certificate attributable to a participation, beneficially owned by a United States person, is at the maximum permissible rate of return payable on a regular account of the issuing association.

(4) Upon issuance of any certificate under this section, the issuing association shall provide to the Board such information as the Board's Office of General Counsel and Office of Policy and Economic Research deem necessary for the Board to effectively monitor the use of the authority provided by this section.

(e) *Requirements as to certificates.* Each Eurodollar certificate and participation, including a temporary Eurodollar certificate or participation, shall bear on its face, in boldface type, a legend substantially in the following form:

This Eurodollar certificate has been issued pursuant to a regulation of the Federal Home Loan Bank Board, an agency of the United States government, which requires that the Eurodollar certificate be sold and interest at the amount stated hereon paid, only to purchasers who are not United States nationals or residents, and may not be directly or indirectly offered or sold in the United States of America, its territories or possessions, or to persons who are nationals or residents therof.

(f) *Requirements as to coupons.* Each coupon attached to a Eurodollar certificate or participation shall bear a legend substantially in the following form:

To the extent that beneficial ownership of the Eurodollar certificate or the participation therein to which this coupon appertains is acquired by a United States national or resident of the United States of America or its territories and possessions, including any corporation or other entity organized under the laws thereof or any political subdivision thereof, the return payable thereon will be the maximum permissible rate of return payable on a regular account of the association.

(g) *Pooling of certificates.* Notwithstanding the provisions of § 531.11 of this Chapter, a Federal association may engage in pooling or participate in pooling funds, or soliciting or promoting pooled accounts in connection with the issuance of a Eurodollar certificate in conformity with this section.

§ 545.1–5 [Removed]

4. Section 545.1–5 is removed.

5. Revise § 545.2 to read as follows:

§ 545.2 Evidence of account.

(a) *Evidence of account.* At the time of opening a savings account, a Federal association shall issue to the accountholder evidence of the accountholder's interest of the account and written evidence of the terms of the account contract. No form of account shall be issued without compliance with the requirements of paragraph (b) of this section.

(b) *Filing.* Prior to issuing any form of saving account, an association shall file with the Board (1) the form of account and (2) an opinion of its legal counsel that the form complies with the requirements of applicable law and regulations and the association's charter and bylaws. If the account is issued in negotiable instrument form, the opinion must state expressly that the form so qualifies under applicable law. Filing shall be made by delivering a copy of the form and legal opinion to the Board's Principal Supervisory Agent (as defined in § 545.14(a)(3) of this Part). The association may issue accounts in the form filed on the earlier of (i) the receipt by the association of written notice from the Principal Supervisory Agent that it has no objection to the form or (ii) 30 days after filing the form and opinion as evidenced by return receipt for certified or registered mail without receipt of written notice from the Principal Supervisory Agent that he has objection to the form. The association shall retain a copy of the legal opinion required by this paragraph for as long as accounts in that form are outstanding. The requirements of this paragraph shall not apply if an association issues a form of savings account that has been approved by the Board for use by Federal associations.

(c) *Disclosure.* Each certificate evidencing a fixed-term savings deposit authorized under § 545.1–3 of this Part or a certificate account authorized under § 545.1–1(f) of this Part, whether incorporated in an account book or printed as a separate certificate, shall display in easily-read type:

(1) The rate or anticipated rate of earnings to be paid, the basis, frequency, extent and limits of any variation in the rate over the term of the account, and the dates or frequency at which earnings are distributable;

(2) The amount of the account and the date on which it is issued;

(3) The minimum term (or for a savings deposit, the term) and minimum-balance requirement;

(4) Any provisions limiting the right of the holder to withdraw all or any portion of the account prior to its maturity;

(5) The penalty or penalties for withdrawal prior to expiration of the term;

(6) Any provision relating to redemption, repurchase or acceleration;

(7) Any provision relating to renewal when the term expires;

(8) Any provision relating to earnings after expiration of the term or any renewal period; and

(9) A provision converting the rate of return on the deposit, whenever the minimum balance may cease to be met, to the maximum return on a regular savings deposit.

(d) *Ownership of record.*—(1) *General rule.* Savings accounts of a Federal association shall be transferable only on the association's books on proper application by the transferee and acceptance of the transferee as a member on terms approved by the board of directors. An association may treat the holder of record of a savings account as the owner, regardless of any notice to the contrary, until the savings account is transferred on the association's books.

(2) *Exception.* Subparagraph (d)(1) of this section notwithstanding, an association may issue negotiable certificates in bearer form without recording ownership on the books of the association: *provided,* that the association's charter provisions regarding membership and voting shall not apply to such certificates.

(e) *Duplicate evidence of account.* Except for accounts issued in negotiable instrument form, an association shall issue a new evidence of account in the name of the holder of record, if the holder of record, or the legal representative of the holder, files an affidavit with the association that the accountholder's evidence of account was lost or destroyed, and that no part of the account has been pledged or assigned. The association's board of directors may require bond sufficient to indemnify the association against any loss that might result from issuance of the new evidence of account.

§ 545.24–4 [Removed]

6. Section 545.24—4 is removed.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

7. Revise § 563.1 to read as follows:

§ 563.1 Form of account.

(a) *Submission for approval.* At the time of the application for insurance, every applicant (except a Federal savings and loan association) shall submit to the Corporation for approval copies of all savings account, checking

account, share, membership, stock and demand or time deposit certificates, passbooks, and other forms of investment contracts proposed to be issued by the applicant as an insured institution. An applicant also shall submit for approval its charter, constitution, and bylaws, and all amendments thereto, affecting its securities and investment contracts. No insured institution (except a Federal savings and loan association) shall issue any form of checking or savings accounts, share, stock, membership or deposit certificates, passbooks, or other investment contract unless it has complied with the requirements of paragraph (b) of this section; but this approval requirement shall not apply with regard to forms for NOW accounts. Any insured institution which amends its charter, constitution, or bylaws affecting its securities or investment contracts shall promptly transmit such amendments to the Corporation for approval. Except with the written approval of the Corporation, no insured institution may issue or have outstanding any class of insured account having preference, whether as to time or amount in the event of liquidation, over any other class of insured account: *provided* that, where there may be a change from one type of account to another, a reasonable time, to be determined by the Corporation, may be allowed to effect such change. Each insured institution shall cause a true copy of its charter and bylaws and all amendments thereto to be available to members at all times in each office of the institution, and shall upon request deliver to any member a copy of such charter, constitution, bylaws, and amendments.

(b) *Filing.* Prior to issuing any form of savings account, an insured institution shall file with the Corporation (1) the form of account and (2) an opinion of its legal counsel that the form complies with the requirements of applicable law and regulations and the institution's charter and bylaws. If the account is issued in negotiable instrument form, the opinion must state expressly that the form so qualifies under applicable law. Filing shall be made by delivering a copy of the form and legal opinion to the Corporation's Principal Supervisory Agent (as defined in § 545.14(a)(3) of this Chapter). The institution may issue accounts in the form filed on the earlier of (i) the receipt by the institution of written notice from the Principal Supervisory Agent that he has no objection to the form or (ii) 30 days after filing the form and opinion as evidenced by return receipt for certified or registered mail without receipt of written notice from the Principal Supervisory Agent that he has objection to the form. The institution shall retain a copy of the opinion for as long as accounts in that form are outstanding. The requirements of this paragraph shall not apply if an institution issues a form of savings deposit that has been approved by the Corporation for use by insured institutions.

8. Amend § 563.3–1 by Revising paragraphs (c) and (d) to read as follows:

§ 563.3–1 Fixed-term accounts (certificate accounts).

* * * * *

(c) *Limitations.* In issuing certificate accounts, no institution shall:

(1) Provide for the payment of interest or the distribution of earnings on any certificate account in excess of the applicable maximum rate of return prescribed in Part 526 of this Chapter;

(2) Accept any fixed-term account of less than $100,000 for a term of less than 90 days (14 days for a public unit account as defined in §526.1(m) of this Chapter);

(3) Accept any fixed-term account of $100,000 or more for a term of less than 14 days;

(4) Provide for withdrawal from any certificate account prior to the expiration of its term, except as provided in paragraph (f) of this section; or

(5) Issue any form of certificate account, unless the institution has complied with the requirements of § 563.1 of this Part.

(d) *Disclosure.* Each certificate account shall include in its provisions and display in easily-read type:

(1) The rate or anticipated rate of earnings to be paid, the basis, frequency, extent and limits of any variation in the rate over the term of the account, and the dates or frequency at which earnings are distributable;

(2) The amount of the account and the date on which it is issued;

(3) The minimum term (or for a savings deposit, the term) and minimum-balance requirement;

(4) Any provisions limiting the right of the holder to withdraw all or any portion of the account prior to its maturity;

(5) The penalty or penalties for withdrawal prior to expiration of the term;

(6) Any provision relating to redemption, repurchase or acceleration;

(7) Any provisions relating to a renewal when the term expires;

(8) Any provisions relating to earning after expiration of the term or any renewal period; and

(9) A provision covering the rate of return on the certificate account, whenever the minimum balance requirement may cease to be met, to the maximum return on a regular account as defined in § 526.1(d) of this Chapter.

9. Amend § 563.3–2 by revising subparagraphs (b)(3)(i) and (b)(4), to read as follows:

§ 563.3–2 Certificates evidencing other accounts.

* * * * *

(b) *Limitations.* * * *

(3)(i) Issue any certificate account of less than $100,000 with a term of less than 90 days (14 days for a public unit account as defined in § 526.1(m) of this Chapter), or (ii) issue any certificate account of $100,000 or more with a term of less than 14 days;

* * * * *

(4) Issue any form of certificate under this section, unless the institution has complied with the requirements of § 563.1 of this Part; or

* * * * *

§ 563.3–3 [Removed]

10. Section 563.3–3 is removed.

11. Revise § 563.31 to read as follows:

§ 563.31 Other insurance or guaranty.

(a) *General rule.* An insured institution shall not acquire any insurance or guaranty of all or any part of the accounts of such insured institution in addition to the insurance provided by title IV of the National Housing Act. As used in this section, the term "accounts" shall have the same meaning as the term "withdrawable or repurchaseable shares, investment certificates, or deposits" where used in subsection (a) of section 405 of the National Housing Act, except that the term "accounts" shall not include borrowings.

(b) *Exceptions.* Paragraph (a) of this section notwithstanding:

(1) A Federal savings and loan association may acquire bond or security pursuant to § 545.24–2 of this Chapter; and

(2) To the extent that it has legal power to do so, an insured institution that is not a Federal association may acquire bond or security in conformity with § 545.24–2 as if such institution were a Federal deposit association as defined in § 545.1–2 of this Chapter.

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); secs. 402, 403, 48 Stat. 1256, 1257, as amended (12 U.S.C. 1725, 1726); Reorg. Plan

No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81–37086 Filed 12–29–81; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Geological Survey

30 CFR Part 211

43 CFR Part 3400

Public Information Briefings on Proposed Rulemaking on Federal Coal Management Program

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public information briefings.

SUMMARY: Proposed rulemakings by the Bureau of Land Management and by the Geological Survey were published in the **Federal Register** on December 16, 1981 (46 FR 61390, 61424). The proposed rulemakings, which make revisions in the Federal coal leasing program appear at 43 CFR Part 3400 and 30 CFR Part 211, are coordinated and cross-referenced. The public information briefings announced in this notice are designed to provide the public with information on the proposed rulemakings and to provide the public with a forum where they may discuss the proposed rulemaking with the staffs of the Bureau of Land Management and the Geological Survey. It is hoped that these discussions will aid the public in the formulation of their comments on the proposed rulemakings. The comment period on the proposed rulemakings closes on February 16, 1982.

DATES: Briefings to be held January 11, 13, and 15, 1982 at 2:00 p.m. and 7:00 p.m.

ADDRESSES: The public information briefings on the proposed rulemakings are schedule to be held in the following locations:

Salt Lake City, Utah, Salt Palace, Room 220—Monday, January 11, 1982, 2:00 p.m. and 7:00 p.m.

Casper, Wyoming, Ramada Inn—Wednesday, January 13, 1982, 2:00 p.m. and 7:00 p.m.

Farmington, New Mexico, Farmington Civic Center, Room C, 200 West Arrington—Friday, January 15, 1982, 2:00 p.m. and 7:00 p.m.

FOR FURTHER INFORMATION CONTACT:

James W. Monroe, Bureau of Land Management (130), 1800 C Street, NW., Washington, D.C. 20240, (202) 343–9435, or

Monte Jordan, Bureau of Land Management (540), 1800 C Street, NW., Washington, D.C. 20240, (202) 343–4636

James M. Parker,

Acting Director.

December 24, 1981.

[FR Doc. 81–37142 Filed 12–29–81; 8:45 am]

BILLING CODE 4310–84–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Docket No. AH036VA; A–3–FRL–1995–2]

State of Virginia; Proposed Revision of the Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Commonwealth of Virginia has submitted a revision to the Virginia State Implementation Plan (SIP). This revision is intended to meet the newly promulgated SIP requirements at 40 CFR 51.18(j) (45 FR 52676, August 7, 1980) for new source review for nonattainment purposes. This is a substantive revision of the Virginia Regulations for the Control and Abatement of Air Pollution.

DATE: Comments must be submitted on or before January 29, 1982.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Media & Energy Branch, Curtis Building, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Ms. Carol D. Peters

Virginia State Air Pollution Control Board, Room 801, Ninth Street Office Building, Richmond, Virginia 23219, Attn: Mr. John M. Daniel, Jr.

Public Information Reference Unit, EPA Library, Room 2922, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

All comments on the proposed revision submitted on or before January 29, 1982 will be considered and should be submitted to Mr. James E. Sydnor at the EPA Region III address stated above.

FOR FURTHER INFORMATION CONTACT:

Ms. Carol D. Peters at the Region III address stated above or call 215/597–9139.

SUPPLEMENTARY INFORMATION: On August 18, 1981 the Commonwealth of Virginia submitted a revision to the Virginia (SIP). This revision consists of the relocation of the new source review provisions for major stationary sources locating in nonattainment areas from Part II, General Provisions, to Part VIII, Permits—Major Stationary Sources and Major Modification, Prevention of Significant Deterioration Areas or Nonattainment Areas, of the Regulations for the Control and Abatement of Air Pollution. The provisions that are being relocated are also undergoing substantive modifications. Amendments are also included to Part I, Definitions, Part IV, Rule EX–4 Emission Standards for Particulate Emissions from Manufacturing Operations and Rule NS–4 Standards of Performance for Stationary Sources, and Part V, Special Provisions, as necessary to facilitate the above relocation. The revision is intended to meet the newly promulgated SIP requirements at 40 CFR 51.18(j), for new source review for nonattainment purposes.

The Commonwealth provided proof that after adequate public notice, public hearings were held with regard to these amendments. These hearings were held in accordance with the public hearing and notice requirements of 40 CFR 51.4 and all relevant State procedural requirements.

I. Part V Regulations

The Commonwealth of Virginia has requested that Part V be considered as part of the SIP because of recent additions to Part V. In the past, EPA had considered it for informational purposes only. Part V was first submitted August 14, 1975. Amendments to Part V were submitted October 20, 1976, September 20, 1978, September 6, 1979, September 21, 1979 and August 18, 1981.

Part V consists of Special Provisions, Standards of Performance for Visible Emissions and Fugitive Dust/Emissions (Rule NS–1), Standards of Performance for Odorous Emissions (Rule NS–2), Environmental Protection Agency Standards of Performance for New Stationary Sources (Rule NS–3), and Standards of Performance for Stationary Sources (Rule NS–4). EPA does not govern odorous emissions, and therefore will not act upon Rule NS–2. EPA delegated the authority for the Standards of Performance for New Stationary Sources (NSPS) to the Commonwealth of Virginia on December 30, 1975. The delegation was announced in the **Federal Register** on February 26, 1976 (41 FR 8346). Therefore, it is not necessary for EPA to act upon Rule NS–

3. In many cases, the Commonwealth has submitted amendments to the same regulations in Part V at different times over the past several years. In these instances, only the most recent version is being considered for review as a revision to the Virginia SIP. Because of the number of revisions being addressed today, the submittal date of each is shown in parenthesis.

Regulation/Section	Brief description
Special Provisions:	
5.01(8/14/75)	*Applicability.*—Part V shall be applicable to new and modified sources.
	Compliance
5.02 (a) (9/20/78)	Determines time limit for a new or modified source to be in compliance and which performance tests should be used.
(b) (10/20/76)	Requires new or modified sources to conduct performance tests.
(c) (10/20/76)	Requires installation, calibration, maintenance, and operation of monitoring and recording equipment.
(d) (10/20/76)	Provides for notification and reporting as required by this part.
(e) (9/20/78)	Requires owners to maintain and operate any affected facility and associated air pollution control equipment in a manner consistent with good air pollution control practices.
(f) (9/8/79)	*Stack Heights.*—Compliance with standards of performance as affected by stack height.
5.03 (10/20/76)	*Performance Testing.*—Details when, how to conduct, and how to report test methods and procedures.
5.04 (a) (9/20/78), (b)–(d) (10/20/76), (e) (9/20/78), (f) (10/20/76).	*Monitoring.*—Details regulations for continuous monitoring and recording emissions and alternatives.
5.05 (10/20/76)	*Notification, Records, and Reporting.*—Details the notification system, which records to maintain and reporting requirements.

RULE NS–1.—STANDARDS OF PERFORMANCE FOR VISIBILE EMISSIONS AND FUGITIVE DUST/EMISSIONS

Regulation/Section	Brief description
5.10 (9/20/78)	*Applicability and Designation of Affected Facility.*—Applicability of the provisions of this rule.
5.11	Reserved.
5.12 (9/21/79)	*Standard for Visible Emissions.*—Standard is given with an exception for one six-minute period in any one hour of not more than 30 percent opacity.
5.13 (8/14/75)	*Standard for Fugitive Dust/Emissions.*—Details precautions which may be used to prevent particulate matter from becoming airborne.
5.14 (9/20/78)	*Monitoring.*—Provisions for providing notifications and reports and maintaining records and monitoring results.
5.15 (9/20/78)	*Test Methods and Procedures.*—Reference Method 9 or any alternative method shall be used to determine compliance with the standard prescribed in § 5.12.
5.16 (9/20/78)	*Waivers.*—Provisions for granting waivers from the opacity emission limitation in Section 5.12.
5.17 (8/14/75)	Traffic Hazard

RULE NS–4.—STANDARDS FOR PERFORMANCE FOR STATIONARY SOURCES

Regulation/Section	Brief description
5.40 (9/8/79)	*Applicability and Designation of Affected Facility.*—For this rule.
5.41	Reserved.
5.42 (8/18/81)	*Standard for Stationary Sources.*—Affected facilities must comply with any applicable standard of performance, best available control technology (BACT) or any condition that may be placed upon the permit approval.
5.43 (8/18/81)	*Standard for Major Stationary Sources.*—(Nonattainment Areas)—Requirements for compliance with lowest achievable emission rate (LAER) for major stationary sources locating in nonattainment areas.
5.44 (8/18/81)	*Standard for Major Stationary Sources.*—(Prevention of Significant Deterioration Areas)—Requirements for compliance with BACT for major sources locating in PSD areas.
5.45 (9/8/79)	*Compliance With Other Standards.*

It should be noted that, under the terms of the delegation of authority of the NSPS program to the Commonwealth, the NSPS delegation takes precedence over any conflicting portion of the State regulations. Specifically, the Commonwealth is not authorized to establish equivalent or alternative test methods to which the Federal NSPS provisions apply.

EPA Evaluation: Part V, as submitted on the dates indicated above, has been reviewed and found to be acceptable except for section 5.02(f).

Section 5.02(f) repeats an ambiguous regulation (4.02(g)(4)) that EPA has previously noted as needing revising 45 FR 64218: September 29, 1980). This regulation should be revised as noted or eliminated because stack heights and supplementary control systems should not be considering in determining compliance with emission standards.

Section 5.02(a)(2) and 5.15 are acceptable but would be less ambiguous if the Commonwealth would add the phrase "if an alternative methods is specified in the permit" after the words "alternative method" in the first sentence of each. This addition would specify what methods the source would be using to determine compliance with the appropriate standard.

II. Relocation of New Source Review Provisions for Nonattainment Areas

The relocation of the new source review provisions for major stationary sources locating in nonattainment areas from Part II, General Provisions, to Part VIII, Permits—Major Stationary Sources and Major Modifications, also affects provisions in Part I, Definitions, Part IV, Rule EX–4 Emission Standards for Particulate Emissions from Manufacturing Operations and Rule NS–4 Standards of Performance for Stationary Sources, and Part V, Special Provisions. Part V has been discussed in Section I above. The following is a summary of changes made.

Part I—Definitions

Section 1.02
A. Additions
1. Administrator
2. Begin Actual Construction
3. Best Available Control Technology
4. Class I Area
5. Class II Area
6. Class III Area
7. Emission Unit
8. Federally Enforceable
9. Major Modification
10. Necessary Preconstruction Approvals on Permits
11. Prevention of Significant Deterioration Area
12. Secondary Emissions
13. State Enforceable
14. Uncontrolled Emission Rate

B. Modifications
1. Affected Facility
2. Allowable Emissions
3. Commence
4. Construction
5. Criteria Pollutant

6. Fugitive Emissions
7. Major Stationary Source
8. Modification
9. Potential to Emit
10. Public Comment Period
11. Reconstruction
12. Stationary Source

C. Relocated to Section 8.02
1. Lowest Achievable Emission Rate
2. Nonattainment Pollutant
3. Qualifying Pollutant
4. Reasonable Further Progress

Regulation/Section	Brief description
Part II	*General Provisions.*
2.31	Permits will now be issued under § 2.33 and Part VIII.
2.33(a), (b), (c), (d), (e), (g), (k), (m)	Provisions of §§ 8.01 or 8.02 shall prevail where there is a conflict with § 2.33. provisions relating to major stationary sources locating in nonattainment areas, are relocated to § 8.02. Significant emission rates are established.
Part IV:	
Rule EX–4	*Emission Standards for Particulate Emissions from Manufacturing Operations.*
4.41 (b)(4)	Relocated hot mix asphalt plant provisions are moved to § 2.33(g)(5).
Part VIII	*Permits—Major Stationary Sources and Major Modifications, Prevention of Significant Deterioration Areas or Nonattainment Areas.*
Preface	Instructions for the applicability of the three permitting sections, §§ 2.33, 8.01 and 8.02.
8.02	*Permits—Major Stationary Sources and Major Modifications Locating in Nonattainment Areas—new section.*
(a)	Definitions—Relocated or added:
	Stationary Source.
	Building, Structure, Facility.
	Installation.
	Potential to Emit.
	Major Stationary Source.
	Major Modification.
	Net Emissions Increase.
	Emission Unit.
	Reconstruction.
	Fixed Capital Cost.
	Secondary Emissions.
	Fugitive Emissions.
	Significant.
	Allowable Emissions.
	Actual Emissions.
	Lowest Achievable Emission Rate.
	Federally Enforceable.
	Begin Actual Construction.
	Commence.
	Necessary Preconstruction Approvals or Permits.
	Construction.
	Nonattainment Pollutant.
	Qualifying Pollutant.
	Reasonable Further Progress.
	Administrator.
(b)	*General.*
(c)	*Applications.*
(d)	*Information Required.*
(e)	*Standard/Conditions for Granting Permits.*
(f)	*Action on Permit Application.*
(g)	*Emission Testing for Stationary Sources.*
(h)	*Revocation of Permit.*
(i)	*Existence of Permit No Defense.*
(j)	*Application Review and Analysis.*
(k)	*Circumvention.*
(l)	*Interstate Pollution Abatement.*
(m)	*Offsets.*
(n)	*Exceptions.*
Appendix L	*Prevention of Significant Deterioration Areas—new appendix.*

It should be noted that the Commonwealth now has definitions under three sections: 1.02, 8.01 and 8.02. Section 1.02 definitions are those that apply generally, over all of the State Regulations. The definitions in § 8.01 apply only to that section. Section 8.01 contains the regulations, *Permits—Major Stationary Sources and Major Modifications Locating in Prevention of Significant Deterioration Areas (PSD).* The Commonwealth has received the delegation of authority from EPA to implement and enforce the PSD program (46 FR 29707 and 29753; June 3, 1981). The definitions contained in Section 8.02 are applicable to sections 8.02 and 5.43. The definitions of sections 8.01 and 8.02 shall take precedence over those in section 1.02 in the appropriate sections.

EPA Evaluation: The changes to Parts I, II, IV, and VIII, as summarized above, have been reviewed by EPA and are acceptable.

The definitions that are added or modified in Section 1.02 are acceptable for the general areas of the regulations. The relocation of several of the definitions from this section to section 8.02 are acceptable as they are more specifically for that section of the regulations.

The changes to Part II, General Provisions, and Part IV, Rule EX–4, Emission Standards for Particulate Emissions from Manufacturing Operations, are a result of the relocation of the permitting for major stationary sources and major modifications locating in nonattainment areas. As there are now similar provisions in section 8.02, these changes are acceptable.

Part VIII, section 8.02 is a new section and has been found to meet the newly promulgated requirements of 40 CFR 51.18(j).

Appendix L specifies which areas are subject to the PSD regulations for each criteria pollutant. Appendix L is acceptable.

Based on the above discussion, the Environmental Protection Agency is proposing to approve this SIP revision, pending submission of the correction to section 5.02(f) as indicated in the discussion of that section.

The public is invited to submit to the address stated above comments on whether the amendment to the Commonwealth of Virginia's regulations should be approved as a revision of the Virginia SIP.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action, if promulgated, only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709; January 27, 1981). This action, if promulgated, constitutes a SIP approval under sections 110 and 172 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

(42 U.S.C. 7401–642)

Dated: November 12, 1981.

Peter N. Bibko,

Regional Administrator.

[FR Doc. 81–37188 Filed 12–29–81; 8:45 am]

BILLING CODE 6560–38–M

40 CFR Part 180

[PP OE2398/P209; PH-FRL-2014-4]

Atrazine; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for residues of the herbicide atrazine. This proposed amendment to establish a maximum permissible level for residues of atrazine in or on guava was submitted by the Interregional Research Project No. 4 (IR-4).

DATE: Comments must be received on or before January 29, 1982.

ADDRESS: Written comments to: Donald Stubbs, Emergency Response Section, Registration Division (TS-767C), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-7123).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition number OE2398 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Hawaii.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for combined residues of the herbicide atrazine (2-chloro-4-ethylamino-6-isopropylamino-*s*-triazine) and its metabolites in or on guava at 0.25 part per million (ppm). The petition was later revised to propose a tolerance of 0.05 ppm atrazine *per se* in or on guava.

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance for atrazine were a 2-year rat chronic feeding/oncogenic study with a no-observable-effect level (NOEL) of 100 ppm; a 2-year dog chronic feeding study with a NOEL of 150 ppm; a 3-generation rat reproduction study with a NOEL of 100 ppm (highest level fed). Data lacking for this pesticide include teratology studies in two mammalian species (preferably the rat and rabbit) and an oncogenicity study in mice (using technical material).

The acceptable daily intake (ADI), based on the 2-year dog feeding study (NOEL of 3.750 mg/kg/day) and using a 100-fold safety factor, is calculated to be 0.0375 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 2.25 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5 kg daily diet is calculated to be 0.0769 mg/day. The current action will utilize 0.01 percent of the ADI. Published tolerances utilize 3.42 percent of the ADI.

The nature of the residues is adequately understood and an adequate analytical method (gas-liquid chromatography with a microcoulometric detector) is available for enforcement purposes. There are presently no actions pending against the continued registration of these chemicals.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR 180.220 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, which contains any of the ingredients listed herein, may request, on or before January 29, 1982, that this proposed rulemaking be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this proposed regulation. Comments must bear a notation indicating the document control number "[PP 0E2398/P209]". All written comments filed in response to this petition will be available in the Emergency Response Section, Registration Division at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, the EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposed regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels, or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: December 30, 1981.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

Dated: December 10, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, it is proposed that 40 CFR 180.220 be amended by adding and alphabetically inserting the raw agricultural commodity "Guava" in paragraph (a) to read as follows:

§ 180.220 Atrazine; tolerances for residues.

(a) * * *

Commodity	Part per million
* * * * *	
Guava	0.05
* * * * *	

[FR Doc. 81-36790 Filed 12-29-81; 8:45 am]

BILLING CODE 6560-32

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 61

[Docket No. FEMA-FIA]

National Flood Insurance Program Coverage, Sales and Loss Prevention Provisions

AGENCY: Federal Insurance Administration (FIA), Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: This rule will revise the National Flood Insurance Program (NFIP) regulations dealing with flood insurance coverage and the Standard Flood Insurance Policy (SFIP) terms and provisions. The purpose of the amendment is to revise the Program regulations to reflect improvements in the Flood Insurance Manual used by private sector property insurance agents and brokers in producing flood insurance business, coverage changes in the contract of flood insurance, and advances in flood hazard mitigation engendered by the President's Executive Order 11988 and FEMA's implementing regulations, at 44 CFR Part 9. In the case of the SFIP, Dwelling Form, the

amendment will also result in a more readable flood insurance contract, consistent with private sector personal insurance lines practices.

DATE: All comments received on or before February 11, 1982, will be considered before final action is taken on the proposed rule.

ADDRESS: Persons wishing to comment should submit comments in duplicate to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: Donald L. Collins, Federal Emergency Management Agency, Federal Insurance Administration, 500 "C" Street, S.W., Room 429, Washington, D.C. 20472, Telephone Number (202) 287-0740.

SUPPLEMENTARY INFORMATION: In these proposed amendments excessive legalese in the dwelling owner's policy form will be replaced, in considerable degree, with colloquial language more readily understandable to the lay person. Also, risk management will be enhanced by the addition of coverage restrictions keyed to the reduction of high risk flood losses. It is believed that this approach will contribute toward a more fiscally self-sufficient National Flood Insurance Program and assist materially in the realization of the Agency's hazard mitigation goals.

Accordingly, the substantive amendments to the Standard Flood Insurance Policy and related rules will provide, as follows:

1. In the Insuring Agreement and Definitions section of the SFIP, at Part 61, Appendix A, that the policy responds only to direct *physical* loss by flood to the insured property.

2. In providing contents coverage for personal property, the $500 limitation of coverage for works of art, gems, precious metals, jewelry and the like will be reduced to $250. Such items are easily transported away from flood waters.

3. Buildings located seaward of mean tide, or in, on or partially over water will not be covered.

4. Personal property pollutants will not be covered unless stored at safe elevations.

5. Mobile homes in special flood hazard areas will not be covered unless anchored to resist flotation or lateral movement.

6. In coastal high hazard areas, obstructions below the building's lowest floor, including solid walls, "breakaway" walls, personal property and equipment will not be covered.

7. The deductible will be raised to $500.00 for both buildings and contents losses and a $3,000.00 deductible will be made available as to property in V-Zones, at a commensurate reduction in premium.

8. Definitive provisions regarding cancellation and voidance of the contract of insurance will be added to the policy.

9. Machinery or equipment servicing the insured building below the lowest floor used for rating purposes or not contained within the foundation walls of the insured building will not be covered.

10. A mobile home (and its contents) located within a FEMA designated coastal high hazard area (Zones V1–V30 on a FEMA Flood Insurance Rate Map) which is not located in a mobile home park or subdivision in existence prior to April 1, 1982 will not be covered.

11. Replacement cost coverage will be made available only as to a single family dwelling, which is the principal residence of the insured and which is not a mobile home.

12. Definitive policy renewal procedures will be made a part of the contract of insurance.

13. FEMA is also considering alternative approaches to the provisions on cancellation or avoidance in situations when less than the full premium is paid at the time of the application or renewal. The alternatives include adjustment of the amount of insurance provided or adjustment of the premium as a condition of continued coverage. Comments on these or other possible alternatives are invited and will be considered in the formulation of the final rule.

In the body of Part 61, appropriate changes to the rules have been made to conform them to the proposed revisions of the Standard Flood Insurance Policy.

FEMA has determined based upon an Environmental Assessment that this proposed rule does not have significant impact upon the quality of the human environment. A finding of no significant impact is included in the formal docket file and is available for public inspection and copying at the Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, 500 "C" Street, S.W., Washington, D.C. 20472.

These proposed regulations do not have a significant economic impact on a substantial number of small entities. Such regulations will not be required to undergo regulatory flexibility analysis.

In this connection, the specific policy changes and related rules proposed herein generally are not "significant", within the meaning of the Regulatory Flexibility Act, since most such rules are likely to affect only a relatively few commercial policyholders engaged in activities in respect to which full flood insurance coverage is curtailed by these proposed rules (e.g., manufacturing processes producing pollutants; commercial enterprises carried out beneath ground level). Accordingly, I hereby certify that these proposed regulations do not impact on areas of commerce to any significant degree.

This proposed amendment is not a "major rule" as defined in Executive Order 12291 dated February 17, 1981.

PART 61—INSURANCE COVERAGE AND RATES

Accordingly, Subchapter B of Chapter 1 of Title 44 is proposed to be amended at Part 61 as follows:

1. Section 61.5 (d) and (f) are revised to read as follows:

§ 61.5 Special terms and conditions.

* * * * *

(d) Each loss sustained by the insured is subject to a deductible provision under which the insured bears a portion of the loss before payment is made under the policy. The amount of the deductible for each loss occurrence is (1) for structural (i.e., insured building) losses, $500.00; and (2) for contents (i.e., insured personal property) losses, $500.00. At the policyholder's option, when purchasing a flood insurance policy covering property located in a coastal high hazard area the amount of the deductible for each loss occurrence may be $3,000.00. The loss deductible shall apply separately to each building loss and contents (personal property) loss including, as to each, debris removal and expenses incurred in connection with the removal of insured property away from the peril of flood.

* * * * *

(f) The following property and contents for residential structures are not insurable under the Program:

(1) Accounts, bills, currency, deeds, evidences of debt, money, coins, medals, postage stamps, securities, bullion, manuscripts or other valuable papers or records;

(2) Buildings located seaward of mean tide, or in, on or partially over water; fences, retaining walls, seawalls, outdoor swimming pools, bulkheads, wharves, piers, bridges, docks; other open structures located on or partially over water, including boat houses or other similar structures or buildings into which boats are floated or personal property in the open;

(3) Land values, lawn, trees, shrubs or plants, growing crops, or livestock; underground structures and equipment servicing the building including wells, septic tanks or septic systems; those

portions of walks, driveways and other paved or poured surfaces outside the foundation walls of the structure; and machinery or equipment not contained within the foundations walls of the described building or below the lowest floor used for rating the building in order to calculate the premium paid for the policy of flood insurance;

(4) Animals, birds, fish; aircraft and motor vehicles (other than motorized equipment pertaining to the services of the premises and not licensed for highway use) including their parts and equipment, trailers on wheels, watercraft including their furnishings and equipment; and business property;

(5) Units which are primarily containers, rather than buildings (such as gas and liquid tanks, chemical or reactor container tanks or enclosures, brick kilns, and similar units) and their contents (Silos and grain storage buildings including their contents, may be insured even though they may be of countainer-type construction);

(6) Contents which may become a pollutant to a community during flooding unless such contents are at or above the base flood elevation, or above ground level where there are no established elevations);

(7) Buildings and their contents, including machinery and equipment, which are part of the building, where 50 percent or more of the actual cash value of such buildings is below ground, unless the lowest level is at or above the base flood elevation (in the Regular Program) or the adjacent ground level (in the Emergency Program) by reason of earth having been used as an insulation material in conjunction with energy efficient building techniques;

(8) A mobile home located within a FEMA designated Special Flood Hazard Area that is not anchored to resist flotation or lateral movement by providing ties to ground anchors. This anchorage must be of a kind to resist flotation, collapse, or lateral movement by providing over-the-top and frame to ground anchors.

Specific requirements shall be that (i) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side; (ii) frame ties be provided at each corner of the mobile home, with additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side; (iii) frame ties be provided at each corner of the home with five additional ties per side at intermediate points and all components of the anchoring system be capable of carrying a force of 4,800 pounds; and (iv) any additions to the mobile home be similarly anchored;

(9) A mobile home and its contents located within a FEMA designated coastal high hazard area which is not located in a mobile home park or subdivision in existence prior to April 1, 1982.

(10) On and after April 1, 1982, in any Zone V (numbered or unnumbered) identified on a FEMA Flood Insurance Rate Map, obstructions below the building's lowest floor, including solid walls, open wood constructed lattice "breakaway walls", insect screening or other "breakaway walls", and any personal property or other contents located below the building's lowest floor where the initial placement of any part of the aforementioned items occurs on or after April 1, 1982.

* * * * *

2. Section 61.5 (g) and (h) are revised to read as follows:

§ 61.5 Special terms and conditions.

* * * * *

(g) The following property and contents for non-residential structures are not insurable under the Program:

(1) All of the kinds of uninsurable property and contents referenced at paragraph (f) (1) through (10) of this section;

(2) Automobiles including parts and equipment, any self-propelled vehicle or machine, except motorized equipment not licensed for use on public thoroughfares and operated principally on the premises of the insured; watercraft or aircraft.

* * * * *

(h) The following rules provide for voidance or cancellation of coverage issued under a Standard Flood Insurance Policy by the insurer:

(1) Where an error(s) involving a misrating resulting in an underpayment of premium is apparent on the face of the flood insurance application, renewal endorsement or other form, or is caused by any willful misrepresentation or concealment of any material fact, including facts relevant to the rating of a flood insurance risk, by the insured, the agent or any other legal representative of the insured, the entire policy shall be void and all premium funds returned to the insured; in the case of willful misrepresentation or concealment, only, the entire policy shall be void as of the date the wrongful act was committed, and coverage prior to the date of the wrongful act shall not be affected.

(2) Where an error(s) involving a misrating resulting in an underpayment of premium is not apparent on the face of the flood insurance application, renewal, endorsement or other form and has not been willfully made by the insured, agent or other legal representative of the insured, upon discovery of the error by the insurer, the insured shall be given written notice of premium due by the insurer and, provided the insured remits the additional premium due to the insurer within thirty (30) days from the date the notice of additional premium due is mailed, the policy shall be reformed, from its inception date, to provide flood insurance coverage to the insured in the amounts of coverage initially requested by the insured;

(3) Where an error(s) involving a misrating resulting in an underpayment of premium is not apparent on the face of the flood insurance application, renewal, endorsement or other form, the entire policy may be cancelled, at the insurer's option, for nonpayment of premium in the event the insured refuses, after mailing of notice of additional premium due by the insurer, to pay the additional premium. Silence on the part of the insured after thirty (30) days have elapsed from the date of the mailing notice of premium due to the insured's mailing address, as shown on the flood insurance application, shall be deemed to be refusal to pay additional premium within the meaning of this subsection. Upon the insured's refusal to pay the additional premium due, the insurer may cancel the policy, in which case:

(i) The paid premium shall be deemed to be fully earned and the term of the policy shall be reduced by an adjustment reflecting the number of calendar year days (based on a 360 day calendar year) of requested coverage and limits the paid premium will purchase and, with the term thereby reduced, the policy shall continue in force to the end of the adjusted term, at which time the policy shall be deemed cancelled by the insurer and the insured; and

(ii) Paid premiums for policies issued in prior terms shall be deemed fully earned, with a commensurate reduction in the term of any such policy, and, in the event a claim has been paid under any such prior policy which arose after the end of the policy's term, as reduced to reflect the payment of insufficient premium, the insured shall be indebted to the insurer in the amount of the claim, unless, upon written demand for the additional premium due in respect to such prior policy, the insured pays the additional premium within thirty (30)

days from the date of mailing of the written demand.

* * * * *

3. Appendix A(1) referenced at § 61.13, Standard Flood Insurance Policy is revised to read as follows:

Appendix A(1)—Federal Emergency Management Agency, Federal Insurance Administration, Standard Flood Insurance Policy

(Issued Pursuant to the National Flood Insurance Act of 1968, or Any Acts Amendatory Thereof)

Dwelling Form—Insuring Agreement

Agreement of Insurance between the Federal Emergency Management Agency (FEMA), as Insurer (hereinafter known as "we", "our", and "us"), and the Insured (hereinafter known as "you" and "your"). Based upon your having paid the correct amount of premium, our reliance on the accuracy of the information and statements you have furnished in the application for this policy about the property to be insured and subject to all the terms of this policy, the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 et seq.), and regulations issued by us (Title 44, Code of Federal Regulations), we insure you and your legal representatives against all "Direct Physical Loss by Flood" to the insured property as defined in the "Definitions Section" of this Agreement to the extent of the actual cash value of the property at the time of loss but not exceeding (1) the cost of replacing the insured building at the time of loss with material of like kind and quality and (2) the actual cash value of any insured personal property at the time of loss.

Now, therefore, in consideration of the foregoing and the mutual promises exchanged herein, we and you agree, further, as follows:

Article I—Persons Insured

We insure only:

A. The named insured and legal representatives;

B. Any mortgagee and loss payee named in the application and declaration page in the order of precedence and to the extent of their interest but for no more, in the aggregate, than the interest of the named insured.

Article II—Definitions

"ACTUAL CASH VALUE" means the replacement cost of an insured item of property in its condition at the time of loss, less the value of physical depreciation as to the item damaged.

"APPLICATION" means the statement made and signed by the Insured, or the Insured's agent, and giving information on the basis of which the Insurer determines the acceptability of the risk, the policy to be issued and the correct premium payment, which must accompany the application for the policy to be issued. The application is a part of this flood insurance policy.

"BUILDING" means a walled and roofed structure, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, including a mobile home on foundation, subject to Article V(H), and a walled and roofed building in the course of construction, alteration or repair.

"CANCELLATION" means that ending of the insurance coverage provided by this policy prior to the expiration date.

"DECLARATION PAGE" is a computer generated summary of information furnished by the Insured in the application for insurance. The declarations page is a part of this flood insurance policy.

"DWELLING" means a building designed for use as a residence for no more than four families.

"DIRECT PHYSICAL LOSS BY FLOOD" means any loss in the nature of actual loss of or physical damage to the insured property (building or personal property) which is directly and proximately caused by a "flood" (as defined in this Agreement), while the insured property is located: 1. at the property address shown on the application for this insurance, which is a part of this Agreement; and 2. for forty-five days, at a place to which any of the property shall necessarily be removed by you in order to protect and preserve it from a flood or from the imminent danger of flood (provided, personal property so removed must be placed in a fully enclosed building to be insured against loss), in which case the reasonable expenses incurred by you including the value of your own labor at prevailing Federal minimum wage rates in moving your insured property away from the peril of flood and storing your property at the temporary location shall be reimbursed to you. The term "Direct Physical Loss By Flood" shall not include compensation for loss of use, loss profits, or loss resulting from interruption of business, profession or manufacture, or reimbursement for your additional living expenses, incurred by reason of your having to live in rented quarters while the insured building is being repaired or replaced, or allowance for any increased cost of repair or reconstruction as a result of any ordinance regulating reconstruction or repair, or other economic loss (this enumeration is not exclusive).

"EXPENSE CONSTANT": The expense constant is a flat charge per policy term, paid by the Insured to defray the Federal Government's policywriting and other expenses.

"EXPIRATION DATE" means the ending of the insurance coverage provided by this policy on the expiration date shown on the delaration page.

"FLOOD": Wherever in this policy the term "flood" occurs, it shall be held to mean:

A. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in subparagraph A-2, above or by accumulations of water on or under the ground are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, including your premises.

B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding the cyclical levels which result in flooding as defined in A-1 above.

"POLICY" means the entire written contract between us; it includes this printed form, the application and declarations page, any endorsements which may be issued and any renewal certificates indicating that coverage has been instituted for a new policy and policy term.

Article III—Losses Not Covered

We only provide coverage for direct physical loss by flood which means we do not cover:

A. Losses from other casualties, including:

1. Loss caused by theft, lost profits, fire, windstorm, wind, explosion, earthquake, land sinkage, land subsidence, landslide or any other earth movement except such mudslide (i.e., mudflow) or erosion as is covered under the peril of flood.

2. Loss caused by rain, snow, sleet, hail, water spray, freezing, thawing, the pressure or weight of ice or water; sewer backup and seepage of water unless your property has been, at the same time, damaged by a flood.

3. Water or moisture damage resulting primarily from any condition substantially confined to the insured building or from any condition which is within your control (including but not limited to design, structural or mechanical defects, failures, stoppages or breakages of water or sewer lines, drains, pumps, fixtures or equipment).

4. Loss caused intentionally by you.

B. Losses of the following nature:

1. Loss caused by your failure to use means reasonably accessible to you to save the property from loss at the time of a flood and to preserve the property after a flood; however, the reasonable expenses incurred by you in saving and preserving the property at the premises after a flood—including the value of your own labor at prevailing Federal minimum wage rates—may, at our sole option be a covered loss.

2. A loss which is already in progress as of 12:01 A.M. of the first day of the policy term.

3. A loss from a flood which is confined to your insured premises unless the flood is displaced over two acres of your premises.

4. A loss caused by your modification to the described premises or insured property, which materially increases the risk of flooding.

Article IV—Property Covered

We will pay for physical damage caused by flood to the building at the property address you have furnished, as well as the contents of the building, if you have purchased contents coverage, and provided you have paid the correct premium for the insurance, as follows:

A. We cover your dwelling, which includes:

1. A residential building, designed for principal use as a dwelling place for no more than four families;

2. Additions in contact with the dwelling;

3. Building equipment, fixtures and outdoor equipment used in connection with the dwelling while stored inside the dwelling or another fully enclosed building at the property address;

4. Materials and supplies to be used in constructing, altering or repairing the

dwelling or another building at the property address while stored inside a fully enclosed building at the property address or on an adjacent property at the time of loss;

5. Other buildings, at your option at the time of loss, in an amount up to 10% of the amount of insurance you have purchased to cover the dwelling, including additions to the dwellings; to the extent you exercise this option, you reduce the amount of insurance available to cover loss to the dwelling and, except for a building used only for private garage purposes, this option may not be chosen so as to extend coverage to buildings:

(i) rented or leased in whole or in part (or held for such use) to any person other than a tenant of the dwelling as it is described at A(1) of this Article, or (ii) used in whole or in part for commercial manufacturing or farming purposes (or held for such uses).

B. We cover your Personal Property as contents under the policy, subject to "C" below, and that belonging to members of your family in your household and, at your option within the limits of contents coverage purchased for personal property loss, guests' and servants' personal property and the personal property of others for which you may be responsible—all while stored within a building at the property address. Personal property in the open and not stored in a building shall not be covered against loss by flood under this policy. At your option at the time of loss, in an amount up to 10% of the amount of insurance you have purchased to cover personal property, this policy will also cover:

1. Loss to improvements, alterations, and additions made by you, as a Tenant, to a building at the property address;

2. if you are an individual condominium unit owner, loss to the interior walls, floors, and ceilings of your unit that are not otherwise covered under a condominium association policy.

C. Limitation: As a limitation on "B", above, we shall not reimburse you for loss in any one flood as to the following personal property to the extent the total loss of such property exceeds $250.00: paintings, etchings, pictures, tapestries, art, glass windows and other works of art (such as but not limited to statuary, marbles, bronzes, antique furniture, rare books, antique silver, porcelains, rare glass or bric-a-brac), watches, necklaces, bracelets, gems, precious or semi-precious stones, articles of gold, silver, or platinum and furs or any article containing fur which represents its principal value.

D. Debris Removal: We cover any expense you incur, including the value of your own labor at prevailing Federal minimum wage rates, as a result of removing debris of or on the insured building from the property address you have furnished so long as the debris problem was directly caused by a flood.

E. Demolition Coverage: You may apply all or part of the proceeds of any flood insurance claim you make under this policy toward the expenses you incur in removing damaged portions of the insured building from the property location following a flood loss.

Article V—Property Not Covered

WE DO NOT COVER and will not pay for damage to or loss of any of the following:

A. Accounts, bills, currency, deeds, evidences of debt, money, coins, medals, postage stamps, securities, bullion, manuscripts or other valuable papers or records.

B. Buildings located seaward of mean tide, or in, on or partially over water; fences, retaining walls, seawalls, outdoor swimming pools, bulkheads, wharves, piers, bridges, docks; other open structures located on or partially over water, including boat houses or other similar structures or buildings into which boats are floated or personal property in the open.

C. Land values, lawn, trees, shrubs or plants, growing crops, or livestock; underground structures and equipment including wells, septic tanks or septic systems; those portions of walks, driveways and other paved or poured surfaces outside the foundation walls of the structure; and machinery or equipment servicing the building not contained within the foundations walls of the described building or below the lowest floor used for razing the building in order to calculate the premium paid for this policy.

D. Animals, birds, fish; aircraft and motor vehicles (other than motorized equipment pertaining to the services of the premises and not licensed for highway use) including their parts and equipment, trailers on wheels, watercraft including their furnishings and equipment; and business property.

E. Units which are primarily containers, rather than buildings (such as gas and liquid tanks, chemical or reactor container tanks or enclosures, brick kilns, and similar units) and their contents (silos and grain storage buildings including their contents, may be insured even though they may be of container-type construction).

F. Contents which may become a pollutant to a community during flooding unless such contents are at or above the base flood elevation, or above ground level where there are no established elevations).

G. Buildings and their contents, including machinery and equipment, which are part of the building, where 50 percent or more of the actual cash value of such buildings is below ground, unless the lowest level is at or above the base flood elevation (in the Regular Program) or the adjacent ground level (in the Emergency Program) by reason of earth having been used as an insulation material in conjunction with energy efficient building techniques.

H. A mobile home located within a FEMA designated Special Flood Hazard Area that is not anchored to resist flotation or lateral movement by providing ties to ground anchors. This anchorage must be a kind to resist flotation, collapse, or lateral movement by providing over-the-top and frame to ground anchors.

Specific requirements shall be that (1) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side; (2) frame ties be provided at each corner of the mobile home, with additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side; (3) frame ties be provided at each corner of the home with five additional ties per side at intermediate points and all components of the anchoring system be capable of carrying a force of 4,800 pounds; and (4) any additions to the mobile home be similarly anchored.

I. A mobile home and its contents located within a FEMA designated coastal high hazard area (Zones VI–V30 on a FEMA Flood Insurance Rate Map) which is not located in a mobile home park or subdivision in existence prior to April 1, 1982.

J. On and after April 1, 1982, in any Zone V (numbered or unnumbered) identified on a FEMA Flood Insurance Map, obstructions below the building's lowest floor, including solid walls, open wood constructed lattice "breakaway walls", insect screening or other "breakaway walls", and any personal property or other contents located below the building's lowest floor where the initial placement of any part of the aforementioned items occurs on or after April 1, 1982.

Article VI—Deductibles

A. Each loss sustained by you is subject to a deductible provision under which you bear a portion of the loss before payment is made under the policy.

E. The loss deductible shall apply separately to each building loss and personal property (contents) loss including, as to each, debris removal, and any expenses incurred under Article II or III in connection with the removal of insured property.

C. The amount of the deductible for each loss occurrence is determined as follows: we shall be liable only when such loss exceeds $500 or, at your option, should you so choose when purchasing a policy covering property located in a coastal high hazard area, $5,000.00.

Article VII—Replacement Cost Provisions

These provisions shall apply only to a Single Family Dwelling which is the principal residence of the insured and which is covered under this policy. Outdoor radio and television antennas and aerials, carpeting, awnings, domestic appliances and other outdoor equipment: all whether attached to the building structure or not, are excluded from the replacement cost coverage. For purposes of this Article VII, a single family dwelling qualifies as your principal residence provided that, at the time of the loss, you or your spouse have lived in your building for either (1) 80% of the calendar year immediately preceding the loss or (2) 80% of the period of your ownership of the insured building, if less than one calendar year immediately preceded the loss.

A. We will pay you the full cost of repair or replacement of the flood damaged portions of your dwelling, without deduction for depreciation, as follows:

1. Under the Emergency Program of the National Flood Insurance Program, if at the time of loss the amount of insurance covering the dwelling is 80% of its full replacement cost of $35,000; and

2. Under the Regular Program of the National Flood Insurance Program, if at the time of loss insurance covering the dwelling is 80% of its full replacement cost or $70,000,

3. In determining whether the amount of insurance covering your dwelling is 80% or more of its full replacement cost, we will not count—in arriving at the 80% figure—the cost of excavations, underground flues and pipes, underground wiring and drains, and brick, stone and concrete foundations, piers and other supports which are below the under surface of the lowest basement floor, or where there is no basement, which are below the surface of the ground inside the foundation walls,

4. In any case, the amount we pay you shall not exceed the lesser of the amount of coverage you have purchased to cover the dwelling or the replacement cost of that portion of the dwelling damaged or destroyed by a flood.

B. We will not pay you the full cost of repair or replacement of the flood damaged portions of your dwelling without deduction for depreciation if, at the time of loss, the amount of insurance convering the dwelling is less than 80% of its full replacement cost and less than $35,000 under the Emergency Program or $70,000 under the Regular Program (determination on whether you have full replacement cost coverage will be as described at A(3), above). In this event, we will pay you, in respect to your flood loss, the larger of the following amounts:

1. The actual cash value (meaning replacement cost less depreciation) of that part of the dwelling damaged or destroyed; or

2. That portion of the full cost of repair or replacement without deduction for depreciation of that part of the dwelling damaged or destroyed, which the total amount of insurance applicable to said dwelling bears to 80% of the full replacement cost of such dwelling. For example, assume your dwelling had a replacement cost value of $20,000 at the time of loss and you had purchased dwelling coverage of $12,000. Assume, further, that the cost to replace the damaged portion of your dwelling is $800. The amount to be paid you under this provision would be determined as follows:

$12,000 (amount of coverage)

$16,000 (80% of replacement cost) × 800 (damage)

Equals $600 (¾ × 800).

In addition, if 80% of the full replacement cost of the dwelling exceeds $35,000 under the Emergency Program or $70,000 under the Regular Program, the program figure will be used in determining the amount to be paid in place of the 80% figure. For example, assume your dwelling had a replacement cost value of $50,000 and you had purchased $30,000 of dwelling coverage. Assume, further, that the cost to replace the damaged portion of your dwelling is $21,000. The amount to be paid you under the Emergency Program would be determined as follows:

$30,000 (amount of coverage) × $21,000

$35,000 (Emergency Program available limit of coverage)

Equals $18,000 (⅞ × 21,000).

C. These Replacement Cost Provisions do not apply to any mobile home and personal property covered under this policy, nor do they apply to any loss where insured property is abandoned or remains as debris at the property address following a loss.

D. If your dwelling sustains a total loss or if we should pay you the entire building loss proceeds under these replacement cost provisions, there is no requirement that you rebuild the building at the insured property address.

Article VIII—General Conditions and Provisions

A. *Pair and Set Clause:* If you lose an article which is part of a pair or set, we will have the option of paying you an amount equal to the cost of replacing the lost article, less depreciation, or an amount which represents the fair proportion of the total value of the pair or set that the lost article bears to the pair or set.

B. *Concealment, Fraud:* We will not cover you under this policy if you have sworn falsely, or willfully concealed or misrepresented any material fact or done any fraudulent acts concerning this insurance.

C. *Other Insurance:* You may have other flood insurance covering the dwelling and personal property and, if you have such other insurance in effect at the time of a loss, we will not pay a greater portion of any loss than the proportion of our insurance to the total flood insurance covering the dwelling and personal property.

D. *Amendments, Waivers, assignment:* This Standard Flood Insurance Policy cannot be amended nor can any of its provisions be waived without the express written consent of the Federal Insurance Administrator. No action we take under the terms of this policy can constitute a waiver of any of our rights. Assignment of this policy is, however, allowed without the consent of the Administrator.

E. *Cancellation of Policy By You:*

1. You can cancel this policy at any time but a refund of premium money will only be made to you when:

a. You cancel because you have transferred ownership of the insured property to someone else. In this case, we will refund to you, once we receive your request for cancellation accompanied by the original policy, the excess of premiums paid by you which apply to the unused portion of the policy's term, pro-rata but with retention of the expense constant.

b. You cancel because we have determined that your property is not, in fact, in a special flood hazard area; and you were required to purchase flood insurance coverage by a private lender or Federal agency pursuant to P.L. 93–234, § 102; and the lender or Federal agency no longer requires the retention by you of the coverage. In this event, if no claims have been paid or are pending, your premium payments will be refunded to you in full, according to our applicable regulations, but with retention of the expense constant.

F. *Cancellation or Voidance of Policy By Us:*

1. Where an error(s) involving a misrating resulting in an underpayment of premium to us is apparent on the face of the flood insurance application, renewal endorsement or other form, or is caused by any willful misrepresentation or concealment of any material fact, including facts relevant to the rating of a flood insurance risk, by you, your agent or any other legal representative, the entire policy shall be void (that is, it never became effective) and all premium payments will be returned to you; in the case of willful misrepresentation or concealment, only, the entire policy shall be void as of the date the wrongful act was committed, and coverage prior to the date of the wrongful act shall not be affected;

2. Where an error(s) involving a misrating resulting in an underpayment of premium to us is not apparent on the face of the flood insurance application, renewal, endorsement or other form and has not been willfully made by you, your agent or other legal representative, upon our discovery of the error, you shall be given written notice of premium due and, provided you remit the additional premium due within thirty (30) days from the date the notice of additional premium due is mailed, the policy shall be reformed, from its inception date, to provide flood insurance coverage to you in the amounts of coverage you initially requested;

3. Where an error involving a misrating resulting in an underpayment of premium to us is not apparent on the face of the flood insurance application, renewal, endorsement or other form, we may at our sole option, cancel the entire policy for nonpayment of premium in the event you refuse, after we mail to you a notice of additional premium due, to pay the additional premium. Silence on your part after thirty (days) have elapsed from the date of the mailing of notice of premium due to your mailing address, as shown on the flood insurance application, shall be deemed to be refusal to pay additional premium within the meaning of this policy condition. Upon your refusal to pay the additional premium due, we may cancel the policy, in which case:

(a) Any premium you paid shall be deemed to be fully earned by us and the term of the policy shall be reduced by an adjustment reflecting the number of calendar year days (based on a 360 day calendar year) of requested coverage and limits the paid premium will purchase and, with the term thereby reduced, the policy shall continue in force to the end of the adjusted term, at which time the policy shall be deemed cancelled; and

(b) Any paid premiums for policies issued in prior terms shall be deemed fully earned, with a commensurate reduction in the term of any such policy, and, in the event a claim has been paid under any such prior policy which arose after the end of the policy's term, as reduced to reflect the payment of insufficient premium, you shall be indebted to us in the amount of the claim, unless, upon written demand for the additional premium due in respect to such prior policy, you pay the additional premium within thirty (30) days from the date of mailing of the written demand.

4. This policy will be considered void if we determine:

a. The property listed on the application is not eligible for coverage;

b. The community in which the property is located was not participating in the National Flood Insurance Program on the policy's

inception date and did not qualify as a participating community during the policy's term and before any loss for which you may receive compensation under the policy.

5. This policy will be considered void if, during the term of the policy, the participation in the National Flood Insurance Program of the community in which your property is located ceases, in which case the policy shall be deemed void effective the end of the last day of the policy year in which such cessation occurred and shall not be renewed. In the event the voided policy was for a term of three years, you shall be entitled to a refund of any premium applicable to the remainder of the policy's term after voidance of the policy.

G. *Policy Renewal:* The term of this policy commences on its inception date and ends on its expiration date, as shown on the "Declarations Page" which is attached to the policy. We are under no obligation to send you any renewal notice or other notice that your policy term is coming to an end and the receipt of any such notice by you shall not be deemed to be a waiver of this provision on our part. We are under no obligation to assure that policy changes reflected in endorsements submitted by you during the policy term and accepted by us are included in any renewal notice or new policy which we send to you. "Policy changes" includes the addition by you of new coverage (e.g. contents coverage added to a building coverage policy or vice versa) or any increases in the amounts of coverage.

This policy shall not be renewed and the coverage provided by its shall not continue into any successive policy term unless the premium payment for any such successive policy term is received by us at the National Flood Insurance Program (NFIP), prior to the expiration date of this policy. The renewal premium payment shall be deemed to be received by the NFIP if the renewal payment is mailed to the NFIP prior to the expiration date and is received by the NFIP prior to or within five (5) days following the expiration date or if the renewal payment is mailed by certified mail to the NFIP prior to the expiration date. In all other cases, whether the renewal premium payment is received by the NFIP after the expiration date of this policy or not, this policy shall be deemed terminated as of the expiration date of the last policy term for which the premium payment was timely received by the NFIP and, in that event, we shall not be obligated to provide you with any cancellation, termination, policy lapse, or policy renewal notice advising you of any such cancellation, termination, policy lapse or policy renewal; *Provided,* however, with respect to any mortgagee (or trustee) named in the declarations form attached to this policy, this insurance shall continue in force only for the benefit of such mortgagee (or trustee) for 30 days after written notice to the mortgagee (or trustee) of termination of this policy, and shall then terminate.

H. *Alterations and Repairs:* You may, at any time, make alterations, additions and repairs to the insured property and complete structures in the course of construction. Consistent with your obligation to protect insured property damaged by a flood from durther damage, as set forth in "I", below, you may also—following a loss by flood—make reasonable repairs of a temporary or permanent nature to protect the damaged, insured property from further damage and, to the extent you keep an accurate record of such repair expenditures, the cost of any such repairs—including the value of your own labor at prevailing Federal minimum wage rates—shall be included in determining the amount of loss covered by this policy.

I. *Requirements in Case of Loss:* Should a flood loss occur to your insured property, you must:

1. Notify us in writing as soon as practicable;

2. Protect the property from further damage;

3. As soon as reasonably possible, separate the damaged and undamaged property, putting it in the best possible order so that we may examine it; and

4. Within 60 days after the loss, send us a proof of loss, which is your statement as to the amount you are claiming under the policy signed and sworn to by you and furnishing us with the following information:

a. The date and time of the loss,

b. A brief explanation of how the loss happened,

c. Your interest in the property damaged (for example, "owner") and the interests, if any, of others in the damaged property,

d. The actual cash value of each damaged item of insured property after depreciation is deducted from the cost of replacement of the property (unless the policy's "REPLACEMENT COST PROVISIONS" apply, in which case the replacement cost without allowance for depreciation should be furnished) and the amount of damages sustained,

e. Names of mortgagees or anyone else having a lien, charge or claim against the insured property,

f. Details as to any other contracts of insurance covering the property, whether valid or not,

g. Details of any changes in ownership, use, occupation, location or possession of the insured property since the policy was issued.

h. Details as to who occupied any insured building at the time of loss and for what purpose, and

i. The amount you claim is due under this policy to cover the loss, including statements concerning:

(i) The limits of coverage stated in the policy,

(ii) The cost to repair or replace the damaged property (whatever costs less).

5. The insurance adjuster whom we hire to investigate your claim may furnish you with a proof of loss form, and she or he may help you to complete it. However, this is a matter of courtesy only, and you must still send us a proof of loss within 60 days after the loss even if the adjuster does not furnish the form or help you complete it. In completing the proof of loss, you must use your own judgment concerning the amount of loss and the justification for that amount; the adjuster is not authorized to approve or disapprove claims or to tell you whether your claim will be approved by us.

J. *Our Options After a Loss.* Options we may, in our sole discretion, exercise after a loss include the following:

1. *Evidence of Loss*—If we specifically request it, in writing, you may be required to furnish us with a complete inventory of the destroyed, damaged and undamaged property, including details as to quantities, costs, actual cash values, amounts of loss claims, and any written plans and specifications for repair of the damaged property which you can make reasonably available to us.

2. *Examination Under Oath*—We may require you to show us or our designee, the damaged property, to be examined under oath by our designee and to sign any transcripts of such examinations; to, at such reasonable times and places as we may designate, permit us to examine and make extracts and copies of all books of accounts, bills, invoices and other vouchers, or certified copies thereof if the originals are lost, pertaining to the damaged property.

3. *Options to Repair or Replace*—We may take all or any part of the damaged property at the agreed or appraised value and, also, to repair, rebuild or replace the property destroyed or damaged with other of like kind and quality within a reasonable time, on giving you notice of our intention to do so within 30 days after the receipt of the proof of loss herein required under "G", above.

4. *Adjustment Options*—We may adjust loss to any insured property of others with the owners of such property or with you for their account. Any such insurance under this policy shall not inure directly or indirectly to the benefit of any carrier or other bailee for hire.

K. *When Loss Payable.*—Within 60 days after you file your proof of loss, we will either approve the claim, reject the proof of loss, deny the claim, or request appraisal. If we approve the claim, we will pay you within 60 days from the date you filed the proof of loss. If either of us requests appraisal, we will pay your claim within 60 days after the award of the appraisers and umpire is filed. If we reject your proof of loss because of the amount claimed, but do not deny the entire claim, you may file another proof of loss as long as it is filed within 60 days of the date of the loss or any extension of time allowed by the Administrator.

L. *Abandonment.* You may not abandon damaged or undamaged insured property to us.

M. *Appraisal.* If at any time after a loss, we are unable to agree with you as to the actual cash value—or, if applicable, replacement cost—of the damaged property so as to determine the amount of loss to be paid to you, then, on the written demand of either one of us, each of us select a competent and disinterested appraiser and notify the other of the appraiser selected within 20 days of such demand. The appraisers shall first select a competent and disinterested umpire; and failing for 15 days to agree upon such umpire, then, on your request or our request, such umpire shall be selected by a judge of a court of record in the State in which the insured property is located. The appraisers shall then appraise the loss, stating separately

replacement cost, actual cash value and loss to each item; and, failing to agree, shall submit their differences, only, to the umpire. An award in writing, so itemized, of any two (appraisers or appraiser and umpire) when filed with us shall determine the amount of actual cash value and loss or, should this policy's replacement cost provisions apply, the amount of replacement cost and loss. Each appraiser shall be paid by the party selecting him and the expenses of appraisal and umpire shall be paid by both of us equally.

N. *Loss Clause.* If we pay you for damage to property sustained in a flood loss, you are still eligible, during the term of the policy, to collect for a subsequent loss due to another flood. Of course, all loss arising out of a single, continuous flood of long duration shall be adjusted as one flood loss.

O. *Mortgagee Clause.* (Applicable to building coverage only.)

Loss shall be payable to mortgagees (or trustees) named in the Application and Declaration page, to the extent of their interest and in the order of precedence.

1. *Our* Duties

We will:

(a) protect the mortgagee's interests in an insured building in the case of breach of warranty, increase in hazard, change of ownership, or foreclosure if the mortgagee has no knowledge of these conditions,

(b) give mortgagee 30 days notice before cancelling this policy.

Mortgagee's Duties

The mortgagee will

(a) Furnish proof of loss within 60 days if the *insured person* fails to do so

(b) Pay upon demand any premium due (if the *insured person* fails to do so),

(c) Notify *us* of any change of ownership or occupancy or any increase in hazard of which the mortgagee has knowledge,

(d) Give *us* the right of recovery against any party liable for loss,

(e) After a loss, permit *us* to satisfy the mortgage requirements and receive full transfer of the mortgage.

P. Conditions for filing a lawsuit—You may not sue us to recover money under this policy unless you have complied with all the requirements of the policy. If you do sue, you must start the suit within twelve (12) months from the date we mailed you notice that we have denied your claim, or part of your claim, and you must file the suit in the United States District Court for the district in which the insured property was located at the time of the loss.

Q. Subrogation—Whenever we make a payment for a loss under this policy, we are subrogated to your right to recover for that loss from any other person. That means that your right to recover for a loss that was partly or totally caused by someone else is automatically transferred to us, to the extent that we have paid you for the loss. We may require you to acknowledge this transfer in writing. After the loss, you may not give up our right to recover this money or do anything which would prevent us from recovering it. If you make any claim against any person who caused your loss and recover any money, you must pay us back first before you may keep any of that money.

Article IX—Liberalization Clause

While this policy is in force, should we have adopted any forms, endorsements, rules or regulations by which this policy could be broadened or extended for your benefit by endorsement or substitution of policy form, then, such matters shall be considered to be incorporated in this policy without additional premium charge and shall inure to your benefit as though such endorsement or substitution of policy form had been made.

Article X—What Law Governs

This policy is governed by the flood insurace regulations issued by FEMA, the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001, *et seq.*) and Federal common law.

IN WITNESS WHEREOF, we have signed this policy below and hereby enter into this Insurance Agreement.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

4. Appendix A(2) referenced at § 61.13 of the Standard Flood Insurance Policy is revised, in the following particulars:

(a) A new provision is added just before the provision titled "DEFINITION OF 'FLOOD' ", as follows:

Persons Insured

The following are insured under this policy:

A. The named insured and legal representatives:

B. Any mortgagee and loss payee named in the application and declaration page in the order of precedence and to the extent of their interest but for no more, in the aggregate, than the interest of the named insured.

* * * * *

(b) The provision titled "DEFINITION OF 'FLOOD' " is removed and a new provision titled "DEFINITIONS" is added in its place and stead, as follows:

Definitions

Article II—Definitions

"ACTUAL CASH VALUE" means the replacement cost of an insured item of property in its condition at the time of loss, less the value of physical depreciation as to the item damaged.

"APPLICATION" means the statement made and signed by the Insured, or the Insured's agent, and giving information on the basis of which the Insurer determines the acceptability of the risk, the policy to be issued and the correct premium payment, which must accompany the application for the policy to be issued. The application is a part of this flood insurance policy.

"BUILDING" means a walled and roofed structure, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, including a walled and roofed building in the course of construction, alteration or repair.

"CANCELLATION" means that ending of the insurance coverage provided by this policy prior to the expiration date.

"DECLARATION PAGE" is a computer generated summary of information furnished by the Insured in the application for insurance. The declarations page is a part of this flood insurance policy.

"DIRECT PHYSICAL LOSS BY FLOOD" means any loss in the nature of actual loss of or physical damage to the insured property (building or personal property) which is directly and proximately caused by a "flood" (as defined in this Agreement), while the insured property is located: 1. at the property address shown on the application for this insurance, which is a part of this Agreement; and 2. for forty-five days, at a place to which any of the property shall necessarily be removed in order to protect and preserve it from a flood or from the imminent danger of flood (provided, personal property so removed must be placed in a fully enclosed building to be insured against loss). The term "Direct Physical Loss By Flood" shall not include compensation for loss of use, loss profits or loss resulting from interruption of business, profession or manufacture, allowance for any increased cost of repair or reconstruction as a result of any ordinance or repair regulating reconstruction or repair, or other economic loss (this enumeration is not exclusive).

"EXPENSE CONSTANT" is a flat charge per policy term, paid by the Insured, to defray the Federal Government's policywriting and other expense.

"EXPIRATION DATE" means the ending of the insurance coverage provided by this policy on the expiration date shown on the declaration page.

"FLOOD": Wherever in this policy the term "flood" occurs, it shall be held to mean:

A. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in subparagraph A–2 above or by accumulations of water on or under the ground and are akin to a river of liquid and flowing mud on the surface of normally dry land areas.

B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding the cyclical levels which result in flooding as defined in A–1 above.

"POLICY" means the entire written contract between the Insured and the Insurer, including this printed form, the application and declarations page, any endorsements which may be issued and any renewal certificates indicating that coverage has been instituted for a new policy and policy term.

* * * * *

(c) New paragraphs "G", "H", "I" and "J" are added to the "PERILS EXCLUDED" provisions as follows:

Perils Excluded

The Insurer shall not be liable for loss:

* * * * *

G. Caused intentionally by the Insured.

H. Which is already in progress as of 12:01 a.m. of the first day of the policy term.

I. From a flood which is confined to the insured premises unless the flood is displaced over two acres of the insured premises.

J. Caused by any modification by the Insured to the described premises or insured property which materially increases the risk of flooding.

* * * * *

(d) Under the provision titled "PROPERTY COVERED", at paragraph B(2.)(a) and (b), the $500.00 limitation is reduced to $250.00 in both instances.

* * * * *

(e) The provisions titled "PROPERTY NOT COVERED" are revised to read as follows:

Property Not Covered

This policy shall not cover:

A. Accounts, bills, currency, deeds, evidences of debt, money, coins, medals, postage stamps, securities, bullion, manuscripts or other valuable papers or records.

B. Buildings located seaward of mean tide, or in, on or partially over water; fences, retaining walls, seawalls, outdoor swimming pools, bulkheads, wharves, piers, bridges, docks; other open structures located on or partially over water, including boat houses or other similar structures or buildings into which boats are floated or personal property in the open;

C. Land values, lawn, trees, shrubs, or plants, growing crops, or livestocks; underground structures and equipment including wells, septic tanks or septic systems; those portions of walks, driveways and other paved or poured surfaces outside the foundation walls of the structure; and machinery or equipment servicing the building not contained within the foundations walls of the described building, or below the lowest floor used for rating the building in order to calculate the premium paid for this policy.

D. Aircraft and motor vehicles (other than motorized equipment pertaining to the services of the premises and not licensed for highway use) including their parts and equipment, trailers on wheels, watercraft including their furnishings and equipment.

E. Units which are primarily containers, rather than buildings (such as gas and liquid tanks, chemical or reactor container tanks or enclosures, brick kilns, and similar units) and their contents (Silos and grain storage buildings including their contents, may be insured even though they may be of container-type construction).

F. Contents which may become a pollutant to a community during flooding unless such contents are at or above the base flood elevation, or above ground level (where there are no established elevations).

G. Buildings and their contents, including machinery and equipment, which are part of the building, where 50 percent or more of the actual cash value of such buildings is below ground, unless the lowest level is at or above the base flood elevation (in the Regular Program) or the adjacent ground level (in the Emergency Program) by reason of earth having been used as an insulation material in conjunction with energy efficient building techniques.

H. A mobile home located within a FEMA designated Special Flood Hazard Area that is not anchored to resist floation or lateral movement by providing ties to ground anchors. This anchorage must be a kind to resist flotation, collapse, or lateral movement by providing over-the-top and frame to ground anchors.

Specific requirement shall be that (1) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional ties per side; (2) frames ties be provided at each corner of the mobile home, with additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side; (3) frame ties be provided at each corner of the home with five additional ties per side at intermediate points and all components of the anchoring system be capable of carrying a force of 4,800 pounds; and (4) any additions to the mobile home be similary anchored.

I. A mobile home and its contents located within a FEMA designated coastal high hazard area (Zones V1–V30 on a FEMA Flood Insurance Rate Map) which is not located in a mobile home park or subdivision in existence prior to April 1, 1982.

J. On and after April 1, 1982, in any Zone V (numbered or unnumbered) identified on a FEMA Flood Insurance Rate Map, obstructions below the building's lowest floor, including solid walls, open wood constructed lattice "breakway walls", insect screening or other "breakaway walls", and any personal property or other contents located below the building's lowest floor where the initial placement of any part of the aforementioned items occurs on or after April 1, 1982.

* * * * *

(f) The provisions titled "DEDUCTIBLES" are revised to read as follows:

Deductibles

A. With respect to loss to the building, appurtenant private structures, and debris removal covered hereunder, the Insurer shall be liable for only that portion of the loss in any one occurrence which is in excess of $500.00.

B. With respect to less to contents or debris removal covered hereunder or to expenses, incurred under paragraph F of "Perils Excluded", the Insurer shall be liable for only that portion of the loss in any one occurrence which is in excess of $500.00.

C. The amount of the deductible in "A" and "B", above is $3,000.00 in the event the Insured has elected, when purchasing this policy, to have such a deductible. The election by the Insured is conditioned upon the insured property being located in a coastal high hazard area.

* * * * *

(g.) Under the provisions titled "GENERAL CONDITIONS AND PROVISIONS", paragraph "E" titled "CANCELLATION OF POLICY OR REDUCTION IN AMOUNT OF INSURANCE" is revised to read as follows:

General Conditions and Provisions

* * * * *

E. *Cancellation or Voidance of Policy.*

1. Cancellation of the policy by Insured:

a. The Insured can cancel this policy at any time but a refund of premium money will only be made when:

i. The policy is cancelled because the Insured has transferred ownership of the insured property to someone else. In this case, once the Insurer receives the request for cancellation accompanied by the original policy, the excess of premium paid will be refunded to the Insured, which apply to the unused portion of the policy's term, pro-rata but with retention of the expense constant.

ii. The policy is cancelled because FEMA has determined that the insured property is not, in fact, in a special flood hazard area; and the Insured was required to purchase flood insurance coverage by a private lender or Federal agency pursuant to Pub. L. 93–234, s102; and the lender or Federal agency no longer requires the retention of the coverage. In this event, if no claims have been paid or are pending, the premium payments will be refunded in full, according to applicable regulations, but with retention of the expense constant.

2. Cancellation or voidance of the policy by the Insurer:

a. The following rules provide for voidance or cancellation of coverage, issued under a Standard Flood Insurance Policy, by the Insurer:

(i) Where an error(s) involving a misrating resulting in an underpayment of premium is apparent on the face of the flood insurance application, renewal endorsement or other form, or is caused by any willful misrepresentation or concealment of any material fact, including facts relevant to the rating of a flood insurance risk, by the Insured, the agent or any other legal representative of the Insured, the entire policy shall be void and all premium funds returned to the Insured; in the case of willful misrepresentation or concealment, only, the entire policy shall be void as of the date the wrongful act was committed, and coverage prior to the date of the wrongful act shall not be affected,

(ii) Where an error(s) involving a misrating resulting in an underpayment of premium is not apparent on the face of the flood insurance application, renewal, endorsement or other form and has not been willfully made by the Insured, agent or other legal representative of the Insured, upon discovery of the error by the Insurer, the Insured shall be given written notice of premium due by the Insurer and, provided the Insured remits the additional premium due to the Insurer within thirty (30) days from the date the notice of additional premium due is mailed, the policy shall be reformed, from its inception date, to provide flood insurance coverage to the Insured in the amounts of coverage initially requested by the Insured,

(iii) Where an error(s) involving a misrating resulting in an underpayment of premium is not apparent on the face of the flood

insurance application, renewal, endorsement or other form, the entire policy may be cancelled, at the Insurer's option, for nonpayment of premium in the event the Insured refuses, after mailing of notice of additional premium due by the Insurer, to pay the additional premium. Silence on the part of the Insured after thirty (30) days have elapsed from the date of the mailing of notice of premium due to the Insured's mailing address, as shown on the flood insurance application, shall be deemed to be refusal to pay additional premium within the meaning of this subsection. Upon the Insured's refusal to pay the additional premium due, the Insurer may cancel the policy, in which case:

(A) The paid premium shall be deemed to be fully earned and the term of the policy shall be reduced by an adjustment reflecting the number of calendar year days (based on a 360 day calendar year) of requested coverage and limits the paid premium will purchase and, with the term thereby reduced, the policy shall continue in force to the end of the adjusted term, at which time the policy shall be deemed cancelled by the Insurer and the Insured; and

(B) Paid premiums for policies issued in prior terms shall be deemed fully earned, with a commensurate reduction in the term of any such policy, and, in the event a claim has been paid under any such prior policy which arose after the end of the policy's term, as reduced to reflect the payment of insufficient premium, the Insured shall be indebted to the Insurer in the amount of the claim, unless, upon written demand for the additional premium due in respect to such prior policy, the Insured pays the additional premium within thirty (30) days from the date of mailing of the written demand.

(IV) This policy will be considered void if the Insurer determines:

a. The property listed on the application is not eligible for coverage;

b. The community in which the property is located was not participating in the National Flood Insurance Program on the policy's inception date and did not qualify as a participating community during the policy's term and before any loss for which the Insured may receive compensation under this policy.

(V) This policy will be considered void if, during the term of the policy, the participation in the National Flood Insurance Program of the community in which the insured property is located ceases, in which case, the policy shall be deemed void effective the end of the last day of the policy year in which such cessation occurred and shall not be renewed. In the event the voided policy was for a term of three years, the Insured shall be entitled to a refund of any premium applicable to the remainder of the policy's term after voidance of the policy.

* * * * *

(h.) General Condition "J" titled "Statutory Provisions", is deleted from and a new general condition "J", titled "Policy Renewal" is added to the section titled "GENERAL CONDITIONS AND PROVISIONS" as follows:

General Conditions and Provisions

* * * * *

J. *Policy Renewal:* The term of this policy commences on its inception date and ends on its expiration date, as shown on the "Declarations Page" which is attached to the policy. The Insurer is under no obligation to send any renewal notice or other notice that the policy term is coming to an end and the receipt of any such notice by the Insured, Mortgagee or Agent of the Insured shall not be deemed to be a waiver of this provision on the Insurer's part. The Insurer is under no obligation to assure that policy changes reflected in endorsements submitted by the Insured or Agent during the policy term and accepted by the Insurer are included in any renewal notice or new policy which is sent. "Policy changes" includes the addition of new coverage (e.g. contents coverage added to a building coverage policy or vice versa) or any increases in the amounts of coverage.

This policy shall not be renewed and the coverage provided by it shall not continue into any successive policy term unless the premium payment for any such successive policy term is received by the National Flood Insurance Program (NFIP), prior to the expiration date of this policy. The renewal premium payment shall be deemed to be received by the NFIP if the renewal payment is mailed to the NFIP prior to the expiration date and is received by the NFIP prior to or within five (5) days following the expiration date or if the renewal payment is mailed by certified mail to the NFIP prior to the expiration date.

In all cases, whether the renewal premium payment is received by the NFIP after the expiration date of this policy or not, this policy shall be deemed terminated as of the expiration date of the last policy term for which the premium was timely received by the NFIP and the Insurer shall not be obliged to provide the Insured with any cancellation, termination, policy lapse, or policy renewal notice advising the Insured of any such cancellation termination, policy lapse or policy renewal; provided, however, with respect to any mortgagee (or trustee) named in the Declarations form attached to this policy, this insurance shall continue in force only for the benefit of such mortgagee (or trustee) for 30 days after written notice to the mortgagee (or trustee) of termination of this policy, and shall then terminate.

(National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968), 42 U.S.C. 4001–4128; Reorganization Plan No. 3 of 1978 (43 FR 41943), Executive Order 12127, dated March 31, 1979 (44 FR 19367) Executive Order 11988, dated May 24, 1977 and 44 CFR 9, Delegation of Authority to Federal Insurance Administrator)

Issued at Washington, D.C., December 24, 1981.

Jeffrey S. Bragg,

Federal Insurance Administrator.

[FR Doc. 81-37139 Filed 12-29-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5738]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Arkansas

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule: revision.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Clarksville, Johnson County, Arkansas.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 44 FR 67186 on November 23, 1979, and in *The Graphic* on October 9 and October 16, 1980, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for inspection at City Hall, Walnut Street, Clarksville, Arkansas 72830.

Send comments to: Mayor Sterling Hurley or Ms. Ann Schmatjen, Assistant Administrator, City Hall, P.O. Box 409, Clarksville, Arkansas 72830.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., National Flood Insurance Program, (202) 287–0230, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in Clarksville, Arkansas in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(A).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood

insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 USC 605(b), the Associate Director to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not proscribe develpment. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations are:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arkansas	Clarksville, Johnson County	Spadra Creek (before levee overtopping).	Just downstream of Cherry Street	*378
	Just upstream of Missouri-Pacific Railroad	*380		
	Spadra Creek (after levee overtopping)	At the intersection of Laster Street and Kennon Street.	*365	
	At the intersection of Dunlop Street and Saver Street	*368		
	Tributary 1	Just upstream of Interstate Highway 40.	*358	
	Greenbriar Creek	Just upstream of the downstream crossing of Missouri-Pacific Railroad.	*390	
	Just upstream of Cherry Street	*406		
	Little Willett Branch	Just upstream of U.S. Highway 64	*365	
	Just upstream of Quarter-Line Road	*369		

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: December 16, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-37136 Filed 12-29-81; 8:45 am]

BILLING CODE 6718-03-M

Notices

Federal Register
Vol. 46, No. 250
Wednesday, December 30, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

1981 Peanut Program Price Support

AGENCY: Commodity Credit Corporation (CCC), USDA.

ACTION: Notice of determination of 1981-Crop Farm-Stored Peanut Loan and Purchase Program.

SUMMARY: The purpose of this notice is to set forth for 1981-crop farm-stored peanuts (1) loan and purchase rates, and (2) location adjustments. This notice is needed in order to provide price support on 1981-crop farm-stored peanuts.

EFFECTIVE DATE: December 30, 1981.

FOR FURTHER INFORMATION CONTACT: Bruce D. Starnes, (202) 447–7301. A final impact statement has been prepared and is available from the above-named individual.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed under USDA procedures required by Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified "not major." It has been determined that these program provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal assistance program that this final rule applies to is: Title—Commodity Loans and Purchases; Number 10.051, as found in the Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this Notice of Determination since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

The 1981-Crop Peanut Loan and Purchase Program was announced on February 13, 1981. A notice published in the **Federal Register** on July 20, 1981, (46 FR 37294) established the National average support values for the 1981 crop peanuts at $455 per ton for quota peanuts and $250 per ton for additional peanuts. Also, in that notice, CCC adjusted 1981-crop peanut loan and purchase rates for differences in type, quality, location and other factors.

It has been determined that the same method of calculating price support rates by type set forth in the **Federal Register** as to warehouse storage loans on July 20, 1981, should be adopted for farm-stored peanuts so that all producers will be treated fairly. Accordingly, the basic rates applicable to warehouse storage loans shall also be applicable for farm-stored loans.

Notice of Determination

1. *Loan and Purchase Rate.* Subject to the discounts specified in paragraph (b) of this section, the loan and purchase rates for quota peanuts placed under farm-stored loan or purchase shall be the following rates by type per ton:

Type	Dollars per ton
Virginia	$462
Runner	459
Spanish	438
Valencia	462

Loans on additional peanuts shall be made at 54.95 percent of the quota support rate.

2. *Location Adjustment to Support Prices.* The loan and purchase rates specified in paragraph 1 of this section shall be subject to the following discounts for farmers stock peanuts placed under a farm-stored loan in States where peanuts are not customarily shelled or crushed, as specified below.

State	Dollars per ton
Arizona	$25
Arkansas	10
California	25
Louisiana	7
Mississippi	10
Missouri	10
Tennessee	25

3. *Settlement Values.* The support prices, premiums, and discounts for use in computing the settlement value in accordance with § 1421.292(b)(2) of the continuing regulations governing the peanut farm-stored loan and purchase program with respect to peanuts acquired by CCC under loan or purchase, shall be those support prices, premiums, and discounts specified in notice of determination of the 1981-crop peanut warehouse storage loan supplement (46 FR 37296 published July 20, 1981) including the location adjustment specified therein for peanuts delivered to CCC in States where peanuts are not customarily shelled or crushed.

(Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and c); secs. 101, 108, 401, 403, 405, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1445, 1421, 1423, 1425))

Signed at Washington, D.C. on December 23, 1981.

Clarence L. Tardy,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81–37144 Filed 12–30–81; 8:45 am]
BILLING CODE 3410–05–M

CIVIL RIGHTS COMMISSION

Vermont Advisory Committee Agenda; and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Vermont Advisory Committee to the Commission will convene at 7:00 p.m., and will end at 9:00 p.m., on January 19, 1982, at the Vermont Federal Savings and Loan Association, in the Friendship Room, 99 State Street, Montpelier, Vermont 05602. The purpose of this meeting is to discuss the civil rights developments in 1981; Federal budget cuts to civil rights programs; and the Franco-American report.

Persons desiring additional information or planning a presentation to the Committee, should contact the

Chairperson, Philip Hoff, 192 College Street, Hoff, Wilson and Powell, PC, Burlington, Vermont 05401, (802) 658–4300 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 28, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-37128 Filed 12-29-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee on Agriculture Statistics; Renewal

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), and Office of Management and Budget Circular A–63 (revised), and after consultation with GSA, it has been determined that the renewal of the Census Advisory Committee on Agriculture Statistics is in the public interest in connection with the performance of duties the law imposes on the Department.

The Committee was established July 16, 1962, and its charter expired on December 12, 1981. It was initially chartered under the Federal Advisory Committee Act in January 1973. The Committee's purpose is to advise the Director, Bureau of the Census, on the conduct of periodic censuses of agriculture and related surveys and the kind of information that should be obtained from respondents associated with the agricultural production; to make recommendations regarding the contents of agricultural reports; and to present the data needs of major suppliers and users of agriculture statistics. The Committee plays a vital role in advising the Census Bureau concerning the structuring and planning of the agriculture censuses and surveys.

The Committee will continue with a balanced representation of 21 member organizations, each appointing a person to the Committee subject to the concurrence of the Director, Bureau of the Census. A selected member chairs the Commitee which will function solely as an advisory body in compliance with the Federal Advisory Committee Act.

Copies of the Committee's revised charter will be filed with appropriate committees of the Congress.

Inquiries or comments may be addressed to the Committee Control Officer, Mr. Arnold L. Bollenbacher, Chief, Agriculture Division, Federal Building 4, U.S. Department of Commerce, Bureau of the Census, Washington, D.C. 20233, telephone 301/763–5230, or Mrs. Yvonne D. Barnes, Committee Management Analyst, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377–4217.

Dated: December 23, 1981.

Dennis C. Boyd,

Executive Director, Information Resources Management.

[FR Doc. 81-37134 Filed 12-29-81; 8:45 am]

BILLING CODE 3510-07-M

Foreign-Trade Zones Board

[Docket No. 24–81]

Proposed Foreign-Trade Zone; City of Industry, California; Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of Industry, California (the City), a municipal corporation, requesting authority to establish a general-purpose foreign-trade zone in the City of Industry, adjacent to the Los Angeles/Long Beach Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on December 22, 1981. The applicant is authorized to make this proposal under sections 6300–6305 of the Government Code of the State of California.

The City of Industry is an incorporated community which has been developed as a light industrial and commercial center. It covers 15 square miles some 20 miles southeast of downtown Los Angeles. The zone project is designed to provide special Customs services for the City's many firms engaged in international trade related operations. Covering 120 acres south of Valley Boulevard between Fairway Drive and Lemon Avenue, the zone will be the focal point of a 200-acre international trade complex known as the Industry Distribution and Commerce Center, Foreign-Trade Zone/Freeport. The project will be administered on behalf of the City by National Engineering Company, which will be responsible for developing the zone with City financing, and selecting a private operator/manager.

The application contains evidence of the need for large-scale zone services in the City of Industry. Prospective tenants have indicated an interest in using over 1.3 million square feet in the zone for warehousing, distribution, labeling, packing, and assembly of auto parts, hardware, electronic components, electrical appliances, shoes, toiletry products, alcoholic beverages and candy.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: John J. Da Ponte, Jr. (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; John E. Brady, District Director, U.S. Customs Service, Region VII, 300 South Ferry Street, Terminal Island, San Pedro, California 90731; and Colonel Paul W. Taylor, District Engineer, U.S. Army Engineer District Los Angeles, P.O. Box 2711, Los Angeles, California 90053.

As part of its investigation, the Examiners Committee will hold a public hearing on January 27, 1982, beginning at 10:00 a.m., in Room 2032 of the U.S. Customshouse Building, 300 South Ferry Street, Terminal Island, California 90731. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested parties are invited to present their views at the hearing. They should notify the Board's Executive Secretary of their desire to be heard in writing at the address below or by phone (202/377–2862) by January 18, 1982. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through February 26, 1982. Evidence submitted during the post-hearing period is not desired unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be presented at the hearing. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

U.S. Department of Commerce District Office, 11777 San Vicente Boulevard, Room 800, Los Angeles, California 90049

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3721, 14th and E Streets NW., Washington, D.C. 20230

Dated: December 23, 1981.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 81-37123 Filed 12-29-81; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on October 5, 1981 pursuant to the charter of the Committee. The Licensing Procedures Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

TIME AND PLACE: January 13, 1982, at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room 3708, 14th Street and Constitution Ave., NW., Washington, D.C.

Agenda: General Session

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Continuing business:

(a) Discussion of ITA-6031A—Computer System Parameters form (short version).

(b) Discussion of the role of Department of Commerce to provide for technical consultation with exportes in order to establish pre-agreement on the technical parameters of export items.

(c) Use of "Swiss Blue" import certificate.

(d) Software regulation—Section 376, 379 of the OEA regulations.

(e) Questions relating to the utility of the Qualified General License as currently framed.

(f) Discussion of the current "relaxation" of reexport controls.

(4) Adequacy of Committee attendance and ways to improve it.

(5) Report on OEA case backlog, East European export policy, and PRC export policy.

(6) Recent experiences of COCOM's processing of cases.

(7) Procedures for licensing for exhibitions and fairs.

(8) Disposition of controlled country (Bloc) applications not requiring multilateral review.

PUBLIC PARTICIPATION: The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written Statements may be submitted at any time before or after the meeting.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230; Telephone: 202-377-2583.

Dated: December 24, 1981.

Vincent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc. 81-37183 Filed 12-29-81; 8:45 am]

BILLING CODE 3510-25-M

Switching Subcommittee of the Telecommunications Equipment Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Telecommunications Equipment Technical Advisory Committee was initially established on October 23, 1973, and rechartered on September 18, 1981, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was established on October 5, 1981, pursuant to the charter of the Committee.

The Switching Subcommittee was formed to study computer controlled switching equipment with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

TIME AND PLACE: January 19, 1981, at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room 5611, 14th Street and Constitution Avenue, NW., Washington, D.C.

Agenda: General Session

A short open session will be held to provide an opportunity for submissions of industry recommendations for revisions of the following CCL entry: 1565 (switching portions only).

Executive Session

Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

PUBLIC PARTICIPATION: The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive order 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202-377-4217.

FOR INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret Cornejo, Committee Control Officer, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230; Telephone: 202-377-2583.

Dated: December 24, 1981.

Vincent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc. 81-37184 Filed 12-29-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Caribbean Fishery Management Council and its Administrative Subcommittee; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Caribbean Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), has established an Administrative Subcommittee. The Council and its Administrative Subcommittee will hold separate public meetings. The Council will hold its 39th regular meeting to consider status

reports on fishery management plans under development; draft FMP for shallow-water reef fishery; draft FMP for coastal migratory pelagics resources; draft Caribbean section of the Atlantic billfish FMP; draft FMP for the fishery resources of the Puerto Rican and St. Croix geological platforms, as well as discuss administrative matters and other Council business. The Administrative Subcommittee will meet to consider matters related to the Council's budget, the new draft standard operating practices and procedures and regular administrative operations.

DATES: The Council's public meeting will convene on Wednesday, January 27, 1982, at approximately 9 a.m., and will adjourn on Thursday, January 28, 1982, at approximately noon. The Council's Administrative Subcommittee public meeting will convene on Tuesday, January 26, 1982, at approximately 1:30 p.m., and will adjourn at approximately 5 p.m.

ADDRESS: The meetings will take place in the Conference Room of the Frederiksted Fort, Frederiksted, St. Croix, U.S. Virgin Islands.

FOR FURTHER INFORMATION: Caribbean Fishery Management Council, Suite 1108–Banco de Ponce Building, Hato Rey, Puerto Rico 00918, Telephone: (809) 753–4926.

Date: December 23, 1981.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 81–37130 Filed 12–30–81; 8:45 am]

BILLING CODE 3510–22–M

Marine Fisheries Advisory Committee; Public Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I, notice is hereby given of meetings of the Marine Fisheries Advisory Committee (MAFAC). The Committee meeting (MAFAC XXVI) will be held on Tuesday, Wednesday and Thursday, January 19–21, 1982, at the Department of Commerce, 15th and Pennsylvania Avenue, NW, Washington, D.C., Room 4830 with meetings starting at 8:30 a.m. Adjournment is planned for noon on Thursday.

Two Subcommittees will meet as part of the full Committee session on Wednesday, January 20, 1982, at the Department of Commerce address noted above. The Subcommittee on Consumer Affairs will meet at 10:30 a.m. and the Subcommittee on Marine Recreational Fishing at 1:30 p.m. Agenda items for the MAFAC Committee meeting include: the FY 1982 Program, future objectives, organization and programs of the National Oceanic and Atmospheric Administration (NOAA); an overview of NOAA's FY 1982 appropriations and FY 1983 submission and their effect upon the National Marine Fisheries Service (NMFS); the role of the National Advisory Committee on Oceans and Atmosphere (NACOA) and its relationship to MAFAC; the views of the Assistant Administrator for Fisheries on the future of NMFS; fisheries legislative activities; fisheries policy issues; the two subcommittee meetings; a presentation on mariculture; and a discussion of the role and future of MAFAC.

The Committee and Subcommittee meetings are open to the public and there will be seating for approximately 20 public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact: Ms. Robin Tuttle Waxman, Acting Executive Secretary, Marine Fisheries Advisory Committee, National Marine Fisheries Service, Washington, D.C. 20235, Telephone: (202) 634–7283.

At the discretion of the Chairperson, interested members of the public may speak for a reasonable amount of time at points which allow an orderly conduct of Committee business.

Interested members of the public who wish to submit written comments should do so at the address noted above. To receive due consideration and facilitate their inclusion in the record of the meeting, written statements should be received within 10 days after the close of the committee meeting.

Dated: December 23, 1981.

William H. Stevenson,

Deputy Assistant Administrator for Fisheries.

[FR Doc. 81–37131 Filed 12–30–81; 8:45 am]

BILLING CODE 3510–22–M

New England Fishery Management Council; Public Meeting With a Partially Closed Session and Public Meeting of Its Scientific and Statistical Committee

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of public meeting with a partially closed session.

SUMMARY: As required by the Federal Advisory Committee Act, this notice sets forth the schedule and proposed agendas for the forthcoming separate public meetings of the New England Fishery Management Council (with a partially closed session) and the public meeting of the Council's Scientific and Statistical Committee (SSC). The New England Fishery Management Council was established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), and the Council has established a SSC to assist the Council in carrying out its responsibilities to manage and conserve America's fisheries as specified by the Act.

DATES: Council—January 26–27, 1982. SSC—January 20, 1982.

ADDRESSES: The Council's separate public meeting (with partially closed session) will take place at the King's Grant Inn, Route 128 at Trask Lane, Danvers, Massachusetts. The SSC's separate public meeting will take place at the Council's Headquarters Office, Suntaug Office Park, Five Broadway, Route One, Saugus, Massachusetts.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Suntaug Office Part—5 Broadway (Route One), Saugus, Massachusetts 01906, Telephone: (617) 231–0422.

Agendas

Council (open meeting)—January 26–27, 1982 (10 a.m. to 3 p.m. on January 26; 9 a.m. to 5 p.m. on January 27)—review the status of the herring and lobster fishery management plans (FMPs); review status of recommendations of the policy review committee; further discussion of future groundfish management measures and review of joint venture permit applications, as well as other fishery management business.

Council (closed session)—January 26, 1982 (3 p.m. to 5 p.m.)—discussion of the status of maritime boundary and resource negotiations between the U.S. and Canada. Only those Council members and selected staff having security clearances will be allowed to attend this closed session.

SSC (open meeting)—January 20, 1982 (10 a.m. to 5 p.m.)—review of the interim groundfish FMP; review of research proposals as well as other fishery management business. The meeting may be lengthened or shortened or agenda items rearranged depending upon progress of same.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on November 17, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, that

the agenda item covered in the closed session is exempt from the provisions of the Act relating to open meetings and public participation therein, because the meeting will be concerned with matters that are within the purview of 5 U.S.C. 552(c)(1), as information which will disclose matters that are (A) specifically authorized under criteria established by an executive order to be kept secret in the interests of national defense or foreign policy and (B) in fact properly classified pursuant to such executive order. (A copy of the determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Department of Commerce.) All other portions of the Council's meeting (as well as the SSC's meeting) will be open to the public.

Dated: December 23, 1981.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 81-37132 Filed 12-29-81; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

Economic Advisory Board; Renewal

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 1976) and the Office of Management and Budget Circular A-63 of March 1974, and after consultation with the General Services Administration, the Secretary of Commerce has determined that the renewal of the Economic Advisory Board is in the public interest.

The Advisory Board was first established by the Secretary of Commerce on January 12, 1967. Its purpose is to advise the Secretary of Commerce on economic policy issues. It has discharged this mission regularly by convening quarterly to discuss various specific industry situations in terms of consumer spending and inventory status; the near-term outlook and policies; and the outlook, in terms of output and employment, for the forthcoming several quarters.

In renewing the Advisory Board, the Secretary has reaffirmed the importance of the timely and accurate information it has provided concerning business conditions and the current state of the economy. The Secretary has also requested that members of the Advisory Board, in addtition to presenting their individual forecasts, also provide their analyses of specific economic issues as designated by the chairperson, the Assistant Secretary for Economic Affairs.

As initially chartered under the Federal Advisory Committee Act in January 1973, the Economic Advisory Board will continue with a balanced representation of 16 members and will operate in compliance with the provisions of the Federal Advisory Committee Act.

Copies of the Board's charter will be filed with the appropriate committees of the Congress.

Inquiries or comments may be addressed to the Committee Control Officer, Virginia R. Marketti, Office of the Assistant Secretary for Economic Affairs, Room 4848, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377-3523, or Mrs. Yvonne D. Barnes, Committee Management Analyst, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377-4217.

Dated: December 23, 1981.

Dennis C. Boyd,

Executive Director, Information Resources Management.

[FR Doc. 81-37128 Filed 12-29-81; 8:45 am]

BILLING CODE 3510-CW-M

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Implementation of Special Refund Procedures and Solicitation of Comments

AGENCY: Office of Hearings and Appeals, Energy.

ACTION: Notice of implementation of special refund procedures and solicitation of comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding to eligible claimants $4,750,000 obtained by the DOE under the terms of a consent order entered into with OKC Corp. The funds were provided by the firm in order to settle enforcement proceedings brought by the Office of Enforcement.

DATES AND ADDRESS: Comments must be filed on or before January 29, 1982 and should be addressed to the Office of Hearings and Appeals, Department of Energy, 2000 M Street, NW., Washington, D.C. 20461. All comments should display conspicuously a reference to case number BEF-0032.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, Department of Energy, 2000 M Street, NW., Washington, D.C. 20461; (202) 653-3137.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the Procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order tentatively establishes procedures to distribute to eligible claimants a total of $4,750,000 obtained by the DOE under the terms of a consent order entered into with OKC Corp. on July 17, 1980. The funds were provided to the DOE by the firm in order to settle all claims which the Office of Enforcement (OE) could have pursued under the DOE price regulations relating to transactions by OKC involving crude oil, residual fuel oil or refined petroleum products for the period from August 1973 to the settlement date. In the consent order, the parties stipulated that the OE would file with the OHA a petition for the implementation of special procedures for the distribution of refunds from the settlement fund, pursuant to 10 CFR Part 205, Subpart V.

The Proposed Decision and Order sets forth the procedures and standards that the DOE has tentatively formulated to distribute the contents of the escrow account funded by OKC. The DOE has tentatively decided that Applications for Refund should be accepted from the initial purchasers of covered products from OKC during the audit period. In addition, the DOE determined that Applications for Refund also should be accepted from all persons who bought OKC products during the relevant time period. The Proposed Decision and Order provides that in order to be entitled to receive any portion of the settlement funds, a purchaser must furnish the DOE with evidence which demonstrates that the claimant was injured by the alleged unlawful prices for covered products charged by OKC, including specific documentation concerning the date, place, price, and volume of product purchased, whether the increased costs were absorbed by the claimant or passed through to other purchasers, and the extent of any injury alleged to have been suffered.

The Proposed Decision and Order also provides for the distribution of any funds remaining after all valid claims are paid. The Proposed Decision and Order states DOE's view that refunds might be made in the form of lowered energy or energy-related costs in the areas where the persons who are likely to have been injured by the alleged overcharges may reside. The DOE also solicits proposals from first purchasers of covered products and from the public concerning the distribution of any funds

remaining after claims have been paid. In the alternative, the DOE suggests that any remaining funds which would otherwise go undistributed be deposited in the Treasury of the United States.

It should be pointed out that until final procedures are adopted, no claims for refunds will be accepted. Applications for Refund therefore should *not* be filed at this time. Appropriate public notice, including notice published in the **Federal Register**, will be provided prior to the acceptance of claims.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted on or before January 29, 1982, and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, NW., Washington, D.C. between the hours of 1:00 to 5:00 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on December 23, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

December 23, 1981.

Proposed Decision and Order of the Department of Energy

Special Refund Procedures

Name of Petitioner: Office of Enforcement, Economic Regulatory Administration; in the Matter of OKC Corp.

Date of Filing: February 5, 1981.

Case Number: BEF–0032.

Under Subpart V of the Department of Energy's procedural regulations, the Economic Regulatory Administration's Office of Enforcement (OE) may petition the Office of Hearings and Appeals (OHA) for implementation of special refund procedures in situations where the DOE is unable to readily identify persons entitled to refunds as a result of alleged violations of DOE regulations. (*1*) 10 CFR Part 205, Subpart V. The OE filed such a petition on February 5, 1981, requesting that OHA establish special refund procedures for moneys received pursuant consent order with OKC Corp. (OKC). Under the terms of the consent order agreed to on July 17, 1980, OKC has remitted $4,750,000 to the DOE in settlement of enforcement actions alleging violations of DOE's price regulations. This money is being held in an escrow account in the United States Treasury pending instructions from DOE regarding the disposition of the funds.

I. Background

OKC is a producer and refiner of crude oil as those terms were defined in 10 CFR 212.31. During the relevant time period, OKC was therefore subject to the Manadatory Petroleum Price Regulations contained in 10 CFR Part 212. In settlement of possible enforcement actions based upon these regulations, OKC entered into a consent order with DOE on July 17, 1980, in which it agreed to pay $4,750,000 to the DOE. The consent order settled all claims which the OE could have pursued under the price regulations relating to transactions by OKC involving crude oil, residual fuel oil, or refined petroleum products for the period from August 1973 to the settlement date. The Consent order also established procedures to audit OKC's compliance with the DOE allocation regulations including those governing the Entitlements Program, 10 CFR 211.67.

Notice of the consent order was published in the **Federal Register** for public comment on July 31, 1980, and a press release was issued, 45 FR 50865. Interested parties were invited to submit written notice to DOE of potential claims against the settlement fund. Notice of claims were filed by 24 persons, two of whom commented on the consent order. A notice responding to the comments was published in the **Federal Register** on February 12, 1981. 46 FR 12051.

II. Subpart V Jurisdiction and Authority to Fashion Refund Procedures

In an Interlocutory Order issued on April 6, 1981, we determined that the jurisdictional prerequisites for the establishment of special refund procedures were satisfied in the case of OKC. *Office of Enforcement,* 8 DOE ¶ 82,651 (1981). In that decision we found that the persons who may be entitled to a portion of the OKC consent order fund are not readily identifiable, and the amounts to which those persons may be entitled are not readily ascertainable. 10 CFR 205.280. We therefore concluded that a proceeding under Subpart V to implement special refund procedures was appropriate in this case.

In comments which it submitted on the consent order, Town and Country Markets, Inc. objects to the implementation of special refund procedures in this case. The firm contends that both the persons to whom refunds are owed and the amounts which they are due are readily ascertainable. The firm maintains that this information is available to the Office of Enforcement by virtue of its access to OKC's books and records and that the OE is therefore better suited than the OHA to make decisions as to who was overcharged. Finally, the firm alleges that the shift in the locus of decision-making from OE to OHA unfairly burdens overcharged purchasers, who will be required to prove damages before the OHA.

We disagree with Town and Country's contentions. We note initially that Subpart V proceedings are part of an overall enforcement program designed to accomplish two independent purposes: disgorgement of the fruits of a regulatory violation from the wrongdoer, and refunding money to persons injured by the alleged regulatory violation. *See generally Office of Enforcement,* 8 DOE ¶ 82,597 (1981) (hereafter cited as *Vickers*); *Sauder* v. *DOE,* 648 F.2d 1341 (Temp. Emer. Ct. App. 1981). It is this second objective to which the Subpart V regulations are specifically addressed, providing a means of distributing funds to those persons ijjured as a result of ahleged regulatory violations. While it may be possible to obtain a list of direct purchasers from OKC's records, this group is not necessarily the same as the group of persons injured by the alleged overcharges because skme of these purchasers may have passed on the overcharges to their customers. Thus, implementation of Subpart V proceedings is appropriate in this case.

Recent chajges in the regulatory system have also made Subpart V proceedings appropriate in a case such as this. Until January 28, 1981, crude oil and refined petroleum products were subject to a comprehensive price regulation scheme which could be utilized to facihitate the channeling of refunds to perskns adversely affected by alleged violations of those regulations through price rollbacks. However on January 28, 1981, the President exempted crude oil and all refined petrkleum products from the DOE regulatory program. Exec. Krder No. 12287, 46 FR 9909 (1981). As a result of decontrol, there is no maximum lawful price upon which a rollback krder may be based. Therefore, to refund money to parties affected by the alleged overcharges, a determination must be made regarding the extent to which purchasers of the products involved absorbed the overcharges or passed the higher costs through to their customers by raising sales prices. Although DOE's enforcement officials may agree to a mechanism for making refunds to first purchasers alone in the context of a consent order, a Subpart V proceeding is governed by different standards. Under

Subpart V, refunds are to be made "*to injured persons.*" 10 CFR 205.280 (emphasis added). In this context, refunds to first purchasers alone, now that decontrol has occurred, could produce a windfall to them with no benefit to their customers through lowered prices. Under these circumstances, we believe that Subpart V provides the most useful mechanism to affect restitution to those persons who were likely to have been injured by these alleged pricing violations.

III. Proposed Refund Procedures

In view of the objectives expressed in the statutes and regulations discussed above, and the OKC consent order, the procedures to be implemented in this case should, to the maximum extent practicable, provide for the distribution of the moneys involved to parties who bore the adverse effects of the alleged regulatory violations.

As we have stated before, refunding money obtained through enforcement actions is the primary focus of Subpart V, which authorizes the Office of Hearings and Appeals to formulate and implement a process "pursuant to which refunds may be made to injured persons in order to remedy the effects of a violation" of DOE regulations. 10 CFR 205.280; *see Vickers.* It offers a means of compensating many individuals who, because they either lack the resources or do not have a substantial financial stake in the outcome to institute their own private lawsuits under Section 210 of the Economic Stabilization Act of 1970, as amended (ESA), 12 U.S.C. 1904 note, have suffered injuries which would otherwise go unredressed. The Subpart V process is also an efficient administrative mechanism for returning overcharges to injured parties because it may eliminate the need for long and costly court actions.

In our view, the distribution of funds should generally take place in two stages: (i) Payment to persons and firms who file applications for refunds and prove they are entitled to a portion of the funds, and (ii) payment on behalf of injured persons to entities which are in a position to devise and implement compensatory measures which effectuate the restititutionary purposes discussed above. *Vickers,* 8 DOE ¶82,597 at 85,392. In the event that implementation of the methods discussed above would not accomplish its intended objectives or fails to exhaust all of the settlement fund, § 205.287(c) provides that "any remaining funds * * * shall be deposited in the United States Treasury or distributed in any other manner specified in the Decision and Order referred to in Section 205.282(c)." 10 CFR 205.287(c).

A. Refunds to Identifiable Purchasers

As a first stage, the consent order funds should be distributed to claimants who satisfactorily demonstrate that they have been adversely affected by the alleged overcharges in sales of covered products by OKC. The persons most directly affected by the alleged overcharges are those persons who purchased covered products directly from OKC. To the extent that any of these initial purchasers can establish that it absorbed the alleged overcharges rather than passed them on to its customers, it will be entitled to a *pro rata* share of the consent order funds. In order to qualify for a refund, however, a purchaser will be required to demonstrate that during the period covered by the consent order it could have kept its prices at the same level had it experienced a cost reduction equal to the amount of the refund claimed. In other words, a firm must demonstrate that at the time it purchased covered products from OKC it had unrecovered product costs which were at least equal to the amount of the refund claimed, and that market conditions would not permit it to increase its prices to pass through the higher costs. At a minimum, the firm must have maintained a "bank" of unrecovered costs during each month thereafter in order to support a showing that it did not subsequently recover these costs by increasing its prices. In addition, firms or individuals that purchased OKC covered products from intermediate suppliers may also submit Applications for Refund.

In order to establish an entitlement to a refund, any person claiming to be an injured party must satisfactorily demonstrate that it purchased, during the relevant time period, a specific quantity of products which were produced with or from the crude oil, residual fuel oil or refined petroleum products sold by OKC. Privity with either OKC or one of its first purchasers need not be established; evidence need only be presented that the products purchased by the claimants flowed through a chain of distribution leading back to OKC. In addition, unless the purchaser is an ultimate consumer, it must demonstrate that it did not pass through any cost increases resulting from the alleged overcharges to its own customers. For example, purchasers who resold the identified products must show that market conditions did not permit them to raise prices charged to downstream customers, and that consequently they were forced to absorb any cost increase incurred. In the absence of that showing, we must conclude that the claimant was not injured in a monetary sense by the alleged overcharge. *See Vickers,* 8 DOE ¶82,597 at 85,393; Office of Special Counsel for Compliance, 4 DOE ¶82,511 at 85,043–44. However, in the *Vickers* decision, we noted that the nature of the showing required could be too complicated for those individuals and firms who might otherwise be entitled to apply for refunds and who purchased relatively small amounts of products. We also observed that many of those purchasers might lack the type of records required to support such a showing. We therefore established in that case a threshold level of purchases under which applicants, primarily smaller firms and individuals, were not required to make a detailed showing of actual injury. For those applicants who were claiming less than that level of purchases, we required only proof of the amount of product purchased by the applicant during the consent order period. However, the *Vickers* decision did require applicants whose purchases exceeded the threshold level to provide detailed information which would establish that they did not pass through the price increases to their customers. This Proposed Decision is being published in the **Federal Register** so that interested parties will have an opportunity to submit comments on the tentative distribution scheme. We will consider using the same type of treatment for smaller claimants in this proceeding, and we specifically request comments from the public on this issue. *See Vickers; Office of Special Counsel for compliance,* 4 DOE ¶ 82,511, at 85,043–44.

Refunds to persons who establish their entitlement to a refund would be made on a volumetric basis—*i.e.,* the refund would be based on the proportion of a specific OKC covered product purchased by the applicant to the total amount of that covered product marketed by OKC during the relevant period.

In comments which it submitted to the consent order and in comments submitted in connection with the adoption of special refund proceedings, Town and Country Markets, Inc. has argued that the DOE lacks authority to distribute refunds to persons or entities other than direct purchasers. (*2*) The firm also objects to what it characterizes as a "presumption" against direct purchasers, requiring them to meet the difficult burden of proving that they did not pass on the overcharges. The firm cites as its main support for its positions

the antitrust case of *Illinois Brick Co. v. Illinois*, 431 U.S. 720 (1977) (hereinafter cited as *Illinois Brick*).

In *Illinois Brick*, the Court held that the "pass-on" theory could not be used offensively by a plaintiff who was not a direct purchaser from the defendant but claimed that the effects of an anti-trust violation had been passed on to it by an intermediate party. The Court had previously held, in *Hanover Shoe v. United Shoe Machine Corp.*, 392 U.S. 481 (1968) that "passing on" could not be used as a defense in a private antitrust action by a defendant alleging that the plaintiff had passed on the resulting overcharges to its customers and therefore suffered no injury.

We have discussed at great length the factors distinguishing private anti-trust actions brought under section 4 of the Sherman Act from government actions brought under section 209 of the Emergency Stabilization Act, such as the instant cased, in our recent decision in *Office of Enforcement*, 9 DOE ¶——, No. BEF–0036, (November 20, 1981) (hereinafter cited as *Coline*). In *Coline* we held that the considerations underlying the exclusion of pass-on evidence in private antitrust actions, as well as private actions brought under ¶ 210 of the ESA, were inapplicable to ¶ 209 actions. Consequently we reaffirmed our authority to require proof by a claimant that it absorbed overcharges in order to establish entitlement to a portion of the settlement fund. Town and Country has presented no new arguments in this proceeding which would lead us to alter our position on this matter.

We now turn to a consideration of the specific provisions recommended to us for adoption by the parties to the consent order. In order to encourage voluntary settlements in DOE enforcement proceedings, we give substantial weight to consent order provisions, even where they are not binding upon OHA. *See Vickers*. We note, however that the OKC consent order itself recognizes that its terms are not intended to be inflexible. That consent order states that "[t]he petition shall include a statement that the Office of Enforcement and OKC recommend that the OHA adopt the following requirements for the distribution of the monies under the Special Procedures * * *." July 17 Consent Order at 7. Thus, it is clear that the procedures subject to this condition are recommendations by OKC and the Office of Enforcement and are not binding on the OHA.

The first of the procedures which the OKC consent order advises us to adopt is a provision that any OKC purchaser accepting a refund from the consent order funds must waive its right to bring a private lawsuit under section 210 of the Economic Stabilization Act, 12 U.S.C. 1904 note, seeking damages for alleged overcharges by OKC during the audit period:

> [A]s a condition precedent to any claimant's eligibility to receive a refund, the claimant shall be required to waive and release all other claims and remedies against OKC with respect to any possible violation of applicable DOE petroleum price statutes or regulations which may have been committed during the settlement period.

July 17 Consent Order at 7. In comments on the consent order and on the adoption of Subpart V proceedings, Town and Country Markets, Inc., a potential claimant in this proceeding, has stated its objection to this provision. The firm points out that there is no danger of double recovery here since any refund obtained as a result of the consent order will reduce that claimant's recovery in any private cause of action. Thus, Town and Country argues, the waiver provision "has no purpose other than to deprive overcharged purchasers of their statutory right to bring a private cause of action against a party that has violated the regulations." Town & Country September 2, 1980 Comments at 4.

We have most recently considered this issue in *Vickers*, where we adopted the requested waiver requirement. Noting that requested provisions of this type will be carefully examined, we distinguished the situation in *Vickers* from the situation in *Conoco, Inc.*, 4 DOE ¶ 82,544 (1979) where a firm's request for such a provision was rejected. In *Conoco* no reference to such a provision was made in the consent order. In addition, we observed that the Conoco consent order was negotiated as a result of a criminal action in which the firm pleaded *nolo contendere* to a felony charge, making false records, and a misdemeanor charge of violation of Cost of Living Council Regulations. We found "wholly unreasonable" Conoco's attempt "to use the [consent order] payment which it had been ordered to make in connection with these criminal matters to gain considerable benefits at the expense of the statutory rights of the purchasers of its products." *Id.* at 85, 152–53. In contrast, in *Vickers* as in the present case, the proposed election provision is a part of the consent order and no criminal action has been brought. Thus, the proposed election provision is an integral part of the consent order, and represents a carefully negotiated compromise concerning OKC's possible liability for civil violations of the DOE price regulations. *See United States* v. *Armour & Co.*, 402 U.S. 673, 681 (1971).

For the reasons indicated below, we have decided to adopt the requested consent order provision. Adoption of the election of remedies provision is appropriate because it is not inconsistent with the purposes of Subpart V, it furthers important policies, and it implements the recommendation of the consent order.

Significantly, we believe that the adoption of the type of election provision requested in this case will encourage settlements between DOE and regulated firms. Regulated companies are more likely to be willing to enter into settlements with DOE if we determine that election of remedies provisions may be approved and we adopt the proposed provision. We reach this conclusion because of the effect election provisions may have on a company's potential liability under Section 210. When election of remedies provisions are executed by persons seeking administrative refunds, the regulated company's potential exposure to liability in private damage actions is reduced. Accordingly, approval of the proposed provision which was bargained for by OKC should foster settlements, and settlements as a general matter are in the public interest because they permit DOE to enforce its regulatory program efficiently and effectively and to bring its enforcement activities to a speedy conclusion.

Moreover, no rights of any injured party will be prejudiced by the adoption of the election provision. Notice of the right to file an Application for Refund under 10 CFR 205.283 from the OKC consent order fund will be widely publicized (see discussion below). This notice will apprise direct purchasers of their right to bring a section 210 action as well as the waiver requirement. We note that the Supreme Court has expressly approved as an appropriate exercise of equitable discretion a similar requirement that an individual who claims a portion of a money judgment obtained by the Equal Employment Opportunity Commission in the context of a Title VII action, 42 U.S.C. § 2000e, be required to relinquish the right to bring a private action under that Act. *General Telephone Co.* v. *EEOC*, 100 S. Ct. 1698, 1708 n.15 (1980); *see also United States* v. *Allegheny-Ludlum Industries, Inc.*, 517 F. 2d 826, 860–64 (5th Cir. 1975), *cert. denied*, 425 U.S. 944 (1976). We note that it is not necessary for a claimant to execute an election of remedies provision when filing an Application for Refund. Eligible claimants who have not filed an election

of remedies provision will be notified of the approved amount of their refunds, and a comparable statement must then be executed before payment is authorized.

The second recommendation contained in the consent order and advanced in the Subpart V petition is that no funds be disbursed for a period of two years from the effective date of the consent order. Both comments received in response to the consent order (from Southland Corp. and Town & Country Markets, Inc.) contain objections to this provision. Upon consideration of the provision and the comments, we find no significant justification for its adoption. OKC and OE have not indicated any beneficial purpose which would be served by this provision, and in our view a delay in disbursement of funds would only operate to the disadvantage of those persons rightfully entitled to refunds.

At this time we have determined that two groups of purchasers should not be eligible to receive refunds during the first-stage refund process. First, we will not approve Applications for Refund from firms who made only spot market purchases of OKC crude oil, residual fuel oil or refined petroleum products. We believe that those customers tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of OKC products at increased prices unless they were able to pass through the full amount of OKC's quoted selling price at the time of purchase to their own customers. Thus, these spot market purchasers as a group would not have incurred injury as a result of the OKC alleged regulatory violations, and should not be permitted to beneifit from the consent order.

The second group we will exclude from the first-stage refund procedure consists of a number of independent brokers who will be identified in the final Decision and Order. These brokers, who were resellers of OKC products, engaged in various activities in connection with Mr. Cloyce Box, then president of OKC, to circumvent DOE regulations. Their activities have been brought to our attention by the DOE Office of Special Investigations, which has investigated the activities of several of these brokers and referred the matter to the Department of Justice. We have been informed, and are in the process of obtaining supporting documentation, that criminal charges have been brought against these individuals in federal district court and they have been found guilty or pled guilty to the charges. In our view brokers who have criminally circumvented DOE regulations should not now be permitted to profit from their illegal activities at the expense of the rights of OKC's other purchasers. Consequently, these parties will be ineligible to receive any portion of the OKC consent order fund.

Any purchaser claiming a portion of the refund amount will be entitled to file an Application for Refund pursuant to 10 CFR 205.283. Applications should provide all relevant information necessary to establish a claim, including specific documentation concerning the date, place, price, and volume of product purchased, the retention of increased costs, and the extent of any injury alleged.

Detailed procedures for filing applications will be provided in a final Decision and Order. Before disposing of any of the funds received as a result of the consent order involved in this proceeding, we intend to widely publicize the distribution process and to provide an opportunity for any affected party to file a claim. In addition to publishing notice in the **Federal Register**, notice will be provided in trade journals and in other publications in the areas in which KKC marketed its products during the period covered by the consent order. As a final matter, we note that refund applications filed on behalf of groups of claimants identifying themselves as adversely affected purchasers also will be considered. Applications that are submitted on behalf of groups of purchasers will be evaluated on a case-by-case basis.

B. Distribution of the Remainder of the Refund Amount

After all meritorius claimants have received the share of the settlement fund to which they are entitled, the fund, while diminished, may not be exhausted. The remainder of the funds should be distributed during the second stage of the refund process in furtherance of the goals set forth in the DOE's enabling legislation and implementing regulations. In this decision, we are proposing several alternatives for the second-stage refund procedure. However, we wish to emphasize that any consideration of the second-stage procedure at this point in time involves a number of uncertainties. As we noted in *Vickers*, such a step would be difficult to take before the analysis and processing of Applications for Refund filed in the first stage of the distribution of the consent order funds to claimants, since the amount remaining after all meritorius claims have been paid directly affects the appropriateness of the second-stage distribution scheme. *Vickers*, 8 DOE ¶ 82,597 at 85,397. As in that case, we intend to set forth a number of second-stage alternatives in this proposed decision, consider the comments received after publication in the **Federal Register**, and then issue a final Decision and Order establishing procedures for the first stage. In that decision, we will summarize and address briefly the comments received concerning the proposed second-stage procedure, and will solicit another round of comments on the distribution of the funds remaining after payment of claims in the first stage. In this way, we will have several opportunities to consider the outstanding issues before reaching a final decision on the second stage.

Since refunding money is the primary concern of Subpart V proceedings, we believe that the remaining funds should, if administratively and economically feasible, be distributed to groups of ultimate consumers who were likely to have borne a portion of the higher prices charged by OKC. In view of the relatively small sums of money likely to be involved in claims by many ultimate consumers, and the improbability that members of this class will possess records sufficient to establish their claims, we anticipate that only a limited number of ultimate consumers who were actually injured by the alleged overcharges will be able to prove during the first stage of the refund process that they are entitled to refunds. *See Vickers*. The fact that claims to specific refunds may not have been proved, however, does not mean that injuries to ultimate consumers have not occurred. Rather, the absence of claims for the full amount of the settlement would tend to reflect the difficulty such parties encounter in establishing a valid claim for a portion of the consent order funds.

In *Office of Enforcement*, No. BEF-0021 (March 13, 1981) (proposed decision) (hereinafter referred to as *Alcoa*) we observed that the first purchasers of the products covered by the consent orders are in the best position to assist the DOE in identifying and distributing refunds to those persons who are likely to have been injured by the alleged overcharges. *Alcoa*, slip op. at 9. In this case as well, we believe that OKC's first purchasers can most effectively assist the DOE in channeling the remaining consent order funds to persons who are most likely to have been injured by the alged overcharges. Consequently, one alternative we propose is that after payments are made to successful claimants, any remaining funds be distributed through the first purchasers. We invite those firms to develop and

submit to us plans for returning these funds to the parties who likely paid increased prices as a result of the alleged overcharges. The plans should identify the end-users, or groups of end-users, who were most likely to have been adversely affected by the alleged overcharges made by the resellers in this proceeding. Each firm should take into account its distribution and marketing system and its method of calculating prices during the relevant period. To the extent that purchases of a product from particular firms can be isolated in the appropriate distribution system, the plans should limit the proposed refunds to customers who were downstream purchasers of the products covered by the consent order. The plans should also be designed to exclude from participation in this stage of the refund process any purchaser who recoverd a portion of the consent order funds during the first-stage distribution to successful claimants. In addition, consideration should also be given to the cost efficiency and administrative ease of any proposed refund plan.

Although the primary aim of the Subpart V process is to distribute the consent order funds to the parties who were injured as a result of alleged overcharges, we recognize that in some cases a firm would not be inclined to spend the time or resources necessary to develop and implement an effective restitutionary plan and thus, in several instances injuries may go unredressed. For example, the funds to be distributed by a particular firm may be so small in relation to the number of parties entitled to share in the proceeds that the costs to the firm would outweigh the benefits of the plan. (3) Under such circumstances, the costs associated with administering a refund plan would be out of proportion to the fund available for distribution. Therefore, it is likely that a first purchaser dealing with such a small amount would not be inclined to develop and implement a resitutionary plan.

As an alternative to the method of distribution outlined above, refunds might be made in the form of lowered energy or energy related costs in areas where the products associated with the alleged overcharges by OKC were marketed. For example, in *Office of Special Counsel for Compliance*, No. DFF-0003 (March 13, 1981) (proposed decision) we proposed that the second-stage refund to consumers who were likely to have been overcharged be effected by using rate-regulated utilities to pass through the remaining funds to consumers through fuel adjustment clauses or other appropriate mechanisms. We observed that it is likely that the persons who purchased motor gasoline or heating oil in a particular area would reside there as well and would be ultimate consumers of electricity. They would therefore benefit from the proposed rate reduction. We further suggested that state governments in the affected areas also may be designated as refund recipients for the purpose of reducing energy-related expenses subject to their direct control. Although we cannot yet determine what actions we will take in the second stage, we will consider this type of restitutionary scheme as one possible alternative.

In the event that the distribution schemes discussed above prove to be inappropriate because of administrative costs or the lack of accurate information, we propose that the portion of the settlement fund which would go undistributed be deposited in the United States Treasury. We also propose as an alternative to the distribution scheme outlined above that any funds remaining after the first stage claims procedure be deposited directly into the United States Treasury. Subpart V regulations specifically sanction this course of action, *see* 10 CFR 205.287(c), and direct payments to the Treasury may well be appropriate in those cases where other remedies would be ineffectual or administratively burdensome. *See Citronnelle-Mobile Gathering, Inc. v. O'Leary*, 499 F. Supp. 871 (S.D. Ala. 1980); *Golden Eagle Oil Co.*, 6 DOE ¶ 83,005 at 86,065 (1980); *Chana's Auto Service Center*, 8 DOE ¶ 83,002 (1981). However, as noted above, we will not be in a position to decide what should be done with any remaining funds until after the first-stage refund procedure is completed. Only then will we know the amount of money available for the second stage of the refund process. This factor, as noted above, will strongly influence the ultimate disposition of those funds.

It is therefore ordered that:

The $4,750,000 refund amount provided by OKC Corp. in accordance with the July 17, 1980 Consent Order will be distributed in the manner set forth in the foregoing Decision.

Footnotes

(1) The Economic Regulatory Administration has recently been reorganized. Under that reorganization, the Office of Enforcement has been integrated into the Office of Special Counsel. However, throughout this decision we will continue to refer to the Office of Enforcement.

(2) On July 2, 1981, Town and Country Markets, Inc. submitted comments to this office regarding the adoption of Special Refund Procedures under Subpart V. Town and Country acknowledged in its submission that comments had not been solicited at this stage of the proceeding but stated that it believed "that the significant interest it has in the disposition of the refunds makes these comments appropriate prior to the issuance of a proposed Decision and Order (PDO) in this matter." Letter from William W. Scott to Terry Johnson, June 30, 1981 at 1. Since these comments simply elaborate on Town and Country's September 2, 1980 comments on the consent order, and in view of our full discussion of these arguments in *Coline* (cited below), we find it unnecessary to consider whether these comments are appropriately before us.

(3) For example, in *Office of Enforcement*, No. BEF-0014 (May 22, 1981) (proposed decision), preliminary data supplied by the Office of Enforcement indicated that four of one firm's first purchasers would have available for distribution the following amounts: $56.25, $43.75, $518.75, and $537.50. *Id.*, slip op. at 10.

[FR Doc. 81-37191 Filed 12-29-81; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PF-146A; PH-FRL-2013-8]

E. I. Du Pont de Nemours and Co.; Amendment to Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: E. I. du Pont de Nemours and Co. has amended a pesticide petition (PP 9F2238) proposing the establishment of a tolerance for residues of the insecticide oxamyl to include the raw agricultural commodity peanut forage.

ADDRESS: Written comments to: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of August 24, 1979 (44 FR 49789), announcing that E. I. du Pont de Nemours and Co., Wilmington, DE 19898, had submitted a pesticide petition (PP 9F2238) proposing that 40 CFR 180.303 be amended by establishing tolerances for residues of the insecticide oxamyl (methyl *N',N'*-dimethyl-*N*-[(methylcarbamoyl)oxy]-1-thiooxamimidate) in or on the raw agricultural commodities peanuts and peanut hulls at 0.2 ppm and peanut hay at 10.0 ppm.

E. I. du Pont de Nemours and Co. has submitted an amendment proposing to

include peanut forage at 2.0 ppm. The proposed analytical method for determining residues is by flame photometric gas chromatography.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136))

Dated: December 10, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-36702 Filed 12-29-81; 8:45 am]
BILLING CODE 6560-32-M

[PF-253; PH-FRL—2013-6]

Mobay Chemical Corp.; Amendments to Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Mobay Chemical Corp. has amended a pesticide petition (PP 2F1244) proposing the establishment of tolerances for residues of the insecticide *O*-isopropoxyphenyl methylcarbamate and its carbamate metabolites in or on certain raw agricultural commodities.

ADDRESS: Written comments to: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger (703–557–2386).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of June 3, 1972 (37 FR 11198), announcing that Mobay Chemical Corp, PO Box 4913, Hawthorn Rd, Kansas City, MO 64120, had submitted a pesticide petition (PP 2F1244) proposing that 40 CFR Part 180 be amended by establishing tolerances for residues of the insecticide *O*-isopropylphenyl methlylcarbamate and its carbamate metabolites in or on the raw agricultural commodities alfalfa hay at 100 part per million (ppm); fresh alfalfa at 65 ppm; pasture grass hay at 55 ppm; pasture grass at 35 ppm; oat fodder and forage at 2 ppm; oat straw at 1 ppm; oat grain and meat, fat, and meat byproducts of cattle, sheep, and goats at 0.1 ppm; and milk at 0.01 ppm.

Mobay Chemcial Corp. has submitted amendments to the petition as follows:

(1) Increasing the proposed tolerances for meat, fat, and meat byproducts of cattle, goats, and sheep from 0.1 ppm to 0.2 ppm and milk from 0.01 ppm to 0.1 ppm.

(2) Adding a tolerance proposal of 0.2 ppm for meat, fat, and meat byproducts of hogs, horses, and poultry and eggs at 0.04 ppm.

The proposed analytical method for determining residues of the insecticide is a procedure in which the parent compound and its *N*-hydroxymethyl metabolite are hydrolyzed and reacted with trichloracetyl chloride, and the *O*-hydroxy metabolite reacted without prior hydrolysis. The derivatives are analyzed by gas chromatography using and electron capture detector.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136))

Dated: December 10, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-36699 Filed 12-29-81; 8:45 am]
BILLING CODE 6560-32-M

[PP 1G2512/T341; PH-FRL—2014-1]

Methomyl; Establishment of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established temporary tolerances for residues of the insecticide methomyl, *S*-methyl *N*-[(methylcarbamoyl)oxy]thioacetimidate, in or on the raw agricultural commodities, pineapple at 0.2 part per million (ppm) and pineapple forage at 1.0 ppm.

DATE: These temporary tolerances expire October 27, 1983.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 202, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–2386).

SUPPLEMENTARY INFORMATION: Shell Oil Co., 1025 Connecticut Ave., NW., Suite 200, Washington, DC 20036, has requested the establishment of temporary tolerances for residues of the insecticide methomyl, *S*-methyl *N*-[(methylcarbamoyl)oxy]thioacetimidate, in or on the raw agricultural commodities, pineapple at 0.2 ppm and pineapple forage at 1.0 ppm.

These temporary tolerances will permit the continued marketing of the above raw agricultural commodities when treated in accordance with the provisions of experimental use permit 201–EUP–72, which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that establishment of the temporary tolerances will protect the public health. Therefore, the temporary tolerances have been established on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Shell Oil Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire October 27, 1983. Residues in excess of these amounts remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience or scientific data with this pesticide indicate that such revocation is necessary to protect the public health.

As required by Executive Order 122291, EPA has determined that these temporary tolerances are not a "Major" rule and therefore do not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted temporary tolerances from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 610–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: December 10, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-36700 Filed 12-29-81; 8:45 am]
BILLING CODE 6560-32-M

[TSH-FRL-2017-5; OPTS-51373]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of three PMNs and provides a summary of each.

DATES: Written comments by:

PMN 81-642: February 16, 1982.
PMN 81-643 & 81-644: February 19, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51373]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 81-642

Close of Review Period. March 18, 1982.

Manufacturer's Identity. Calgon Corporation, P.O. Box 1346, Pittsburgh, PA 15230.

Specific Chemical Identity. Terpolymer of dimethyl diallyl ammonium chloride/acrylamide/sodium acrylate.

Use. The manufacturer states that the PMN substance will be used as an industrial thickner, stablizer, dispersant, coagulant, rheological modifer.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Appearance—Viscous, white liquid free of gel with ammonical odor
pH—7-10
Specific gravity—0.95-1.05 g/ml
Boiling point—>212°F
Melting point—>100°C
Volatile matter @ 450°C—99.30%
@ 900°C—99.83%
Ash @ 450°C—0.70%
@ 900°C—0.17%
Solubility:
Water—Soluble
Ethyl alcohol—Slightly soluble
Methyl alcohol—Slightly soluble
Acetone—Insoluble
Isopropyl alcohol—Insoluble
Ethyl acetate—Insoluble
Ether—Insoluble
Hexane—Insoluble
Carbon tetrachloride—Insoluble
Kerosene—Insoluble
Water content—Variable—dilute aqueous solution through dried solid

Toxicity Data

Oral LD_{50} (rats)—
> 10 gm/kg highest level tested in male and female (1967)
> 4.64 gm highest level tested in male and female (1969)
Eye irritation, Draize (rabbits)—Not irritating, no corneal damage to eye
Primary skin irritation (rabbits)—Variable results "precluded precise scoring for primary irritation" (1967) 5 or 6 rabbits no effect; 6th rabbit showed a "corrosive type" reaction

Exposure. The manufacturer states that during manufacture and disposal up to 6 shift workers may experience dermal exposure up to 24 hrs/day, during blending, manufacturing, and cleaning.

Environmental Release/Disposal. The manufacturer states that 100-1,000 kg/yr will be released to air 24 hrs/day, 1,000-10,000 kg/yr to land and 10-100 kg/yr rarely to water.

PMN 81-643

Close of Review Period. March 21, 1982.

Manufacturer's Identity. Buckman Laboratories, Inc., 1256 N. McLean Boulevard, Memphis, TN 38108.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Cationic acrylamide copolymer.

Use. The manufacturer states that the PMN substance will be used as a paper making additive and flocculant.

PRODUCTION ESTIMATES

	Pounds per year	
	Minimum	Maximum
1st year	20,000	60,000
2d year	50,000	100,000
3d year	75,000	150,000

Physical/Chemical Properties

pH—2.0 to 3.5
Specific gravity—1.03 to 1.06
Flash point—> 200°F
Viscosity—1,000-5,000 cPs

Toxicity Data. Further clarification needed before information may be released to the public files.

Environmental Test Data. Further clarification needed before information may be released to the public files.

Exposure. The manufacturer states that during manufacture and processing 6 workers may experience dermal exposure 12 hrs/day, 30 days/yr.

Environmental Release/Disposal. Disposal is to a publicly owned treatment works (POTW).

PMN 81-644

Close of Review Period. March 21, 1982.

Manufacturer's Identify. Buckman Laboratories, Inc. 1256 N. McLean Boulevard, Memphis, TN 38108

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Cationic acrylamide copolymer.

Use. The manufacturer states that the PMN substance will be used as a paper-making additive and a flocculant.

PRODUCTION ESTIMATES

	Pounds per year	Minimum
		Maximum
1st year	20,000	60,000
2d year	50,000	100,000
3d year	75,000	150,000

Physical/Chemical Properties

pH—2.0 to 3.5
Specific gravity—1.03 to 1.06
Flash point—> 200°F
Viscosity—1,000-5,000 cPs

Toxicity Data. Further clarification needed before information may be released to the public files.

Environmental Test Data. Further clarification needed before information may be released to the public files.

Exposure. The manufacturer states that during manufacture and processing 6 workers may experience dermal exposure up to 12 hrs/day, 30 days/yr and that during use 250 workers may experience dermal exposure up to 1 hr/day, up to 100 days/yr. The manufacturer states that exposure will occur from splashing during sampling and drumming.

Environmental Release/Disposal. No data were submitted. Disposal is to a publicly owned treatment works (POTW).

Dated: December 23, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 81-37185 Filed 12-29-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

Privacy Act of 1974; Annual Publication of Notices of Systems of Records

AGENCY: Federal Communications Commission (FCC).

ACTION: Notice; annual publication of notices of systems of records.

SUMMARY: The purpose of this notice is to meet the requirements of the Privacy Act of 1974 regarding the annual publication of an agency's notices of systems of records.

COMMENT DATE: Interested parties may submit written comments regarding any of the changed or new routine uses in these notices. To be considered, comments must be received on or before January 29, 1982.

ADDRESS: Address comments to the FCC Privacy Act Officer (Room A-102), Records Management Branch, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554. Comments received will be available for public inspection between 8 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: The appropriate system manager.

SUPPLEMENTARY INFORMATION:

Table of Contents:

Broadcast Bureau (BCB)
BCB–1, Broadcast Station Ownership Interest File, Common Carrier Bureau (CCB)
CCB–1, Alphabetical Complaint and Inquiry File
CCB–2, Contracts for Personal Service
CCB–3, Employment Discrimination Complaints
CCB–4, Public Land Mobile Radio Operators File, Field Operations Bureau (FOB)
FOB–1, Radio Operator Records
FOB–2, Violators File Records Kept on Individuals, Office of Science and Technology (OST)—formerly Office of Chief Engineer (OCE)
OST–1, Experimental Radio Station Licensee File, Office of Managing Director (OMD)—formerly Office of Executive Director (OED)
OMD–1, Docket History Cards
OMD–2, Employee Relations Case File
OMD–3, National Industry Advisory Committee Membership
OMD–4, Security Office Control Files
OMD–5, State and Operational Areas Emergency Communications Commission
OMD–6, Money Received, Refunded and Returned, Office of General Counsel (OGC)
OGC–1, Alleged Violators File (Ex Parte Rules)
OGC–2, Attorney Misconduct Files
OGC–3, Employee Complaint Adjudication
OGC–4, Parties Involved in Current Litigation Before Federal Courts
OGC–5, Parties with Pending Civil Cases Before any District Court
OGC–6, Private or Civil Injury Claimants
Cable TV Bureau (CTB)
CTB–1, Cable Operator Ownership File, Private Radio Bureau (PRB)—formerly Safety and Special Radio Services, (SSRS)
PRB–1, Amateur and CB License Fees, Refunded and Uncollectable
PRB–2, Application and License File
PRB–3, Current Projects File
PRB–4, Licensees or Unlicensed Persons Operating Radios Improperly
PRB–5, Application Review List for Present or Former Licensees, Operators or Unlicensed Persons Operating Radio Equipment Improperly
FCC/Central–1, Pay, Leave and Travel Records
FCC/Central–2, Employee Locator Card Files
FCC/Central–3, Grievance Records
FCC/Central–4, Employee Activity Reporting System
FCC/Central–5, Alcoholism and Drug Abuse Case Files
FCC/Central–6, Personnel Investigation Records
FCC/Central–7, Freedom of Information Case Files

As required by the Privacy Act, 5 USC 552a(e)(4), this document sets forth the annual notice of the existence and character of the system of records maintained by the FCC. The complete text of all FCC notices of systems of records appears below. Effective 2/1/82, three new systems are being added due to administrative oversight: PRB–4, Application Review List for Present or Former Licensees, Operators, or Unlicensed Persons Operating Radio Equipment Improperly; OMD–4, Security Office Control Files; Central–7, Freedom of Information Case Files.

In a few cases no changes have been made to the notice and in some cases only slight, administrative changes have occurred, e.g., a change in location of records, a change in retention schedule. The majority of system changes include deleted systems which fall within the scope of established Office of Personnel Management (OPM) governmentwide systems, and deletions through consolidation of individual Bureau/Office systems under an FCC-wide system.

The following systems are being deleted because they fall within the scope of established OPM governmentwide systems. The Commission systems entitled, Employee Records, for the following offices are being deleted because they fall within OPM–1, General Personnel Records: BCB–4, CTB–3; COMM–2; CCB–6; FOB–1; ALJ–2; OCE–2; OGC–12; SSRSB–6; OOR–1; OPP–1; RB–1.

The systems regarding "Applications" for the following Offices are being deleted because they fall within OPM–5, Recruiting, Examining and Placement Records: CTB–1; COMM–1; CCB–2; OGC–4; OPP–2.

The systems being deleted which fall within the scope of OPM–8, Confidential Statements of Employment and Financial Interests, are OED–5, Financial Disclosures by Employees, and OGC–7, Conflict of Interest by Commission Employees and Prospective Employees.

Many of the Commission's systems are being consolidated under an FCC/Central identity to reflect systems common to two or more bureaus/offices within the agency, or which may include all Commission employees under the element, "Categories of Individuals Covered by the Systems". The new FCC/Central systems and their respective Bureau/Office consolidations are as follows:

FCC/Central-1, Pay, Leave and Travel Records replaces similar systems for the following: CTB–4; CCB–9; Administrative Law Judges (ALJ)–3; OGC–10; PRB–7; and OED–12.

FCC/Central-2, Employee Locator Card Files, replaces OED–13, Employee Locator Records. FCC/Central-3, Grievance Records, establishes a Commissionwide system since OPM discontinued its governmentwide system entitled, Grievance Records, OPM–GOVT–2. FCC/Central-4, Employee Activity Reporting System replaces the following similar systems: BCB–3; CTB–2; ALJ–1; OCE–1; OED–1; PRB–5. FCC/Central-5, Alcoholism and Drug Abuse Case Files replaces OED–2 of the same name. FCC/Central-6, Personnel Investigation Records, replaces OED–6, Personnel Investigations of Employees and OED–9, Personnel Investigations of Members of Advisory Committee.

The following systems are being deleted since they do not meet the Privacy Act system definition; that is, they are not accessible by individual identifiers: BCB–2, Complaints Against Broadcast Stations; CCB–3, AT&T Witness File; CCB–5, Correspondence Associated with Docketed Matters; OGC–1, Alien Rights Under Section 310; OGC–6, Communications Interception-Section 605; OGC–17, Witness Appearance Request File. OGC–3, Alleged Violators File is being deleted

because the records are contained in the case files of the Field Operations Bureau, FOB–2, Violators File. OGC–9, Convicted Felon Licensees and Suspensions is being deleted because the records are contained in FOB–1, Radio Operator Records. OGC–8, Contracts for Personal Services; OED–6, Index of Commission Agenda Items; OED–10, Project Management of the Data Automation Division; OGC–16, Recess and Interim Appointments of Employees; and PRB–3, Conditional Amateur Licensees, are being deleted because they are no longer maintained.

Requesting Records: Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required, to locate and retrieve the record.

FCC/BCB–1

SYSTEM NAME:

Broadcast Station Ownership Interest File.

SYSTEM LOCATION:

1919 M Street, N.W., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Owners of all licensed broadcast stations and officers, directors, and stockholders of corporate owners.

CATEGORIES OF RECORDS IN THE SYSTEM:

Forms 323 and 323E, Ownership Reports, which identify who has ownership interests and the extent of such interests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 308, 309, 310 of the Communications Act of 1934, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by staff attorneys to determine other broadcast interests, if any, of broadcast applicants; used as a cross check against new ownership reports to see whether any improper transfers of interest have taken place. If the records indicate a possible violation of law, they may be referred to the appropriate agency charged with the responsibility of prosecuting the violation and enforcing the statute or rule.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, index cards, magnetic tape.

RETRIEVABILITY:

By call letters of broadcast stations, by names of owners.

SAFEGUARDS:

Available to the public during Commission business hours.

RETENTION AND DISPOSAL:

Inactive segments are transferred to the Federal Records Center 6 months following the closure of second succeeding renewal period (renewal period is 3 years). Offered to the National Archives 45 years after transfer.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Broadcast Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Licensees.

FCC/CCB–1

SYSTEM NAME:

Alphabetical Complaint and Inquiry File.

SYSTEM LOCATION:

2025 M Street, N.W., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have made complaints or inquiries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complaints and related supporting information, company replies to complaints, letters of inquiry and Commission letters regarding such complaints and inquiries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 208 of the Communications Act; FCC Rules, Section 1.711 et. seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used for handling individual letters of inquiry and complaint.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File cabinets.

RETRIEVABILITY:

Records are retrieved by individual name.

SAFEGUARDS:

Stored in unlocked files and secured in office after hours.

RETENTION AND DISPOSAL:

The records are retained in the Commission's offices for 5 years and then retired to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Common Carrier Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Complaints and subject carriers.

FCC/CCB–2

SYSTEM NAME:

Contracts for Personal Services.

SYSTEM LOCATION:

1919 M Street, N.W., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Professional people who bid or are recommended as experts, and whose services are requested for a specific study or case.

CATEGORIES OF RECORDS IN THE SYSTEM:

Background histories, resumes of previous services provided the Commission, workcontracts, salary requests, internal memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 4(g) of the Communications Act of 1934, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Record is used by administrative personnel to secure qualified persons to serve as expert witnesses or as consultants.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Information in this system is retrieved by name.

SAFEGUARDS:

Records are kept in file cabinets in the bureau administrative office. These offices are locked at the close of each business day.

RETENTION AND DISPOSAL:

These records are retained until their administrative need has ended, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Common Carrier Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

FCC procurement office, previous employers, college or university officials.

FCC/CCB-3

SYSTEM NAME:

Employment Discrimination Complaints Against Common Carriers

SYSTEM LOCATION:

2025 M Street, N.W., Washington, D.C. 20554

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who send complaint letters to the FCC concerning alleged employment discrimination by common carriers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complaint letters, responses of the Bureau, any materials gathered in investigating the complaints, and correspondence to other governmental agencies regarding complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 403 of the Communications Act of 1934, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by EEO counsel, members of the Hearing and Legal Division staff to investigate the complaint and take part in the resolution of the matter. The record system may also be referred as routine to the appropriate agency charged with the responsibility of investigating or prosecuting a possible violation of law or charged with enforcing the applicable statutes or rules.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

All records are retrieved by complainant's name.

SAFEGUARDS:

Records are maintained in file cabinets in offices that are locked at the close of each business day.

RETENTION AND DISPOSAL:

Indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Common Carrier Bureau, 1919 M Street, N.W., Washington, D.C. 20554

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Common Carrier officials.

FCC/CCB-4

SYSTEM NAME:

Public Land Mobile Radio Operators File

SYSTEM LOCATION:

1919 M Street, N.W., Washington, D.C. 20554

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Users of mobile units and applicants for service in the Public Land Mobile Radio Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for land mobile radio licenses, copies of licenses; a computerized list of licenses by name and by call sign.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 307 of the Communications Act of 1934, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Mobile Service Division staff to grant, dismiss or revoke applications.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders (computer printout).

RETRIEVABILITY:

Records are retrieved by licensee name.

SAFEGUARDS:

Records are open to public inspection.

RETENTION AND DISPOSAL:

Records are maintained on open shelves for as long as the station is in existence. Files are held for one year after service is terminated, then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Common Carrier Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individuals making applications.

FCC/FOB-1

SYSTEM NAME:

Radio Operator Records

SYSTEM LOCATION:

Primary: 1919 M Street, N.W., Washington, D.C. 20554. Secondary: various field facilities (for addresses, See Appendix A).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have applied for radio operator licenses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for radio operator licenses, examination papers, records of documents issued, correspondence, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Geneva Radio Regulations; 47 U.S.C. Section 303 (l), (m), and 318.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For use in connection with the administration of the Commission's radio operator program including examinations, applications, and determinations of license applicant qualifications. Limited file material concerning licensed radio operators is forwarded to the Office of Managing Director for inclusion of the material in the agency's central computer facility. If the records maintained indicate a possible violation of law, they may be referred, as routine, to the General Counsel and to the appropriate agency charged with the responsibility of investigating or prosecuting such violation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, microfilm (applicants names only).

RETRIEVABILITY:

All records in this system are retrievable by applicant name.

SAFEGUARDS:

All records are kept in file cabinets, in offices that are secured at the close of each business day.

RETENTION AND DISPOSAL:

Applications are retained for a period of 6 years, transferred to the Federal Records Center for an additional 5 years, then destroyed. (Exception: Restricted Permits are issued for "life" and those applications are therefore retained indefinitely.)

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Field Operations Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

FOB field employees engaged in radio operator application processing.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system of records are exempt from subsections (c) (3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of the Privacy Act because such parts contain investigatory material compiled solely for law enforcement purposes pursuant to Section (k)(2) of the Act.

FCC/FOB-2

SYSTEM NAME:

Violators File (records kept on individuals who have been subjects of FCC field enforcement actions)

SYSTEM LOCATION:

Primary: 1919 M Street, N.W., Washington, D.C. 20554. Secondary: various field facilities (for addresses, See Appendix A).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been subjects of FCC field enforcement actions (monitoring, inspection, investigation) for violations of radio law, FCC Rules and Regulations, or International Radio Treaties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inspection reports, complaints, monitoring reports, investigative cases, referral memos, correspondence, discrepancy notifications, warning notices, forfeiture actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

47 U.S. Code, Sections 101, 102, 104, 301, 312, 315, 318, 386, 401, 404, 501, 502, 503.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For use in connection with the Commission's field enforcement programs to determine levels of compliance among radio users; to issue marine certificates of compliance; to prepare requests for sanction action. Where sanctions are requested, file material is forwarded to appropriate offices within the Commission. If the records indicate a possible violation of law, they may be referred, as a routine use, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing the applicable statutes or rules.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

All records in this system are retrievable by name and by FCC issued call sign.

SAFEGUARDS:

All records are kept in file cabinets, in offices which are secured at the close of each business day.

RETENTION AND DISPOSAL:

All violation notices are maintained for a period of 4 years, then destroyed (classified material is destroyed by burning or shredding).

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Field Operations Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Commission employees located in the Field Offices, District Offices and Monitoring Stations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system of records are exempt from subsections (c) (3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act of 1974, 5 U.S.C. 552(a), and from §§ 0.554–0.557 of the Commission's Rules because such parts are maintained as a protective service for individuals described in Section 3056 of Title 18, and because they are necessary for Commission employees to perform their duties, pursuant to sections (k)(1), (2), and (3) of the Act.

FCC/OST-1

SYSTEM NAME:

Experimental Radio Station License Files

SYSTEM LOCATION:

Room 7216, 2025 M Street, N.W., Washington, D.C. 20554

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those who have been granted a license to operate an experimental radio station under Part 5 of the Commission's Rules.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains the application form (FCC Form 442, Application for a New or Modified Station) or renewal form (FCC Form 405, Application for Renewal of Station License) and/or the application form required if a Federal contract is involved (FCC Form 440A) and supporting exhibits submitted by

the applicant. May also include experimental project reports submitted by the applicant as required by FCC Rules, Part 5. File also includes comments from other Commission bureaus nd interference potential of operation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Communications Act of 1934, as amended, Section 308. FCC Rules and Regulations, Part 5, Experimental Radio Services (other than Broadcast).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To make a determination of applicant's eligibility to operate a station in the experimental radio service; to determine interference potential to other radio services, as well as determine if project of experimentation is valid; to Federal agencies, other FCC bureaus, or to the public if it feels it may be impacted or wants to know what new experimentation is being conducted. FCC bureaus use the information to determine the interference potential as well as possible use in rulemakings. The information is available to anyone, unless the applicant has requested confidentiality under § 0.459 of the Commission's Rules or the information is classified.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Files are retrieved by licensee name. If more than one station per licensee, then also filed by call sign.

SAFEGUARDS:

All files are available to the public except classified files and files that have been granted confidentiality under § 0.457 of the Commission's Rules. Classified files are kept in locked cabinets in accordiance with security regulations. Files that have been granted confidentiality under § 0.457 are marked "NOT FOR PUBLIC INSPECTION" and may only be accessed by Branch personnel and Commission employees who have a need to know the information.

RETENTION AND DISPOSAL:

Records are transferred to the Federal Records Center when 15 years old, or upon expiration date, cancellation or non-renewal; destroyed 7 years after transfer.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Frequency Liaison Branch, Room 7212, 2025 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

The majority of information comes from the individual. Other information comes from coordination with other FCC bureaus and from that which is generated within the Branch during the normal processing of the application.

FCC/OMD-1

SYSTEM NAME:

Docket History Cards

SYSTEM LOCATION:

1919 M Street, N.W., Washington, D.C. 20554

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Licensees whose applications have been designated for hearing and Petitioners who request an amendment of Commission's Rules.

CATEGORIES OF RECORDS IN THE SYSTEM:

Docket history cards and cross-reference cards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 0.11(g) of the Commission's Rules.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Commission employees and general public use records to locate pleadings that have been filed, pertinent dates, and Commission actions that are filed in the public reference room.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

5 inches by 8 inches history card file cabinets by docket number, 3 inches by 5 inches alphabetically in electrical rotary file.

RETRIEVABILITY:

History cards are maintained by numerical docket numbers; and cross-reference cards are maintained alphabetically. Cross-reference cards contain the name of an individual and the docket number thus permitting access to the docket history card.

SAFEGUARDS:

Public access is controlled by Commission employees who provide necessary reference services.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Managing Director, Office of Managing Director, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Information is secured from pleadings and actions taken by Commission officials.

FCC/OMD-2

SYSTEM LOCATION:

1919 M Street, N.W., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FCC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence of an employee relations nature including debt complaints and supervisory generated warnings or other forms of admonishment regarding disciplinary matters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 4(i) of the Communications Act of 1934, as amended (47 U.S.C. 154(i)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Employee Relations Officer for reference and the development of an effective employee relations program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In file folders.

RETRIEVABILITY:

Records are filed alphabetically and retrieved by name of employee.

SAFEGUARDS:

Records are maintained in a file located in the office of the Employee Relations Officer, Personnel Division. The office is locked at the end of each business day.

RETENTION AND DISPOSAL:

Records are retained for a maximum of 2 years and then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Managing Director, Office of Managing Director, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Supervisors, employees, private citizens.

FCC/OMD-3

SYSTEM NAME:

National Industry Advisory Committee (NIAC) Membership.

SYSTEM LOCATION:

1229 20th Street, NW., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the National Industry Advisory Committee and its Subcommittees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information showing individual name, business address, business and home telephone numbers, title and occupation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 92-463, October 6, 1972, Federal Advisory Committee Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to distribute information to members of the committee, convene meetings, and conduct general committee business.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Records are filed and retrieved by name of committee members.

SAFEGUARDS:

Records are maintained on a division level in file cabinets in offices which are locked at the end of each business day.

RETENTION AND DISPOSAL:

Records are retained indefinitely while individual is a member of the committee; when member resigns or retires from business, individual file material is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Managing Director, Office of Managing Director, 1919 M Street, NW., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Committee member.

FCC/OMD-4

SYSTEM NAME:

Security Office Control Files.

SYSTEM LOCATION:

1919 M St., NW., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUAL COVERED BY THIS SYSTEM:

Current and former employees of the FCC.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of cards, filed alphabetically, containing date of birth, place of birth, Social Security Number, classification as to position sensitivity, types and dates of investigations, investigative reports, dates and levels of clearances.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10405 and Executive Order 12065.

PURPOSE(S):

These records are used exclusively by FCC Security Officers and the employees of the Security Office for administrative reference in connection with controlling position sensitivity and personnel clearances.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES FOR SUCH USES:

(1) To disclose information to an agency in the executive, legislative, or judicial branch, or the District of Columbia Government, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(2) To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

(3) To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

(4) To disclose information to the security office of an agency in the executive, legislative, or judicial branch, or the District of Columbia Government, in response to its request for verification of security clearance, to FCC employees to have access to classified data or areas where their official duties require such access.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on cards.

RETRIEVABILITY:

Records are retreived by the name and date of birth of the individuals on whom they are maintained.

SAFEGUARDS:

The cards are stored within a secured area. The cards do not leave the security office.

RETENTION AND DISPOSAL:

Cards are retained for twenty years after the individual leaves the agency and then are disposed of by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Managing Director, Office of Managing Director, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the appropriate system manager indicated above. Individuals must furnish the following information for

their records to be located and identified:

a. Full name.

b. Date of birth.

RECORD ACCESS PROCEDURES:

Individuals wishing to request access to records about them should contact the appropriate system manager indicated above. Individuals must furnish the following information for their record to be located and identified:

a. Full name.

b. Date of birth.

An individual requesting access must also follow Privacy Act regulations regarding verification of identity and access to records (5 CFR 297.201 and 297.203).

CONTESTING RECORD PROCEDURES:

Individuals wishing to request amendment of their records should contact the appropriate system manager indicated above. Individuals must furnish the following information for their record to be located and identified:

a. Full name.

b. Date of birth.

An individual requesting amendment must also follow the Privacy Act regulations regarding verification of identity and amendment of records (5 CFR 297.201 and 297.208).

RECORD SOURCE CATEGORIES:

a. The individual to whom the information applies.

b. Investigative files maintained by the Division of Personnel Investigations.

c. Employment information maintained by the Director of Personnel.

FCC/OMD-5

SYSTEM NAME:

State and Operational Areas Emergency Communications Committees.

SYSTEM LOCATION:

1229 20th Street, N.W., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Chairmen and Vice Chairmen of State and Operational Area Emergency Communications Committees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information showing individual name, business address, business telephone number and title.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 92-463, Federal Advisory Committee Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to forward appropriate information to State Committee members, each broadcast station in the State and to Federal, State and local government officials for Emergency Communications planning.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Records are filed by state and by name of committee member within the state.

SAFEGUARDS:

Records are maintained on a division level in file cabinets which are locked at the end of each business day.

RETENTION AND DISPOSAL:

Records are retained idefinitely while the individual is a member of the committee; when member resigns, individual file material is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Managing Director, Office of Managing Director, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURES:

Same as above. Name of state must be provided with any request for information.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Committee member.

FCC/OMD-6

SYSTEM NAME:

Records of money received, refunded, and returned and personal checks destroyed.

SYSTEM LOCATION:

1919 M Street, N.W., Washington, D.C. 20554, Route 116, Gettysburg, PA. 17325 and Room 207, Post Office Building, Gettysburg, Pa. 17325.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and companies making payments to cover goods acquired, forfeitures assessed, and services rendered; refunds for incorrect payments or overpayments; billing and collection of bad checks; and miscellaneous monies received by the Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names of individuals or companies; addresses of individuals or companies; goods acquired or services rendered; forfeitures assessed and collected; amounts; dates; check numbers; locations; bank deposit information; transaction type information; United States Treasury deposit numbers; ship name and call sign; and information substantiating a refund issued to applicant.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Budget and Accounting Act of 1921; Budget and Accounting Procedures Act of 1950; and 31 U.S.C. 525.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Accounting for all monies received by the Commission from the Public, refunded to the public, returned to the public, and release of the information to Federal, State, or local Government agencies performing a tax, investigative, or regulatory function.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper copy, computer copy, microfilm, microfiche, magnetic disc, and magnetic tape.

RETRIEVABILITY:

By name and/or type of transaction; call sign; processing number, employer identification number, soundex number, or sequential number.

SAFEGUARDS:

Records are located in lockable metal file cabinets, metal vaults, and in metal file cabinets in secured rooms or secured premises, with access limited to those individuals whose official duties require access.

RETENTION AND DISPOSAL:

Retained for one year following the end of the fiscal year; then transferred to the Federal Records Center and destroyed when 6 years and 3 months old.

SYSTEM MANAGER(S) AND ADDRESS:

Managing Director, Office of Managing Director, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Subject individual and/or company; Federal Reserve Bank; Agent of Subject or company; or Attorney-At-Law.

FCC/OGC-1

SYSTEM NAME:

Alleged Violators File (Ex Parte Rules).

SYSTEM LOCATION:

1919 M Street, N.W., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals alleged to have violated the Commission's ex parte rules.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complaint letters, memoranda, briefs, Commission decisions recommending action, and news releases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 4(i) of the Communications Act of 1934, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Record information is used by staff attorney to make a determination whether, in fact, a violation of the ex parte rules has occured. The records may be referred to the appropriate agency charged with the responsibility of prosecuting such violation or enforcing the applicable statute or rule.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Records are maintained by the name of the party accused of an ex parte violation.

SAFEGUARDS:

Records are maintained in unlocked file cabinets in an office that is secured at the end of each business day. Since only one or two office persons have need to routinely access this system, unauthorized examinations would be easily detected.

RETENTION AND DISPOSAL:

Destroy when 3 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Office of General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Complaints, Security Officer, Bureau Chiefs.

FCC/OGC-2

SYSTEM NAME:

Attorney Misconduct Files

SYSTEM LOCATION:

1919 M Street, N.W., Washington, D.C. 20554

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any attorney who appears in a representative capacity before the FCC and who is being charged with attorney misconduct.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence, briefs, related Commission agenda items, ABA recommendations, investigative findings, complaints of attorney misconduct, memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Section 500(d)(2).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Record information is used by staff attorneys to prosecute a case for attorney misconduct before the administrative law judge and the Commission. Record information may be referred, as a routine use, to the appropriate agency charged with the responsibility of enforcing any Commission penalties imposed.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Records are retrieved by the name of the attorney charged with misconduct.

SAFEGUARDS:

Records are kept in file cabinets in offices that are secured at the end of each business day. Since only one or two staff persons routinely access this record system, unauthorized examination during business hours would be easily detected.

RETENTION AND DISPOSAL:

Destroy 5 years after case closure.

SYSTEM MANAGER(S) AND ADDRESS:

Office of General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Letters from public, pleadings, agenda items, intra-agency memoranda.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system of records is exempt from Subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (1) and (f) of the Privacy Act of 1975, 5 U.S.C. 552a, and from Sections 0.554–0.557 of the Commission's Rules because it is maintained for law enforcement purposes pursuant to subsection (k)(2) of the Act.

FCC/OGC-3

SYSTEM NAME:

Employee Complaint Adjudication

SYSTEM LOCATION:

1919 M Street, N.W., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Commission employee who is the subject of a complaint investigation involving internal personnel actions or activities, i.e., discrimination, grievance, political activity, separation or adverse action.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system involve internal personnel disputes that have reached the hearing stage, and may include correspondence, memoranda, transcripts of hearings, brief, investigative reports, decisions of hearing examiners and Commissioners.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S. Code Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used by staff attorneys in the General Counsel's office in pre-hearing settlement negotiations with opposing parties; records are also used in preparation for the actual hearing.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Records are retrieved by the name of the subject individual in the investigation.

SAFEGUARDS:

Records are maintained in unlocked file cabinets in an office that is secured at the end of each business day.

RETENTION AND DISPOSAL:

Destroy 5 years after case closure.

SYSTEM MANAGER(S) AND ADDRESS:

Office of General Counsel, Room 614, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Co-workers, other supervisors, classification experts, other persons involved in the case.

FCC/OGC-4

SYSTEM NAME:

Parties Involved in Current Litigation Before Federal Courts

SYSTEM LOCATION:

1919 M Street, N.W., Washington, D.C. 20554

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person who is a captioned party of record in an appeal from or petition for review of a Commission action, or other court filing.

CATEGORIES OF RECORDS IN THE SYSTEM:

Litigation Division docket files (duplicate files of those filed with the Court and other parties).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 402 of the Communications Act of 1934, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Case preparation and reference.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Indexed by case name.

SAFEGUARDS:

Records are filed in the Litigation office and secured after working hours.

RETENTION AND DISPOSAL:

After cases have been decided or dismissed and reach the inactive mode, the precedent-setting or important cases are reviewed to delete duplicative or unnecessary material and then are forwarded to the Library for binding. The cases remain in the Library for reference and research purposes. The remainder of the case records are destroyed when no longer needed or three years after closure, whichever occurs first.

SYSTEM MANAGER(S) AND ADDRESS:

Office of General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

U.S. Circuit Court of Appeals and parties to proceedings.

FCC/OGC-5

SYSTEM NAME:

Parties with Pending Civil Cases Before Any District Court That Affect the Commission

SYSTEM LOCATION:

1919 M Street, N.W., Washington, D.C. 20554

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who has a miscellaneous case before any District Court that involves the Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters, memoranda, briefs, bankruptcy papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 402 of the Communications Act of 1934, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Record information is used by commission attorneys to update information or furnish additional data for the Government agency handling the case.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Records are maintained by the individual's name filing the claim.

SAFEGUARDS:

Records are maintained in unlocked file cabinets in an office that is secured at the end of each business day.

RETENTION AND DISPOSAL:

The records are destroyed when no longer needed or after five years, whichever occurs first.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Office of the General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Justice Department; U.S. Attorneys; other Federal agencies; U.S. District Courts; and parties to the proceedings.

FCC/OGC-6

SYSTEM NAME:

Private or Civil Injury Claimants

SYSTEM LOCATION:

1919 M Street, N.W., Washington, D.C. 20554

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who files a damage claim against the Commission or commits a tort against a Commission employee.

CATEGORIES OF RECORDS IN THE SYSTEM:

Accident reports, tort claim vouchers, correspondence, memoranda, medical and payment receipts, repair and payment receipts, pictures.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Tort Claims Act, 28 U.S.C. Section 2672.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Record information is used by attorneys in the Office of General Counsel to determine whether a damage claim filed against the Commission should be paid and for reference when assigned a similar case. If it is determined that the claim should not be paid or in cases when, pursuant to the limitations set out in 28 U.S.C. Section 2672, the Commission cannot make the final determination whether or not to pay a claim, the record is routinely transferred to the appropriate agency charged with the responsibility of disposition.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Records are retrieved by the name of the individual who filed the claim.

SAFEGUARDS:

Records are kept in an unlocked file cabinet in an office that is locked at the end of each business day. Since only one or two office persons routinely access this system, unauthorized examination during business hours would be easily detected.

RETENTION AND DISPOSAL:

Destroy 5 years after case closure.

SYSTEM MANAGER(S) AND ADDRESS:

Office of General Counel, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Witnesses; General Counsel; Office of Managing Director; claimants; and employees.

FCC/CTB-1

SYSTEM NAME:

Cable Operator Ownership File

SYSTEM LOCATION:

1919 M Street, N.W., Washington, D.C. 20554

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

For each corporate operator of a cable television system or each corporation owning 25 percent or more of the stock of such a corporate operation, (A) Officers, (B) Directors, (C) Stockholders, owning 3 percent or more of the stock.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Owner Record consisting of information furnished on FCC Annual Report of Cable Television Systems, Form 325, Schedule 3, blocks 1 through 6.

(2) Controlling Person Record consisting of information furnished on FCC Annual Report of Cable Television Systems, Form 325, Schedule 3, block 7, and Schedule 4.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

47 U.S.C., Sections 151–155, 301, 302(a), 303, 307, 308, and 403.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Commission staff will utilize records to monitor communications media ownership configurations and monopolies which are not in the public interest. Records are routinely reviewed during processing of authorizations to ascertain that the record is current and that the applicant for the authorization is entitled under the Commission's Rules to its grant.

(2) Members of the public, pursuant to Commission rule, are allowed access to data system file listings or the source forms, if necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Permanent magnetic tape file, temporary magnetic disc file, and temporary physical file for FCC 325 source forms.

RETRIEVABILITY:

Data system records are retrievable by any specified characteristic of any data field or character. FCC 325 source forms are retrievable alphabetically by owner or controlling person name.

SAFEGUARDS:

Files are available for public inspection.

RETENTION AND DISPOSAL:

Magnetic tape files are kept permanently. FCC 325 source forms are transferred to the Federal Records Center after 3 years and destroyed 10 years later.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Cable Television Bureau, 2025 M Street, N.W., Washington, D.C. 20554, (202) 632–7076

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Cable television operators who file FCC Form 325, individuals named in Schedules 3 and 4 of Form 325.

FCC/PRB-1

SYSTEM NAME:

Amateur and Citizen License Fees, Refunded or Uncollected.

SYSTEM LOCATION:

2025 M Street, N.W., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicant who was issued a refund by the Gettysburg Field Office or Washington, D.C. Office. Applicant whose check was returned by bank for such things as: insufficient funds, account closed, payment stopped, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information substantiating a refund issued to applicant, or information indicating remittance was returned by bank as unnegotiable.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 483(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used by administrative personnel as reference material.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Records are filed and retrieved by name of applicant involved in the transaction.

SAFEGUARDS:

Records are maintained on a division level in file cabinets in offices which are locked at the end of each business day.

RETENTION AND DISPOSAL:

Records are retained for one year and then forwarded to the Federal Records Center in accordance with the records control schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Private Radio Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

For refunds, information is initiated and supplied by applicant and by bureau employees. For uncollected fees, information is furnished by banks; Fee Unit, Financial Management Division, or Washington Processing Section of the Amateur and Citizens Division act as collectors.

FCC/PRB-2

SYSTEM NAME:

Application and License File.

SYSTEM LOCATION:

2025 M Street, N.W., Washington, D.C. 20554, and Route 116, Gettysbury, PA 17325.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Radio service applicants and licensees under Parts 81, 83, 87, 89, 91, 93, 95, 97 and 99 of the Commission's Rules.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications, licenses, and correspondence maintained by various radio categories: Aeronautical and Fixed Group, Aircraft Group, Alaskan Group, Amateur, Automobile Emergency, Aviation Auxiliary Group, Aviation Radio Navigation Land, Business, Citizens Class A, Citizens Class C and D, Civil Air Patrol, Coastal Group, Disaster, Fire, Forest Products, Forestry Conservation, General Mobile, Highway Maintenance, Industrial Radio Location, Interurban Passenger (Motor Carrier), Interurban Property (Motor Carrier), Local Government, Manufactuers, Marine Auxiliary Group, Marine Radar Land, Motion Picture, Operational Fixed Microwave, Personal Radio, Petroleum, Police, Power, Radio Amateur Civil Emergency Service (RACES), Railroad, Relay Press, Ship Group, Special Emergency, Special Industrial, State Guard, Taxicab, Telephone Maintenance, Urban Passenger (Motor Carrier), Urban Property (Motor Carrier).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 301, 303 of the Communications Act of 1934, and amendments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used to administer the Commission's programs relating to radio categories listed above including licensing, enforcement, rulemaking, and other actions requiring record information; to evaluate unique systems; to provide a service of information for the general public. Selected informational elements are incorporated in the Commission's central computer facility to maintain a current inventory of licensees for those services which are computerized.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In appropriate files in boxes or cabinets.

RETRIEVABILITY:

Records are filed alphabetically by name of applicant/licensee within each radio service.

SAFEGUARDS:

Records are maintained on division level in appropriate files in boxes or cabinets in offices which are locked at the end of each business day.

RETENTION AND DISPOSAL:

Records are normally retained as long as the station remains licensed, although some bulky files may be divided and older material sent to the Federal Records Center, and maintained a minimum of 2 years and a maximum of 11 years after expiration date.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Private Radio Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above, but in order to facilitate the location of a specific record, the name of the radio category under which the application was filed and the call sign of the license issued should be included with the request.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Original applications and supplemental material submitted by applicants; correspondence from complainants; inspection reports; application processors.

FCC/PRB-3

SYSTEM NAME:

Current Projects File (Applications that may not comply with rules; Licensees whose systems may not comply with rules.

SYSTEM LOCATION:

2025 M Street, N.W., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants and licensees under Parts 89, 91, and 93 of the Rules whose communication systems may not be in compliance with FCC Rules; and applicants for rule waivers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Pleadings, letters of complaint, correspondence, technical information, annual reports, and supporting documentation relating to the communication system and its operation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 308(b) of the Communications Act of 1934, and amendments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used by Commission employees to resolve whether the system is in compliance with FCC Rules.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Records are filed and retrieved by name of applicant or licensee involved.

SAFEGUARDS:

Records are maintained on a division level in file cabinets in offices which are locked at the end of each business day.

RETENTION AND DISPOSAL:

Records are retained for two years after decision is reached, then destroyed by tearing into pieces.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Private Radio Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Letters of petition or complaint initiate action. Letters of complaint are referred to licensees to advise them and to obtain additional information in response to the complaint.

FCC/PRB-4

SYSTEM NAME:

Licensess or Unlicensed Persons Operating Radio Equipment Improperly.

SYSTEM LOCATION:

2025 M Street, N.W., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Licensees operating under Parts 81, 83, 87, 89, 90, 91, 93, 95, and 97 of the Rules in violation of the Commission's Rules or the Communications Act of 1934. Unlicensed persons operating radio equipment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Enforcement case history cards; investigatory and hearing files with inspection reports, complaints, correspondence, pleadings, legal memoranda, investigative findings, forfeiture notices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 47 U.S.C. 301, 303, 309(e), 312, 362, 364, 386, 507, and 510.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by bureau employees in enforcement and hearing cases to document, to evaluate, and to impose sanctions for violations of the Rules or Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In file folders, card files.

RETRIEVABILITY:

Records are filed and retrieved by name of licensee or unlicensed individual.

SAFEGUARDS:

Records are maintained on a division level in appropriate file cabinets in offices which are locked at the end of each business day.

RETENTION AND DISPOSAL:

The documentation portions of these records are retained in active files for no more than 2 years, and are maintained in the Federal Records Center for five years, after which they are destroyed. The case history card portion of these records is retained for 25 years and then destroyed when no longer useful.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Private Radio Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Information originates from various sources: FCC Field Engineers; private citizens; Department of Justice; other Commission personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system of records are exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act of 1974, 5 U.S.C. 552(a), and from §§ 0.554–0.557 of the Commission's Rules because such parts contain investigatory material compiled solely for law enforcement purposes pursuant to Section 552(k)(2) of the Act.

FCC/PRB-5

SYSTEM NAME:

Application Review List for Present or Former Licensees, Operators or Unlicensed Persons Operating Radio Equipment Improperly.

SYSTEM LOCATION:

2025 M Street, N.W., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are or have been licensed under Parts 13, 81, 83, 87, 95 or 97 of the Rules who have operated in violation of the Commission's Rules or the Communications Act. Unlicensed persons who have operated radio transmitting equipment. Persons who have had a license revoked or have had an application dismissed or denied, and are prohibited from filing another application within one year.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, date of birth (if known) of individual, authorization code of staff member who placed name in the file, and the date the name was placed in the file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 47 U.S.C. 301, 303, 309(e), 312.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Needed by selected staff and field employees to determine whether the applications of these individuals should be granted, dismissed or set for hearing.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

On magnetic tape and computer printout.

RETRIEVABILITY:

Information is filed alphabetically by name of individual in a computer and is retrieved periodically through computer printout.

SAFEGUARDS:

Access to computer is controlled by password in a secured office and the printouts are available only to selected staff personnel.

RETENTION AND DISPOSAL:

The printouts are destroyed by machine shredding or by tearing into pieces when a new list is distributed. The computer tapes are retained for four back-up cycles and on the fifth update, the oldest tape is destroyed. Individual names are removed from the file when retention is no longer appropriate; entire list of names is reviewed quarterly.

SYSTEM MANAGER AND ADDRESS:

Chief, Private Radio Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Information is obtained from applicants and from FCC Field Engineers.

FCC/Central 1

SYSTEM NAME:

Pay, Leave, and Travel Records

SYSTEM LOCATION:

Financial Management Division and administrative offices of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554, and FCC regional and field offices. (See list of FCC regional office addresses in the Appendix).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Commission employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains various records required to administer the pay, leave, and travel requirements of the Commission.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, 3102, 3309.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used:

To authorize payroll deductions for allotments, savings bonds, charitable contributions, union dues, health benefits and life insurance; collect indebtedness for overpayment of salary and unpaid Internal Revenue taxes; pay income tax obligation to Internal Revenue Service; authorize issuing of salary checks by Treasury Department; obtain reimbursement of travel expenses for official business report gross wages and separation information for unemployment compensation; pay any uncollected compensation due a deceased employee; and provide for a summary of employees payroll data and retirement contributions.

B. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in manual files in folders, cards, magnetic tapes, and loose leaf binders.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Records are maintained in filing cabinets in an office that is locked when not occupied by staff. Records are available only to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Records are maintained for varying periods of time from one year to permanently. Disposal is by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Managing Director, Office of the Managing Director, 1919 M St. NW., Washington, D.C. 20554 or the appropriate administrative office in which the individual is employed.

NOTIFICATION PROCEDURE:

Same as above. It is necessary to furnish the following information in order to identify the individual whose records are requested:

A. Full name.
B. Date of birth.
C. Social Security Number.
D. Mailing address to which the reply should be mailed.

RECORD ACCESS PROCEDURES:

Same as above. Requesters should reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Information is provided by management officials and by the individual on whom the record is maintained.

FCC/Central 2

SYSTEM NAME:

Employee Locator Card Files

SYSTEM LOCATION:

Personnel and administrative offices of the Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554, and FCC regional and field offices. (See list of FCC regional office addresses in the Appendix).

CATEGORIES OF INDIVIDUALS COVERED BY THIS SYSTEM:

Current employees of the Federal Communications Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains information regarding the organizational location and telephone extension of individual office employees. The system also contains the home address and telephone number of the employee and the name, address, and telephone number of an individual to contact in the event of a medical or other emergency involving the employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The record serves to identify an individual for office officials to contact, should an emergency of a medical or other nature involving the employee occur while the employee is on the job. These records may be used to locate individuals for personnel research.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

3" x 5" paper.

RETRIEVABILITY:

Records are retrieved by the name of the individual on whom they are maintained.

SAFEGUARDS:

Records are maintained in secured areas and are available only to authorized personnel whose duties require access.

RETENTION AND DISPOSAL

Records are maintained as long as the individual is an employee of the Commission. Expired records are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Appropriate Personnel or administrative office in which the employee is employed.

NOTIFICATION PROCEDURE:

Office employees wishing to inquire whether this system contains information about them should contact the appropriate FCC administrative officer where employed. Individuals must supply the following information for their records to be located and identified: full name.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

FCC/Central 3

SYSTEM NAME:

Grievance Records

SYSTEM LOCATION:

1919 M Street, NW., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THIS SYSTEM:

Current or former Commission employees who have submitted grievances.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by Commission employees. These case files contain all documents related to the grievance, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems established through negotiations with recognized labor organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp. p218.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or ciminal law or regulation.

b. To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request and identify the type of information requested.

c. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to requesting the agency's decision on the matter.

d. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel, or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

e. To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

f. To provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved by the names of the individuals on whom they are maintained.

SAFEGUARDS:

These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

These records are disposed of 3 years after closing of the case. Disposal is by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Management Division, Office of Managing Director, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided:

a. By the individual on whom the record is maintained.

b. By testimony of witnesses.

c. By Commission officials.

d. From related correspondence from organizations or persons.

FCC/Central 4

SYSTEM NAME:

Employee Activity Reporting System.

SYSTEM LOCATION:

1919 M Street, N.W.; 2025 M Street, N.W., and 1229 20th Street, N.W., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current FCC employees whose bureau or office is a participant in the system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual activity reporting forms containing a person's name, social security number, organization code, activity code and number of hours spent working on the reported activity during a semimonthly reporting period. Monthly reporting forms listing total Bureau/Office output of selected production measures.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 4 and 5 of the Communications Act of 1934, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Bureau and Office management personnel use data to measure time expended on various programs, services or activities and productivity at Divisional or Bureau level. Financial Management Division used data to develop future budget estimates.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

5 inches by 8 inches and 8 inches by 10 inches original forms are stored in file cabinets by reporting period and organizational unit. Data is also contained on magnetic tapes stored in computer room, also denoted by reporting period.

RETRIEVABILITY:

Forms and tapes are maintained by semimonthly or monthly reporting period to facilitate aggregation for monthly report. Error listings from the computer are indexed by social security number to facilitate correction on an individual basis. Data is not retrieved for an individual, only for various organizational levels and program, service or activity codes. Forms will be filed in each participating bureau to facilitate location for correction purposes only.

SAFEGUARDS:

Records are maintained in file cabinets in an office that is locked at the end of each business day. Access to tapes is controlled by computer room personnel.

RETENTION AND DISPOSAL:

Original forms are retained for three months and then destroyed by tearing into pieces. The only purpose in maintaining the original input document for three months before destruction is to facilitate correction of error listings. Tapes are retained for up to two years.

SYSTEM MANAGER(S) AND ADDRESS:

Appropriate bureau or office chief in the Commission located at 1919 M Street, N.W., 2025 M Street, N.W., or 1229 20th Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individual Activity Reports of employees participating the system. Monthly output measures reports from Bureau/Office management personnel.

FCC/Central 5

SYSTEM NAME:

Alcoholism and Drug Abuse Case Files.

SYSTEM LOCATION:

1919 M Street, N.W., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FCC employees who seek guidance and counseling through the agency Alcoholism and Drug Abuse Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal history as it relates to the employee's problem. Records on employees referred for counseling.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

FPM 792.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Reference material for the use of the Program Administrator and Counselors.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in locked metal cabinets in the Program Administrator's Office.

RETRIEVABILITY:

Records are filed and retrieved by name of employee.

SAFEGUARDS:

Records are maintained in an office that is locked when not occupied by the Program Administrator. They are maintained in strict confidence and are accorded the same security and accessibility restrictions provided for medical records.

RETENTION AND DISPOSAL:

Records are kept indefinitely or until the employee leaves the FCC, at which time they are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Managing Director, Office of Managing Director, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Employee, employee's supervisor, and counselors.

FCC/Central-6

SYSTEM NAME:

Personnel Investigations Records.

SECURITY CLASSIFICATION:

None for the system; however, items or records within the system may have national defense/foreign policy classifications up through secret.

SYSTEM LOCATION:

1919 M Street, N.W., Washington, D.C. 20554.

CATEGORIES OF RECORDS IN THE SYSTEM:

a. Current and former employees or applicants for employment in the Federal service.

b. Individuals considered for access to classified information or restricted areas and/or security determinations as contractors, experts, instructors, and consultants to Federal programs.

c. Individuals who are neither applicants nor employees of the Federal Government, but who are or were involved in Federal programs under a co-operative agreement.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain investigative information regarding an individual's character, conduct, and behavior in the community where he or she lives or lived; arrests and convictions for violations against the law; reports of interviews with present and former supervisors, coworkers, associates, educators, etc.; reports about the qualifications of an individual for a specific position; reports of inquiries with law enforcement agencies, employers, educational institutions attended; reports of action after OPM or FBI Section 8(d) Full Field Investigation; Notices of Security Investigation; and other information developed from the above. Certificates of Clearance. Also contained is investigative information concerning allegations of misconduct by an FCC employee, miscellaneous complaints not covered by the FCC's formal or informal grievance procedure, and inquiries conducted under the President's Program to eliminate waste and fraud in Government.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 2, Civil Service Act of 1883, original authority; Title 5, CFR Part 5; Sections 1303, 1304, and 3301, Title 5, U.S.C.; Sections 7, 8(b), 8(c), 9(a), 9(c), and 14 of E.O. 10450; E.O. 11222; Section 19.735–107, FCC Rules and Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES FOR SUCH USES:

To provide investigatory information for determinations concerning compliance with Federal regulations and for individual personnel determinations including suitability and fitness for Federal employment, access and security clearances, evaluations of qualification, loyalty to the U.S., and evaluations of qualifications and suitability for performance of contractual services for the U.S. Government; to document such determinations; to take action on or respond to a complaint or inquiry concerning an FCC employee or to counsel the employee; to otherwise comply with mandates and Executive orders.

a. To designated officers and employees of agenices, offices, and other establishments in the executive, legislative, and judicial branches of the Federal Government, and the District of Columbia Government, when such agency, office, or establishment conducts an investigation of the

individual for the purpose of granting a security clearance, or for the purpose of making a determination of qualifications, suitability, or loyalty to the United States Government, or access to classified information or restricted areas.

b. To the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where the FCC becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

c. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

d. To the intelligence agencies of the Department of Defense, the National Security Agency, the Central Intelligence Agency, and the Federal Bureau of Investigation for use in intelligence activities.

e. To another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

f. To the National Archives and Records Service (General Services Administration) for records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

g. To respond to a request for discovery or for appearance of a witness, when relevant to the subject matter involved in a pending judicial or administrative proceeding.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are retrieved by the name of the individual on whom they are maintained.

SAFEGUARDS:

Records are maintained within a secure, access-controlled area, and stored in approved security containers. Access is limited to cleared Security Office Personnel and to Commission officials on a "need to know" basis when required to take decisional action on the records.

RETENTION AND DISPOSAL:

Records are retained during employment; records are returned to investigating agencies after employment terminates, those originated by the FCC are retained for 20 years from the date of the most recent investigative activity. Records are destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Managing Director, Office of Managing Director, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system contains information about them should contact the system manager indicated above, in writing. Individuals must furnish the following information for their records to be located and identified:

a. Full name.
b. Date of birth.
c. Social security number.
d. Signature.
e. Any available information regarding the type of record involved.
f. The category of covered individuals under which the requester believes he or she fits.

RECORD ACCESS PROCEDURES:

Specific materials in this system have been exempted from Privacy Act provisions at 5 U.S.C. 552a (c)(3) and (d), regarding access to records. The section of this notice titled "Systems exempted from certain provisions of the Act," which appears below, indicates the kinds of material exempted and the reasons for exempting them from access. Individuals wishing to request access to their records should contact the system manager indicated above, in writing. Individuals must furnish the following information for their records to be located and identified.

a. Full name.
b. Date of birth.
c. Social security number.
d. Signature.
e. Any available information regarding the type of records involved.
f. The category of covered individuals under which the requester believes he or she fits.

Individuals requesting access must also comply with Privacy Act regulations regarding verification of identity and access to records (5 CFR 297.201 and 297.203).

CONTESTING RECORD PROCEDURES:

Specific materials in this system have been exempted from Privacy Act provisions at 5 U.S.C. 552a(d), regarding amendment to records. The section of this notice titled "Systems exempted from certain provisions of the Act," which appears below, indicates the kinds of material exempted and the reasons for exempting them from amendment. Individuals wishing to request amendment to their non-exempted records should contact the system manager indicated above, in writing. Requests should be directed only to the system manager, whether the record sought is in the primary system or in a decentralized segment. Individuals must furnish the following information for their records to be located and identified:

a. Full name.
b. Date of birth.
c. Social security number.
d. Signature.
e. Any available information regarding the type of record involved.
f. The category of covered individuals under which the requester believes he or she fits.

Individuals requesting amendment must also comply with the Privacy Act regulations regarding verification of identity and amendment of records (5 CFR 297.201 and 297.206).

RECORD SOURCE CATEGORIES:

a. Applications and other personnel and security forms furnished by the individual.

b. Investigative and other record material furnished by Federal agencies.

c. Notices of personnel actions furnished by Federal agencies.

d. By personnel investigation or written inquiry from sources such as employers, educational institutions, references, neighbors, associates, police departments, courts, credit bureaus, medical records, probation officials, prison officials, newspapers, magazines, periodicals, and other publications.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system may contain the following types of information:

a. Properly classified information, obtained from another Federal agency during the course of a personnel investigation, which pertains to national defense and foreign policy. The Privacy Act, at 5 U.S.C. 552a(k)(1), permits an agency to exempt such materials from certain provisions of the Act.

b. Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment. The Privacy Act, at 5 U.S.C. 552a(k)(5), permits an agency to exempt such material from certain provisions of the Act. Materials may be exempted to the extent that release of the material to the individual whom the information is about would:

1. Reveal the identity of a source who furnished information to the Government under an express promise (granted on or after September 27, 1975) that the identity of the source would be held in confidence; or,

2. Reveal the identity of a source who, prior to September 27, 1975, furnished information to the Government under an implied promise that the identity of the source would be held in confidence.

The Federal Communications Commission has claimed these exemptions from the requirements of 5 U.S.C. 552a (c)(3) and (d). These requirements relate to providing an accounting of disclosures to the individual whom the records are about and access to and amendment of records.

FCC/Central 7

SYSTEM NAME:

Freedom of Information Act Case Files

SYSTEM LOCATION:

1919 M Street, N.W.; 2025 M Street, N.W., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals or organizations requesting access to inspect and/or copy records of the Commission under provisions of the Freedom of Information Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, and other individually identifying information about the requestor and the records sought.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Freedom of Information Act, Pub. L. 93-402 (5 U.S.C. 552).

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In the event the Commission deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

Where the appropriate official of the Commission, pursuant to the Commission's Freedom of Information Regulation determines that it is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from this system of records.

The Commission contracts with a private firm for the purpose of searching, duplicating, and distributing to the public the documents maintained by the Commission and available for inspection under the Act. The contractor is required to maintain Privacy Act safeguards with respect to such records.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where the defendant is (a) the Commission, or any employee of the Commission in his or her official capacity; (b) the United States where the Commission determines that the claim, if successful, is likely to directly affect the operations of the Commission; or (c) any Commission employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Commission may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Original or copy of incoming request and written response maintained in case files.

RETRIEVABILITY:

For the most part, records are indexed by name of individual requestor. Records are available to FOI staff involved in correspondence and investigative processes, including appeals officials and members of the Office of General Counsel.

SAFEGUARDS:

Records are maintained in file cabinets in the offices of the Freedom of Information Liaisons throughout the Commission with limited access.

RETENTION AND DISPOSAL:

Individual case files are maintained for two years and then disposed of.

SYSTEM MANAGER(S) AND ADDRESS:

Appropriate bureau or office chief in the Commission located at 1919 M Street, N.W., or 2025 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individuals and organizations making requests under the Freedom of Information Act or from bureaus or offices of the Commission reporting on the handling of such requests for inclusion in the annual report to Congress.

Appendix A

Federal Communications Commission, Field Operations Bureau, Address List of District Offices as of October 6, 1981

1. ANCHORAGE, Alaska, 1011 E. Tudor Road, Room 240, 99510. Phone (907) 276-7455.
2. ATLANTA, Georgia, 1365 Peachtree Street, N.E., 30309. Phone (404) 881-3084.
3. BALTIMORE, Maryland, 1017 Federal Building, 31 Hopkins Plaza, 21201. Phone (301) 962-2720.
4. BOSTON, Massachusetts, 165 State Street, 02109. Phone (617) 223-6609.
5. BUFFALO, New York, 111 West Huron Street, 14202. Phone (716) 846-4511.
6. CHICAGO, Illinois, 230 South Dearborn Street, Room 3940, 60604. Phone (312) 353-0195.
7. DALLAS, Texas, 1100 Commerce Street, 75242. Phone (214) 767-0761.
8. DENVER, Colorado, 12477 West Cedar Drive, 80228. Phone (303) 234-6977.
9. DETROIT, Michigan, 231 West Lafayette Street, 48226. Phone (313) 226-6078.
10. HONOLULU, Hawaii, 300 Ala Moana Boulevard, Room 7304, 96850. Phone (808) 546-5640.
11. HOUSTON, Texas, 515 Rusk Avenue, Room 5636, 77002. Phone (713) 226-5624.
12. KANSAS CITY, Missouri, 8800 East 63rd Street, 64133. Phone (816) 926-5111.
13. LONG BEACH, California, 3711 Long Beach Boulevard, Room 501, 90807. Phone (213) 426-4451.
14. MIAMI, Florida, 51 S.W. First Avenue, Room 919, 33130. Phone (305) 350-5542.
15. NEW ORLEANS, Louisiana, 600 South Street, 70130. Phone (504) 589-2095.
16. NEW YORK, New York, 201 Varick Street, 10014. Phone (212) 620-3437.
17. NORFOLK, Virginia, 870 North Military Highway, 23502. Phone (804) 441-6472.
18. PHILADELPHIA (Langhorne, Pennsylvania), 2300 East Lincoln Highway, 19047. Phone (215) 752-1324.
19. PORTLAND, Oregon, 1220 S.W. Third Avenue, 97204. Phone (503) 221-4114.
20. ST. PAUL, Minnesota, 316 North Robert Street, 55101. Phone (612) 725-7810.
21. SAN FRANCISCO, California, 555 Battery Street, 94111. Phone (415) 556-7701.
22. SAN JUAN (Hato Rey, Puerto Rico), 747 Federal Building, 00918. Phone (809) 753-4567.
23. SEATTLE, Washington, 915 Second Avenue, 98174. Phone (206) 442-7653.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-37048 Filed 12-29-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket No. FEMA-REP-6-LA-2]

Louisiana; Radiological Emergency Preparedness Plans

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of receipt of plans.

SUMMARY: This is a notice that the State of Louisiana has submitted Radiological Emergency Preparedness Plans to the Federal Emergency Management Agency, Region VI for review and approval. These plans include the Louisiana Peacetime Radiological Response Plan and Attachment I to this plan which is the Peacetime Radiological Response Plan for the Waterford Steam Electric Station Unit No. 3.

DATE PLANS RECEIVED: November 23, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Joe Winkle, Acting Regional Director, FEMA Region VI, Federal Center, Denton, Texas 76201—(817)–387–5811.

NOTICE: This provides notice in accordance with 44 CFR 350.8 of the FEMA Proposed Rule, "Review and Approval of State and Local Radiological Emergency Plans and Preparedness", 44 FR 42341, that the Federal Emergency Management Agency, Region VI Office, received on November 23, 1981, from the State of Louisiana, Radiological Emergency Preparedness Plans for the State of Louisiana.

These plans include the State of Louisiana Peacetime Radiological Response Plan which is Annex J. Appendix 7 to the Louisiana Preparedness Plan for Emergency Operations and Attachment I, Waterford 3 Steam Electric Station. Copies of these plans are available for review and copying at the FEMA Region VI Office.

Copies will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests. This schedule which covers exemptions from the fee, is set forth in Subpart C of 44 CFR Part 5. Reproduction fees are $0.10 a page for this document. There are approximately 500 pages in the documents, excluding implementing procedures. (As the cost will be over $25.00, the fee is to be paid in advance.)

Comments regarding the plans may be submitted in writing to Mr. Joe Winkle, Acting Regional Director, at the above address within thirty days.

FEMA Proposed Regulation 44 CFR 350.10 calls for a public meeting in advance of FEMA approval. A Public Meeting will be conducted in St. Charles/St. John's Parish prior to FEMA approval of the plan.

Joe Winkle,

Acting Regional Director.

December 11, 1981.

[FR Doc. 81-37161 Filed 12-29-81; 8:45 am]

BILLING CODE 6715-01-M

FEDERAL RESERVE SYSTEM

Coffee County Bancshares, Inc.; Formation of Bank Holding Company

Coffee County Bancshares, Inc., Manchester, Tennessee, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Coffee County Bank, Manchester, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 21, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 22, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-37158 Filed 12-29-81; 8:45 am]

BILLING CODE 6210-01-M

El Campo Bancshares, Inc.; Formation of Bank Holding Company

El Campo Bancshares, Inc., El Campo, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Commercial State Bank of El Campo, El Campo, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 21, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 22, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc.81-37157 Filed 12-29-81; 8:45 am]

BILLING CODE 6210-01-M

First Busey Corp.; Acquisition of Bank

First Busey Corporation, Urbana, Illinois, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of National Bank of Urbana, Urbana, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 21, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 22, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-37155 Filed 12-29-81; 8:45 am]

BILLING CODE 6210-01-M

First International Bancshares, Inc.; Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with Austin

Bancshares Corporation, Austin, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

First International Banchares, Inc., Dallas, Texas, also engages in the following nonbank activities: insurance and financing activities within the scope permitted by the Board's Regulation Y. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 21, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 22, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-37184 Filed 12-29-81; 8:45 am]

BILLING CODE 6210-01-M

Global Bancorporation; Formation of Bank Holding Company

Global Bancorporation, New York, New York, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company be acquiring 100 percent of the voting shares of Global Union Bank, New York, New York. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 21, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 22, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-37185 Filed 12-29-81; 8:45 am]

BILLING CODE 6210-01-M

Mason State Co.; Formation of Bank Holding Company

Mason State Company, Mason City, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 96.75 percent of the voting shares of Mason State Bank, Mason City, Nebraska, The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 21, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 22, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-37186 Filed 12-29-81; 8:45 am]

BILLING CODE 6210-01-M

W.T.B. Corp.; Formation of Bank Holding Company

W.T.B. Corporation, Spokane, Washington, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares, less directors' qualifying shares, of the successor by merger to Washington Trust Bank, Spokane, Washington. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 15, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 22, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-37183 Filed 12-29-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Proposed Land Classifications

Corrections

In FR Doc. 81-34228 appearing on page 58192 in the issue for Monday, November 30, 1981, make the following changes:

1. On page 58194, second column, under I-8116, the third line should read: "E½SW¼; 280 acres.", under I-8420, third line, "* * * NE¼ * * *" should read "* * * SW¼ * * *"; third column, "I-90093" should read "I-9093", under I-12023, the second line should read: "Sec. 34: NE¼SW¼;" and the fourth line should read: "Sec. 9: NW¼NE¼; 80 acres.", under I-12308, the first and second lines should read as follows:

"T. 7 S., R. 3 E., B.M.,

Sec. 30: SE¼SW¼;".

2. On page 58195, first column, "I-47855" should read "I-14785", under I-14786, the second line should read:

"Sec. 19: NE¼SW¼, SE¼, SE¼SW¼;"

3. On page 58195, second column, under I-8902, second line, "* * *SW¼;" should read "* * *SW¼;".

4. On page 58196, second column, the third line from the top should read as follows:

"Sec. 27: S½NW¼, N½SW¼, SW¼SW¼,"

And in the third paragraph under *Proposed*, fourth line, "* * * 60-* * *" should read "* * * 59-* * *".

5. On page 58197, second column, under I-8894, sixth line, remove the comma after "NE¼", and in the eighth line, "* * * NW¼ * * *" should read "* * * NE¼ * * *; and in the third column, twenty-ninth line from the top, "* * * 752.50 * * *" should read "* * * 757.50 * * *", and the last line at the

bottom of the page, "* * * NW¼;" should read "SW¼;".

BILLING CODE 1505-01-M

Adoption of Final Leasing Target for Fort Union Coal Production Region, North Dakota and Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Adoption of the Final Coal Leasing Target for the Fort Union Coal Production Region, North Dakota and Montana.

SUMMARY: Under the Federal Coal Program Management regulations (43 CFR 3420.3–2(j)), the Secretary of the Interior has the responsibility for establishing a Federal coal leasing target for each of the Federal coal production regions. This notice is to inform the public that on December 18, 1981, the Assistant Secretary for Land and Water Resources, acting under authority delegated to him by the Secretary of the Interior, adopted a leasing target of 0.8 to 1.2 billion tons of Federal coal reserves for the Fort Union Coal Production Region.

EFFECTIVE DATE: December 18, 1981.

FOR FURTHER INFORMATION CONTACT: Monte Jordan, Division of Coal, Oil Shale and Tar Sands, Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240, (202) 343–4636

SUPPLEMENTARY INFORMATION: The decision of the Assistant Secretary for Land and Water Resources is set out below.

The Secretary of the Interior has delegated to me his authority under 43 CFR 3420.3 to set Federal coal leasing targets. It is my decision, after careful consideration, to set the final leasing target for the Fort Union Coal Production Region at 0.8–1.2 billion tons with the understanding that this level may be altered at Departmental discretion if necessary to fulfill program goals.

This decision is based on a number of considerations including the input received from the Regional Coal Team (RCT), the comments received from the public, and consultation with the Governors of affected States. Although a number of comments supported the adoption of a lower leasing target of 0.4–0.8 billion tons, I do not believe they outweigh the arguments for the higher target. In my judgment, the Federal coal leasing program must insure free competition and compensate for unexpected occurrences of increased demand or shortfalls in supply. I have serious doubts that a leasing target less than the 0.8–1.2 billion tons would assure the fulfillment of these criteria.

The following briefly outlines the major factors which influenced my decision.

I. Free Competition

A major goal of this Administration is to reduce governmental interference in the workings of the market system. Therefore, it is our intent in the coal leasing program, as well as in our other programs, to encourage free competition. Only through such a system can the American consumer be guaranteed an adequate supply of energy and other essential resources at the lowest possible cost.

Setting targets which allow for leasing only one ton of recoverable coal for every ton of needed production has been criticized by both the Department of Justice and the General Accounting Office as being inefficient and potentially anti-competitive. The Justice report concludes that a target leasing system unduly supplants the market place as the allocator of coal resources. At present, competition takes place in the coal industry through the rivalry among many sellers, each of which has one or more parcels of coal to supply to a given utility. This competitive market efficiently matches coal deposits with utilities and causes the coal that is the cheapest to mine to be produced, the most efficient mining techniques to be used, and coal to be sold at a price commensurate with its cost. Setting unnecessarily restrictive leasing targets will cause a gradual decline in the use of market mechanisms for making these decisions and many lead to an eventual elimination of competition.

The Federal Government owns an estimated 62 percent of all Western coal reserves, and, because of scattered checkerboard ownership, controls another 14 percent. Over time, the proportion of Western coal production on Federal lands is expected to rise dramatically, thereby reducing the importance of production from private lands. Because the control of this vast resource is vested in the government, it is essential that any leasing program insures that a competitive market is maintained. However, this cannot be achieved under a restrictive leasing program with minimum leasing targets since there can be no rivalry among sellers.

Furthermore, a target system requires the government to make all resource allocation decisions by leasing only those tracts which it finds best meet the needs of a particular consumer, such as a utility planning a coal fired plant in the leasing region. This gives each lessee/supplier what is, in effect, a government granted monopoly of the coal supply allotted to that consumer and therefore substantial control over the price. To avoid this situation, our program must allow the market to efficiently match the coal supplies to the consumer and allow market forces to control prices.

II. Resource Pool to Enhance Strategic Planning

A market-oriented leasing policy also means that there is a need for creating a pool of reserves well in advance of planned production to allow for strategic planning by the industry and to accommodate the 10 year (or longer) leadtime from lease sale to full production. Greater flexibility in planning allows the industry to operate in a more cost efficient manner, which tends to hold prices down to the consumer and insure adequate supplies are available to meet demands for energy.

III. Uncertainties in Supply and Demand

Frequently, significant shortfalls of leasing occur as a result of matching leasing levels to needed production on a ton-for-ton basis. The information available to DOI is not sufficient to allow us to exactly determine 10 years in advance the amount of coal that should be produced or the deposits from which that coal should come. One cannot know with any reasonable degree of certainty the future demand for coal by electric utilities and producers of synthetic fuels. Even if these things were known, there still would not be enough information to set precise leasing targets because we do not know the amount of coal that will be produced by existing mines. Thus, any attempt to match leasing levels to needed production on a ton-for-ton basis guarantees that much of the time there will be significant shortfalls in leasing. Whenever this happens, private reserves that are more costly to mine than Federal reserves will be forced into production, and coal prices will rise. With this in mind it becomes apparent that we should allow as much flexibility in our program as possible to provide for the uncertainties of the future.

IV. Easy Entry into Coal Industry

Finally, a market-oriented leasing policy should not impose any unnecessary constraints on entry into the coal industry. Insofar as easy entry into the industry has a disciplining effect on prices and output as a result of stimulating potential competition from new entrants, it is an important factor in

assessing the competitiveness of the industry. For regions such as Fort Union, where future mining will depend on the availability of Federal coal, severe limitations on such availability could create an artificially higher barrier to entry, as well as shifting substantial market power to present industry participants. Any leasing of less than the preliminary target established for the region may be anti-competitive in that it would effectively limit the number of coal producers who can gain access to Federal coal and, thereby, limit the number of those who can compete for contracts to supply coal consumers. In general, new leasing is one method of improving entry conditions, which in turn increases the number of different producers and stimulates competition.

V. Fort Union Region Considerations

In view of the above reasons favoring expanded leasing, a security factor of proper magnitude should be embodied in the process of establishing the leasing target. Little margin for error is allowed by a leasing target in the range of 0.4–0.8 billion tons. This is barely enough to cover the Department of Energy's (DOE's) "low" to "medium" projection of demand. This target would probably be insufficient to meet future demands if: (1) Electricity demand were to grow faster than anticipated; (2) synthetic fuels development came on line faster than projected; (3) Fort Union Region coal captured an even larger share of the domestic market than anticipated; and (4) many of the existing leases and the preference right lease applications within this region do not go into production as assumed.

The final target decision for this region is further supported by an examination of the leasing target implied by the production goals set by DOE.

Based on the following assumptions:

- The baseline coal production from existing Federal leases and non-Federal lands without new Federal coal leasing is projected to be 43 million tons in 1995;
- The average lifetime expectancy of a coal mine is 40 years;
- The share of Federal coal reserve is 36% in this region;
- The recovery rate of lignite coal is 90%; and
- A 25% security factor is allowed;

the leasing targets that correspond to DOE's low, medium, and high demand scenarios are 220, 860, and 1,260 million tons, respectively.

Considering the possible inadequacy of the 25% security factor coupled with DOE's demand projections as noted above, it is evident that the final target, should range from a minimum of 800 million tons (corresponding to DOE's medium demand projection) to 1.2 billion tons (corresponding to DOE's high projection). With this leasing target, we can help insure that the large social costs resulting from restricted leasing can be minimized.

VI. Proposed Burlington Northern Land Exchange

The possibility of a Burlington Northern land exchange is a final consideration which should be discussed in the context of the leasing program. If the exchange is successfully negotiated it would most likely take place sometime during the period scheduled for the Fort Union lease sale. Currently the Government owns a tract, Circle West III, containing approximately 175 million tons in the central portion of the proposed exchange area. This tract is also being analyzed as two smaller tracts; Circle West I and Circle West II. The Circle West tracts occur in all alternatives being considered by the Fort Union Coal Team to meet the leasing target. An exchange would result in the consolidation of a Federal tract which would contain approximately 350 million tons of coal. Should the exchange occur, the consolidated tract (350 million tons) may possibly be offered for lease. This means that if all tracts offered are leased, including the consolidated tract, we may actually increase our sale total by the 175 million tons gained in the exchange. However, because of my concern that the 25% security factor may be inadequate to compensate for demand uncertainties and to further stimulate competition, I believe that offering the increased tonnage, if it becomes available, is consistent with and will further the goals of the coal leasing program.

VII. Conclusion

In conclusion, I believe that the national interest will best be served by a final regional leasing target for the Fort Union Region of 0.8–1.2 billion tons. Thus the proposed action for the regional environmental impact statement becomes 0.8–1.2 billion to be arrayed with a number of other alternatives.

As new data on the demand for reserves becomes available over the next year, we may find that a higher or lower recommendation may be necessary to forward to the Secretary for the ultimate decision regarding which tracts are to be offered for lease.

Dated: December 23, 1981.

Garrey E. Carruthers,

Assistant Secretary, Land and Water Resources.

[FR Doc. 81-37145 Filed 12-29-81; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Renewal of San Antonio Missions Advisory Commission

This notice is published in accordance with the provisions of Section 7(a) of the Office of Management and Budget Circular A63 (revised). Pursuant to the authority contained in Section 14(a) of the Federal Advisory Committee Act (Pub. L. 92–463), the Secretary of the Interior has determined that renewal of the San Antonio Missions Advisory Commissions is necessary and in the public interest.

The purpose of the committee is to advise the Secretary of the Interior on matters relating to the San Antonio Missions National Historical Park.

The General Services Administration concurred in the renewal of this committee on November 30, 1981.

Further information regarding this committee may be obtained from Shirley M. Luikens, Advisory Boards and Commissions, National Park Service, Department of the Interior, Washington, DC 20240 (202–343–2012).

Dated: December 23, 1981.

Robert A. Ritsch,

Acting Associate Director, Recreation Resources, National Park Service.

[FR Doc. 81-37134 Filed 12-29-81; 8:45 am]

BILLING CODE 4310-70-M

Bureau of Reclamation

[INT FES 81-57]

O'Neill Unit, Pick-Sloan Missouri Basin Program, Nebraska; Availability, Alternatives Study Appendix A to FES 72-34

In June 1981 members of the Nebraska congressional delegation requested the Bureau of Reclamation to make a 120-day appraisal level study of certain suggested alternatives to the presently authorized O'Neill Unit, Nebraska, a feature of the Pick-Sloan Missouri Basin Program.

This study has been completed and the report thereon filed with EPA as Appendix A (INT FES 81–57) to the O'Neill Unit Final Environmental Statement (INT FES 72–34).

Distribution of this appendix will be made to all recipients of previously distributed FES documents for the O'Neill Unit.

Copies are available for inspection at the following locations:
Director, Office of Environmental Affairs, Room 7622, Bureau of Reclamation, Washington, DC 20240, Telephone: (202) 343–4991
Division of Management Support, General Services Library Section Code 950, Engineering and Research Center, Denver Federal Center, Denver, Colorado 80225, Telephone: (303) 234–3019
Regional Director, Bureau of Reclamation, Lower Missouri Region, P.O. Box 25247, Denver, Colorado 80225, Telephone: (303) 234–3779
Nebraska-Kansas Projects Office, Bureau of Reclamation, P.O. Box 1607, Grand Island, Nebraska 68801, Telephone: (308) 382–3660

Single copies of the appendix may be obtained on request to the Director, Office of Environmental Affairs, Bureau of Reclamation, or the Regional Director at the above addresses. Copies will also be available for inspection in libraries in the project vicinity.

Dated: December 23, 1981.

R.N. Broadbent,

Commissioner.

[FR Doc. 81-37127 Filed 12-29-81; 8:45 am]

BILLING CODE 4310-09-M

Office of the Secretary

Insignificant Revision in 5-Year OCS Leasing Schedule; Gulf of Mexico

AGENCY: Office of OCS Program Coordination, Office of the Secretary.

ACTION: Notice.

SUMMARY: The 5-Year OCS Leasing Schedule issued on June 16, 1980, provided for OCS Sale #67 (Gulf of Mexico) to be held in March 1982. After considering the relative merits of advancing the sale to February 1982, it has been concluded that advancing the sale serves the national interest. After analyzing whether moving the sale by one month was a significant revision under section 18 of the OCS Lands Act, we have concluded that it would not be a significant revision of the 5-Year Program. Copies of this analysis are available from the address mentioned later.

FURTHER INFORMATION: Contact Chris Oynes, Office of OCS Program Coordination, U.S. Department of the Interior, 18th and C Streets, Room 5150, Washington, D.C. 20240, (202) 343–9311.

Dated: December 23, 1981.

Donald Paul Hodel,

Under Secretary.

[FR Doc. 81-37137 Filed 12-29-81; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-1 (Sub-No. 129)]

Chicago and North Western Transportation Co.; Abandonment Between Geneva and Aurora, in Kane County, IL; Findings

The Commission has issued a certificate authorizing Chicago and North Western Transportation Co., to abandon its 8.2 mile rail line between Geneva milepost 35.8 and Aurora milepost 44.0 in Kane County, IL. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) a financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10 day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-37029 Filed 12-29-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931, and 10932.

We find

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is Ordered

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–FC–79356. By decision of December 4, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board No. 3 approved the transfer to IOWA DELIVERY SERVICE, INC., of Des Moines, IA of Certificate No. MC–129802 (Sub-No. 12) issued to GAIL R. KALDENBERG d.b.a. ABC CARTAGE, of Des Moines, IA, authorizing the transportation by irregular route of general commodities (with the usual exceptions) from Des Moines, IA to points in IOWA within 100 miles of Des Moines, except Kellogg, Grinnell, Newton and Marengo. Applicant's representative is: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309.

MC–FC–79401. (as amended) By decision of December 8, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board No. 3 also approved the transfer to JOHN L. NOVAK d.b.a. SAFEWAY MOTOR FREIGHT COMPANY of McDonald, OH, of Permit No. MC–92550 (Sub-No. 9) issued to J. G. STOCK d.b.a. SAFEWAY MOTOR FREIGHT COMPANY authorizing the transportation of *Steel wire* between

points in the U.S. under continuing contract(s) with Brainard Rivet Co. of Girard, OH. Applicant's representative is: Lreid S. Witherspoon, 2455 North Star Road, Suite 100, Columbus, OH 43221.

MC–FC–79403. By decision of December 8, 1981, Review Board 3 vacated its prior decision of October 15, 1981, and approved the transfer to William and Carole Littlefield a partnership d.b.a. Master Refigerated Transport, of Shady Cove, OR, of Certificates No. MC–144054 (Sub-Nos. 2, 3, 6, 7, 10, 11, and 12) issued to Bill Littlefield Trucking, Inc., of Medford, OR, authorizing: Named commodities, including foods, commodities dealt in by retail gift shops, fireplace logs and barbecue supplies, from and to facilities of Harry and David (a corporation) and Husky Industries, Inc. at Medford and White City, OR, from and to named states throughout the U.S. Condition's submission of a revised purchase agreement. Applicant's representative: Larry Knox, 600 Hubbell Bldg., Des Moines, IA 50309.

Note.—TA lease is not sought. Transferee is not a carrier.

MC–FC–79410. By decision of October 14, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to INTERNATIONAL CONTAINER SERVICES, of Baltimore, MD, of Certificate No. MC–70272, issued to KING VAN LINES, INC., JAMES R. BARR, TRUSTEE IN BANKRUPTCY, of Wichita, KS, which authorizes the transportation, as a motor common carrier, of *household goods*, as defined by the Commission, between points in the United States (except AK and HI); *emigrant movables*, between specified counties in OK, on the one hand, and, on the other, points in AR, KS, LA, MO, NM, and TX; and *new furniture*, uncrated, from Los Angeles, CA, to Bisbee and Douglas, AZ. This transfer is subject to the following condition: Charles E. Bradley, President and owner of transferee, must divest himself of all control and management of Routed Thru-Pac, Inc., a freight forwarder, prior to consummation of this transaction. Representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, D.C. 20006.

Notes.—TA has been filed. Transferee is a non-carrier.

MC–FC–79510. By decision of December 9, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Edgar W. Root, Inc. of Permit No. MC–126776 issued to Royal Service, Incorporated authorizing the transportation of (1) *new uncrated school furniture*, from Westfield, MA to points in ME, NH, VT, RI, and CT and (2) *returned shipments* of new uncrated school furniture in possession of consignee, from points in ME, NH, VT, RI, and CT to Westfield, MA, under a continuing contract or contracts with Columbia Manufacturing Company, Inc. of Westfield, MA. Applicants' representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103.

Note.—Transferee is a motor carrier pursuant to authority issued in MC–75835.

Agatha L. Mergenovich,

Secretary.

FR Doc. 81–37179 Filed 12–29–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Temporary Authority Application

The following are notices of filing of applications for temporary authority under section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–177

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 48501 (Sub–4–2–TA), filed December 17, 1981. Applicant: INDIANA MOTOR BUS COMPANY, 715 South Michigan, South Bend, IN 46624. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K Street, N.W., Washington, D.C. 20005. *Contract* irregular: *Passengers and their baggage*, in roundtrip charter operations, beginning and ending at points in IN, MI, IL, OH, PA, KY, MO, WI, IA, TN, NY, VA, NC, MN, MD and WV and extending to points in FL, under contract with Echo Travel, Inc., Carol Stream, IL. Supporting witness: Echo Travel, Inc., 373 South Schmale Road, Carol Stream, IL 60187.

MC 145742 (Sub–4–5–TA), filed December 16, 1981. Applicant: BOLES TRUCKING, INC., Rural Route 1, Ina, IL 62846. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Contract*, irregular, *Sulphuric and chromic acid*, between Mt. Vernon, IL on the one hand, and on the other, Clark Summit, PA and Waco, TX. Restricted to traffic moving under continuing contract with Precision National, Inc. An underlying e.t.a. seeks 120 days authority. Supporting shipper: Precision National, Inc., 908 Shawnee, Mt. Vernon, IL 62864.

MC 146779 (Sub–4–1–TA), filed December 16, 1981. Applicant: REGAL TRUCKING CO., 3741 South Pulaski Road, Chicago, IL 60623. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. *Petroleum products, in bulk*, between Milwaukee County, WI and points in IL. Supporting shipper: Industrial Fuel Oil, Inc., 9325 North 107th Street, Milwaukee, WI 53224.

MC 148705 (Sub-4–11–TA), filed December 17, 1981. Applicant: TWIN CONTINENTAL TRANSPORT CORP., 5738 Olson Highway, Minneapolis, MN 55422. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. *Such commodities as are dealt in by retail department and catalog stores*, from Seattle and Tacoma, WA to points in CO, IA, ID, IL, IN, KS, MI, MN, MO, MT, ND, NE, OH, OR, SD, UT, WA, WI and WY. Supporting shipper: Modern Merchandising, Inc., 5101 Shady Oak Road, Minnetonka, MN 55343.

MC 153208 (Sub-4-2-TA), filed December 16, 1981. Applicant: MINNESOTA UTILITY CONTRACTING, INC., 6100 Industry Ave., Anoka, MN 55303. Representative: John B. Van de North, Jr., Briggs and Morgan, 2200 First National Bank Bldg., St. Paul, MN 55101. *Utility trucks,* between points in MN, on the one hand, and, on the other, Oklahoma City, OK and Houston, TX. Supporting shipper: Northwestern Bell Telephone Co., 500 N. Carlton Street, St. Paul, MN 55119.

MC 153604 (Sub-4-2-TA), filed December 7, 1981. Applicant: DAVID A. LUNDEEN, d.b.a. FARGO FREIGHT TERMINAL & WAREHOUSE, 1455 Fifth Ave, North, P.O. Box 1828, Fargo, ND 58102. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Paper and paper products* from the facilities of Butler Paper Company in St. Paul, MN to points in ND, under contract(s) with Butler Paper Company of Fargo, ND. An underlying ETA seeks days authority. Supporting shipper: Butler Paper Co., 1330 N. 39th St., Fargo, ND 58102.

MC 157910 (Sub-4-1-TA), filed December 16, 1981. Applicant: ALPHA OMEGA LINE, INC., 739 Vandalia, St. Paul, MN 55114. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. *Contract,* Irregular: *Sugar* from Kansas City, MO to points in KS, NE, OK, AR. Supporting shipper: American Crystal Sugar Co., 101 N. Third Street, Moorhead, MN 56560.

MC 159559 (Sub-4-1-TA), filed December 10, 1981. Applicant: JOSEPH DOSTAL d.b.a. ABRASIVE TRANSPORT, 675 Byron, Plymouth, MI 48170. Representative: Paul M. Ross, 3104 S. Cedar St., Lansing, MI 48910. *Contract* irregular: *Metal products, reprocessed steel shot and steel grit, along with associated equipment, tools, and supplies,* between points in WI, IL, IN, OH, PA, KY, TN, CT, and MD, on one hand, and, on the other, points in the Cont'l U.S. under continuing contracts with Plymouth Metal Abrasive Company and Metal Tech Steel Abrasive Company. Supporting shippers: Plymouth Metal Abrasive Company, 8035 General Dr., Plymouth, MI 48170, Metal Tech Steel Abrasive Company, 8035 General Dr., Plymouth, MI 48170.

MC 159711 (Sub-4-2-TA), filed December 15, 1981. Applicant: FISCHER TRUCK & BUS SERVICE, INC., P.O. Box 622, Fenwood, WI 54431. Representative: Nancy J. Johnson, Attorney, 103 East Washington St., P.O. Box 218, Crandon, WI 54520. *Pallet and pallet parts* from the town of Kronenwetter (Marathon County), WI to Chicago and Rockford, IL and their respective Commercial Zones. Supporting shipper: R. J. Reetz & Sons, 3539 N. Road, Mosinee, WI 54455.

MC 159733 (Sub-4-1-TA), filed December 16, 1981. Applicant: S&L TRUCKING, INC., P.O. Box 322, Harvard, IL 60033. Representative: William F. Mix, 21-A Muzzey Street, Lexington, MA 02173. *Contract* irregular: *Epoxy resin; plastic materials; and molding compounds, granules or pellets, in packages, and materials, equipment and supplies used in the sale, distribution, and manufacture thereof* (except class A and B explosives) between Crestline, KS; Milwaukee, WI; and Ringwood, IL and points in CA, FL, LA, MA, MD, NJ, NY, and WA. Restricted to traffic moving under continuing contracts with Morton Chemical, a Division of Morton Norwich Products. An underlying ETA seeks 120 days authority. Supporting shipper: Morton Chemical, a Division of Morton Norwich Products, 1275 W. Lake Ave., Woodstock, IL 60098.

MC 159741 (Sub-4-1-TA), filed December 16, 1981. Applicant: COMDISCO TRANSPORT, INC., 6400 Shafer Court, Rosemont, IL 60018. Representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200-A, Park Ridge, IL 60068. *Contract* irregular: *Computers and components of computers,* between points in the U.S., except AK and HI, under continuing contract(s) with Comdisco, Inc., Rosemont, IL. Supporting shipper: Comdisco, Inc., 6400 Shafer Court, Rosemont, IL 60018.

MC 159772 (Sub-4-1-TA), filed December 17, 1981. Applicant: BRAKEBUSH BROTHERS, INC., Route 2, Westfield, WI 53964. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703. *Contract* irregular: *Food and related products* from points in CA, FL, ID, KS, MI, MO, OR, TX, UT and WA to Baraboo, WI, under a continuing contract(s) with Baraboo Sysco Food Services, Inc., a subsidiary of Sysco Corp. Supporting shipper: Baraboo Sysco Food Services, Inc., a subsidiary of Sysco Corp., 901 Sauk Ave., Baraboo, WI 53913.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 120060 (Sub-5-3-TA), filed December 17, 1981. Applicant: MORGAN EXPRESS, INC., 10130 Monroe Drive, Dallas, TX 75229. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034. *General commodities (except classes A and B explosives and hazardous waste) moving in express service* between Vicksburg and Jackson, MS, from Vicksburg over US Hwys 80 and/or I-20 to Jackson serving all intermediate points. Applicant intends to tack and interline.

MC 123476 (Sub-5-14-TA), filed December 17, 1981. Applicant: CURTIS TRANSPORT, INC., P.O. Box 427, Arnold, MO 63010. Representative: David G. Dimit (same address as applicant). *Textile Mill Products (except in bulk in tank vehicles)* between Haynesville, LA and Neenah, WI. Supporting shipper: Edmont, Inc., Rte 1, Box E-W, Haynesville, LA 71038.

MC 124174 (Sub-5-54-TA), filed December 18, 1981. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *Plastic Recycling Machinery and related materials,* from South Attleboro, MA and Pawtucket, RI to all pts in the U.S.A. Supporting shipper: Cumberland Engineering Co., Fred N. Roddy Avenue, South Attleboro, MA 02703.

MC 128075 (Sub-5-2-TA), filed December 18, 1981. Applicant: JOHNSRUD TRANSPORT, INC., P.O. Box 447, Cresco, IA 52136. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Contract irreg *Vegetable oils* from Chicago, IL to Des Moines, IA and Sioux Falls, SD under contract with Hiland Potato Chip Co. Supporting shipper: Hiland Potato Chip Co., P.O. Box 3070, East 14th Street Station, Des Moines, IA 50306.

MC 141914 (Sub-5-21-TA), filed December 10, 1981. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same as applicant). *Paper and plastic products* between Sebastian County, AR, on the one hand, and, on the other, points in CA, OR & WA. Supporting shipper: American Can Company, 4411 Midland Boulevard, Fort Smith, AR 72904.

MC 147348 (Sub-5-9-TA), filed December 18, 1981. Applicant: SOUTHWEST FREIGHT DISTRIBUTORS, INC., 1320 Henderson, North Little Rock, AR 72114. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201. *Oil and Antifreeze (except in bulk),* (1) From points in TN, MO, LA, MS, TX, KS and AR, to the facilities of Martin Oil Company, at Norman, OK, and (2) From points in TN, MO, LA, MS, TX, OK and KS, to the facilities of Twin City Oil Company, at North Little Rock, AR. Supporting shippers: Martin Oil

Company, Norman, OK; Twin City Oil Company, North Little Rock, AR.

MC 155752 (Sub-5–1–TA), filed December 16, 1981. Applicant: FON DAVIS TRUCKING, Rural Route 1, Booneville, IA 50038. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. *Contract* irregular: *Meat and Meat Products* from Estherville and Sioux City, IA; Fairmont and Worthington, MN; and Sioux Falls, SD, on the one hand, and on the other, to pts in AL, CA, FL, GA, KS, LA, MO, MA, MS, NJ, NY, NC, PA, OK, SC, TN and TX, under continuing contract or contracts with John Morrell & Co., Chicago, IL. Supporting shipper: John Morrell & Co., Chicago, IL.

MC 156611 (Sub-5–1–TA), filed December 17, 1981. Applicant: FOOD TRANSPORT, INC., P.O. Box 446, Fayetteville, AR 72701. Representative: Grant M. Davis, 2217 Juneway Terrace, Fayetteville, AR 72701. Contract; Irregular. *Food and related products, sausage, NOIBN,* between Holton, KS, on the one hand, and, on the other, points in FL, GA, KS, MD, NC, SC, KY, IL, TX, LA, AL, and DC, and their commercial zones. Supporting shipper: Oldham Farm Sausage, Inc., Highway 16 East, Holton, KS 66436.

MC 159678 (Sub-5–1–TA), filed December 18, 1981. Applicant: D.A.T., INC., Rural Route 1, Princeton, KS 66078. Representative: Donald J. Quinn, Commerce Bank Building, Suite 232, 8901 State Line, Kansas City, MO 64114. Contract: irregular, *Food and related products* between points in the United States under continuing contracts with Dubuque Meat Packing Company of Mankato, KS.

MC 159719 (Sub-5–1–TA), filed December 16, 1981. Applicant: WESTBANK CONTAINER SERVICES, INC., 9601 Westbank Expressway, Westwego, LA 70094. Representative: Jack E. Hoffstadt, Suite 736, One Shell Square, New Orleans, LA 70139. *General Commodities in intermodal containers having prior or subsequent movement in interstate commerce* between New Orleans, LA, Baton Rouge, LA, Mobile, AL and Gulfport, MS. Supporting shippers: American President Lines, New Orleans, LA; TTT Ship Agencies, Inc., New Orleans, LA.

MC 159721 (Sub-5–1–TA), filed December 16, 1981. Applicant: PAPPY'S TRANSPORT, division of M. H. SPINKS, SR. ENTERPRISES, INC., P.O. Box 674, Burleson, TX 76028. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Such commodities dealt in or used by food establishment,* between Los Angeles and San Francisco Counties, CA, Clay County, MO, and Wyandotte County, KS, on the one hand, and, on the other, points in AR, CA, KS, IL, IN, IA, MN, MO, NE, NV, ND, OH, OR, OK, SD, TN, TX, WA and WI. Supporting shipper: Acapulco & Los Arcos Mexican Restaurants, 2690 East Foothills Blvd., Pasadena, CA 91107.

MC 159770 (Sub-5–1–TA), filed December 18, 1981. Applicant: JAMES P. FARNHAM, d.b.a. FARNHAM TRUCKING, 7220 Routt Street, Fort Worth, TX 76112. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Post tensioning steel cable, with attachments, and materials, equipment and supplies used in the manufacture, distribution and installation of such commodities,* between Grand Prairie and Houston, TX and Denver, CO, on the one hand, and, on the other, TX, NM, CO, UT, ND, SD, MN, IA, NE, MO, KS, AR, OK, LA, MS, and TN, under contining contract(s) with VSL Corporation of Grand Prairie, TX.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–37182 Filed 12–29–81; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. MC–142 (Sub-1)]

Motor Carriers; Removal of Restrictions From Authorities of Motor Carriers of Property

AGENCY: Interstate Commerce Commission.

ACTION: Reappointment of employee review board members.

SUMMARY: On January 15, 1981 (46 FR 3532), the ICC published notice of establishment of a special Restriction Removal Employee Board. This Board has been delegated the functions set forth in 49 CFR 1011.6(1), which was added in that document. Under that section the Board decides applications seeking to remove operating restrictions or to broaden unduly narrow authority in outstanding certificates or permits filed under 49 CFR Part 1137. On December 18, 1981, the Commission voted to reappoint the following employees to serve as members of the Restriction Removal Board for terms of 12 months each: Howell I. Sporn, Chairman, Jane Ewing, and Mark S. Shaffer.

FOR FURTHER INFORMATION CONTACT:

Ombudsman's Office, (202) 275–7440
Edward E. Guthrie, (202) 275–7691.

This action is taken under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Dated: December 18, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–37177 Filed 12–29–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Republications of Grants of Operating Rights Permanent Authority Prior to Certification; Decision Notice

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's general rules of practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 44445, (Sub-10) (Republication) filed July 7, 1981, published in the **Federal Register** issue of July 22, 1981, and republished this issue. Applicant: HAROLD KLEIN CARTAGE, INC., 5235 North Hopkins Street, Milwaukee, WI 53209. Representative: William C. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203. A Decision of the Commission, Review Board Number 3, decided October 29, 1981, and served November 17, 1981, finds that the performance by applicant of the service described herein will be consistent with the public interest and the national transportation policy to operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives), between points in the United States, under continuing contracts(s) with International Nu-way Shippers, Inc., of Chicago, IL; that applicant is fit, willing, and able properly to perform such service and to conform to statutory and administrative requirements. The purpose of this

republication is to allow any proper party in interest to file an appropriate petition for leave to intervene setting forth in detail the precise manner in which it has been so prejudiced by the authorization to serve between points in the United States instead of between points in Wisconsin and Illinois, who may have relied upon the previous notification in the **Federal Register**

MC 99775 (Sub-4) (Republication) filed August 3, 1981 published in the **Federal Register** issue of August 26, 1981, and republished this issue. Applicant: TRIANGLE EXPRESS, INC., 1015 S.W. 2nd, Oklahoma City, OK 73109. Representative: William P. Parker, 141 N.E. 38th Terrace, Oklahoma City, OK 73105. A Decision of the Commission, Review Board Number 1, decided November 12, 1981, served December 1, 1981, finds that the performance by applicant of the service described herein will serve a useful public purpose, responsive to a public demand or need in (PART A) to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities,* and serving all intermediate points: (1) between Shawnee and Aydelotte, OK, over Oklahoma Hwy 18: (2) between Shawnee and Oklahoma City, OK, over U.S. Hwy 270 and also over Oklahoma Hwy 3; (3) between Oklahoma City and El Reno, OK, over U.S. Hwy 66, serving the off-route points of Warr Acres (Putnam City), Overholser Dam and Dam Site, Cimarron Field, Mustang Field, Mustang Station (Council), Concho Indian School, Fort Reno, and Federal Reformatory, with alternate route over Oklahoma Hwy 4 (10th St. Cut-off) between Oklahoma City and Yukon, OK; (4) between Guthrie and Oklahoma City, OK, over U.S. Hwy 77, restricted against any shipment originating in Oklahoma City and destined to Edmond or originating in Edmond and destined to Oklahoma City; (5) between Guthrie and Perry, OK, over Interstate Hwy 35 and U.S. Hwy 77; (6) between Perry and Lucien, OK, over Oklahoma Hwy 164; (7) between Perry, OK, and junction U.S. Hwy 64 and Oklahoma Hwy 99, over U.S. Hwy 64, serving the off-route point of Maramec, OK; (8) between junction U.S. Hwy 64 and Oklahoma Hwy 99 and Drumright, OK, over Oklahoma Hwy 99; (9) between Drumright and Guthrie, OK, over Oklahoma Hwy 33, serving the off-route point of Ripley, OK; (10) between junction interstate Hwy 40 and U.S. Hwy 177 and junction U.S. Hwy 177 and U.S. Hwy 64, over U.S. Hwy 177, serving the off-route points of Carney and Tryon, OK; (11) between junction Interstate Hwy 35 and Oklahoma Hwy 51 and junction Oklahoma Hwy 51 and Oklahoma Hwy 99, over Oklahoma Hwy 51, serving the off-route points of Glenco, OK; (12) between Aydelotte, OK, and junction Oklahoma Hwy 18 and U.S. Hwy 64, over Oklahoma Hwy 18. (PART B) To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except classes A and B explosives), serving all intermediate points, (1) between Perry, OK, and Wichita, KS, (a) from Perry over U.S. Hwy 64 to junction U.S. Hwy 177, then over U.S. Hwy 177 to junction U.S. Hwy 77, at or near Ponca City, OK, then over U.S. Hwy 77 to junction U.S. Hwy 54 at Augusta, KS, then over U.S. Hwy 54 to Wichita, and return over the same route, and (b) from Perry over Interstate Hwy 35 to Wichita, and (2) between Pawnee, OK, and Tulsa, OK, over U.S. Hwy 64. Condition: (1) Issuance of the certificate authorized in this proceeding is subject to the prior or coincidental cancellation, at applicant's written request, of Certificates of Registration No. MC 99775 (Sub-Nos. 1, 2, and 4); and (2) To the extent the certificate issued embraces the transportation of classes A and B explosives, it shall be limited to 5 years from its date of issuance; that applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to indicate that the authority granted here exceeds the scope of the authority published in the notice in the **Federal Register**, inasmuch as it includes service over certain regular routes within Oklahoma as contained in applicant's certificates of registration. It is possible that persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of that portion of the authority which exceeds the scope of the previous publication. Therefore, any proper party in interest may file an appropriate petition for leave to intervene with respect to that portion not previously noticed, setting forth in detail the precise manner in which it has been so prejudiced by authorization of that part of the authority.

MC 151264 (Republication), filed May 26, 1981, published in the **Federal Register** issue of June 15, 1981, and republished this issue. Applicant: CHESAPEAKE & NORTHERN TRANSPORTATION CORP., 5604 Capelle Road, Portsmouth, VA 23703. Representative: James C. Riffe (same address as applicant). A Decision of the Commission, Division 2, Acting as an Appellate Division, decided November 23, 1981, served November 30, 1981 and a Decision of the Commission, Review Board Number 1, decided September 8, 1981, and served September 17, 1981 finds of further consideration that the present and future public convenience and necessity require applicant's performing the service as described herein to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage,* in charter and special operations, beginning at Norfolk, Portsmouth, Virginia Beach, Suffolk, Chesapeake, Newport News, Hampton, Williamsburg, Franklin, Hopewell, and Petersburg, VA, and points in Isle of Wight, Sussex, Surry, York, Southampton, and Accomack Counties, VA, and Pasquotank County, NC, and extending to points in the United States: that applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to note that the original publication contained two errors: (1) the seven Virginia counties named in the appendix were identified as counties in North Carolina; and (2) Elizabeth City was identified as a county in North Carolina rather than a point in Pasquotank County, NC.

MC 156965 (Republication), filed July 27, 1981, published in the **Federal Register** issue of August 13, 1981, and republished this issue. Applicant: HARWARD & SONS FREIGHT, INC., Rural Route 3, Fairfield, IA 52556. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. A Decision of the Commission, Review Board Number 1, decided November 9, 1981, served November 27, 1981, finds that the performance by applicant of the service described herein will serve a useful purpose, responsive to a public demand or need to operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *metal products,* (1) between points in Jefferson County, IA, on the one hand, and, on the other, points in IL, KS, MO, and NE, and Tulsa, OK; and (2) between points in Lee County, IA, and points in Illinois; that applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to broaden the territorial description to include the State of Illinois.

By the Commission.

Volume OPY–4–497

Decided: December 22, 1981.

MC 30446 (Sub-21) (Republication), filed August 31, 1981, published in the **Federal Register** issue of September 15, 1981; and republished this issue. Applicant: BRUCE JOHNSON TRUCKING CO., INC., 3408 North Graham Street, P.O. Box 5647, Charlotte, NC 28225. Representative: Leon Thompson (same address as applicant); Phone: (704) 376–0101. In a decision by the Commission, Review Board 2, decided December 7, 1981, and finds that performance by the applicant as *a contract carrier*, by motor vehicle, in interstate or foreign commerce, *over irregular routes*, transporting *such commodities* as are dealt in by retail department stores, between points in the United States, under continuing contract(s) with The Cato Corporation, of Charlotte, NC, will be consistent with the public interest and the national transportation policy. Applicant is fit, willing and able properly to perform the granted service and to confrom to statutory and administrative requirements.

Note.—The purpose of this republication is to give notice of the applicants authority to serve "points in the United States."

MC 60186 (Sub-73) (Republication), filed July 27, 1981; published in the **Federal Register** issue of August 18, 1981; and republished this issue. Applicant: NELSON FREIGHTWAYS, INC., 47 East Street, P.O. Box 1358, Rockville, CT 06066. Representative: Richard J. Miller (same address as applicant); (203) 871–2050. In a decision by the Commission, Review Board 1, decided December 7, 1981, and finds that performance by the applicant as *a common carrier*, by motor vehicle, in interstate or foreign commerce, *over irregular routes*, transporting (1) *general commodities* (except classes A and B explosives and commodities in bulk), between the District of Columbia and points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Virginia, West Virginia, Delaware, Maryland, Ohio, Alabama, Florida, Georgia, Louisiana, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, on the one hand, and, on the other, points in the United States; (2) *pulp, paper, and printed matter*, between points in Texas, Illinois, Oregon, Nevada, Michigan, and Wisconsin, on the one hand, and, on the other, points in the United States; (3) *glass products*, between points in Indiana, Minnesota, and Oklahoma, on the one hand, and, on the other, points in the United States; and (4) *plastic and rubber articles*, between points in Illinois and Texas, on the one hand, and, on the other, points in the United States, will serve a useful public purpose responsive to a public demand or need. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements.

Note.—The purpose of this republication is to give proper notice of the authority actually granted.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–37176 Filed 12–29–81; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 387 (Sub-75)]

Rail Carriers; Boston and Maine Corp. Exemption for Contract Tariff ICC–BM–C–0005

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirement of 49 U.S.C. 10713(e). This contract tariff to be filed may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall (202) 275–7656.

SUPPLEMENTARY INFORMATION: The Boston and Maine Corporation (BM) filed a petition on December 11, 1981, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e), to advance the effective date of its contemporaneously-filed contract tariff ICC–BM–C–0005 (now scheduled to become effective on January 10, 1982), so that it can become effective on one day's notice. This contract involves use of surplus BM boxcars for track storage of pulp, paper, and paper products at local stations on the BM.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The BM has surplus boxcars which are not in use and the paper industry has exhausted other available short-term storage facilities in the area. Thus, BM has offered several large shippers of paper products the option of loading cars from origin to destinations, plus use of the cars for storage until the paper products are sold, and to bill them on this basis, which apparently avoids demurrage charges.

A shipper has developed a production problem and needs immediate, additional storage space. It has, therefore, requested BM to establish the tendered contractual arrangement on its behalf, as soon as possible. Accordingly, BM seeks expedited action to permit the described tariff to become effective on short notice.

BM's contract tariff ICC–BM–C–0005 may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings;

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking these exemptions under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Dated: December 23, 1981.

By the Commission, Division 1, Commissioners Clapp, Gresham, and Taylor. Commissioner Clapp was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–37175 Filed 12–29–81; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 29705]

Apache Railway Co.—Abandonment Between McNary and Snowflake, AZ—Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the abandonment by The Apache Railway Company of a

39.5-mile branch line between McNary and Snowflake, AZ, from the requirement of prior approval under 49 U.S.C. 10903.

DATES: The exemption is effective on or before January 29, 1982. Petitions for reconsideration of this action must be filed on or before January 19, 1982.

ADDRESSES: Send pleadings to:

(1) Interstate Commerce Commission, Section of Finance, Room 5414, 12th Street and Constitution Ave., NW., Washington, DC 20423

(2) Petitioner's representatives, Eugene D. Gulland, Roger S. Greene, Covington & Burling, 888 Sixteenth Street, NW., Washington, DC 20006

For copies of the full decision write to: Interstate Commerce Commission, Room 2227, Washington, D.C. 20423 or call Toll Free 800–424–5403

Pleadings should refer to Finance Docket No. 29705.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson (202) 275–7245.

SUPPLEMENTARY INFORMATION: For further information, see the Commission's decision in Finance Docket No. 29705.

Decided: December 21, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–37175 Filed 12–29–81; 8:45am]

BILLING CODE 7035–01–M

[Permanent Authority Decisions Volume No. 214]

Motor Carriers; Restriction Removals; Decision-Notice

Decided: December 23, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 2202 (Sub-676)X, filed December 16, 1981. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44310. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014. Sub 552 certificate (pages 36 and 37, irregular route), broaden points in PA north of a line beginning at the OH–PA State line and extending through Oil City, DuBois, Williamsport, and Scranton, PA, to the PA–NY State line to "points in PA in and north of Mercer, Venango, Clarion, Jefferson, Clearfield, Centre, Clinton, Lycoming, Columbia, Luzerne, Lackawanna, Wayne, and Pike Counties, PA."

MC 85718 (Sub-21)X, filed December 10, 1981. Applicant: SEWARD MOTOR FREIGHT, INC., P.O. Box 126, Seward, NE 68434. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Subs 4, 6, 9F, 11F, 13F, 14F, 15F, and 17F: (1) Broaden Sub 4, pole line transmission materials to "such commodities as are used in the lying or erection of transmission lines"; Subs 6, 9, 15F, and 17F, automotive parts and accessories, Subs 15F, 17F tools, Sub 6, automotive jacks and shock absorbers, Subs 6, 9 automotive cranes, hand, electric and pneumatic tools and materials, equipment and supplies used in the manufacture, production, and distribution thereof to "transportation equipment and machinery; Sub 11, sugar, Sub 13F, bakery products (except frozen); Sub 14F, animal feed to "food and related products"; (2) Subs 4, 6, 9, 11, 13, 14, and 15 broaden to radial authority; (3) remove facilities limitations, Subs 4, 9, 14F, 15F; (4) change to county-wide authority: Seward, NE to Seward County, NE, Subs 4, 6, 9, 15F; Boise, Pocatello and Twin Falls, ID to Ada, Bannock and Twin Falls County, ID, Sub 9; Idaho Falls, ID to Bonneville County, ID, Subs 9 and 11F; Garland, UT to Box Elder County, UT, Sub 11F; Crete and Lincoln, NE to Saline and Lancaster Counties, NE and Billings, MT to Yellowstone County, MT, Sub 14F; Batavia, IL to Kane County, IL, Sub 15F; (5) delete originating at and destined to restriction, Subs 6, 9, 14F; (6) remove exceptions: other than self-propelled, commodities in bulk, in tank vehicles, Subs 6, 9, 14, and the transportation of commodities which because of size or weight require the use of special equipment, Subs 6, 9; frozen, Sub 13F; and (7) remove limitation in bags, Sub 11F.

MC 103051 (Sub-491)X, filed November 27, 1981. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue, North, P.O. Box 90408, Nashville, TN 37209. Representative: Russell E. Stone (same address as applicant). Sub-Nos. 356, 362, 416, 417, 421, 426F, 444F, and 471F certificates, Sub-No. E2 E-letter notice, and No. MC–114106 (Sub-Nos. 16 and 20) certificates, acquired in docket MC–F–11001, (1) broaden to "commodities in bulk," from corn products and blends, from products of corn, cane, and beets, from lard, from vegetable oils, from petroleum and petroleum products, vehicle body sealer, and sound deadner compound, from animal oils, fats and blends, from lacquers, lacquer sealer, enamels, varnishes, stains, thinners, and finishing materials, and from liquid and invert sugar, and blends of liquid sugar and corn syrup, all in bulk; (2) remove restrictions limiting service to transportation of traffic moving only "in tank vehicles"; (3) remove the restriction against transportation of specific commodities (Sub-No. 356); (4) expand facilities and cities to countywide authority: Sub-No. 356, Shelby County, TN (facilities near Memphis); Sub-No. 362, Morgan County, AL (facilities near Decatur); Sub-No. 416, Mecklenburg County, NC (Charlotte); Sub-No. 421, Marion County, IN (Jasper); Sub-No. 426, Adams County, IN (Decatur), and Ford County, IL (Gibson City); Sub-No. 444, Lee and Clay Counties, MS (Tupelo and West Point); Sub-No. 471, Warren County, MS (facilities in Warren County); and MC–114106 (Sub-No. 16), Kent County, MI (Grand Rapids); (5) change from one-way to radial authority; (6) remove "originating at and destined to" restrictions (Sub-Nos. 426 and 471); and (7) remove restrictions prohibiting service at named points involving less-than-countywide, and prohibiting service from and to certain States: Lexington and Salisbury, NC (Sub-No. 356); Alabama (Sub-No. 362); North Carolina (Sub-No. 417); Chattanooga, TN (Sub-No. 444); and Rochester, NY, Jacksonville, IL and points within 5 miles thereof,

Champaign and Chicago, IL, and Columbus and Cincinnati, OH (Sub-No. E2).

MC 112786 (Sub-9)X, filed November 25, 1981. Applicant: JOHN F. COYNE d.b.a. COYNE TRUCKING CO., P.O. Box 549, New Castle, PA 16103. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. Broaden: (1)(a) lead, to "clay, concrete, glass or stone products" from earthenware and clay products: "metal products" from brass fittings: and "food and related products" from packinghouse products and supplies, dairy products, and fresh and frozen fish; (b) Subs 1 and 5F, to "clay, concrete, glass or stone products, rubber and plastic products, and metal products," from bathroom or lavatory fixtures, and from plumbing supplies, bathroom vanities, and accessories; and (c) Sub 7F, to "rubber and plastic products" from battery boxes and parts; (2) to countywide authority: lead, Clinton County, IN (Frankfort), Beaver County, PA (New Galilee), Columbiana County, OH, (Salem), Summit, Stark and Mahoning Counties, OH (Ashtabula, Conneaut, and Painesville), and Armstrong County, PA (Ford City); lead and Sub 1, Lawrence County, PA (New Castle); and Sub 5, Lawrence County, PA, Columbiana County, OH, and Montgomery and Jasper Counties, IN (facilities at New Castle, PA, Salem, OH, and Crawfordsville and Rensselaer, IN); and (3) to radial authority, lead and Subs 1 and 7.

MC 121742 (Sub-3)X, filed November 30, 1981. Applicant: MISTLETOE TEX-PACK EXPRESS, INC., 702 E. 40th Street, Lubbock, TX 79404. Representative: Austin L. Hatchell, P.O. Box 2023, Austin, TX 78768. Sub-No. 2, remove the restriction relating to shipments weighing more than 500 pounds moving from one consignor at one location to one consignee at one location in any one day.

MC 123226 (Sub-4)X, filed December 11, 1981. Applicant: SUPERIOR CARRIERS, INC., P.O. Box K, Kenvil, NJ 07847. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, NW., Washington, DC 20005. Subs 1 and 3. Broaden: vegetable oils to "commodities in bulk" in paragraph 1 (Sub 1) and paragraph 7 (Sub 3); salt to "chemicals and related products"; fuller's earth to "ores and minerals"; pumice to "clay, concrete, glass or stone products"; castor beans to "farm products"; linseed cakes to "food and related products"; and from bags to "pulp, paper and related products and rubber and plastic products", in paragraphs 1 and 2 (Sub 3); to points in New Jersey within 40 miles of City Hall, New York, NY, to Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset and Union Counties, NJ (Sub 1) and paragraph 7 (Sub 3); Edgewater to Bergen County, NJ, and New York, Bronx and Queens Counties, NY, in paragraphs 1 and 2 (Sub 3); to radial authority in Sub 1, paragraphs 1 and 2 (Sub 3); and remove in tank vehicles restriction in Sub 1.

MC 125037 (Sub-30)X, filed November 24, 1981. Applicant: DIXIE MIDWEST EXPRESS, INC., P.O. Box 372, Greensboro, AL 36744. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. Subs 9, 11, 12, 13, 14, 15 and 18 broaden (1) from (a) dry animal and poultry feeds, dry animal and poultry mineral feed mixtures, livestock and poultry feeders, insecticides and related premium and advertising matter to "animal and poultry feed, chemicals and related products, pulp, paper and related products and advertising materials", Sub 9; (b) petroleum resins and synthetic resins to "chemicals and related products and petroleum products", Sub 11; (c) furniture and office furniture parts to "furniture and fixxtures", Sub 12; (d) furniture, toys and games to "furniture and fixtures and recreational equipment": part 1 of Sub 14; (e) packaging boards, blocks and panels of expanded honeycomb to "packaging materials, and pulp, paper and related products" (2) remove in bulk restrictions, Subs 11, 12, 13 and 14; facilities limitations, Subs 11 and 12; (3) city to countywide authority (a) Quincy, IL to Adams County, IL and Lewis and Marion Counties, MO, Sub 9; (b) Moundville, AL to Tuscaloosa and Hale Counties, Sub 11; (c) Leeds, AL to Jefferson, Shelby and St. Clair Counties, Sub 12; (d) Brent, AL to Bibb County, Sub 14; (e) Park Forest South, IL to Cook County and Michigan City, IN to LaPorte and Porter Counties, Sub 15, (4) to radial authority, Sub. 9.

MC 125353 (Sub-3)X, filed December 7, 1981. Applicant: ROCHESTER AIR FREIGHT SERVICE CORPORATION, 73 Deep Rock Road, Rochester, NY 14624. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara Street, Buffalo, NY 14202. Sub 1 by: (A) broaden general commodities (with usual exceptions) to "general commodities (except Classes A and B explosives)"; (B) eliminate restriction having an immediately prior or subsequent movement by aircraft; and (C) expand to: Rochester, NY, for the Rochester-Monroe County Airport, NY; Newark, NJ for Newark Airport, NJ; Albany, NY, for Albany County Airport, NY; Broome County, NY, for Broome County Airport, NY; Chemung County, NY, for Chemung County Airport, NY; Buffalo, NY, for the Greater Buffalo International Airport, NY; Jefferson County, NY, for Watertown Airport, NY; Oneida County, NY, for Oneida County Airport, NY; Onondaga County, NY, for Clarence E. Hancock Airport, NY; New York, NY for LaGuardia Airport and John F. Kennedy International Airport, NY; St. Lawrence County, NY, for Massena Airport, NY; Tompkins County, NY, for Tompkins County Airport, NY; and Cleveland, OH, for Cleveland-Hopkins Airport, OH.

MC 126660 (Sub-16)X, filed December 10, 1981. Applicant: G & G CARRIERS, INC, 509 Cooper Street, P.O. Box 102, Camden, NJ 08101. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. Lead permit, broaden (1) to "waste or scrap materials not identified by industry processing" from waste paper and rags, and scrap metals; and (2) to between points in the U.S. under continuing contract(s) with named shipper.

MC 127042 (Sub-309)X, filed December 14, 1981. Applicant: HAGEN, INC., P.O. Box 3208, Sioux City, IA 51102. Representative: Joseph B. Davis, (same address as applicant) Subs 21, 50, 248F and 304, (1) broaden Subs 21, 50, and 248F to "food and related products" from meat and meat products and articles distributed by meat packing houses, described in Sections A and C of 61 M.C.C. 209 and 766, (except hides and commodities in bulk); (2) replace facilities (a) at Le Mars, with Plymouth County, IA in Sub 21; (b) at Sioux Center, with Sioux County, IA in Sub 50; (c) at Carroll, Denison, Iowa Falls, Des Moines, Ft. Dodge, Cherokee, and Sioux City, with Carroll, Crawford, Hardin, Polk, Webster, Cherokee, and Woodbury Counties, IA; and at Omaha and Lincoln, NE with Mills and Pottawattamie Counties, IA, and Douglas, Sarpy and Lancaster, Counties, NE, in Sub 248F; and (3) to radial authority in Subs 21, 50 and 248F.

MC 129857 (Sub-12)X, filed December 9, 1981. Applicant: G.R.M., Inc., d.b.a. PORT TERMINAL TRANSPORT, INC., 700 Henry Ford Ave., Long Beach, CA 90810. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., Ste. 1800, Los Angeles, CA 90017. Sub 4F (part 1) certificate: (a) broaden imported automobiles to "transportation equipment"; (b) change one-way to radial authority; and (c) eliminate in secondary movement and truckaway service restriction.

MC 143112 (Sub-2)X, filed December 16, 1981. Applicant: WESTERN KANSAS EXPRESS, INC., 3833 S. West St., Wichita, KS 67213. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601. Lead certificate (1) authorize service at all intermediate points and (2) expand the off-route point of Lewis, KS to Edwards County, KS.

MC 145067 (Sub-10)X, filed December 14, 1981. Applicant: LAWRENCE E. SPAIDE, INC., Box 111, Avoca, PA 18643. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. Subs 3F, 4F, 5F, 6F, and 8F: (1) broaden: metal castings to "metal products" in Sub 3F; vinyl coated metal sheets to "metal products" in Sub 5F; and fabricated metal products and materials, equipment, and supplies used in the manufacture and distribution of fabricated metal products to "metal products and materials, equipment, and supplies" in Sub 6 (part b); (2) broaden territorial description: Bloomsburg to Columbia County, PA; Defense to Bowie County, TX; Parson to Labette County, KS; Exeter, Kingston, and Hanover Township to Luzerne County, PA; Atlanta to Fulton County, GA; New Orleans to Orleans Parish, LA; Tulsa to Tulsa and Osage Counties, OK; Houston to Harris County, TX; Denver to Denver County, CO; Odessa to Ector County, TX; Melvindale to Wayne County, MI; Addison to DuPage County, IL; St. Louis to St. Louis, MO and St. Louis County, MO; Scranton to Lackawanna County, PA; and Auburn to King County, WA; (3) eliminate the facility limitation in Sub 3F; and (4) remove restrictions against commodities in bulk in Sub 6F, and limiting service to transportation for a named shipper association in Sub 8F.

MC 148275 (Sub-5)X, filed December 18, 1981. Applicant: J. L. MCCOY, INC., P.O. Box 525, Ravenswood, WV 26164. Representative: John M. Friedman, 2930 Putnam Ave., P.O. Box 428, Hurricane, WV 25526. Sub 3 certificate: broaden fabricated metal products, except ordinance to "metal products and materials, supplies and equipment used in the manufacture thereof."

MC 149214 (Sub-4)X, filed November 24, 1981. Applicant: TRANSPORT ASSOCIATES, INC., P.O. Box 68701, Indianapolis, IN 46268. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Broaden: (1) Sub-Nos. 1F and 2F certificates to "electrical machinery, and equipment and supplies used in the manufacture, construction and maintenance thereof," from audio and audio-visual recording and playing systems and accessories and component parts, and from telephone equipment, and materials and supplies used in the manufacture, construction maintenance of telephone; (2) Sub-No. 3 certificate, to "metal products, and automobile parts," from iron and steel castings and automobile parts; and (3) Sub-No. 1, to radial service, and plantsites to countywide authority: Monroe and Marion Counties, IN (facilities at Bloomington and Indianapolis).

MC 149546 (Sub-29)X, filed December 11, 1981. Applicant: D & T TRUCKING CO., INC., P.O. Box 12505, New Brighton, MN 55112. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. No. MC–117644 Subs-46 and 54F permits, broaden to between points in the U.S., under continuing contract(s) with named shippers.

[FR Doc. 81–37180 Filed 12–29–81; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPI–326

Decided: December 15, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating in part.)

MC 159581, filed December 7, 1981. Applicant: TRANS CARGO, INC., P.O. Box 1019, Turnersville, NJ 08012. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107 (215) 735–3000. As a *broker* of *general commodities* (except household goods), between points in the U.S.

Volume No. OPY–2–246

Decided: December 16, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 153018 (Sub-8), filed December 4, 1981. Applicant: RONNEY L. ROGERS, d.b.a. R. L. ROGERS TRUCKING, Rt. 1 B 1724, Clatskanie, OR 97016. Representative: Lawrence V. Smart, Jr.,

419 NW. 23rd Ave., Portland, OR 97210, 503–226–3755. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159533, filed December 3, 1981. Applicant: LINDA M. FUSON AND EDWARD D. BOLIN d.b.a. PIONEER EXPRESS, Rt. No. 2, Box 102, Crossville, TN 38555. Representative: Linda M. Fuson (same address as applicant), 615–484–6978. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159543, filed December 3, 1981. Applicant: LAURENCE R. FAST, 2446 N. Hoover, Wichita, KS 67205. Representative: Laurence R. Fast (same address as applicant); 316–942–4416. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the Motor vehicle in such vehicle, between points in the U.S.

MC 159582, filed December 7, 1981. Applicant: JAMES M. JOHNSON, P.O. Box 70, Woodland, WA 98674. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210, 503–226–3755. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 159583, filed December 7, 1981. Applicant: JOHN J. DOUGHERTY, JR. and VINCENT T. KELLY, d.b.a. J & V ASSOCIATES, R. D. No. 2–402A, Bordentown, NJ 08505. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110–1097, 215–561–1030. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–2–247

Decided: December 17, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 1263 (Sub-43), filed November 30, 1981. Applicant: McCARTY TRUCK LINE, INC., 17th and Harris, Trenton, MO 64683. Representative: James M. McCarty (same as applicant), (816) 359–2253. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 59583 (Sub-188), filed December 1, 1981. Applicant: THE MASON AND DIXON LINES, INCORPORATED P.O. BOx 969, Kingsport, TN 37662. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014, (301) 986–1410. Transporting *general commodities* (except classes A and B explosives and household goods), between Bolivar, TN, on the one hand, and, on the other, points in the U.S.

Note.—(1) The purpose of this application is to substitute motor-carrier for abandoned rail-carrier service; and (2) Applicant intends to tack this authority with existing regular-route authority.

Volume No. OPY–4–469

Decided: December 16, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 159627, filed December 10, 1981. Applicant: TRANSPORTERS, INC., 225 W. 34th St., Suite 2001B, New York, NY 10001. Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Ave., N.W., Washington, DC 20036, (202) 785–0048. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 159657, filed December 11, 1981. Applicant: NJS ASSOCIATES, 80 E. Claybourne Ave., Salt Lake City, UT 84115. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531–1777. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–4–491

Decided: December 21, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 159636, filed December 7, 1981. Applicant: JERRY YORK, d.b.a. YORK TRUCK BROKERAGE, 100 Tower Rd., Cumming, CA 31030. Representative: Jerry York (same address as applicant) (404) 889–0110. Transporting (1) *general commodities* (except household goods, commodities in bulk, and classes A and B explosives), between Cumming, Alpharetta, Roswell, Marietta, Dawsonville, and Gainesville, GA, on the one hand, and, on the other, points in the U.S., and (2) As a *broker of general commodities* (except household goods, between points in the U.S.

MC 159666, filed December 10, 1981. Applicant: SRS INTERNATIONAL INC., 530 Drake Ave., Bronx, NY 10474. Representative: John A. Fusco (same address as applicant), (914) 723–0868. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–3–326

Decided: December 23, 1981.

By the Commission, Review Board No. 2, Members Carleton, Werner, and Williams.

MC 61335 (Sub-17), filed December 14, 1981. Applicant: TRANS-BRIDGE LINES, INC., P.O. Box 146, Phillipsburg, NJ 08865. Representative: W. C. Mitchell, 370 Lexington Ave., New York, NY 10017, (202) 532–5100. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 159645, filed December 10, 1981. Applicant: SUNBELT BROKERAGE a division of SUNBELT DELIVERY, INC., P.O. Box 201044, Dallas, TX 75220. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, (214) 255–6279. As a *broker of general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–37174 Filed 12–29–81; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and

that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–2–248

Decided: December 17, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

FF–82 (Sub-7), filed December 1, 1981. Applicant: COAST CARLOADING CO., 2100 Alhambra Ave., Los Angeles, CA 90031. Representative: Gary W. Wigand, 13031 San Antonio Dr., Suite 214, Norwalk, CA 90650, (213) 863–8818. As a freight forwarder, in connection with the transportation of *general commodities* (except classes A and B explosives), between points in the U.S.

MC 57412 (Sub-3), filed December 1, 1981. Applicant: MILTON TRADING CORPORATION, 200 Frontage Rd., Boston, MA 02118. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108 (617) 742–3530. Transporting *general commodities* (except classes A and B explosives), between points in CT, ME, MA, NH, NJ, NY, PA, RI, and VT. Condition: Coincidental cancellation of applicant's Certificate of Registration No. MC–57412 Sub 2.

MC 107522 (Sub-7), filed November 30, 1981. Applicant: PEAK TRANSFER CO., INC., 57 Hathaway St., Wallington, NJ 07057. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123 (212) 239–4610. Transporting *printed matter and paper and related products*, between points in the U.S. Condition: Coincidental cancellation of applicant's permits under MC–107522 Sub-No. 4, issued May 26, 1981, and Sub-No. 5X, issued July 2, 1981.

Note.—This application is a conversion from contract to common carrier authority.

MC 141932 (Sub-50), filed November 24, 1981. Applicant: POLAR TRANSPORT, INC., 176 King St., Hanover, MA 02339. Representative: Alton C. Gardner, (same address as applicant) 617–871–2550. Transporting *casual furniture, facial cleansing tissue, lighting fixtures, paper napkins, paper towels, plastic articles, printing paper, pulpboard, sanitary pads, soap-impregnated paper, toilet tissue, wrapping paper and related articles*, between the facilities of Scott Paper Company, at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 150062 (Sub-3), filed November 24, 1981. Applicant: MORTON TRUCKING CO., INC., P.O. Box 663, Radcliff, KY 40160. Representative: Raymond L. Powell (same address as applicant) 502–351–4945. Transporting *iron and steel articles, material handling equipment, machinery and parts, materials and supplies* used in the manufacture, distribution and installation of all the foregoing commodities, between points in the U.S. (except AK and HI).

MC 151072 (Sub-2), filed November 16, 1981. Applicant: NORTH CANTON TRANSFER CO., 7836 Freedom Ave., North Canton, OH 44720. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215; 614–464–4103. Transporting *chemicals and allied products*, between points in WV, PA, and OH.

MC 151342 (Sub-2), filed November 30, 1981. Applicant: CITY-WIDE CARTAGE CONTRACT CARRIER, INC., 3317 McKinley Ave., Des Moines, IA 50321. Representative: Kenneth Gilliam (same address as applicant) (515) 287–7171. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S.

MC 151452, filed November 24, 1981. Applicant: THOMAS J. BRESSLER, d.b.a. HAWK TRANSPORTATION CO., 324 Union St., Oakland, CA 94607. Representative: Robert G. Harrison, 4239 James Dr., Carson City, NV 89701 (702) 882–5649. Transporting *general commodities* (except classes A and B explosives), between points in CA, NV, OR, and WA.

MC 157962 (Sub-1), filed November 30, 1981. Applicant: CANFIELD TRUCKING, P.O. Box 413, Livingston, MT 59047. Representative: Matt Canfield (same address as applicant) (406) 222–2109. Transporting *lumber and wood products*, between points in Wheatland County, MT, on the one hand, and, on the other, points in MT, ID, UT, WY, CO, NM, TX, ND, SD, NE, KS, OK, MN, IA, MS, AR, WI, IL, MI, IN, and OH.

MC 159303, filed November 30, 1981. Applicant: TWO WAY TRANSPORTATION, LTD., 2527 N. Carson St., Ste. 205, Carson City, NV 89701. Representative: A. R. Fairman (same address as applicant) (702) 883–8695. Transporting *satellite earth stations and related parts*, between points in the U.S., under continuing contract(s) with National Microtech, Inc., of Frenada, MS.

Volume No. OPY–4–406

Decided: December 16, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 129537 (Sub-62), filed December 7, 1981. Applicant: REEVES TRANSPORTATION CO., Rt. 5, Dew's Pond Rd., Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 N. Morgan St., Tampa FL 33602 (813) 229–6165. Transporting *such commodities* as are dealt in by grocery and food business houses, between points in AL, AZ, AR, CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NJ, NM, NY, NC, ND, OH, OK, OR, PA, TN, TX, UT, VA, and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 129537 (Sub-63), filed December 7, 1981. Applicant: REEVES TRANSPORTATION CO., Rt. 5, Dew's Pond Rd., Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 N. Morgan St., Tampa, FL 33602, (813) 229–6165. Transporting (1) *paper and related products*, (2) *furniture and fixtures*, and (3) *plastic products*, between points in AL, AR, CA, CO, DE, FL, GA, IL, IN, IA, KS, ME, MA, MI, MN, MO, NJ, NY, OH, OK, OR, PA, SC, TN, TX, VA, WA, and

WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 141187 (Sub-23), filed October 19, 1981, previously noticed in the **Federal Register** issue of November 16, 1981, and republished this issue. 1981. Applicant: BLUFF CITY TRANSPORTATON, INC., P.O. Box 18391, Memphis, TN 38118. Representative: Elmer Kernan (same address as applicant), (901) 396–2201. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with United Forwarding, Inc., of Omaha, NE.

Note.—The purpose of this republication is to authorize the transportation of bulk commodities.

MC 144757 (Sub-18), filed December 8, 1981. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 3104 E. St. Patrick, Rapid City, SC 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701, (605) 343–4038. Transporting (a) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., (b) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S., and (c) *general commodities*, between (1) Tea, Lennox, Naomi, Davis, Viborg, and Irene, SD; (2) Diggs, Fox Creek and Victor, ID, (3) Elsinore, Alberhill, Arcilla, Weisel and South Corona, CA, (4) Clarinda and Hepburn, IA, (5) Arm, Oakvale, Hathorn, Goss and Walton Spur, MS, (6) Glasgow Air Base, MT, (7) Fairman, Patoka, Vernon, Shobonier, Vera, Hanson, Oconee and Dunkel, IL, (8) Keystone, Matthews, and Great Bend, ND, (9) Sherwood, Casselton, Bradford and Lombardville, IL, (10) Wayland, Kahoka, Granger, Arbela, Memphis, Downing and Lancaster, MO, (11) Mound City and Maitland, MO, (12) Shubert and Maitland, NE, (13) Allen's Spur and Brisbin, MT, (14) Port Gibson, Russum, Lorman, Harriston, McNair, Hamburg, White Apple, Franklin, Knoxville, Rosetta, Crosby, and Fayette, MS, (15) Good Roads, Sentell Spur, Belcher, Gilliam and Hosston, LA, (16) Three Lakes, Clearwater Lake, Eagle River, Conover and Land of Lakes, WI, (17) Irwin and Harlan, IA, (18) Vesper, Opal, Stratford, Fenwood, Edgar, Marathon City, WI, (19) McNaughton, Lake Tomahawk, Woodruff, Lac du Flambeau, Powell, Manitowish, Mercer, Van Buskirk, Cedar, Odanah, Ashland Junction, Barksdale and Washburn, WI, (20) Nelson, NE, and (21) Rosedale, Beulah, Lobdell, Benoit, Lake Vista, Scott, Lamont, Winterville and Greenville AFB, MS, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor common carrier for abandoned rail service.

MC 155997 (Sub-2), filed December 10, 1981. Applicant: C & W FREIGHT SERVICES, INC., P.O. Box 311, Park Ridge, NJ 07656. Representative: Anthony T. Csaszar (same address as applicant), (201) 385–4588. Transporting (1) *food and related products*, (2) *rubber and plastic products*, (3) *metal products*, (4) *machinery*, and (5) *printed matter*, between Washington, DC, and points in PA, NC, SC, GA, WV, FL, OH, MI, IN, IL, and MO.

MC 149417 (Sub-3), filed December 8, 1981. Applicant: SPARK, INC., 10 East Oregon Ave., Philadelphia, PA 19148. Representative: H. Kirk House, 135 N. Fourth St., Philadelphia, PA 19106, (215) 627–1923. Transporting *such commodities* as are dealt in or used by department stores, between Philadelphia, PA and New York, NY, on the one hand, and, on the other, points in PA, NJ, DE, MD, and DC.

MC 159637, filed December 10, 1981. Applicant: SHIPPERS FREIGHT LINES, INC., P.O. Box 1547, Salisbury, NC 28144. Representative: Robert L. Bare (same address as applicant), (704) 372–8462. Transporting *general commodities* (except classes A and B explosives and household goods), between points in GA, NC, SC, and VA.

MC 159667, filed December 11, 1981. Applicant: EXECUTIVE SALES PROMOTION, INC., 7C Aylesbury Rd., Timonium, MD 21093. Representative: John C. Bradley, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, (703) 522–0800. To operate as a broker, at Timonium, MD, in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, in special and charter operations, (a) between points in MD, VA, DE, and DC, and (b), between points in MD, VA, DE, and DC, on the one hand, and, on the other, points in NC, WV, PA, NJ, and NY.

Volume No. OPY–4–493.

Decided: December 21, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Fisher not participating.)

MC 37898 (Sub-54), filed December 14, 1981. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th St., N.W., Washington, DC 20006, (202) 833–1170. Transporting *plastic products*, between points in the United States, under continuing contract(s) with 20th Century Plastics, Inc., of Los Angeles, CA.

MC 121666 (Sub-4), filed December 14, 1981. Applicant: S & D TRUCKING CO., INC., P.O. Box 908, Dyersburg, TN 38024. Representative: Russell R. Sage, P.O. Box 11278, Alexandria, VA 22312, (703) 750–1112. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), (1) between points in Crockett, Dyer, Gibson, Haywood, Lake, Lauderdale, Madison, Obion, Shelby, and Tipton Counties, TN, and (2) between points in (1) above, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, ME, MA, MI, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TX, VT, VA, WV, WI, and DC.

MC 145696 (Sub-6), filed December 14, 1981. Applicant; SILLIMAN BROS. FREIGHT CO., INC., Rt. 2, Box 10–A, Bernie, MO 63822. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *liquid propane*, between points in Stoddard County, MO, on the one hand, and, on the other, points in TN, AR and KY. Condition: To the extent the certificate granted in this proceeding authorizes the transporation of classes A and B explosives, it shall be limited to point of time to a period expiring 5 years from its date of issue.

MC 153396 (Sub-3), filed December 14, 1981. Applicant: ANTHONY D. SOSEBEE, 5211 Mitchell Bridge Road, Dalton, GA 30720. Representative: Anthony D. Sosebee (same address as applicant), (404) 259–6314. Transporting *general commodities* (except classes A and B explosives) between points in the U.S.

MC 156736 (Sub-1), filed December 15, 1981. Applicant: ROX RIVER TRUCKING, INC., 4301 W. Ramsey, Greendale, WI 53129. Representative: Richard A. Kerwin, 180 No. La Salle St., Chicago, IL 60601–2697, (312) 332–5106. Transporting *paper, paper products and printed matter*, between points in Waukesha County, WI, on the one hand, and, on the other, Chicago, IL.

MC 156826, filed December 14, 1981. Applicant: SECURED RESOURCE TRANSPORT, INC., 12486 S.E. 93rd, Clackamas, OR 97015. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210; (503) 226–3755. Transporting *waste materials and hazardous waste materials*, between points in OR and WA.

MC 159706, filed December 15, 1981. Applicant: BRANDON BUS SERVICE, INC., 1211 Hull St., Chesapeake, VA

23324. Representative: Newton L. Brandon (same address as applicant) (804) 461–0729. Transporting *passengers and their baggage*, in charter and special operations, between points in VA, on the one hand, and, on the other, points in the U.S.

MC 159726, filed December 15, 1981. Applicant: CHERRY BUS SERVICE, 964 Pollard St., Norfolk, VA 23504. Representative: Joseph B. Cherry (same address as applicant) (804) 622–2990. Transporting *passengers and their baggage*, in charter and special operations, between points in VA, on the one hand, and, on the other, points in the U.S.

Volume No. OPY–4–494

Decided: December 21, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 21436 (Sub-9), filed December 15, 1981. Applicant: RELIANCE VAN COMPANY, INC., 215 West 2nd Ave., Conshohocken, PA 19428. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036; (202) 785–0024. Transporting *household goods*, (1) between points in MA, CT, RI, NY, NJ, PA, MD, DE, VA, NC, SC, GA, FL, and DC, and (2) between points in MA, CT, RI, NY, NJ, PA, MD, DE, VA, NC, SC, GA, FL, and DC, on the on hand, and, on the other, points in ME, NH, VT, OH, VA, AL, KY, TN, WV, IN, IL, MI, WI, and MS.

MC 47786 (Sub-7), filed December 15, 1981. Applicant: ROSSMEYER & WEBER, INC. d.b.a. RARITAN VALLEY BUS SERVICE, Box 312, Netuchen, NJ 08040. Representative: Robert E. Goldstein, 370 Lexington Ave., New York, NY 10017; (212) 532–5181. Transporting *passengers*, in charter operations, (1) between points in Monmouth and Somerset Counties, NJ, on the one hand, and, on the other, points in the U.S., (2) between Union and Middlesex Counties, NJ, on the one hand, and, on the other, points in the U.S. (except CT, MD, MA, NJ, NY, OH, PA, and DC), and (3) between New York, NY, on the one hand, and, on the other, points in the U.S. (except NH, MA, RI, CT, NY, NJ, DE, PA, OH, NE, MD, and DC).

MC 74416 (Sub-33), filed December 11, 1981. Applicant: LESTER M. PRANGE, INC., Box 1, Kirkwood, PA 17536. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., NW., Washington, DC 20005; (202) 296–3555. Transporting *lumber and wood products*, between points in MA, CT, NJ, and DE, on the one hand, and, on the other, points in VA, DE, MD, PA, NY, OH, CT, ME, and MA.

MC 133836 (Sub-1), filed December 11, 1981. Applicant: E. H. HAMILTON TRUCKING & WAREHOUSING SERVICE, INC., 105 S. Denny St., Indianapolis, IN 46201. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240; (317) 846–6655. Transporting *furniture, fixtures, appliances, and carpeting*, between points in IN, OH, KY, and IL.

MC 142096 (Sub-21), filed December 16, 1981. Applicant: MILLER BROS. TRUCKING COMPANY, INC., 4100 West Mitchell St., Milwaukee, WI 53215. Representative: James A. Speigel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719; (608) 273–1003. Transporting *empty containers*, between Minneapolis, MN, on the one hand, and, on the other, points in IA, IL, IN, MI, ND, NE, SD, and WI.

MC 156326 (Sub-2), filed December 11, 1981. Applicant: BARRY NELSON, d.b.a. B. J. NELSON TRANSPORTATION, 3700 Adams St., Lincoln, NE 68504. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., N.W., Washington, DC 20036; (202) 223–5900. Transporting *food and related products*, between Oakland, San Francisco, San Diego, and Los Angeles, CA, Portland, OR, Houston, Galveston, Laredo, El Paso, and Corpus Christi, TX, New Orleans, LA, Biloxi and Gulfport, MS, Mobile, AL, Pensacola, Tampa, Ft. Lauderdale, W. Palm Beach, Miami, and Jacksonville, FL, Savannah, GA, Charleston, SC, Wilmington, NC, Norfolk and Newport News, VA, Baltimore, MD, Detroit, MI, Philadelphia, PA, Camden, Elizabeth, and Newark, NJ, Portsmouth, NH, Seattle, Tacoma, and points in Whatcom County, WA, New York, Buffalo, and points in Clinton County, NY, Providence and points in Kent County, RI, Boston, and points in Essex and Bristol Counties, MA, and Portland and points in the Waldo County, ME, on the one hand, and, on the other, point is the U.S.

Volume No. OPY–4–496

Decided: December 22, 1981.

By the Commission, Review Board No. 2, Members Carleton, Werner, and Williams. (Member Williams not participating.)

MC 4667 (Sub-31), filed December 15, 1981. Applicant: BURGESS & COOK, INC., 21 N. Second St., Fernandina Beach, FL 32034. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202; (904) 632–2300. Transporting (a) *pulp, paper and related products*, and *rubber* and *plastic products*, between points in AL, GA, FL, MS, LA, SC, NC, VA, and TN, and (b) *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in FL and GA.

MC 28307 (Sub-32), filed December 15, 1981. Applicant: FREDRICKSON MOTOR EXPRESS CORPORATION, 3400 Graham St., Charlotte, NC 28206. Representative: Robert D. Hoagland, 1204 Cameron Brown Bldg., Charlotte, NC 28204; (704) 333–8801. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NC and SC.

MC 96687 (Sub-1), filed December 10, 1981. Applicant: MORRELL TRANSFER, INC., 809 Jackdon Ave., Elk River, MN 55330. Representative: Timothy H. Butler, 4200 IDS Center, 80 South 8th St., Minneapolis, MN 55402; (612) 371–3211. Transporting *general commodities* (except classes A and B explosives) between Minneapolis-St. Paul, MN, on the one hand, and on the other points in Sherburne, Benton, Mille Lacs, Isanti, and Anoka Counties, MN.

MC 159697, filed December 15, 1981. Applicant: UNITED TRANSFER, INC., P.O. Box 165, Hwy. 61–67, Imperial, MO 63052. Representative: Marion David Cox, Jr. (same address as applicant); (314) 464–5171. Transporting *general commodities* (except classes A and B explosives and household goods), between points in MO, on the one hand, and, on the other, points in the U.S. (except AK, HI, NH, ND, VT, RI, SD, and DE).

MC 29957 (Sub-96), filed December 14, 1981. Applicant: TRAILWAYS SOUTHERN LINES, INC., 327 Gayoso, Memphis, TN 38103. Representative: Rebecca Patton, 1500 Jackson St., Suite 422, Dallas, TX 75201; (214) 655–7796. Over regular routes, transporting *passengers and their baggage, express and newspapers*, in the same vehicle with passengers, between Beaumont, TX and Lake Charles, LA, over Interstate Hwy 10, serving all intermediate points.

Note.—Applicant intends to tack the authority herein with its presently held operating rights.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–37173 Filed 12–29–81; 8:45 am]

BILLING CODE 7035–01–M

NATIONAL CREDIT UNION ADMINISTRATION

Privacy Act of 1974: Systems of Records, Annual Publication

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice of Annual Publication of Systems of Records.

SUMMARY: In accordance with 5 U.S.C. 552a(e)(4), NCUA publishes its systems of records as currently maintained by the agency.

ADDRESS: National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Beatrix Fields, Attorney-Advisory, Office of General Counsel, at the above address, or telephone, (202) 357–1030.

SUPPLEMENTARY: Pursuant to 5 U.S.C. 552a(e)(4), the National Credit Union Administration (NCUA) hereby publishes its systems of records as currently maintained by the agency. These systems were last published in the **Federal Register** at 45 FR 2778 through 2787 on January 14, 1980. Public notice of a new system of records was made in the **Federal Register** at 45 FR 85232 on December 24, 1980.

Editorial changes were made to clarify certain system notices, but none of these alterations are substantive so as to require prior notice and comment period.

By the National Credit Union Administration Board on December 24, 1981.
(Section 3, 80 Stat. 1997 (5 U.S.C. 552))
Rosemary Brady,
Secretary of the Board.

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16. Investigative Reports Involving Possible Felonies and/or Violations of the Federal Credit Union Act, NCUA.
17. Breach of Trust Statement; Nonfederal Credit Union/Share Insurance Applicants, NCUA.
18. Adverse Reports of Officials; Federal Credit Union Charter Applicants, NCUA.
19. Acquired Assets and Share Payouts Records System, NCUA.
20. Member Accounts, Credit Unions Closed for Involuntary Liquidation, NCUA.
21. Trusteed Account Records System, NCUA.
22. Investigation Files, NCUA.
23. Consumer Complaints Against Federal Credit Unions, NCUA.
24. Litigation Case Files, NCUA.
25. Grievance Records, NCUA.

Note.—See Appendixes for general "routine uses" applicable to each system of records and for a listing of the locations of NCUA regional offices.

NCUA–1

SYSTEM NAME:

Employee Security Investigations Containing Adverse Information, NCUA.

SYSTEM LOCATION:

Office of Administration, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NCUA employees on whom a routine Office of Personnel Management (OPM) security investigation has been conducted, the results of which contain adverse information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Police records and/or information on moral character, integrity, or loyalty to the United States.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Records maintained pursuant to OPM requirements. A separate notice is published because these records are maintained separately to provide extraordinary safeguards against unwarranted access and disclosures.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Records are reviewed by the NCUA Security Officer. If the records are determined to be of a substantive nature, they are forwarded to the NCUA Board for whatever action, if any, is deemed necessary. (2) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper hard copy.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Records are maintained in a separate, locked room which is accessible only to the Security Officer and his designated assistants. The records are further secured in a locked safe accessible only to the Security Officer and his designated assistants.

RETENTION AND DISPOSAL:

Once disposition, if any, has been made, a record is maintained until the individual whom it concerns has left the employ of NCUA, whereupon it is either returned to the originating agency or destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Adjudication Branch, Division of Personnel Investigation, OPM; Federal Bureau of Investigation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In addition to any exemption to which this system is subject by Notices published by or regulations promulgated by the OPM, the system is subject to a specific exemption pursuant to 5 U.S.C. 552a(k)(5) to the extent that disclosures would reveal a source who furnished information under an express promise of confidentiality, or prior to September 27, 1975, under an express or implied promise of confidentiality.

NCUA–2

SYSTEM NAME:

Security Clearance Records of Personnel Occupying Sensitive Positions, NCUA.

SYSTEM LOCATION:

Office of Administration, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Background investigations on individuals to determine fitness for security clearance. Information consists chiefly of records of interviews conducted by the Office of Personnel Management (OPM) and the Federal Bureau of Investigation (FBI) officials with parties acquainted with the individual under investigation. Interview questions concern character, integrity and loyalty to the United States.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Information is used to determine fitness for security clearance. (2) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are in the form of paper hard copy.

RETRIEVABILITY:

The system is indexed by name.

SAFEGUARDS:

Records are maintained in a separate, locked room accessible only to the Security Officer and his designated assistants.

RETENTION AND DISPOSAL:

Records are maintained until the individual leaves the employ of NCUA, whereupon they are returned to the originating agency.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURE:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

FBI; Division of Personnel Investigation, OPM; Central Intelligence Agency.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is subject to a specific exemption pursuant to 5 U.S.C. 552a(k)(5) to the extent that disclosure would reveal a source who furnished information under an express promise of confidentiality, or prior to September 27, 1975, under an express or implied promise of confidentiality.

NCUA-3

SYSTEM NAME:

Payroll Records System, NCUA.

SYSTEM LOCATION:

(1) Division of Financial Operations, Office of Administration, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

(2) General Services Administration, Region VI, Kansas City, Missouri.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of NCUA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Salary and related payroll data, including time and attendance information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 703; 44 U.S.C. 3301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Information is used to ensure proper compensation to all NCUA employees and to formulate financial reports and plans used within the agency or is sent to the General Services Administration (GSA). (2) Also, information is used to document time worked and provide a record of attendance to support payment of salaries and use of annual, sick, and nonpaid leave. (3) Users of the time and attendance information include the employee's supervisor, the office's timekeeper, the payroll officer, and the GSA National Payroll Center in Kansas City, Missouri. (4) Further, information in this system is used to make reportings to state and local taxing authorities. (5) Standard routine uses set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on computer tape, paper hard copy and microfilm.

RETRIEVABILITY:

Records are retrieved by name or social security number.

SAFEGUARDS:

Records are maintained in secured offices, accessible by written authorization only.

RETENTION AND DISPOSAL:

Records are retained and disposed in accordance with GSA policy.

SYSTEM MANAGER(S) AND ADDRESS:

(1) Primary: Payroll Officer, Division of Financial Operations, Office of Administration, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456; (2) Secondary: Office Timekeepers, National Credit Union Administration, Central Office (1776 G Street, N.W., Washington, D.C. 20456) and Regional Offices (see Appendix B for Regional Offices' addresses).

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURE:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Information is primarily obtained from the individual whom the record concerns, the Office of Personnel Management, and the GSA. Also, time and attendance information is prepared and submitted by the timekeeper in a given employee's office.

NCUA-4

SYSTEM NAME:

Verified Employee Mailing List, NCUA.

SYSTEM LOCATION:

(1) Office of Administration, National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456.

(2) Contractor's Address: Mail America, Bumpy Oak Road, Bryan's Road, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NCUA Employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains the following information for each employee: name, address, telephone number, birthdate, ethnic and sex codes, GS grade, employee type, and employee identification number. The contractor is provided a tape containing all employees' names, addresses, employee numbers, regional locations, and GS grades.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Information is used to produce mailing labels and make reportings to the EEO Director and other NCUA employees with an official need for a listing of NCUA employees. (2) Also, the information is used to generate an NCUA telephone directory for distribution to all NCUA employees. (3) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in computer magnetic disc storage.

RETRIEVABILITY:

Records are maintained by employee identification number.

SAFEGUARDS:

Accessibility is limited to specific written requests. The file itself is password protected.

RETENTION AND DISPOSAL:

Information is maintained on active, returned and deceased employees for an indefinite period of time.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Administration, National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURE:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

NCUA Form 1042 is completed for each new employee by personnel staff or the regional office manager. Form 1051 is completed by same to report changes.

NCUA-5

SYSTEM NAME:

Travel Advance and Voucher Information System, NCUA.

SYSTEM LOCATION:

Division of Financial Operations, Office of Administration, 1776 G Street NW., Washington, D.C. 20456.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All professional and semiprofessional NCUA employees who have traveled in the course of performing their duty and who have been reimbursed for the expense of such travel.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains information from the following forms: Travel Vouchers (NCUA 1012), Reimbursement for COS Expenses (NCUA 1302), Authorization of Moving and Related Travel Expenses for COS (NCUA 11301), Travel Orders (NCUA 1500), Suspension Statements (NCUA 1311), Application for Advance of Funds (NCUA 1399), and Travel Voucher Cover Sheet (NCUA 1364).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5701–5752; Executive Order 11609 (July 22, 1971); Executive Order 11012 (March 27, 1962); 5 U.S.C. 4401–4118; Federal Travel Regulations, FPMR 101–7, Chapter 2, Section 6.3.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Records are used to provide documentary support for reimbursements to employees for on-the-job travel expenses. (2) Users of the information include first and second line supervisors, NCUA accounting staff and budgeting staff. (3) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper hard copy form and in an on-line ADP system.

RETRIEVABILITY:

Records are retrievable by social security number.

SAFEGUARDS:

The paper hard copy records are maintained in secured offices. The computer disc is located in a secured office and its access is limited to three user employees who know the logical identification access number.

RETENTION AND DISPOSAL:

Records are maintained in the Division of Financial Operations until the annual GAO audit is completed. After the audit, the paper hard copy records are stored in a Federal Records Center for a minimum of three years and the computer disc is purged.

SYSTEM MANAGER(S) AND ADDRESS:

Accounting Officer, Division of Financial Operations, Office of Administration, National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Records are prepared by the individual whom the record concerns.

NCUA-6

SYSTEM NAME:

New Examiner Training Files, NCUA.

SYSTEM LOCATION:

(1) Division of Personnel and Training (DOPT), Office of Administration, National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456.

(2) Regional office where new employee is assigned. (See Appendix B for regional offices' locations.)

(3) Office of Examination and Insurance (EI) and Office of Consumer Affairs (CA), National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456. At the end of the training period in the region, either EI or CA transfers the records to the DOPT.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NCUA examiners, from entry level to one year on staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biweekly training reports, training progress reports, on-the-job trainers' evaluations of class room training, trainees' evaluations of training program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4101–4118.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Information is used to determine retention or termination of a new examiner after 23 weeks of on-the-job training. (2) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper hard copy.

RETRIEVABILITY:

Records are retrievable by employee name.

SAFEGUARDS:

Records are maintained in metal file cabinets in secured offices of each regional office and in secured offices in the Washington central offices.

RETENTION AND DISPOSAL:

Records are purged annually for those employees no longer participating in the program.

FCC/OMD–4

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Personnel and Training, Office of Administration, National Credit Union Administration, 1776 G Street, NW., Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained; on-the-job trainers; supervisors; Office of Personnel Management.

NCUA–7

SYSTEM NAME:

Region I Employee Development/ Correspondence Records, NCUA.

SYSTEM LOCATION:

Region I Regional Office, National Credit Union Administration, 441 Stuart Street, Sixth Floor, Boston, Massachusetts 02116.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NCUA Region I employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals; district management; chartering efforts; reactions from FCU officials; personal development plans; copies of personnel records; supply and equipment information; training; work performance; suggestions; awards; travel vouchers; and data on leave and pay activities. Also, the system contains information on NCUA clerical staff related to: work performance and development activities, which may include work product samples; memos or notations from professional staff; personal development plans; evaluations by superiors; copies of personnel records; and data on pay and leave activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) The information in this system is used for recording time and attendance, controlling equipment inventories, training staff, evaluating employee work performance, and conducting general administrative matters. (2) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper hard copy.

RETRIEVABILITY:

Records are indexed alphabetically by name.

SAFEGUARDS:

Physical security consists of maintaining records in locked metal file cabinets within secured offices.

RETENTION AND DISPOSAL:

Current and relevant information are maintained generally for a period of at least one to two years. Obsolete material is maintained in the same file cabinets and is periodically destroyed or returned to the originator.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, Region I Regional Office, National Credit Union Administration, 441 Stuart Street, Sixth Floor, Boston, Massachusetts 02116.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the Regional Director where the system is located. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the Regional Director will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the Regional Director.

RECORD SOURCE CATEGORIES:

Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials, administrative officer or office assistant and other persons whom the individual may encounter in the course of work

performance. For payroll and personnel related information, the sources may include the General Services Administration and the Office of Personnel Management.

NCUA–8

SYSTEM NAME:

Region II Employee Development/ Correspondence Records, NCUA.

SYSTEM LOCATION:

Region II Regional Office, National Credit Union Administration, 310 North Second Street, Harrisburg, Pennsylvania 17101.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NCUA Region II employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals; district management; chartering efforts; reactions from FCU officials; personal development plans; copies of personnel records; supply and equipment information; training; work performance; suggestions; awards; travel vouchers; and data on leave and pay activities. Also, the system contains information on NCUA clerical staff related to: work performance and development activities, which may include work product samples; memos or notations from professional staff; personal development plans; evaluations by superiors; copies of personnel records; and data on pay and leave activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) The information in this system is used for recording time and attendance, controlling equipment inventories, training staff, evaluating employee work performance, and conducting general administrative matters. (2) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper hard copy.

RETRIEVABILITY:

Records are indexed alphabetically by name.

SAFEGUARDS:

Physical security consists of maintaining records in locked metal file cabinets within secured offices. Cabinets may be locked depending on the nature of the information which they contain.

RETENTION AND DISPOSAL:

Current and relevant information are maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and is periodically destroyed or returned to the originator.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, Region II Regional Office, National Credit Union Administration, 310 North Second Street, Harrisburg, Pennsylvania 17101.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the indivudual by addressing a request in person or by mail to the Regional Director where the system is located. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURE:

Upon request, the Regional Director will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the Regional Director.

RECORD SOURCE CATEGORIES:

Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials, and other persons whom the individual encounters in the course of work performance. For payroll and personnel related information, the sources may include the General Services Administration and the Office of Personnel Management.

NCUA–9

SYSTEM NAME:

Region III Employee Development/ Correspondence Records, NCUA.

SYSTEM LOCATION:

Region III Regional Office, National Credit Union Administration, 1365 Peachtree Street, Suite 500, Atlanta, Georgia 30367.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NCUA Region III employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals; district management; chartering efforts; reactions from FCU officials; personal development plans; copies of personnel records; supply and equipment information; training; work performance; suggestions; awards; travel vouchers; and data on leave and pay activities. Also, the system contains information on NCUA clerical staff related to: work performance and development activities, which may include work product samples; memos or notations from professional staff; personal development plans; evaluations by superiors; copies of personnel records; and data on pay and leave activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) The information in this system is used for recording time and attendance, controlling equipment inventories, training staff, evaluating employee work performance, and conducting general administrative matters.

(2) Standard routine uses as set forth in Appendix. A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper hard copy.

RETRIEVABILITY:

Records are indexed alphabetically by name.

SAFEGUARDS:

Physical security consists of maintaining records in locked metal file cabinets within secured offices.

RETENTION AND DISPOSAL:

Current and relevant information are maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and is periodically destroyed or returned to the originator.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, Region III Regional Office, National Credit Union Administration, 1365 Peachtree Street, Suite 500, Atlanta, Georgia 30309.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the Regional Director where the system is located. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the Regional Director will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the Regional Director.

RECORD SOURCE CATEGORIES:

Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials, and other persons whom the individual encounters in the course of work performance. For payroll and personnel related information, the sources may include the General Services Administration and the Office of Personnel Management.

NCUA-10

SYSTEM NAME:

Region IV Employee Development/ Correspondence Records, NCUA.

SYSTEM LOCATION:

Region IV Regional Office, National Credit Union Administration, New Federal Building, 234 North Summit Street, Room 704, Toledo, Ohio 43604.

CATETORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NCUA Region IV employees.

CATETORIES OF RECORDS IN THE SYSTEM:

The system contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals; district management; chartering efforts; reactions from FCU officials; personal development plans; copies of personnel records; supply and equipment information; training; work performance; suggestions; awards; travel vouchers; and data on leave and pay activities. Also, the system contains information on NCUA clerical staff related to: work performance and development activities, which may include work product samples; memos or notations from professional staff; personal development plans; evaluations by superiors; copies of personnel records; and data on pay and leave activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) The information in this system is used for recording time and attendance, controlling equipment inventories, training staff, evaluating employee work performance, and conducting general administrative matters. (2) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper hard copy.

RETRIEVABILITY:

Records are indexed alphabetically by name.

SAFEGUARDS:

Physical security consists of maintaining records in metal file cabinets within secured offices.

RETENTION AND DISPOSAL:

Current and relevant information are maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and periodically destroyed or returned to the originator.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, Region IV Regional Office, National Credit Union Administration, New Federal Building, 234 North Summit Street, Room 704, Toledo, Ohio 43604.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the Regional Director where the system is located. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the Regional Director will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the Regional Director.

RECORD SOURCE CATEGORIES:

Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials, and other persons whom the individual encounters in the course of work performance. For payroll and personnel related information, the sources may include the General Services Administration and the Office of Personnel Management.

NCUA-11

SYSTEM NAME:

Region V Employee Development/ Correspondence Records, NCUA.

SYSTEM LOCATION:

(1) Region V Regional Office, National Credit Union Administration, 515 Congress Avenue, Suite 1400, Austin, Texas 78701.

(2) Development files on the examiners are maintained by the Supervisory Examiners in their home offices, not in the regional office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NCUA Region V employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals; district management; chartering efforts; reactions from FCU officials; personal development plans; copies of personnel records; supply and equipment information; training; work performance; suggestions; awards; travel vouchers; and data on leave and pay activities. Also, the system contains information on NCUA clerical staff related to: work performance and development activities, which may include work product samples; memos or notations from professional staff; personal development plans; evaluations by superiors; copies of personnel records; and data on pay and leave activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) The information in this system is used for record time and attendance, controlling equipment inventories, training staff, evaluating employee work performance, and conducting general administrative matters. (2) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper hard copy.

RETRIEVABILITY:

Records are indexed alphabetically by name.

SAFEGUARDS:

Physical security consists of maintaining records in metal file cabinets within secured offices. Cabinets may be locked depending on the nature of the information which they contain.

RETENTION AND DISPOSAL:

Current and relevant information are maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and is periodically destroyed or returned to the originator.

SYSTEM MANAGER(S) AND ADDRESS:

Secretaries to the Regional Director and Deputy Regional Director, Region V Regional Office, National Credit Union Administration, 515 Congress Avenue, Suite 1400, Austin, Texas 78701.

NOTIFICATION PROCEDURE:

Examiners may inquire as to whether the system contains a development record pertaining to the individual by addressing a request in person or by mail to the examiner's supervisory examiner at the supervisory examiner's home office. All other individuals may inquire as to whether the system contains a record pertaining to the indivudual by addressing a request in person or by mail to the Regional Director where the system is located. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the Regional Director or the appropriate supervisory examiner will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the Regional Director.

RECORD SOURCE CATEGORIES:

Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials, and other persons who the individual encounters in the course of work performance. For payroll and personnel related information, the sources may include the General Services Administration and the Office of Personnel Management.

NCUA–12

SYSTEM NAME:

Region VI Employee Development/ Correspondence Records, NCUA.

SYSTEM LOCATION:

(1) Region VI Regional Office, National Credit Union Administration, 77 Geary Street, Second Floor, San Francisco, California 94108.

(2) Development files on the examiners are maintained by the supervisory examiners in their home offices, not in the regional office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NCUA Region VI employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals; district management; chartering efforts; reactions from FCU officials; personal development plans; copies of personnel records; supply and equipment information; training; work performance; suggestions; awards; travel vouchers; and data on leave and pay activities. Also, the system contains information on NCUA clerical staff related to: work performance and development activities, which may include work product samples; memos or notations from professional staff; personal development plans; evaluations by superiors; copies and personnel records; and data on pay and leave activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) The information in this system is used for recording time and attendance, controlling equipment inventories, training staff, evaluating employee work performance, and conducting general administrative matters. (2) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper hard copy.

RETRIEVABILITY:

Records are indexed alphabetically by name.

SAFEGUARDS:

Physical security consists of maintaining records in metal file cabinets within secured offices. Cabinets may be locked depending on the nature of the information which they contain.

RETENTION AND DISPOSAL:

Current and relevant information are maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and is periodically destroyed or returned to the originator.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, Region VI Regional Office, National Credit Union Administration, 77 Geary Street, Second Floor, San Francisco, California 94108.

NOTIFICATION PROCEDURE:

Examiners may inquire as to whether the system contains a development record pertaining to the individual by addressing a request in person or by mail to the examiner's supervisory examiner at the supervisory examiner's home office. All other individuals may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the Regional Director where the system is located. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the Regional Director or the appropriate supervisory examiner will set forth the procedures for gaining access to available records.

RECORD SOURCE CATEGORIES:

Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials, and other persons whom the individual encounters in the course of work performance. For payroll and personnel related information, the sources may include the General Services Administration and the Office of Personnel Management.

NCUA–13

SYSTEM NAME:

Retirement File, NCUA.

SYSTEM LOCATION:

Office of Administration, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any employee who submits an application for retirement.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains a copy of each individual's application for retirment and any supporting material, i.e., supervisor's statement, physician's report, and hospital records. Also, the system contains the decisions of the

Office of Personnel Management (OPM) on agency disability cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 CFR Part 831.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) The information maintained is a duplicated copy which is retained in the event the original papers are lost before adjustication of the claim. (2) Information is used by the Division of Personnel and Training staff in processing the application. (3) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper.

RETRIEVABILITY:

Records are indexed alphabetically by name.

SAFEGUARDS:

Records are maintained in a locked file drawer.

RETENTION AND DISPOSAL:

Records are disposed of one year after retirement.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Personnel and Training, Office of Administration, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained; supervisor of individual; individual's physician; hospital attending individual; Office of Personnel Management.

NCUA-14

SYSTEM NAME:

Emergency Information (Employee) File, NCUA.

SYSTEM LOCATION:

Office of Administration, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NCUA Central Office employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains personal information on an employee, i.e., height, weight, hair color, eye color, current address, and telephone number. Also, this system identifies the individual to contact in case of an emergency involving the employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) The Division of Personnel and Training (DOPT) uses certain personal information for preparing the employee ID cards. (2) The information on the individual to contact in cases of emergency is used by DOPT and others on a need-to-know basis. (3) The Security Officer mainains a list of all employees, with their addresses and telephone numbers. This list is updated monthly. The listed information is used when there is a national emergency. (4) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper hard copy.

RETRIEVABILITY:

Records are indexed alphabetically by name.

SAFEGUARDS:

Records are maintained in locked file drawer.

RETENTION AND DISPOSAL:

Records are disposed of after an employee is separated from the agency.

SYSTEM MANAGER(S) AND ADDRESS:

(1) Director, Division of Personnel and Training, Office of Administration, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456. (2) Security Officer, Office of Administration, at the same address, above.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the appropriate system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the appropriate system manager listed above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

NCUA-15

SYSTEM NAME:

Employee Injury File, NCUA.

SYSTEM LOCATION:

Office of Administration, National Credit Union Administration, 1776 G Street, NW., Washington, D.C. 20456.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any employee who has sustained a job-related injury or disease.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of reports submitted by individual who has sustained a job-related injury or disease. Copies of any further claims made regarding the same injury or disease or any other material required for documenting and adjudicating the claim.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act 1970, 29 CFR Part 1960.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

(1) Information is maintained to provide appropriate data to the Department of Labor, when needed, for adjudication of a claim. (2) Further, information is used for reporting purposes as required by the Department of Labor on a recurring basis. (3) Use of information is limited to the Division of Personnel and Training staff. (4) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper.

RETRIEVABILITY:

Records are indexed alphabetically by name.

SAFEGUARDS:

Records are maintained in locked file drawer.

RETENTION AND DISPOSAL:

Records are disposed of five years after the year to which they relate.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Personnel and Training, Office of Administration, National Credit Union Administration, 1776 G Street, NW., Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained; supervisors of individual; individual's physician; hospital attending individual; Department of Labor.

NCUA-16

SYSTEM NAME:

Investigative Reports Involving Possible Felonies and/or Violations of Federal Credit Union Act, NCUA.

SYSTEM LOCATION:

Office of Administration, Nation Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system includes credit union employees who have misused or are suspected of having misused their trust in the credit union, and who have subsequently been investigated or prosecuted. Also, records may be maintained concerning credit union members involved or suspected of involvement in felonies or in fractions under the Federal Credit Union Act. Records are maintained on robberies, burglaries, and other crimes against credit unions. Information in this system is rarely indexed by the names or other identities of suspected perpetrators.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigative reports relating of possible felonies and violations of the Federal Credit Union Act (embezzlements, improper allocation of credit uion funds, etc.).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1776 and 1789.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Information is used to determine if any further agency action should be taken. (2) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper hard copy.

RETRIEVABILITY:

System is indexed by credit union name.

SAFEGUARDS:

Records are maintained in a separate locked room accessible only to the Security Officer and his designated assistants. The records are further secured in a locked safe accessible only to the Security Officer and his designated assistants.

RETENTION AND DISPOSAL:

After records have served the operational needs of NCUA and after disposition of the subject matter of the records, they are returned to the originating agency or destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Federal Bureau of Investigation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is subject to a specific exemption pursuant to 5 U.S.C. 522a(k)(2), as the system of records is investigatory material compiled for law enforcement purposes.

NCUA-17

SYSTEM NAME:

Breach of Trust Statement; Nonfederal Credit Union/Share Insurance Applicants, NCUA.

SYSTEM LOCATION:

Office of Examination and Insurance, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Directors, officers, committee members and employees of nonfederal credit union applicants for insurance, by the National Credut Union Share Insurance Fund (NCUSIF), who have been convicted of a criminal offense involving dishonesty or a breach of trust.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1781(c)(1)(C).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

(1) The only recurring use is internal, i.e., to consider the soundness of management of nonfederal credit union share insurance applicants. (2) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper.

RETRIEVABILITY:

Records are retrievable by name of credit union combined with name of individual.

SAFEGUARDS:

Records obtained prior to November 11, 1976, are maintained in the National Credit Union Administration's central credit union filing system, accessible only to authorized NCUA employees. Records obtained on or after November 11, 1976, are maintained in a locked file cabinet under the custody of the system manager.

RETENTION AND DISPOSAL:

Records are retained indefinitely, as long as the subject credit union retains its NCUSIF-insured status.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Corporate Structure and Insurance, Office of Examination and Insurance, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Nonfederal credit union share insurance applicants.

NCUA–18

SYSTEM NAME:

Adverse Reports of Officials; Federal Credit Union Charter Applicants, NCUA.

SYSTEM LOCATION:

Office of Examination and Insurance, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prospective officials of Federal credit union charter applicants who have been convicted of criminal offenses involving dishonesty or breach of trust.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of Officials (NCUA Form 4012) and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1781(c)(1)(C).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) The only recurring use is internal, i.e., to consider the soundness of proposed officials of a Federal credit union. (2) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are retrievable by name of credit union combined with name of individual.

SAFEGUARDS:

Records obtained prior to November 11, 1976, are maintained in the National Credit Union Administration's central credit union filing system, accessible only to authorized NCUA employees. Records obtained on or after November 11, 1976, are maintained in a locked file cabinet under the custody of the system manager.

RETENTION AND DISPOSAL:

Records are retained indefinitely, as long as the subject credit union retains its NCUSIF-insured status.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Corporate Structure and Insurance, Office of Examination and Insurance, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURE:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Request to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Federal credit union charter applicants.

NCUA–19

SYSTEM NAME:

Acquired Assets and Share Payouts Records System, NCUA.

SYSTEM LOCATION:

Division of Liquidations, Office of the Insurance Fund, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of liquidating federally-insured credit unions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Share and account balances; personal data regarding income and debts; payment history.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1787.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Data used for payment of insurance claims to shareholders in liquidating federally-insured credit unions. (2) Also, data is used in the collection of outstanding loans, which may include, referral of information to the General Accounting Office or the Department of Justice. (3) Generally, information is used for all purposes necessary to close out the affairs of the liquidated credit union and carry out all appropriate liquidation related functions of NCUA, including referral of necessary information to facilitate a purchase of the credit union's assets by NCUA or sale to a third party (before or after such purchase), referral of noncredit information to outside address locators, or referral of information to a surety company in pursuit of a fidelity bond claim. (4) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is initially compiled on data conversion sheets prepared by NCUA examiners acting as on-site liquidators. This data is stored on computer tape, from which loan registers may be prepared and furnished to NCUA regional offices or prospective purchasers of the assets of closed credit unions. In addition to data stored on computer tape, the following records are maintained on paper hard copy; data conversion sheets, loan registers, essential share and loan documents, and

members' filed claim forms. Copies of share and loan documents, incoming payments, and loan portfolios may also be maintained on microfilm copy.

RETRIEVABILITY:

Records are indexed by name of member and by name of closed insured credit union.

SAFEGUARDS:

Records are maintained in secured offices.

RETENTION AND DISPOSAL:

Information is disposed of after ten years retention.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Liquidations, Office of the Insurance Fund, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised. Written inquiries should include name of inquirer, name of closed insured credit union of which inquirer was a member, and share and loan account numbers, if known, in addition to any requirements set by 12 CFR Part 720, Subpart B.

RECORD ACCESS PROCEDURE:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained; outside address locators; and share and loan account files of the liquidating credit union of which the individual was a member.

NCUA-20

SYSTEM NAME:

Member Accounts; Credit Unons Closed for Involuntary Liquidation, NCUA.

SYSTEM LOCATION:

Records within this system of records are located at one of the NCUA regional offices (listed in Appendix B) for a period of time necessary to answer inquiries of credit union members and to transfer share and loan record information to the Division of Liquidations, Office of the Insurance Fund, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C., or an outside purchaser. After such time, the remaining records are transferred for storage to one of twelve General Services Administration record storage centers. Records are located in the regional office covering the state in which the main office of the liquidating credit union is located (see Appendix B for states covered by each regional office).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Information is maintained on those individuals who were members or employees of a federally-insured credit union closed for liquidation and for which the Board served as liquidating agent pursuant to 12 U.S.C. 1787. Records in this system are subject to the provisions of the Privacy Act only upon completion of the liquidation of a closed federally-insured credit union and three years after cancellation of the credit union charter. Prior to such time, records of a closed insured credit union which are held by the Board, only in its capacity as liquidating agent for the closed credit union, are not "agency records" within the meaning of the Privacy Act, and thus the provisions of the Act have no applicability. Prior to charter cancellation, however, records or information may be transmitted from this system into another NCUA system of records, such as, NCUA System 19—Acquired Assets and Share Payouts Records System, and in such a case, the records as contained in the second system will be considered agency records to the extent that they are maintained for a purpose other than those attributable to functions of the liquidating agent (e.g., for share insurance payout purposes, collection of purchased assets, etc.).

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains information concerning an individual's membership in and share and loan transactions with the credit union which has been closed for liquidation; membership card; individual share and loan ledgers; notes; security documents; promissory notes and extension agreements, if any. Also included are employee payroll records and data. As further explained above, in the "Categories of individuals * * *" portion of this descriptive system notice, records of a closed insured credit union are generally subject to the provisions of the Privacy Act three years after completion of the liquidation of the credit union and cancellation of the credit union charter.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1766(c) and 1787.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Actions necessary to close out the affairs of liquidating federally-insured credit unions, including: (a) referral of information to affected credit union members, the NCUA Loan Management System, and any purchasers or prospective purchasers of the closed credit union's assets; (b) referral of information to the credit union's surety in pursuit of fidelity bond claims; and (c) referral of relevant information to any appropriate agency or official in the course of collecting a claim of the United States. (2) Standard routine uses as set forth in Appendix A. (While it is the full intent to comply with the spirit of the Privacy Act with regard to records maintained within this described system, it should again be noted that the provisions of the Privacy Act of 1974, including a limitation of routine uses to those described herein, do not technically apply to the records until they become "agency" records, i.e., until such time as they are transferred to another system within NCUA or at such time as they revert to NCUA three years after the cancellation of the charter of a closed credit union.)

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records on individual credit union members or employees in this system of records are maintained on member account documents as compiled by individual credit unions prior to entering liquidation.

RETRIEVABILITY:

Member and employee records are generally ordered or indexed by name or account number.

SAFEGUARDS:

Records within this system are maintained under the control of a designated agent for the liquidating agent who makes only such disclosures from the records as are necessary or part of responsibilities under the Federal Credit Union Act (12 U.S.C. 1751–1795).

RETENTION AND DISPOSAL:

The records are maintained in a regional office, as indicated under the location section of this notice, for a

period necessary to answer inquiries of credit union members and transfer appropriate share and loan information to the NCUA Loan Management System, Washington, D.C. After such time, the records are transferred for permanent storage to one of twelve General Services Administration record storage centers.

SYSTEM MANAGER(S) AND ADDRESS:

The system managers for this system of records are the six regional directors located at the regional office addresses set forth in Appendix B.

NOTIFICATION PROCEDURE:

If an individual wants to find out whether the records of a closed credit union within this system include records pertaining to that individual, the individual should contact the regional director whose jurisdiction includes the state where the main office of the closed credit union was located (see addresses in Appendix B) by mail or in person. The inquiry should contain the name of the inquirer, the name of the closed credit union, the inquirer's credit union account number (if known), a description of the records sought, the approximate date covered by the records sought, the approximate dates covered by the record, and the name of the system of records. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the regional director will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the appropriate regional director.

RECORD SOURCE CATEGORIES:

The sole source of information for this system of records is the member-related files and accounting records of federally-insured credit unions which have been closed for liquidation and for which the Board, or its designee, serves as liquidating agent.

NCUA-21

SYSTEM NAME:

Trusteed Account Records System, NCUA.

SYSTEM LOCATION:

Division of Liquidations, Office of Insurance Fund, National Credit Union Administration, 1776 G Street, NW., Washington, D.C. 20456.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of liquidating federally-insured credit unions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Share balances and last known addresses of individuals by whom or on whose behalf insured share account payout claims have been filed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1787.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Information is used to ensure proper payment of all trusteed account funds. (2) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on computer printout forms. Signature cards and account records are also maintained on microfilm copy. In addition, information in the system is stored on computer tape by a private contractor pursuant to an agreement which provides that the information will remain confidential.

RETRIEVABILITY:

Records are retrievable by individual name, credit union name, or a combination thereof.

SAFEGUARDS:

Records are stored in secured offices.

RETENTION AND DISPOSAL:

Records are maintained until processing of claims is completed and, thereafter, are escheated to the appropriate state agency.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Liquidations, Office of the Insurance Fund, National Credit Union Administration, 1776 G Street, NW., Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Files of federally-insured credit unions which are closed for liquidation.

NCUA-22

SYSTEM NAME:

Investigation Files, NCUA.

SYSTEM LOCATION:

Office of Internal Audit and Investigation, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the NCUA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigative reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1766(i)(1) and 1789(a)(7).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Information gathered is used for intra-agency purposes. (2) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Reports are maintained on paper hard copy.

RETRIEVABILITY:

This system is indexed by name of complainant.

SAFEGUARDS:

Records are maintained in locked file cabinet inside a locked room; and are accessible only to the Director, Office of Internal Audit and Investigation, and designated assistants.

RETENTION AND DISPOSAL:

After the report is reviewed by the Board and has served its intended purpose, it is retained for five years and then destroyed unless otherwise directed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Internal Audit and Investigation, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained; supervisors; files maintained by the Director, Division of Personnel and Training, NCUA; and Office of Personnel Management.

NCUA-23

SYSTEM NAME:

Consumer Complaints Against Federal Credit Unions, NUCA.

SYSTEM LOCATION:

(1) Office of Consumer Affairs, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

(2) Related information may be maintained in credit union files in NCUA's six regional offices (see Appendix B for regional offices' locations).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who submit complaints concerning operating Federal credit unions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complaint letters, investigation reports, and related correspondence concerning the complainants and the involved Federal credit unions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1766(i)(1) and 1789(a)(7); 5 U.S.C. 301; 15 U.S.C. 1601–1693.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

(1) Information may be disclosed to officials of Federal credit unions and other persons mentioned in a complaint or identified during an investigation. (2) Disclosures may be made to the Federal Reserve Board, other Federal financial regulatory agencies, the Federal Financial Institutions Examination Council, the White House Office of Consumer Affairs, and the Congress or any of its authorized committees in fulfilling reporting requirements or assessing implementation of applicable laws and regulations. (Such disclosures will be made in a nonidentifiable manner when feasible and appropriate.) (3) Referrals may also be made to other Federal and nonfederal supervisory or regulatory authorities when the subject matter is a complaint or inquiry which is more properly within such agency's jurisdiction. (4) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper or computer tape.

RETRIEVABILITY:

Records are retrievable from files by Federal credit union name and from the *Complaint Handling Information Program* (CHIP), by complainant name or assigned control number.

SAFEGUARDS:

Records are maintained in secured offices in either a file cabinet or in the computer.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Consumer Affairs, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Request to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Complainant (and his or her representative, which may include, e.g., a member of Congress or an attorney); Federal credit union officials; employees and members of the credit union involved; and NCUA examiners and central files on Federal credit unions.

NCUA-24

SYSTEM NAME:

Litigation Case Files, NCUA.

SYSTEM LOCATION:

Office of General Counsel, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained in files by the case name of individuals who are: the subject of NCUA investigations made in contemplation of legal action; involved in civil litigation with NCUA; involved in administrative proceedings; involved in litigation of interest to NCUA; or pursuing tort claims.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in case files include: investigative reports relating to possible felonies or violations of the Federal Credit Union Act; transcipts of testimony or affidavits; documents and other evidentiary matter; pleadings and other documents filed in court; orders filed or issued in civil, administrative, or criminal proceedings; correspondence relating to investigatory or litigation matters; information provided by the individual under investigation or from a Federal credit union; and other memoranda gathered and prepared by staff in performance of their duties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1766, 1786, 1787, and 1789; 28 U.S.C. 2671–2680.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) The staff of the Office of General Counsel may use such records to render legal advice concerning investigations or courses of legal action; to represent NCUA in all judicial and administrative proceedings in which NCUA or any of its employees who, within the scope of employment and in an official capacity, is a party; or to intervene as an amicus curiae. (2) Standards routine uses set forth in Appendix A.

SYSTEM MANAGER AND ADDRESS:

General Counsel, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record

pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Record source categories vary depending upon the legal issue but generally are obtained from the following: NCUA staff and internal agency memoranda; Federal employees and private parties involved in torts; contracts; Federal credit union files or officials; general law texts and sources; law enforcement officers; witnesses and others; administrative and court pleadings, transcripts or judicial orders/decisions; evidence gathered in connection with the matter involved; and from individuals to whom the records relate.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is subject to the specific exemption provided by 5 U.S.C. 552a(k)(2), as the system of records is investigatory material compiled for law enforcement purposes.

NCUA–25

SYSTEM NAME:

Grievance Records, NCUA.

SYSTEM LOCATION:

Division of Personnel and Training, Office of Administration, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Federal employees who have submitted grievances with NCUA in accordance with Part 771 of the Office of Personnel Management (OPM) regulations. (5 CFR Part 771.)

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by agency employees under Part 771 of the OPM's regulations. These case files contain all documents related to the grievance including statements of witnesses, reports of interviews and hearings, examiners findings and recommendations, a copy of the original and final decision with related correspondence and exhibits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, and 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218; E.O. 10987; 3 CFR 1959–1963 Comp., p. 519, agency employees for personal relief in a matter of concern or dissatisfaction which is subject to the control of agency management.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Information is used by the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation or order where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

(2) Information is used by any source from which additional information is requested in the course of processing a grievance to the extent necessary to identify the individual, inform the source of the purpose(s) of the request and identify the type of information requested.

(3) Information is used by a Federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract or the issuance of a license, grant, other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(4) Information is used by a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

(5) Information is used by another Federal agency or by a court when the Government is party to a judicial proceeding before the court.

(6) Information is used by the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

(7) Information is used by NCUA in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances, the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

(8) Information is used by officials of the Office of Personnel Management, the Merit Systems Protection Board including the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel, or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

(9) Information (that is relevant to the subject matter involved in a pending judicial or administrative proceeding) is used to respond to a request for discovery or for appearance of a witness.

(10) Information is used by officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

(11) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are retrievable by the names of the individuals on whom they are maintained.

SAFEGUARDS:

Records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

Records are disposed of three (3) years after closing of the case. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Personnel and Training, Office of Administration, National Credit Union Administration, 1776 G Street, N.W. Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Request to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained; testimony of witnesses; agency officials; related correspondence from organizations or persons.

Appendix A—Standard Routine Uses Applicable to NCUA Systems of Records

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a "routine use," to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. A record from a system of records may be disclosed as a "routine use" to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevent to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant, or other benefit.

3. A record from a system of records may be disclosed as a "routine use" to a Federal agency, in response to its request, for a matter concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

4. A record from a system of records may be disclosed as a "routine use" to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. Further, a record from any system of records may be disclosed as a "routine use" to the Office of Personnel Management in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

5. A record from a system of records may be disclosed as a "routine use" to officers and employees of a Federal agency for purposes of audit.

6. A record from a system of records may be disclosed as a "routine use" to a member of Congress or to a congressional staff member in response to an inquiry from the congressional office made at the request of the individual about whom the record is maintained.

7. A record from a system of records may be disclosed as a "routine use" to the officers and employees of the General Services Administration (GSA) in connection with administrative services provided to this agency under agreement with GSA.

Appendix B—List of Regional Offices (Addresses and States Covered by Each Region)

I. NCUA Region I Regional Office: 441 Stuart Street, Sixth Floor, Boston, Massachusetts 02116, Phone: (617) 223–6807.

States covered: Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Puerto Rico, Rhode Island, Virgin Islands, Vermont.

II. NCUA Region II Regional Office: 310 North Second Street, Harrisburg, Pennsylvania 17101, Phone: (717) 782–4505.

States covered: District of Columbia, Delaware, Maryland, Pennsylvania, Virginia, West Virginia.

III. NCUA Region III Regional Office: 1365 Peachtree Street, Suite 500, Atlanta, Georgia 30367, Phone: (404) 881–3127.

States covered: Arkansas, Alabama, Republic of Panama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Tennessee, South Carolina.

IV. NCUA Region IV Regional Office: New Federal Office Building, Room 704, 234 N. Summit Street, Toledo, Ohio 43604, Phone: (419) 259–7510.

States covered: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota, Wisconsin.

V. NCUA Region V Regional Office: 515 Congress Avenue, Suite 1400, Austin, Texas 78701, Phone: (512) 397–5131.

States covered: Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Texas, Utah, Wyoming.

VI. New Region VI Regional Office: 77 Geary Street, Second Floor, San Francisco, California 94108, Phone: (415) 556–6277.

States covered: Alaska, California, Guam, Hawaii, Oregon, Washington.

[FR Doc. 81–37043 Filed 12–29–81; 8:45 am]
BILLING CODE 7535–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–219]

Jersey Central Power & Light Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 58 to Provisional Operating License No. DPR–16, issued to Jersey Central Power & Light Company (the licensee), which revised the Technical Specifications for operation of the Oyster Creek Nuclear Generating Station (the facility) located in Ocean County, New Jersey. The amendment is effective as of its date of issuance.

This amendment incorporates Technical Specification requirements on additional fire protection systems that were installed during the 1980 refueling outage.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 14, 1980, and a revision thereto dated May 6, 1981, (2) Amendment No. 58 to License No. DPR–16, including the Commission's letter of transmittal, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Ocean County Library, Brick Township Branch, 401 Chambers Bridge Road, Brick Town, New Jersey 08723. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 21st day of December, 1981.

For the Nuclear Regulatory Commission.

Thomas V. Wambach,

Acting Chief, Operating Reactors Branch #5, Division of Licensing.

[FR Doc. 81–37134 Filed 12–29–81; 8:45 am]
BILLING CODE 7590–01–M

[Docket No. STN 50–482]

Kansas Gas & Electric Co. et al.; Issuance of Amendment to Construction Permit

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the

Commission) has issued Amendment No. 1 to Construction Permit No. CPPR–147 to Kansas Gas and Electric Company, Kansas City Power and Light Company and Kansas Electric Power Cooperative, Inc. The amendment reflects a change in ownership and transfer of shares of the Wolf Creek Generating Station, Unit No. 1, located in Coffey County, Kansas.

The amendment provides for the addition of Kansas Electric Power Cooperative, Inc. as an applicant for all licenses previously requested and an ownership share of six percent of the facility. The amendment is effective as of the date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the amendment. Public notice of the proposed issuance of this amendment was published in the Federal Register on September 24, 1979 (44 FR 55071). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment, dated July 30, 1979 and amendment to the application, dated November 20, 1981; (2) Amendment No. 1 to Construction Permit No. CPPR–147, and (3) the staff's safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the William Allen White Library, Emporia State University, 1200 Commercial Street, Emporia, Kansas 66801.

A copy of items 2 and 3 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Division of Technical Information and Document Control.

Dated at Bethesda, Maryland, this 22nd of December 1981.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81–37135 Filed 12–29–81; 8:45 am]

BILLING CODE 7590–01–M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a proposed revision to a guide in its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft, temporarily identified by its task number, CE 913–5 (which should be mentioned in all correspondence concerning this draft guide), is proposed Revision 2 to Regulatory Guide 1.13 and is entitled "Spent Fuel Storage Facility Design Basis." It is being developed to describe procedures acceptable to the NRC staff complying with the Commission's regulations with respect to the design of spent fuel storage facilities at nuclear power plants. The draft guide endorses ANSI N210–1976/ANS–57.2, "Design Objectives for Light Water Reactor Spent Fuel Storage Facilities at Nuclear Power Stations," with certain modifications.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch by March 5, 1982.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 22nd day of December 1981.

For the Nuclear Regulatory Commission.

G. A. Arlotto,

Director, Division of Engineering Technology, Office of Nuclear Regulatory Research.

[FR Doc. 81–37136 Filed 12–29–81; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Cost of Hospital and Medical Care and Treatment Furnished by the United States; Certain Rates Regarding Recovery From Tortiously Liable Third Persons

By virtue of the authority vested in the President by section 2(a) of the Act of September 25, 1962, (76 Stat. 593: 42 U.S.C. 2652), and delegated to the Director of the Office of Management and Budget by Executive Order No. 11541 of July 1, 1970, (35 FR 10737), the following three sets of rates are established for use in connection with the recovery, as authorized by such Act, from tortiously liable third persons of the cost of hospital and medical care and treatment furnished by the United States (Part 43 of Chapter I of Title 28 of the Code of Federal Regulations) through three separate Federal agencies. These rates have been determined to represent the reasonable cost of hospital, nursing home, medical, surgical or dental care and treatment (including prostheses and medical appliances) furnished or to be furnished:

(a) For such care and treatment furnished by the United States in Federal hospitals, nursing homes, and outpatient clinics, administered by any of the three Federal agencies—Department of Defense, Veterans Administration, or Department of Health and Human Services—with the exception of Department of Defense operated medical treatment facilities in Panama.

(b) For such care and treatment furnished at Government expense in a facility not operated by the United States, the rates shall be the amounts expended by the United States for such care and treatment.

(c) For such care and treatment at the United States Government medical

treatment facilities in Panama, Panama-specific rates shall be those established and in effect at the time the care and treatment is furnished by the Department of Defense for such care and treatment furnished in Panama to beneficiaries of other United States Government agencies. The Panama-specific rates will be discontinued on March 31, 1982, and replaced with the Department of Defense rates used worldwide.

	DOD[1]	VA[1]	HHS[1]
Hospital care per inpatient day:			
General medical, surgical, and tuberculosis care	$406	$285	$254
In Panama	358		
Psychiatric care		170	
Nursing home care		109	
Burn Center, U.S. Army Institute of Surgical Research, Brooke Army Medical Center, Fort Sam Houston, Texas	1,866		
Outpatient medical and dental treatment:			
Per outpatient visit	40	81	80
In Panama	37		

[1] Effective January 4, 1982 and thereafter.

For the period beginning January 4, 1982, the rates prescribed herein supersede those established by the Director of the Office of Management and Budget on May 11, 1981, (46 FR 25736). Effective April 1, 1982, the Panama-specific health care reimbursement rates will be replaced with the Department of Defense worldwide reimbursement rates.

Dated: December 21, 1981.

David A. Stockman,

Director, Office of Management and Budget.

[FR Doc. 81-37130 Filed 12-29-81; 8:45 am]

BILLING CODE 3110-01-M

Office of Federal Procurement Policy; Solicits Views

Proposed Policy Letter; Opportunity for Review and Comment

AGENCY: Office of Federal Procurement Policy; Office of Management and Budget.

ACTION: Solicitation of views.

SUMMARY: Section 6(d)(3) and 14(b) of the Office of Federal Procurement Policy Act, Pub. L. 93-400, as amended by Pub. L. 96-83 (41 U.S.C. 407(d)(3), 412(b)), require the Administrator for Federal Procurement Policy to:

Establish criteria and procedures for an effective and timely method of soliciting the viewpoints of interested parties in the development of procurement policies, regulations, procedures, and forms.

Require by regulation that formal meetings of the Office of Federal Procurement Policy, as designated by the Administrator, for the purpose of developing procurement policies and regulations, shall be open to the public, and that public notice of each such meeting shall be given not less than ten days prior thereto.

The proposed Policy Letter would implement these statutory requirements by establishing uniform procedures for all agencies issuing procurement policies, regulations, procedures, and forms, and by publicizing the procedures of the Office of Federal Procurement Policy for the conduct of public hearings and open meetings.

DATE: Comments must be received by February 28, 1982.

ADDRESS: Send comments to Mr. LeRoy J. Haugh, Associate Administrator for Regulatory Policies and Practices, Office of Federal Procurement Policy, Office of Management and Budget, 726 Jackson Place, NW., Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Mr. LeRoy J. Haugh, address as above, telephone (202) 395-6166.

Donald E. Sowle,

Administrator.

OFPP Policy Letter No. 82-

To the Heads of Executive Departments and Establishments

Subject: Public Participation in the Development of Federal Procurement Policies and Regulations

1. *Purpose.* The purpose of this Policy Letter is to establish uniform criteria and procedures for soliciting the views of all interested parties in the development of Federal procurement policies, regulations, procedures and forms.

2. *Authority.* This Policy Letter is issued pursuant to section 6(d)(3) and section 14(b) of the Office of Federal Procurement Policy Act, Pub. L. 93-400, as amended by Pub. L. 96-83 (41 U.S.C. 407(d)(3), 412(b)).

3. *Policy.* The views of all interested parties, including Government agencies, private organizations and associations, business firms, educational institutions and individuals are to be obtained and considered by any executive agency proposing to develop or amend a procurement policy, regulation, procedure, or form.

4. *Criteria.* The policy applies to all significant proposed procurement policies, regulations, procedures and forms. A proposal is considered to be significant if it has any affect beyond the internal operating procedures of the issuing agency.

5. *Waiver.* The solicitation of views from outside the Government may be waived, by the heads of executive departments or establishments or their deputies when circumstances make such solicitation impracticable, such as an emergency or a requirement to implement a new statute in a relatively short time.

6. *Procedures.* All significant proposed procurement policies, regulations, procedures, and forms shall be published in the Federal Register for public comment. The views of Government agencies shall be solicited by letters addressed to the agencies. The normal comment period shall be 60 days, but in no case less than 30 days. When new material is being developed on a coordinated uniform basis for the Defense Acquisition Regulation, the Federal Procurement Regulations, and the National Aeronautics and Space Administration Procurement Regulation, publication and receipt of comments should be handled by only one agency, to be agreed upon by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration. Matters which have been through a public comment period by one agency, including the Office of Federal Procurement Policy, and are being adopted or implemented without significant change by another agency, need not be published again for comment.

7. *Content of Notice.* The Federal Register notice shall include the following:

a. The basis for the proposal;

b. An analysis of the significant features of the proposal;

c. A description of the results anticipated from implementation of the proposal; and an estimate of the effect on both Government and private sector workload;

d. The anticipated effect on the procurement process.

e. The text of the proposed issuance. However, if it is impracticable to publish the full text in the Federal Register, a summary shall be published, and the notice shall advise where the full text may be obtained or examined.

8. *Mailing List.* Agencies are encouraged to maintain lists of organizations, associations, and other interested parties that have expressed a continuing desire to be informed of proposed changes to procurement policies, regulations, procedures, and forms, and to solicit their comments directly in addition to any notice published in the Federal Register.

9. *Public Hearings or Meetings of the Office of Federal Procurement Policy.* Public hearings or formal meetings, open to the public, may be held by OFPP to provide an opportunity for discussion of policies under consideration. Criteria and procedures are as follows:

a. *Criteria.* A public hearing or open meeting shall be held in connection with the adoption, amendment, or repeal of an OFPP policy whenever the Administrator determines that such a hearing or meeting would—

(i) materially benefit the consideration of the issues;

(ii) be likely to develop significant additional information or views or;

(iii) provide useful public visibility to the policy determination of the Office.

The convening of such a hearing or meeting may be forgone if the Administrator determines that it is not feasible, as in matters of urgency or for other good cause.

b. *Notice and Procedures.* Notice of any public hearing or open meeting shall normally be published in the Federal Register at least 30 days in advance, and in the "Business News" section in the *Commerce Business Daily.* Anyone may make a brief oral

presentation, provided a written statement is submitted to OFPP by the day preceding the hearing or meeting. Only one representative of any organization may make an oral presentation, and the Administrator may require that such presentations be limited to summarizing the main points of written submissions. If time permits, others in attendance may be allowed to comment briefly on matters under discussion. Hearings and meetings will not ordinarily be recorded by OFPP; anyone attending may record the proceedings provided that OFPP be furnished a copy of any transcript made.

10. *Effective Date.* This Policy Letter is effective ————.

11. *Expiration.* This Policy Letter shall expire upon the effective date of the Federal Acquisition Regulation, now being developed.

Donald E. Sowle,

Administrator.

[FR Doc. 81-37128 Filed 12-29-81; 8:45 am]

BILLING CODE 3110-01-M

OFPP Policy Letter 81-2; Supplement No. 1; Policy Guidance for the Labor Surplus Area Program

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Supplement to OFPP Policy Letter 81-2, May 29, 1981.

SUMMARY: OFPP Policy Letter 81-2 May 29, 1981, published in the **Federal Register** on June 5, 1981, provided uniform policy guidance on the labor surplus area program.

This supplement to Policy Letter 81-2 deletes paragraph 2 "GSA Multiple Award Schedule Contracts" of OFPP Policy Letter 81-2. Paragraphs 2a and 2b are now regarded as inappropriate since GSA advises that it is not feasible to indicate in the Federal Supply Schedules whether an item was manufactured in a labor surplus area. Paragraphs 2c and 2d are regarded as inappropriate since, starting with Fiscal Year 1981, purchases by agencies against GSA schedules are not to be counted as awards in fulfillment of individual agency LSA targets. This supplement also amends paragraph 1b in its statement of which agency set-aside awards shall be recorded in fulfillment of their labor surplus area targets.

DATE: The provisions of the supplementary Policy Letter will be effective December 31, 1981.

CONTACT:
Owen Birnbaum, Deputy Associate Administrator for Regulatory Policies and Practices, 395-3455.

Dated: December 23, 1981.

Donald E. Sowle,

Administrator.

Policy Letter 81-2, Supplement No. 1

To the Heads of Executive Departments and Establishments

Subject: Policy Guidance for the Labor Surplus Area Program

Government procurement policy should be uniform and consistent in application. The purpose of this supplementary Policy Letter is to provide a uniform amendment in response to changed conditions subsequent to OFPP Policy Letter 81-2, May 29, 1981 (45 FR 30225, June 3, 1981).

1. The Office of Federal Procurement Policy issued Policy Letter 81-2, May 29, 1981 which was published in the **Federal Register** on June 5, 1981. The Policy Letter provides uniform clarification of issues raised in connection with existing policy guidance on the labor surplus area program. Paragraph 2 covered GSA Multiple Award Schedule contracts.

2. Paragraph 2a of Policy Letter 81-2 requires GSA to "ensure that firms performing in labor surplus areas are so listed in Federal Supply Schedule." Paragraph 2b then encourages agencies to use LSA firms to the maximum extent possible when placing orders under these schedules. Paragraph 2c of the Policy Letter states, in part, that "GSA will establish Government-wide LSA targets for each agency for these schedule contracts, based on performance and future estimated potential." Paragraph 2d states, in part, that: "Each agency will report its individual performance on the basis of actual obligations under these schedules."

3. With respect to paragraphs 2a and 2b, GSA advises that it is not feasible to indicate in the schedules whether an item was manufactured in a labor surplus area. As to paragraphs 2c and 2d, starting with Fiscal Year 1981, purchases by agencies against GSA Schedules are not to be counted as awards in fulfillment of their LSA targets.

4. Accordingly, paragraph 2 of OFPP Policy Letter 81-2, May 29, 1981, is deleted in its entirety.

5. Paragraph 1b of Policy Letter 81-2 sets forth which agency awards, resulting from set-aside programs under section 15 (d), (e), and (f) of the Small Business Act, are to be recorded in fulfillment of individual agency labor surplus area targets. The statement included in sections 1b(1)(ii) and 1(b)(1)(iii) awards under total and partial small business set-asides. Since such set-asides are not restricted to labor surplus area firms it would be inappropriate for agencies to record awards thereunder in fulfillment of targets. Accordingly, the last section of paragraph 1(b)(1) of Policy Letter 81-2 is amended to read as follows. "Contracts awarded under priorities (i), (iii) and (v) shall be recorded by departments and agencies in fulfillment of their labor surplus area targets."

Effective date: This supplementary Policy Letter is effective December 31, 1981.

Concurrence: This supplementary Policy Letter has been concurred in by the Office of Management and Budget.

Donald E. Sowle,

Administrator.

[FR Doc. 81-37126 Filed 12-29-81; 8:45 am]

BILLING CODE 3110-01-M

POSTAL SERVICE

Notice of Increase in Rates for Preferred-Rate Mailers Caused by Decrease in Congressional Subsidy

AGENCY: Postal Service.

ACTION: Notice of increases in preferred postage rates.

SUMMARY: This is to give notice that postage rates for preferred-rate mailers will be increased, as directed by Congress in the continuing resolution H.J. Res. 370, signed into law on December 15, 1981 (Pub. L. 97-92). The increase in postage rates is required to make up the difference between the amount of revenue forgone subsidy appropriated by Congress in Pub. L. 97-92, and the amount which is authorized to be appropriated by 39 U.S.C. 2401(c). The new rates are contained in the Appendix to this notice.

EFFECTIVE DATE: 12:01 a.m., January 10, 1982.

FOR FURTHER INFORMATION CONTACT:
Don S. Allen (202)— 245-4418.

SUPPLEMENTARY INFORMATION: Section 108 of Pub. L. 97-92 sets forth the appropriation levels for the Postal Service, including an appropriation for revenue forgone on free and reduced-rate mail. The amount appropriated is less than that authorized under 39 U.S.C. 2401(c). In Pub. L. 97-92, Congress directed the Postal Service to promptly adjust preferred rates so as to recover the difference between the amount authorized to be appropriated under 39 U.S.C. 2401(c), and the amount actually appropriated. Consistent with this, the Board of Governors of the Postal Service met on December 23, 1981, and adopted the following Resolution.

In keeping with section 108 of Pub. L. 97-92, which directs the Postal Service to promptly adjust preferred rates so as to recover the difference between the amount which was authorized to be appropriated under section 2401(c) of title 39, United States Code, and the amount appropriated by Pub. L. 97-92, the rates for all preferred rate categories except second-class within-county and fourth-class library rate will be adjusted to the full step 16 (unphased) level of the Schedules contained in Appendix Two of the Governors' Decision of September 29, 1981 (46 FR 51691-92). Second-class within-county rates and fourth-class library rates will be adjusted to the step 13 level of the Schedules. The adjustments shall become effective at 12:01 a.m. on January 10, 1982.

Accordingly, effective at 12:01 a.m. on January 10, 1982, the rates for all preferred-rate categories except second-class within-county and fourth-class library rate are adjusted to the full step 16 (unphased) level of the Schedules

contained in Appendix Two of the Governors' Decision of September 29, 1981 (46 FR 51691–92). Second-class within-county rates and fourth-class library rates are adjusted to the step 13 level of the Schedules contained in Appendix Two of the Governors' Decision of September 29, 1981 (46 FR 51691–92). (39 U.S.C. 401, 403, 404, 2401(c), 3626, 3627).

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

Appendix

[In cents]

Schedule 1	
Second-Class Rates—In-County:	
Per pound	33
Per piece:	
Presorted to carrier route	1.9
Other	2.4
Schedule 2	
Second Class Rates—Publications of Authorized Nonprofit Organizations, Outside County:	
Editorial	8.8
Advertising:	
1 and 2	11.7
3	12.4
4	13.8
5	15.5
6	17.4
7	19.8
8	21.6
Pieces	
A	7.1
B	5.5
C	4.5

Appendix—Continued

[In cents]

Schedule 3	
Second-Class Rates—Classroom Publications:	
Editorial	4.6
Advertising:	
1 and 2	5.6
3	7.2
4	8.5
5	10.4
6	12.5
7	14.8
8	17.0
Piece	3.0
Schedule 4	
Second-Class Rates—Regular Rate Publication Outside County:	
Science of Agriculture	
Advertising to zones 1 and 2	11.7
Limited Circulation	
A	6.0
B	4.4
C	3.9
Schedule 5	
Third-Class Rates—Nonprofit Bulk:	
Per pound [1]	27.0
Minimum per-piece:	
Required presortation	5.0
Presorted to 5-digits	5.0
Presorted to carrier route	4.0
Schedule 6	
Fourth-Class Rates—Library:	
1st pound	32.0
Each additional pound thru 7 pounds	11.0
Each additional pound	7.0

[1] Less the amount of difference between the minimum per-piece rates for required presortation and the appropriate presortation level on a per-piece basis.

[FR Doc. 81-37009 Filed 12-30-81; 8:45 am]

BILLING CODE 7715-12-M

SMALL BUSINESS ADMINISTRATION

[SBLC No. 02/B-0023]

Beneficial Funding Corp.; Issuance of Small Business Lending Company Participation Certificate

On September 8, 1981, a Notice was published in the **Federal Register** (46 FR 44951) stating that an Application has been filed with the Small Business administration pursuant to § 120.4(b) of the Regulations governing Small Business Lending Companies (13 CFR 120.4(b)) by Beneficial Funding Corporation, 1212 Avenue of the Americas, New York, New York 10036, to participate with the SBA as a Small Business Lending Company (SBLC).

Interested parties were given until the close of business on September 23, 1981, to submit their comments on the Applicant and/or its management. Only one comment was received and considered.

Notice is hereby given that after review of the Application and all other pertinent information, SBA issued Small Business Lending Company Participation Agreement No. SBLC No. 02/B-0023 to Beneficial Funding Corporation to operate as an SBLC on this date.

(Catalog of Federal Domestic Programs No. 59.012, Small Business Loans)

Dated: December 17, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-37140 Filed 12-29-81; 8:45 am]

BILLING CODE 8025-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 250
Wednesday, December 30, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Crop Insurance Corporation	1
Federal Deposit Insurance Corporation	2, 3
Securities and Exchange Commission	4

1

FEDERAL CROP INSURANCE CORPORATION

[NOM-82-1]

TIME AND DATE: 8:30 a.m., Monday, January 4–5, 1982.

PLACE: Room 201–W, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Regulations for insuring peanuts.
2. Expansion of soybean insurance.
3. Creation of two Vice President positions.
4. Debt Management policy.

CONTACT PERSON FOR MORE INFORMATION: Peter F. Cole, Secretary, 202–447–3825.

Dated: December 23, 1981.

Federal Crop Insurance Corporation.

Peter F. Cole,

Secretary.

[S–1939–81 Filed 12–28–81; 10:46 am]

BILLING CODE 3410–08–M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, January 4, 1982, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be move to the discussion agenda.

Disposition of minutes of previous meetings.

Applications for Federal deposit insurance:

Bank of Cochise, a proposed new bank, to be located at the southeast corner of Carmichael Avenue and Wilcox Drive, Sierra Vista, Arizona.

Redding Bank of Commerce, a proposed new bank, to be located at the southwest corner of East and Placer Streets, Redding, California.

Application for Federal deposit insurance and for consent to exercise full trust powers:

Union Trust Company, an operating noninsured bank, located at 250 Tanca Street, Old San Juan, Puerto Rico.

Request for an extension of time to establish a branch:

Bank of Clarksville, Clarksville, Tennessee, for an extension of time within which to establish its proposed Hillsdale Branch to be located at 1734 Memorial Drive, Clarksville, Tennessee.

Request for modification of a previously imposed condition of an order issued pursuant to section 18(c) of the Federal Deposit Insurance Act:

American Pacific State Bank, Los Angeles (P.O. Sun Valley), California, in connection with its proposed acquisition of a portion of the assets of and assumption of the liability to pay a portion of the deposits made in the Granada Hills Branch of Manufacturers Bank, Los Angeles, California.

Recommendations regarding he liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,983–L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee

Case No. 45,046–L—The Hamilton Bank and Trust Company, Atlanta, Georgia; and The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee

Memorandum and Resolution re: Final amendments to Part 327 of the Corporation's rules and regulations, entitled "Assessments," which would (1) require insured banks to pay interest on delinquent assessment payments owed to the Corporation if the delinquencies are not caused by the Corporation, and (2) require the Corporation to pay interest on assessment overpayments by insured banks if the overpayments are caused by the Corporation.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director, Division of Liquidation:

Memorandum re: Reports Required Under Delegated Authority Release of Collateral for Fair Market Value

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: December 28, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1941–81 Filed 12–28–81; 3:44 pm]

BILLING CODE 6714–01–M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of agency meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, January 4, 1982, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Application for assistance under section 13(c) of the Federal Deposit Insurance Act:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Requests for relief from adjustment for violations of Regulation Z:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act"(5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalities) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Applications for consent to establish a branch:

The Howard Savings Bank, Newark, New Jersey, for consent to establish a Branch at the northwest corner of Bay Avenue and Hooper Avenue, Dover Township, New Jersey.

Industrial Valley Bank and Trust Company, Jenkintown, Pennsylvania, for consent to establish a branch at 161 West DeKalb Pike, King of Prussia, Pennsylvania.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: December 28, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1942–81 Filed 12–28–81; 3:46pm]

BILLING CODE 6714–01–M

4

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

STATUS: Open meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Thursday, December 17, 1981.

CHANGES IN THE MEETING: Deletion. The following item was not considered at an open meeting scheduled for Wednesday, December 23, 1981, at 9:00 a.m.

Consideration of what response to make to the request of the Senate Governmental Affairs Committee for the Commission's comments on S. 1601, the "Regulatory Mediation Act of 1981." For further information, please contact Ann A. Stansbury at (202) 272–2427.

Chairman Shad and Commissioners Loomis, Evans, Thomas, and Longstreth determined by vote that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Arthur C. Delibert at (202) 272–2467.

December 28, 1981.

[S–1940–81; Filed 12–28–81; 3:43 pm]

BILLING CODE 8010–01–M

federal register

Wednesday
December 30, 1981

Part II

Department of Agriculture

Federal Grain Inspection Service

Official Inspection Services; Designations of Agencies

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Request for Comments on Applicants for Designation in the Areas Currently Assigned to Denver Grain Exchange Association, Inc., Lincoln Inspection Service, Inc., and Omaha Grain Inspection Service, Inc.

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicants for designation as the official agency in the areas currently assigned to the Denver Grain Exchange Association, Inc. (Denver), Lincoln Inspection Service, Inc. (Lincoln), and Omaha Grain Inspection Service, Inc. (Omaha). The three designations terminate effective 12 p.m., April 30, 1982.

DATE: Comments to be postmarked on or before March 1, 1982.

DATES: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Regulations and Directives Management Staff, Federal Grain Inspection Service, U.S. Department of Agriculture, Room 1642, South Building, 1400 Independence Avenue, SW., Washington, DC 20250, telephone (202) 447–9172. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 447–9172.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512–1; therefore the Executive Order and Secretary's Memorandum do not apply to this action.

The October 30, 1981, issue of the **Federal Register** (46 FR 54064) contained a notice from the Federal Grain Inspection Service (FGIS) requesting applications for designation to perform official inspection services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act), in the areas currently assigned to Denver, Lincoln, and Omaha, respectively. Applications were to be postmarked by November 30, 1981.

One applicant requested designation for all of the gegraphic area currently assigned to Denver. That applicant is the Denver Grain Exchange Association, Inc., Commerce City, Colorado. Denver applied for a renewal of designation for an additional 3-year period.

One applicant requested designation for all of the geographic area currently assigned to Lincoln. That applicant is the Lincoln Inspection Service, Inc., Lincoln, Nebraska. Lincoln applied for a renewal of designation for an additional 3-year period.

One applicant requested designation for all of the geographic area currently assigned to Omaha. That applicant is the Omaha Grain Inspection Service, Inc., Omaha, Nebraska. Omaha applied for a renewal of designation for an additional 3-year period.

In accordance with § 800.206(b)(2) of the regulations under the Act, this notice provides interested persons the opportunity to present their views and comments concerning the applicants. All comments must be submitted to the Regulations and Directives Management Staff, specified in the address section of this notice, and postmarked not later than March 1, 1982.

Consideration will be given to all comments filed and to all other information available to the Administrator of FGIS before a final decision is made with respect to this matter. Notice of the final decision is made with respect to this matter. Notice of the final decision will be published in the **Federal Register** and the applicants will be informed of the decision in writing.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: December 15, 1981.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 81-36419 Filed 12-29-81; 8:45 am]

BILLING CODE 3410-EN-M

Termination of Designations of the Sioux City Inspection and Weighing Agency, Inc., and A. V. Tischer and Son, Inc.

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces that the designations of two official agencies will terminate on June 30, 1982, and requests applications from parties interested in being designated as agencies to conduct official inspection services in the geographic areas currently serviced by each of the two present agencies. The two official agencies are the Sioux City Inspection and Weighing Agency, Inc., and A. V. Tischer and Son, Inc.

DATE: Applications to be postmarked on or before January 29, 1982.

ADDRESS: James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 2405 Auditors Building, Washington, DC 20250, telephone (202) 447–8525.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512–1; therefore the Executive Order and Secretary's Memorandum do not apply to this action.

Section 7(f)(1) of the U.S. Grain Standards Act, as amended (7 U.S.C. 71, *et seq.*, at 79(f)(1)) (Act), specifies that the Administrator of the Federal Grain Inspection Service is authorized, upon application by any qualified agency or person, to designate such agency or person to perform official inspection services after a determination is made that the applicant is better able than any other applicant to provide official inspection services in an assigned geographic area.

The Sioux City Inspection and Weighing Agency, Inc. (Sioux City), 310 S. Floyd Boulevard, Room 302, Sioux City, Iowa 51101, was designated as an official agency under the Act for the performance of official grain inspection functions on May 1, 1979. A. V. Tischer and Son, Inc. (Tischer), 137 10th Street, NW., P.O. Box 339, Fort Dodge, Iowa 50501, was designated as an official agency under the Act for the performance of official grain inspection functions on February 1, 1979. The two agencies' designations will terminate on June 30, 1982. This date reflects administrative extensions of official agency designations as discussed in the July 16, 1979, issue of the **Federal Register** (44 FR 41275). Section 7(g)(1) of the Act states generally that designations of official agencies shall terminate no later than triennially and may be renewed in accordance with the criteria and procedures prescribed in the Act.

The geographic area presently assigned to Sioux City in the States of Iowa, Nebraska, and South Dakota pursuant to section 7(f)(2) of the Act and which is the geographic area that may be assigned to the applicant selected for designation is the following:

In Iowa, the area shall be:

Bounded: on the North by the northern Iowa State line from the Big Sioux River east to U.S. Route 59;

Bounded: on the East by U.S. Route 59 south to B24; B24 east to the eastern O'Brien County line; the O'Brien County line south; the northern Buena Vista County line east to U.S. Route 71; U.S. Route 71 south to the southern Sac County line;

Bounded: on the South by the Sac and Ida County lines; the eastern Monona County line south to State Route 37; State Route 37 west to State Route 175; State Route 175 west to the Missouri River; and

Bounded: on the West by the Missouri River north to the Big Sioux River; the Big Sioux River north to the northern Iowa State line.

In Nebraska the area includes Cedar, Dakota, Dixon, and Thurston Counties, and Pierce County north of U.S. Route 20 and west of U.S. Route 81.

In South Dakota the area shall be:

Bounded: on the North by State Route 44 (U.S. 18) east to State Route 11; State Route 11 south to A54B; A54B east to the Big Sioux River;

Bounded: on the East by the Big Sioux River; and

Bounded: on the South and West by the Missouri River.

Also, the following locations which are outside of the foregoing contiguous area, and which are presently assigned to Sioux City and which are part of the geographic area that may be assigned to the applicant selected for designation [illegible]:

1. Charter Oak Grain & Seed and Delanty Grain Company, Charter Oak, Iowa, in Crawford County;

2. Gooch Seed Mill and Ernie's Seed & Field Service, Storm Lake, Iowa, in Buena Vista County; and

3. Farmers Elevator Company and Feeders Mill & Elevator, Inc., Platte, South Dakota, in Charles Mix County.

The geographic area presently assigned to Tischer in the State of Iowa pursuant to Section 7(f)(2) of the Act and which is the geographic area that may be assigned to the applicant selected for designation is the following:

In Iowa, the area shall be:

Bounded: on the North by the Iowa-Minnesota State line from U.S. Route 71 east to U.S. Route 169;

Bounded: on the East by U.S. Route 169 south to State Route 9; State Route 9 west to U.S. Route 169; U.S. Route 169 south to the northern Humboldt County line; the Humboldt County line east to State Route 17; State Route 17 south to C54; C54 east to U.S. Route 69; U.S. Route 69 south to the northern Hamilton County line; the Hamilton County line west to R38; R38 south to U.S. Route 20; U.S. Route 20 west to the eastern and southern Webster County lines to U.S. Route 169; U.S. Route 169 south to E18; E18 west to the eastern Greene County line; the Greene County line south to U.S. Route 30;

Bounded: on the South by U.S. Route 30 west to E53; E53 west to N44; N44 north to U.S. Route 30; U.S. Route 30 west to U.S. Route 71; and

Bounded: on the West by U.S. Route 71 north to the Iowa-Minnesota State line.

Also, the following locations which are outside of the foregoing contiguous area, and which are presently assigned to Tischer and which are part of the geographic area that may be assigned to the applicant selected for designation [illegible]:

1. Cargill, Inc., Algona, Iowa, in Kossuth County;

2. Farmers Coop Elevator, Boxholm, Iowa, in Boone County;

3. Big Six Elevator, Burt, Iowa, in Kossuth County;

4. Farmers Elevator, Goldfield, Iowa, in Wright County; and

5. Farmers Coop Elevator, Holmes, Iowa, in Wright County.

Exceptions to the described geographic area are the following locations situated inside Tischer's area which have been and will continue to be serviced by the following official agencies:

1. Farmers Coop Company, Eagle Grove, Iowa, in Wright County to be serviced by the D. R. Schaal Agency; and

2. Gooch Seed Mill and Ernie's Seed & Field Service, Storm Lake, Iowa, in Buena Vista County to be serviced by Sioux City Inspection and Weighing Agency, Inc.

Interested parties, including Sioux City and Tischer, are hereby given opportunity to apply for designation as the official agency for each respective specified geographic area, as described above, under the provisions of section 7(f) of the Act and § 800.196(b) of the regulations issued thereunder. The designations in each specified geographic area are for the period beginning July 1, 1982, and terminating June 30, 1985. Parties wishing to apply for any of these designations should contact the Chief, Regulatory Branch, Compliance Division, at the address listed above for appropriate forms and information. Applications must be postmarked not later than January 29, 1982 to be eligible for consideration.

In making a determination as to which applicant will be designated to provide official inspection service in the geographic areas, consideration will be given to all applications submitted and all other information available to the Administrator. All applications submitted pursuant to this notice will be available for public inspection at the Regulatory Branch, Compliance Division, during regular business hours.

(Sec. 8, Pub. L. 94-582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: December 15, 1981.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 81-38420 Filed 12-29-81; 8:45 am]

BILLING CODE 3410-EN-M

Renewals of Designation of the California Department of Food and Agriculture and the Washington Department of Agriculture

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the renewals of designation of the California Department of Food and Agriculture (California) and the Washington Department of Agriculture (Washington) as official agencies responsible for providing grain inspection and weighing services under the U.S. Grain Standards Act (7 U.S.C. 71, *et seq.*) (Act).

EFFECTIVE DATE: February 1, 1982.

ADDRESS: James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Depatment of Agriculture, 1400 Independence Avenue, SW., Room 2405 Auditors Building, Washington, DC 20250, telephone (202) 447-8525.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447-8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512-1; therefore the Executive Order and Secretary's Memorandum do not apply to this action.

The August 4, 1981, issue of the **Federal Register** (46 FR 39775) contained a notice from the Federal Grain Inspection Service (FGIS) announcing that the designations of California and Washington were terminating on January 31, 1982, and requesting applications for designation as the agency to provide official inspection and weighing services within each specified assigned area. Applications were to be postmarked by September 3, 1981.

FGIS announced the names of the applicants for designation for each of the two agencies and requested comments on the applicants in the October 1, 1981, issue of the **Federal**

Register (46 FR 48419). Comments were to be postmarked by November 2, 1981.

One favorable comment was received regarding the renewal of designation of California (the only applicant) as the official agency in the area cited in the August 4, 1981, issue of the Federal Register.

After considering all available information in relation to the criteria for designation in section 7(f)(1)(A) of the Act, and in accordance with section 7(f)(1)(B), it has been determined that California is able to provide official services in the geographic area for which its designation is being renewed. This assigned area is the entire geographic area as described in the August 4, 1981, issue of the Federal Register.

No comments were received regarding the renewal of designation of Washington (the only applicant) as the official agency in the area as cited in the August 4, 1981, issue of the Federal Register.

After considering all available information in relation to the criteria for designation in section 7(f)(1)(A) of the Act, and in accordance with section 7(f)(1)(B), it has been determined that Washington is able to provide official services in the geographic area for which its designation is being renewed. This assigned area is the entire geographic area as described in the August 4, 1981, issue of the Federal Register.

Effective February 1, 1982, the responsibility for providing official inspection services in each geographic area as specified above will be assigned to California and Washington, respectively. Designations of each of the two agencies will terminate January 31, 1985.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspection and where the agency or one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the agencies will provide official inspection services not requiring a licensed inspector to all other areas within their geographic area.

Interested persons may obtain a list of the specified service points by contacting the specific agencies at the following addresses:

California Department of Food and Agriculture, 1220 N. Street, Room A–150, Sacramento, CA 95823

Washington Department of Agriculture, 406 General Administration Building, Olympia, WA 98504

Interested persons may also contact the Regulatory Branch at the address listed above to obtain the information concerning specified service points.

(Sec. 8, Sec. 9, Pub. L. 94–582, 90 Stat. 2873, 2875 (7 U.S.C. 79, 79a))

Dated: December 15, 1981.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 81–38118 Filed 12–29–81; 8:45 am]

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Part III

Panama Canal Commission

Revised Shipping and Navigation Rules for the Panama Canal

PANAMA CANAL COMMISSION

35 CFR Ch. I

Revised Shipping and Navigation Rules for the Panama Canal

AGENCY: Panama Canal Commission.

ACTION: Final rule.

SUMMARY: Upon entry into force on October 1, 1979, of the Panama Canal Treaty of 1977, the United States relinquished and Panama assumed plenary jurisdiction over what was the Canal Zone. Under the Panama Canal Act of 1979, the statute implementing the new treaty, the Canal Zone Government was disestablished and the Panama Canal Company was replaced by the Panama Canal Commission, which will operate the waterway until the termination of the treaty of December 31, 1999. This rule contains the regulations of the Commission relating to shipping and navigation in the Panama Canal.

DATE: These rules are effective December 30, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Rhode, Jr., Secretary, Panama Canal Commission, (202) 724–0104, or Mr. Dwight A. McKabney, General Counsel, Panama Canal Commission, Telephone in Balboa Heights, Republic of Panama 52–7511.

SUPPLEMENTARY INFORMATION:

On November 27, 1981, a notice of proposed rulemaking was published in the **Federal Register** (46 FR 57915) setting forth revisions to the shipping and navigation regulations of the Commission. The vast majority of the proposed changes were designed to eliminate references to functions which, as a result of the Panama Canal Treaty of 1977 between the United States and the Republic of Panama and the legislation implementing the terms of that international accord, are no longer the responsibility of the Canal agency. The revised regulations reflect the organization, structure and responsibilities of the Panama Canal Commission. Among the substantive changes, some provisions were added to fill gaps in the former rules, while others were intended to incorporate into formal regulations existing requirements which, to date, have been published in Marine Director's Notices to Shipping. Finally, other changes clarified and simplified the regulations and made the wording of the sections uniform.

Interested parties were given the opportunity to submit comments by December 20, 1981.

A. All comments with respect to the proposed revision were given due consideration. In addition to the correction of typographical errors and language changes for clarification, the following changes in the revised rules are made:

1. Section 101.10(a) is reworded for clarification purposes and to eliminate items (9)—"Report of structural alterations and of changes in use of tanks or other spaces since last transit" and (11)—"Declaration as to vessel's port(s) of departure, destination, and ports of call, within the last three months, with the corresponding actual or approximate dates" among the list of documents that must be ready for delivery to the Commission's boarding officer upon the arrival of a vessel at the Canal.

2. Section 119.10 is revised to indicate that proficiency in English of applicants for licenses will be determined by the Supervisory Language Training Instructor of the Office of Personnel Administration rather than the Marine Bureau Committee as had been stated in the proposed revision.

3. In order to be consistent with § 119.16(c), § 119.17(e) is revised to exempt applicants for renewal of license as engineer from the requirement that they be certified as having normal color sense.

4. Section 103.6(d), which establishes the minimum draft requirements for transiting vessels, is amended in accordance with the suggestion of Bethlehem Steel Corporation to permit some exceptions to the requirements. A new paragraph (4) is added to § 103.6(d) to provide that a vessel whose ballast draft does not meet the minimum draft requirements established by the section may obtain permission to transit at the discretion of the Canal authorities on a regular basis or on a one-time basis. Such permission to transit may be granted after the operator of the vessel has submitted certain information, specified in the regulation, that relates to the vessel's suitability for transit. When a single transit is authorized, the Canal authorities may impose any special conditions that may be required for reasons of safety or continuance of regular Canal operations. Consequently, the words "having a draft of less than the minimum authorized draft provided in paragraph (d) of this section or one * * *" are deleted from the proposed revision of § 103.6(h), to delete the proposed provision which would have allowed vessels whose ballast draft do not meet the minimum requirements to transit only on a one-time basis.

B. Certain other recommendations have been carefully considered but have not been accepted. The following suggestions were not adopted for the reasons assigned:

1. It has been recommended that § 101.13, which authorizes the Marine Director to deny entry to a vessel for failure to comply with Panama Canal regulations, be revised to delimit that authorization for fear that it could be used at some future time to justify the exclusion of vessels under certain flags from the Canal for political or other reasons. This concern is not deemed valid inasmuch as the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal signed by the United States and the Republic of Panama on September 7, 1977 provides that the waterway shall remain permanently neutral and open to peaceful transit by the vessels of all nations on terms of entire equality and precludes any discrimination against any nation or its citizens or subjects in the application of rules and regulations governing navigation through the Panama Canal.

2. The authority extended to the Chief, Navigation Division or his designee by § 109.6 for determining if vessels arriving for transit are properly equipped and for approving new construction requirements for vessels utilizing the Panama Canal is deemed necessary for reasons of safety in view of the peculiar characteristics of this waterway. Therefore, while the requirements of the International Convention for Safety of Life at Sea or other international agreements currently in force are taken into account in determining whether a vessel is acceptable for transit of the Canal, the Commission reserves the right to impose a more rigid standard if that is necessary for safety reasons.

3. The recommendation that § 113.1 be amended to state specifically that vessels meeting the hazardous cargo requirements of the Intergovernmental Maritime Consultative Organization (IMCO) shall be considered as meeting the Panama Canal requirements, is rejected. Although no specific mention of IMCO is made in § 113.1(a), it provides that definitions and classification of dangerous cargoes established by international regulatory authorities, which would include IMCO, are acceptable to the Canal authorities. Furthermore, § 113.22 provides that a vessel that is in compliance with the regulations of the United States or of other national or international regulatory authorities meeting IMCO standards, provided the vessel is acceptable for entering waters over which the U.S. Coast Guard has jurisdiction, will be acceptable for

transit of the Panama Canal. In view of the foregoing provisions, we think it is unnecessary to mention IMCO specifically in § 113.1.

4. A recommendation that the regulations provide for the suspension and revocation of licenses of marine personnel is rejected. We note that, under existing regulations (§ 119.4(e)), the revocation and suspension of license provisions are not applicable to marine personnel employed by the Commission. Inasmuch as, under the revised regulations, marine licenses will be issued only to Commission personnel, and employees of other U.S. Government agencies operating in the Canal, the deletion of the licensing revocation and suspension provisions, does not represent a change in the policy of the agency.

5. It was mistakenly suggested that the revised regulations deleted the vision and color sight test requirement for original license issuance. Such a requirement, however, is included in § 119.12(a).

6. It was erroneously suggested that the revised regulations deleted the requirement for examination of candidates for pilot's license. While the list of subjects to be tested upon examination provided by § 119.142 is being deleted, the requirement that candidates pass written and practical examinations is contained in the revised §119.14.

7. It has been recommended that the definition of an "integrated tug-barge combination" provided in § 103.6(a)(5) be revised to agree with 33 CFR 157.03(ee) and with the "Navigation and Vessel Inspection Circular No. 2–81." This recommendation is rejected on the grounds that the definition provided in § 103.6(a)(5), although somewhat simplistic and not containing the concept of a rigid mechanical connection, is certainly adequate and probably less susceptible of misinterpretation.

8. It has been suggested that, in order to be consistent throughout the regulations in the use of the word "length", the table of minimum drafts provided in § 103.6(d)(1) be revised to state "maximum length" as is stated in § 103.6(e). This recommendation is rejected as unnecessary.

9. It has been recommended that the regulations use metric measurements throughout. The change is not warranted at this time and the recommendation is rejected. It will, however, be given further consideration in future revisions of 35 CFR.

Accordingly, Subchapter C of Chapter I of title 35, Code of Federal Regulations is revised as set forth below.

OMB Clearance: In accordance with the Paperwork Reduction Act of 1980, (44 U.S.C. 3507), the reporting or recordkeeping provisions that are included in this final rule have been approved by the Office of Management and Budget (OMB). The control number is 3207–0001.

D. P. McAuliffe,
Administrator.

1. Part 101 heading is revised as follows:

PART 101—ARRIVING AND DEPARTING VESSELS: VARIOUS COMMUNICATION, DOCUMENTATION, SANITATION AND ADMEASUREMENT REQUIREMENTS

2. Part 101 Table of contents is revised as follows:

Sec.
101.1 Signal stations at the Canal entrances.
101.2 Boarding of arriving vessels.
101.3 Definition and functions of the boarding officer.
101.4 Measurement of vessel making maiden transit.
101.8 Merchant vessel and small craft anchorages.
101.9 Papers required by boarding officer.
101.10 Same; list.
101.13 Entry and departure of vessels.
101.14 Panama Canal waters; definition.

3. Authority citation is revised as follows:

Authority: Issued under authority vested in the President by sec. 1801, Pub. L. 96–70, 93 Stat. 492; EO 12215, 45 FR 36043.

4. Section 101.1 is revised as follows:

§ 101.1 Signal stations at the Canal entrances.

The Panama Canal Commission maintains established signal stations at both the Atlantic and Pacific entrances of the Canal. A vessel arriving at the Canal must communicate with the signal station which is located at the entrance of the Canal at which that vessel arrives. Vessels required to be equipped with a radiotelephone pursuant to Part 123 of this subchapter must, upon arrival, communicate with the appropriate signal station on Channel 12, 156.000 MHz. All other vessels may use International Code and flashing light. Such stations are also utilized to assist in control of traffic within Panama Canal waters.

5. The cross reference which follows § 101.1 is revised as follows:

Cross Reference: See Part 123 for provisions respecting radio communication by vessels prior to arrival and while they are in Panama Canal waters.

6. Section 101.2 is revised as follows:

§ 101.2 Boarding of arriving vessels.

(a) Unless otherwise directed, all arriving vessels will anchor in designated anchorages to await boarding officers. No person other than boarding officers of the Panama Canal Commission and the Republic of Panama may go on board or leave any vessel until such vessel has been entered by the Commission and, where applicable, by the Republic of Panama.

(b) Arriving vessels that are subject to inspection for compliance with Panama Canal shipping and navigation regulations will be boarded upon arrival. The boarding will occur inside the breakwater at the Atlantic entrance of the Canal or off the seaward end of the dredged, marked channel at the Pacific entrance. It will be performed by a Commission boarding officer in accordance with the procedures established under this Part. When such vessels are not boarded immediately upon arrival, they shall anchor in a designated anchorage area and await the boarding officer.

(c) Admeasurement functions shall be performed on arriving vessels either while at anchor or during transit.

7. Section 101.3 is revised as follows:

§ 101.3 Definitions and functions of the boarding officer.

(a) Boarding officer means any official or employee of the Panama Canal Commission who is duly assigned the functions of a boarding officer, including admeasurement and sanitation.

(b) The Commission boarding officer shall perform the functions of admeasurer for the purpose of determining Panama Canal tolls and shall make inspection for the purpose of insuring compliance with Panama Canal shipping, navigation and sanitation regulations.

§ 101.5 [Removed]

8. Section 101.5 is removed.

§ 101.6 [Removed]

9. Section 101.6 is removed.

§ 101.7 [Removed]

10. Section 101.7 is removed.

11. Section 101.8(e) is revised as follows:

§ 101.8 Merchant vessel and small craft anchorages.

* * * * *

(e) If there are any discrepancies between the designated anchorage areas as described in this section and the anchorage areas as described in paragraph 4 of Annex A of the Agreement in Implementation of Article

III of the Panama Canal Treaty of 1977 and the attachments thereto, the description in the treaty documents shall govern.

12. Section 101.9 is revised as follows:

§ 101.9 Papers required by boarding officer.

On arrival, there shall be ready for immediate inspection or delivery, as the case may be, to the boarding officer the required number of copies of papers concerning tonnage of vessel, cargo, and such other matters upon which information is necessary, as are prescribed by § 101.10. The required manifests, lists and statements shall be sworn to by the Master or agent of the vessel. Vessels will not be permitted to transit until properly cleared by the boarding officer. Failure to present the required papers to boarding officers could result in loss of the vessel's relative position in the movement schedule and delay in granting the necessary permission to depart.

13. Section 101.10 is revised as follows:

§ 101.10 Same; list.

(a) *Documents for Commission boarding officer.* All documents listed below shall be ready for immediate delivery to the boarding officer when he boards the vessel upon each arrival of the vessel at the Canal.

Documents required and number of sets

(1) Ship's information (Panama Canal Form 4398)—1

(2) Clearance from last port—1 [1]

(3) All certificates of a sanitary nature—1 [1]

(4) Stores list—1

(5) Cargo declaration (Panama Canal Form 4363)—1 [2]

(6) Panama Canal tonnage certificate—1

(7) National Register—1 [1]

(8) General arrangement and engine room plans—1 [3]

(9) Declaration of all arms and munitions of war aboard other than explosives declared separately—2 [3, 4]

(10) Crew list (Panama Canal Form 1509)—2

(11) Passenger lists, transiting and landing (Panama Canal Forms 18 and 20)—2

(b) *Crew list.* For purposes of additional identification of crew members, all copies of the crew list required by this section shall include for each seaman the serial number of his certificate of identification, continuous discharge book, passport or other satisfactory identifying documentation. In addition, the given name and middle initial, as well as the family name, shall be shown for all seamen.

(c) *Passenger list.* All copies of the passenger list required by this section shall be accurate and legible and shall be delivered to the boarding officer. The list shall show passengers in alphabetical order.

(Control number 3207–0001)

§ 101.11 [Removed]

14. Section 101.11 is removed.

15. Section 101.13 is revised as follows:

§ 101.13 Entry and departure of vessels.

(a) An arriving vessel shall be entered at either the Pacific or Atlantic entrance. A vessel is entered by the Canal Commission authorities upon the report of the boarding officer and it is not necessary for the Master to come ashore for that purpose. At the discretion of the Marine Director, a vessel may be denied entry for failure to comply with Panama Canal regulations. In certain cases vessels may be provisionally entered. When provisional entry is granted, vessels may remain in Canal waters only under the conditions set forth in the provisional entry. Permission to enter port waters will be given by the Republic of Panama.

(b) Any vessel that has entered or has provisionally entered the Canal shall, prior to its departure therefrom, obtain permission from the Chief, Navigation Division or his designee. Permission to depart shall be issued only after the Chief, Navigation Division has satisfied himself that:

(1) All documents and statistical data required for entry or provisional entry by the Canal authorities respecting the vessel and its cargo have been furnished; and

(2) Tolls and other charges for services or supplies furnished by the Panama Canal Commission have been paid or the payment secured.

16. Section 101.14 is added as follows:

§ 101.14 Panama Canal waters; definition.

As used in this Subchapter, the term "Panama Canal waters" or "Canal waters" refers to all waters lying within the Canal operating area described in Annex A of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977 between the United States of America and the Republic of Panama and depicted in attachments thereto.

Part 103 is amended as follows:

PART 103—GENERAL PROVISIONS GOVERNING VESSELS

17. Part 103 Table of Contents is revised as follows:

Sec.

103.1 Regulations to be kept aboard.
103.2 Denial of passage to dangerous vessel.
103.3 Discovery of defect in vessel during transit or while underway.
103.4 Load and trim.
103.5 Deck load.
103.6 Size and draft limitations of vessels.
103.7 Temporary holding of vessels.
103.8 Order of transiting of vessels.
103.9 Passenger steamers given preference in transiting.
103.10 Vessels required to be equipped with certain indicators.
103.11 Vessels without mechanical signal system to engine room subject to delay in transiting.
103.12 Discharge of firearms.
103.13 Firing of salutes.
103.14 Colors and house flags.
103.15 Boarding vessels at anchor or underway.
103.16 Meals to be furnished by vessel in certain cases.
103.17 Boat for handling lines.
103.18 Pilot ladders, hoists and side ports.
103.19 Requirements for pilot platforms.
103.20 Disabling of engines.
103.21 Precautions against emission of sparks, smoke or noxious gases.
103.25 Fishing or placing of nets or other obstructions prohibited.
103.26 Obstructions not to be placed across channels or anchorages.
103.27 Clear view forward from the bridge and steering light requirement for certain vessels.
103.28 Towing of certain vessels required.
103.29 Anchoring in Panama Canal waters.
103.30 Requirements for all dead tows.
103.32 Engine orders to be recorded.
103.33 Navigation in Gaillard Cut.
103.34 Same; Control by Chief, Navigation division.
103.39 Arrow signals; locks.
103.40 Transit schedules; pennants.
103.41 Ships to display schedule number.
103.42 Maneuvering characteristics; data required.

18. Authority citation is revised as follows:

Authority: Issued under authority vested in the President by sec. 1801, Pub. L. 96–70, 93 Stat. 492; EO 12215, FR 36043.

19. Section 103.3 is revised as follows:

§ 103.3 Discovery of defect in vessel during transit or while underway.

Upon the discovery during transit of the Canal, or at any time while underway, of any defect in a vessel of such serious nature that it might interfere with further passage or with

---

[1] For examination and possible retention.

[2] Not required of vessels of war or auxiliary vessels as those terms are defined in the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal (September 7, 1977).

[3] Not required unless ship transits Canal.

[4] Not required unless such cargo is carried.

her safe navigation, the vessel shall stop and, if practicable, be anchored or moored at the first available place. A full report shall be made immediately to the Chief, Navigation Division or his designee by radio or by the best means available.

20. Section 103.4(b) and (c) are revised as follows:

§ 103.4 Load and Trim.

* * * * *

(b) A vessel having a list of between 3 degrees and 10 degrees, or which is so loaded or so trimmed as to adversely affect her manuverability, may be permitted to transit at the discretion of the Chief, Navigation Division or his designee. If such vessel is allowed to transit, however, it may do so only at its own risk and, to the extent and in the proportion that such failure to meet the requirements of this section proximately causes or contributes to a casualty and resulting damages, the Master of such vessel on behalf of said vessel, her owners, operators, or any other persons having any interest in her, and for himself, will be considered to have released the Panama Canal Commission and the United States from, and to have indemnified them against, any loss, damage, or liability incurred by the Commission, or the United States under or in respect to:

(1) Sections 1411 through 1416, inclusive, of Pub. L. 96–70, 93 Stat. 485–487.

(2) Property of the Panama Canal Commission or the United States; and

(3) Panama Canal Commission employees under the Federal Employees' Compensation Act, 5 U.S.C. 8101, *et seq.*, or any other employee compensation system.

The Master of the vessel that fails to meet the requirements of this section may be required to execute, in the presence of a Commission official, a form undertaking to release the Panama Canal Commission and the United States from liability in case of an accident and to indemnify the Commission and the United States for any damages sustained. The failure of the Master of a vessel to sign such a form, however, will not relieve the vessel, her owners, or any other person having an interest in her from liability incurred as a result of the vessel's failure to meet the requirements of this section.

(c) Nothing shall be done, or permitted to be done, by the Master or any member of the crew, which would alter the trim or draft of a vessel while it is transiting the Canal, without the prior, express approval of the pilot.

21. Section 103.5 is revised as follows:

§103.5 Deck load.

(a) A vessel carrying a deck load shall have it so stowed as to be sufficiently clear to provide safe working space around all chocks, bitts, and other gear used in transiting and so arranged as to not obstruct any direct lead from chocks to bitts.

(b) Vessels may transit with deck cargo protruding over one side not to exceed 15.0 feet if the maximum beam, including protrusions, does not exceed 85.0 feet. Pursuant to section 1411 of Pub. L. 96–70, 93 Stat. 485, however, the Commission may not consider any claim for damages on account of any injury to such cargo which might be sustained while the vessel is passing through the locks of the Canal.

22. Section 103.6 is revised as follows:

§ 103.6 Size and draft limitations of vessels.

(a) *Definitions as used in this section:*

(1) "TFW" means Tropical Fresh Water of Gatun Lake, density .9954 gms/cc at 85°F. (Transition to fresh water frequently alters the trim of large vessels 3" to 4" by the head.)

(2) "Published TFW maximum draft" means the deepest point of immersion in Gatun Lake waters as promulgated by the Marine Director, taking into account the water level of Gatun Lake and other limitations deemed necessary because of restrictions in the Canal.

(3) "Maximum authorized transit draft" means the deepest point of immersion in TFW of a particular vessel authorized at anytime, Gatun Lake level and Canal restrictions permitting.

(4) "Commercial vessel" means a self-propelled vessel, other than a naval, military or other public vessel.

(5) "Integrated tug-barge combination" means a barge that is specifically configured to receive a tugboat and with the tug, becomes, in effect, a single self-propelled unit.

(6) "Non-self-propelled vessel" means a vessel which either does not have an installed means of propulsion, or has an installed means of propulsion which is not functioning during transit.

(7) "Barge" means a flat-bottomed vessel of full body and heavy construction without installed means of propulsion.

(b) Maximum authorized transit draft of vessels with draft in excess of 35 feet, six inches.

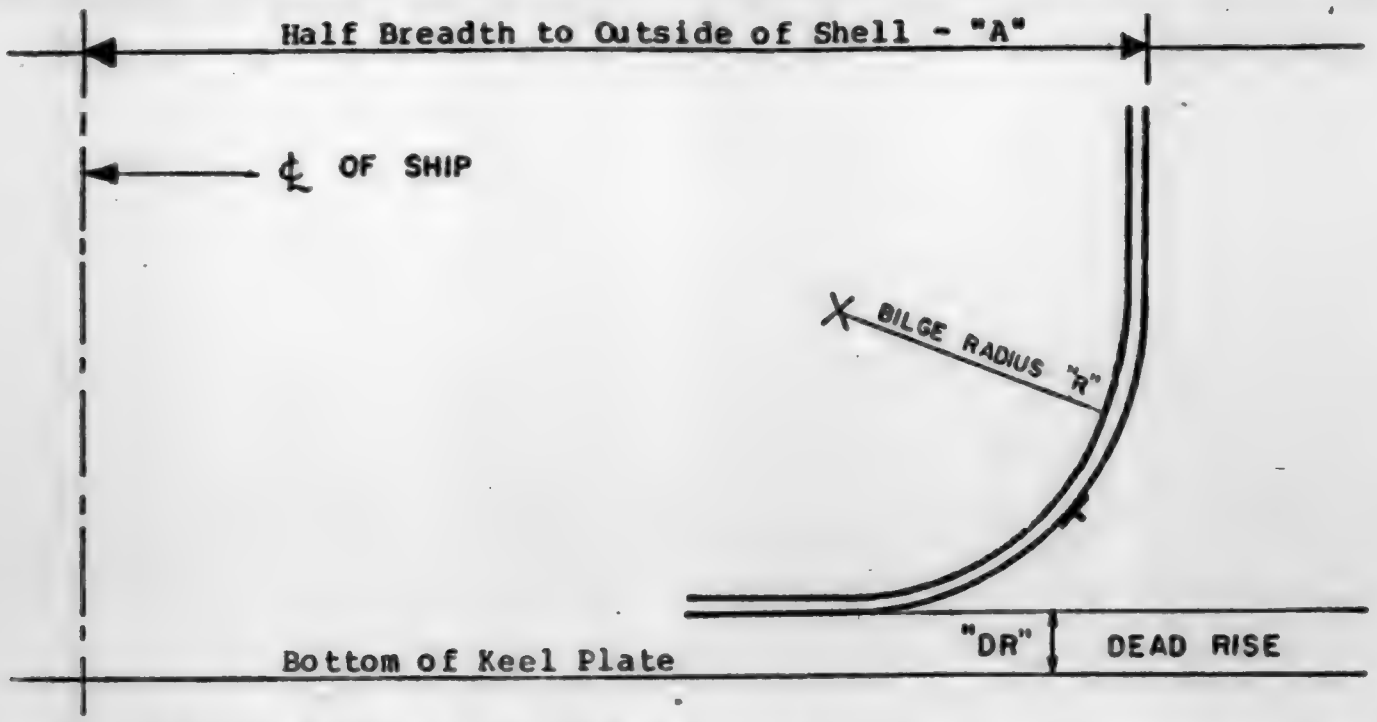
(1) Prior to the initial transit of a vessel whose transit draft will exceed 35 feet, six inches, owners, operators, or agents must supply in full the information required in subparagraph (b)(2) of this section and request the maximum authorized transit draft for the vessel (deepest point of immersion TFW) from the Chief, Navigation Division or his designee, no later than two weeks prior to loading of the vessel. This request will be returned with the approved maximum authorized transit draft stamped thereon.

(2) The information required by subparagraph (b)(1) of this section shall be submitted in the following format:

Information Needed Prior to Initial Transit Through the Panama Canal

Bilge Information

Name of vessel ———— Date ———
Authorized Tropical Fresh Water Load Line ———
Admeasurer ———— Certified as Correct ———
[Master-Owners—Agents]
(1) "A"—Half breadth of vessel to the outside of shell ————
(2) "R"—Radius of turn of bilge (Feet & Inches) ————
(3) "DR"—Dead rise at side of vessel (Inches) ————



Note.—On an off-center lockage with the vessel touching the lock wall, the turn of the bilge will clear the lock-wall batters at the most critical point as shown in the Table of Limiting Drafts, subparagraph (d)(3) of this section.

(c) *Draft during initial transit.* The initial transit is permitted at the maximum authorized transit draft. After the initial transit, unless the vessel's agent or owner is notified of any restrictions imposed by Canal authorities, this maximum authorized transit draft will remain in effect.

(d) *Minimum transit drafts, measured in salt water.*

(1) All vessels transiting the Canal must have sufficient ballast to permit safe handling during transit. The following are minimum salt water drafts (TSW) for ships anticipating transit:

Length	Minimum drafts
Up to 425'	Trimmed so pilot can see the ranges over the forecastle from center of navigation bridge.
Over 425' but not more than 475.0'.	8' forward, 14' aft, TSW.
Over 475' but not more than [illegible]5.0'.	18' forward, 20' aft, TSW.
Over 525' but not more than 580.0'.	20' forward, 22' aft, TSW.
Over 580' but not more than 625.0'.	22' forward, 24' aft, TSW.
Over 625'	24' forward, 20' aft, TSW.

(2) The vessel's drag must not adversely affect maneuverability.

(3) The following table provides the limiting drafts due to bilge radius:

TABLE OF LIMITING DRAFTS DUE TO BILGE RADIUS CONTACTING CHAMBER BATTERS

[Allows for 6-inch thick rubber fenders on lock walls at [illegible] locations]

	Radius of turn of bilge (feet)				
	1'	2'	3'	4'	5'
0"	36'8"	36'6"	37'4"	38'2"	39'0"
1"	36'9"	36'7"	37'5"	38'3"	39'1"
2"	36'10"	36'8"	37'6"	38'4"	39'2"
3"	35'10"	36'8"	37'6"	38'5"	39'3"
4"	35'11"	36'9"	37'7"	38'5"	39'3"
5"	36'0"	36'10"	37'8"	38'6"	39'4"
6"	36'1"	36'11"	37'9"	38'7"	39'5"
7"	36'2"	37'0"	37'10"	38'8"	39'6"
8"	36'3"	37'1"	37'11"	38'10"	
9"	36'3"	37'1"	38'0"	38'10"	
10"	36'4"	37'2"	38'0"	38'10"	
11"	36'5"	37'3"	38'1"	38'11"	

Example: To find draft of ship having a radius-of-turn-of-bilge of 4'4" read across top of table to column headed 4' thence down column opposite 4 inches—Read 38'5".

Note: *Dead Rise* not included in above tabulations and must be added to above readings.

(4) A vessel whose ballast draft does not meet the minimum draft requirements established by this section may be accepted for transit on a regular basis, provided the vessel operator requests permission and submits the following information to the Marine Bureau of the Panama Canal Commission: (i) principal dimensions of the vessel; (ii) deepest attainable minimum draft (fore and aft); (iii) limitations on visibility fore and aft from the navigation bridge; (iv) necessary excerpts from the vessel's plans, drawings and maneuvering data that relate to the vessel's suitability for transit.

(5) The vessel will be inspected by the Canal authorities upon its first visit after such a request is made. If the vessel is acceptable for transit at less than the prescribed minimum draft, the operator will be notified that transit on a regular basis is authorized provided the vessel meets the special minimum draft that is specified in the notice.

(6) If the vessel is found not to be acceptable for transit on a regular basis, a single transit may be authorized, at the discretion of the Canal authorities, subject to the imposition of any special conditions that may be required for reasons of safety or continuance of regular Canal operations.

(e) *Maximum length.*

(1) The maximum length overall, including bulbous bow, for a commercial vessel acceptable for regular transit is 900.0 feet, except passenger and container ships which may be 950.0 feet in overall length.

(2) The maximum length for integrated tug-barge combination acceptable for regular transit is 900.0 feet overall, including the tug. A tug-barge combination must transit together as one unit, with the tug supplying the propelling power.

(3) The maximum aggregate overall length for non-self-propelled vessels acceptable for transit is 850.0 feet, including accompanying tugs. Accompanying tugs must lock through with the non-self-propelled vessel.

(f) *Maximum beam.*

(1) The maximum extreme beam for a commercial vessel and the integrated tug-barge combination acceptable for regular transit is 106.0 feet.

(2) In the discretion of the Chief, Navigation Division or his designee, commercial vessels, including integrated tug-barge combinations, having an extreme beam of between 106.0 and 107.0 feet may be permitted to transit on a one-time basis only if the deepest point of immersion does not exceed 37.0 feet TFW.

(3) The maximum extreme beam for non-self-propelled vessels (other than integrated tug-barge combinations) acceptable for transit is 100.0 feet.

(g) *Previous approvals and one-time transits.* Vessels approved for regular transit prior to December 20, 1976 whose maximum length or beam slightly exceed the limits set forth in paragraphs (e) and (f) may continue to transit on a regular basis. After that date, approval will not be given for transit of other commercial vessels whose extreme beam exceeds 106.0 feet by any amount, except for vessels transiting on a one-time delivery basis.

(h) *Release from liability.* If a vessel having a beam in excess of 106.0 feet is permitted to transit on a one-time basis, such vessel may do so only at its own risk and, to the extent and in proportion that such failure to meet the requirements of this section proximately causes or contributes to a casualty and resulting damages, the Master of such vessel, on behalf of said vessel, her owners, operators, or any other person having an interest in her, and for himself, will be considerd to have released the Panama Canal Commission and the United States from, and to have indemnified them against, any loss, damage or liability incurred by the Panama Canal Commission or the United States under, or in respect to:

(1) Sections 1411 through 1416, inclusive, of Pub. L. 96–70, 93 Stat. 485–87;

(2) Property of the Panama Canal Commission or the United States; and

(3) Panama Canal Commission employees under the Federal Employees' Compensation Act 5 U.S.C. 8101, *et seq.*, or any other employee compensation system.

The Master of the vessel that fails to meet the requirements of this section may be required to execute, in the presence of a Commission official, a form undertaking to release the Panama Canal Commission and the United States from liability in case of an accident and to indemnify the Commission and the United States for any damages sustained. The failure of the Master of a vessel to sign such a form, however, will not relieve the vessel, her owners, or any other person having an interest in her from liability incurred as a result of the vessel's failure to meet the requirements of this section.

(i) *Denial of transit.* A vessel shall not be permitted to transit the Canal under the following circumstances:

(1) When the vessel's maximum point of immersion exceeds its maximum authorized draft;

(2) when the vessel's maximum point of immersion exceeds the published TWF maximum draft then in effect;

(3) when the length overall, including bulbous bow, exceeds that stated in paragraph (e) of this section, unless the vessel was approved for regular transit prior to March 16, 1961; or

(4) when the extreme beam exceeds that stated in paragraph (f) of this section by any amount, unless the vessel was approved for regular transit prior to March 10, 1961.

(j) *General.*

(1) Vessels of 100.0 feet beam and over whose list, trim or handling characteristics are such as to endanger themselves, Panama Canal appurtenances or a third party, may have such further limitations placed on them as Canal authorities deem necessary to insure reasonable safety.

(2) The draft of non-self-propelled barges of 550.0 feet or more in length may be limited when, in the opinion of Canal authorities, such a limit is necessary to insure reasonable safety.

(3) Non-self-propelled vessels, other than integrated tug-barge combinations, will be accepted only on an individual basis; advance permission for initial transit as a non-self-propelled vessel is required. Displacement of these vessels is limited to 35,000 tons and the draft requirements of paragraph (d) of this section are applicable. Riding crews must be provided in sufficient numbers, as required by the Chief, Navigation Division, to safely handle towboat lines and boarding ladders, and to assist in mooring.

(4) The numerous constraints affecting the transit schedules of vessels and tows make it important that information provided in advance of the initial transit of a vessel include a capacity plan, general arrangement plans, engine room plans, and whenever possible, a photostatic copy of national register, load line certificate and Panama Canal tonnage certificate. This advance information will minimize the time spent aboard the vessel by Panama Canal officials before commencement of the initial transit.

23. Section 103.7 is revised as follows:

§ 103.7 Temporary holding of vessels.

The Canal authorities may hold a vessel for the purpose of investigating a marine accident under Parts 115 or 117 of this chapter. A vessel may also be held until, in the opinion of the Canal authorities, its tenderness, trim, list, cargo, hull, machinery, and equipment have been put into such condition as will make the vessel reasonably safe for her passage through the Canal. No claim for damages shall be allowed or considered because of any such temporary holding of vessels.

24. Section 103.10(e) is revised as follows:

§ 103.10 Vessels required to be equipped with certain indicators.

* * * * *

(e) Any vessel which fails to meet the requirements of this section may be denied transit. If the Canal authorities decide that a vessel can be handled without undue danger to equipment or to personnel, notwithstanding her failure to comply with other requirements of this section, and permit her to transit, such vessel may do so only at its own risk and, to the extent and in the proportion that such failure to meet the requirements of this section proximately causes or contributes to a casualty and resulting damages, the Master of such vessel, on behalf of said vessel, her owners, operators or any other persons having any interest in her, and for himself, will be considered to have released the Panama Canal Commission and the United States from, and to have indemnified them against, any loss, damage or liability incurred by Panama Canal Commission or the United States under, or in respect to:

(1) Sections 1411 through 1416, inclusive, of Pub. L. 96–70, 93 Stat. 485–87;

(2) Property of the Panama Canal Commission or the United States; and

(3) Panama Canal Commission employees under the Federal Employees' Compensation Act, 5 U.S.C. 8101, *et seq.*, or any other employee compensation system.

The Master of the vessel that fails to meet the requirements of this section may be required to execute, in the presence of a Commission official, a form undertaking to release the Panama Canal Commission and the United States from liability in case of an accident and to indemnify the Commission and the United States for damages sustained. The failure of the Master of a vessel to sign such a form, however, will not relieve the vessel, her owners, or any other person having an interest in her from liability incurred as a result of vessel's failure to meet the requirements of this section.

25. Section 103.12 is revised as follows:

§ 103.12 Discharge of firearms.

No firearms of any kind may be discharged from vessels while in Canal waters, except that authorized salutes by vessels of war will be permitted by prior arrangement with Canal authorities.

26. Section 103.13 is revised as follows:

§ 103.13 Firing of salutes.

Vessels of war may not fire salutes while at a Commission dock, in the locks, or in Gaillard Cut.

27. Section 103.14 is revised as follows:

§ 103.14 Colors and house flags.

During daylight, vessels in Canal waters shall display their colors and house flags.

28. Section 103.15 is revised as follows:

§ 103.15 Boarding vessels at anchor or underway.

Except for members of the Canal boarding party, pilots, Republic of Panama boarding officials, and agents, in the performance of their official duties, and such other persons as may be authorized by Canal authorities, no person, with or without the consent of the Master, may board a vessel at anchor or underway in the Canal waters.

29. Section 103.16 is revised as follows:

§ 103.16 Meals to be furnished by vessel in certain cases.

Vessels shall furnish meals to Panama Canal pilots without charge during the ship's regular meal hours and shall furnish a meal to the pilot between 2200 hours and 0400 hours if the vessel is transiting the Canal during such hours. In addition, vessels shall provide meals without charge during the ship's regular meal hours to any other Panama Canal Commission personnel, other than linehandlers, whose assignment will require them to be aboard the vessel for four or more hours. If a vessel is unable to furnish such meals, they may be furnished by the Panama Canal Commission at the expense of the vessel.

30. Section 103.18 is revised as follows:

§ 103.18 Pilot ladders, hoists and side ports.

(a) A vessel shall, weather permitting, have both an accommodation ladder and a pilot ladder rigged and ready for use upon arrival in Canal waters.

(b) The pilot ladder shall be constructed and rigged in accordance with Regulation 17, Chapter V, International Convention for Safety of Life at Sea, 1974, TIAS 9700, except that:

(c) When the distance from the water line to the point of access of the vessel exceeds nine meters or 30 feet, a combination pilot ladder and short brow accommodation ladder must be provided for boarding purposes.

(d) A mechanical pilot hoist may be used for boarding officials and pilots only at their discretion, and provided that the design and construction of the hoist and ancillary equipment are in accordance with Regulation 17, Chapter V, International Convention for Safety of Life at Sea, 1974.

(e) When a mechanical pilot hoist is used, a ring buoy fitted with a lifeline and self-igniting light shall be available and ready for immediate use. The pilot ladder required by § 103.18(a) shall be in close proximity to the pilot hoist, ready for immediate use but lashed up so as not to interfere with the pilot hoist.

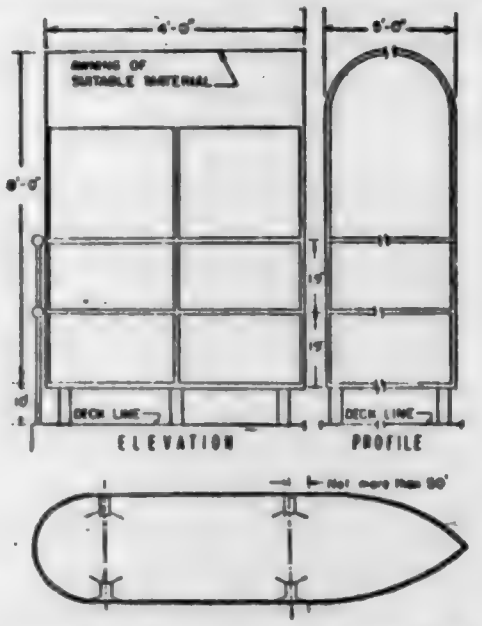
(f) When the side ports are used for boarding, the minimum vertical distance between the waterline and the bottom of the side port at any draft shall be six feet.

31. Section 103.19 is revised as follows:

§ 103.19 Requirements for pilot platforms.

(a) Any vessel that, in accordance with Panama Canal operation standards, is required to have four pilots aboard, shall provide suitable pilot platforms for the assisting pilots. The purpose for the pilot platforms is to provide shelters from sun and rain for pilots working near the bow or the stern of a vessel and to provide adequate visibility around the Locks in order to reduce the danger of damage.

(b) The following is a sketch of a simplified pilot platform which is acceptable to the Panama Canal Commission:



(c) Each platform is to be erected over the furthest forward point of the extreme beam at the waterline and not more than six inches from the vertical plane of shell plating. For vessels of unorthodox design requiring aft platforms, they shall be erected at a position which is approximately over the aftermost point of extreme beam at the waterline and not more than six inches inboard from the vertical plane of shell plating.

(d) The awning indicated in the sketch in paragraph (b) of this section is to be made of suitable material to provide shelter from sun and rain. The deck of the pilot's platform is to be made of wood or other material with non-skid surface.

32. Section 103.20 is revised as follows:

§ 103.20 Disabling of engines.

Except when specifically authorized by the Canal authorities, no vessel at any dock or mooring within Canal waters shall have its engines disabled or otherwise rendered inoperative.

33. Section 103.21 is revised as follows:

§ 103.21 Precautions against emission of sparks, smoke or noxious gases.

Vessels in Canal waters shall take all necessary precautions to avoid the issuance of sparks, excessive smoke, or noxious gases.

§ 103.22 [Removed]

34. Section 103.22 is removed.

§ 103.23 [Removed]

35. Section 103.23 is removed.

§ 103.24 [Removed]

36. Section 103.24 is removed.

37. Section 103.25 is revised as follows:

§ 103.25 Fishing or placing of nets or other obstructions prohibited.

No fishing nets or other obstructions shall be placed in any of the navigable waters of the Panama Canal. Fishing boats shall not anchor for the purpose of fishing nor haul nets or trawls in the anchorages or navigable channels of the Canal. Fishing from small craft in the anchorages or navigable channels of the Canal is prohibited.

38. Section 103.26 is revised as follows:

§ 103.26 Obstructions not to be placed across channels or anchorages.

No line, pipe, or other obstruction shall be passed across any channel or anchorage so as to obstruct the passage of vessels.

39. Section 103.27 (a), (b), (c) and (e) are revised as follows:

§ 103.27 Clear view forward from the bridge and steering light requirement for certain vessels.

(a) A vessel may not be navigated in Canal waters unless there is a clear, unobstructed view from the bridge.

(b) Vessels having a distance from the bridge to the stern of 250 feet or more shall have installed, at or near the stem, a steering range equipped with a fixed blue light which shall be clearly visible from the bridge along the centerline. If said range and light so placed would be partially or completely obstructed, then two such ranges and lights must be installed at an equal distance from the centerline and shall be clearly visible from the bridge along lines parallel to the keel.

(c) Naval or military vessels exempted from the requirements of Part 111 of this chapter shall also be exempt from the requirements of paragraphs (b), (d), and (e) of this section.

* * * * *

(e) The use of this steering light shall be at the discretion of the Panama Canal pilot who has control of the navigation and movement of the vessel.

40. Section 103.28 is revised as follows:

§ 103.28 Towing of certain vessels required.

A vessel arriving at an entrance to the Canal and having a mean draft in excess of that allowed under the Load Line Regulations for the tropical zone, applicable for the voyage on which the vessel is engaged, as determined by the American Bureau of Shipping, Lloyd's Register or other acceptable certifying agency, is required to take the services of a Panama Canal tug or tugs from the Pacific entrance Channel Buoys 1 and 2 to Gamboa Reach, from the north end of Gatun Locks to Buoy 3 in the Atlantic harbor, and vice versa. However, in the instances where the overdraft is negligable, the assignment of a tug or tugs may be waived at the discretion of the Chief, Navigation Division or his designee. Any vessel without mechanical motive power, or the machinery of which is or becomes disabled, or which steers badly, or which is liable to become unmanageable for any reason, shall be towed through the Canal. The Canal authorities may require any vessel to take a tug or tugs through Gaillard Cut, in the approaches to the locks, or in any other part of the Canal, when in their judgment such action is necessary to insure reasonable safety to the vessel or to the Canal and its appurtenances. The tug service in any of these cases shall be chargeable to the vessel. The Master of a vessel which steers badly, or which is liable to become unmanageable for any reason, shall report such fact and request the services of a tug.

41. Section 103.29 is revised as follows:

§ 103.29 Anchoring in Panama Canal waters.

No vessel shall anchor within the navigable waters of the Canal in other than a designated anchorage, except in an emergency, and no craft shall tie up to any aid-to-navigation in Canal waters.

42. Section 103.30 is revised as follows:

§ 103.30 Requirements for all dead tows.

(a) *Preparation for Transit.*

(1) Upon arrival, the tug will break up the tow and secure the bridle so that no part of it extends below the surface of the water.

(2) Tows shall have the capability of anchoring.

(3) Tows will be inspected before being scheduled for transit.

(4) Agents, operators and owners will be responsible for making any required alterations or additions to equipment or stowage.

(5) Boarding facilities will comply with Regulation 17, Chapter V, International Convention for Safety of Life at Sea, 1974, TIAS 9700. There must be a clear passage, free of obstructions, from the boarding facility to all working areas, otherwise, catwalks with handrails and steps must be provided.

(6) The working area near chocks and bitts on all dead tows must be clear of obstructions and fitted with safety rails or lines at the vessel's sides.

(b) *Transit requirements.*

(1) Tows must provide a pilot shelter with a clear view forward, on the center line, approximately midway between the bow and stern. This shelter may be permanent or portable, but must protect the pilot from the elements. All tows with a beam in excess of 79.9 feet shall provide, in addition to the center line shelter, pilot shelters at the extreme beams from which the pilots may readily view the vessel's sides.

(2) Dead tows must be equipped with the chocks and bitts as set forth in § 109.6 of this chapter.

(3) Tows must provide mooring and heaving lines and have mooring arrangements, and bitts or cleats for securing tugs that do not interfere with those chocks and bitts required for locomotive wires.

(4) All barges will be fitted so that a pusher tug can be secured with its stem held firmly to the center line of the barge. Pushing tugs are to be equipped with wire cable snubbers and springs.

(5) All barges will be required to have portable toilets on board prior to departure for transit.

43. Section 103.32 (a) and (c) are revised as follows:

§ 103.32 Engine orders to be recorded.

(a) Except as provided in paragraph (b) of this section, every power-driven vessel over 250 feet in length, while navigating in Panama Canal waters under the control of a Panama Canal pilot, shall maintain a bridge bell book and an engine room bell book. The bridge bell book shall consist of a contemporaneous record of each engine order and the time it is transmitted from the bridge to the engine room. The engine room bell book shall consist of a contemporaneous record of each engine order and the time it is received in the engine room.

* * * * *

(c) The bell books and automatic recording referred to in paragraphs (a) and (b) of this section, the record of an automatic course recording device, if one is available, and any log books must be surrendered, upon request, to the pilot or to the Board of Local Inspectors or other Canal authorities for the purpose of inspection and reproduction.

44. Section 103.34 is revised as follows:

§ 103.34 Same; control by Chief, Navigation Division.

The movement of vessels in Gaillard Cut shall be regulated by the Chief, Navigation Division, through Marine Traffic Control, or by such other persons and through such other stations or facilities as the Canal authorities may designate.

45. Section 103.35 is removed.

§ 103.35 [Removed]

46. Section 103.36 is removed.

§ 103.36 [Removed]

47. Section 103.37 is removed as follows:

§ 103.37 [Removed]

48. Section 103.38 is removed as follows:

§ 103.38 [Removed]

49. Section 103.41 is revised as follows:

§ 103.41 Ships to display schedule number.

Each ship shall display throughout her transit, the flag or flags designating the schedule number on which it is running.

50. Section 103.41a is redesignated as § 103.42 as follows:

§ 103.41a [Redesignated as § 103.42]

PART 105—PILOTAGE

Part 105 is amended as follows:

51. Part 105 authority citation is revised as follows:

Authority: Issued under authority vested in the President by sec. 1801, Pub. L. 96–70, 93 Stat. 492; EO 12215, 45 FR 36043.

52. Section 105.1 is revised as follows:

§ 105.1 Pilots required.

(a) Except as provided by §§ 105.2 and 105.3, or by paragraph (c) of this section, no vessel shall pass through, enter or leave the Canal, or maneuver in the Canal or waters adjacent thereto, including the ports of Cristobal and Balboa, without having a Panama Canal pilot on board.

(b) Normally a vessel will, unless advised to the contrary by the Chief, Navigation Division or his designee, be boarded by the Panama Canal pilot inside the breakwater at a point north of the Mole Beacon at the Atlantic entrance and in the Merchant Vessel Anchorage to seaward of Buoys 1 and 2 at the Pacific entrance.

(c) In conformity with past practice, vessels anchored in Anchorage Area C and Anchorage Area F, as shown in the Pilot Handbook, Limon Bay Chart, may proceed to sea without a Panama Canal Pilot on board. All such vessels, prior to getting underway, must obtain permission to depart from the Cristobal Signal Station.

(d) Whenever the Administrator finds there is a critical shortage of certified Panama Canal pilots available for movement of vessels in Canal waters, he may suspend the rule on compulsory pilotage set out in paragraph (a) of this section. The Administrator shall impose such conditions upon the suspension of the rule, with respect to any given vessel, as are reasonable and appropriate to protect human life and property and to safeguard the facilities of the Panama Canal.

53. Section 105.2 is revised as follows:

§ 105.2 Exemptions from compulsory pilotage.

The following vessels are exempt from compulsory pilotage, except when the Chief, Navigation Division or his designee considers a pilot necessary; nevertheless a pilot will be furnished any such exempted vessel if requested by the commanding officer or Master thereof:

(a) Local craft such as United States Army and United States Navy minesweepers, landing craft, patrol boats and tugs, and Panama Canal Commission tugs and equipment, except as limited by paragraph (c) of this section.

(b) Any vessel that makes frequent calls to Canal waters and whose current officers and crew are, in the opinion of the Chief, Navigation Division or his designee, capable, by reason of such frequent calls and otherwise, of safely navigating within Canal waters and are so certified, except as limited by paragraph (c) of this section.

(c) Vessels and craft enumerated in paragraphs (a) and (b) of this section may be permitted to transit the Canal without a pilot when, in the opinion of the Chief, Navigation Division or his designee, the current officers and crew have the necessary experience and ability to make safe transit and such transit is specifically approved. Whenever any such vessel or craft makes transit without a pilot, the Chief, Navigation Division or his designee shall dispatch it with a larger vessel carrying a pilot and it shall lock through with that vessel. The Chief, Navigation Division or his designee shall control the movements of such vessel or craft through Gaillard Cut so as to minimize the danger of its being a navigational hazard to larger vessels.

(d) Any other vessel or craft as and to the extent exempted by the Marine Director.

54. Section 105.3 is revised as follows:

§ 105.3 Vessels in distress.

A vessel in danger or distress is not prohibited from entering the waters of the Canal any time, but such vessel shall, when practicable, give due notice in advance, by radio or otherwise, and obtain a pilot, if possible. Such vessel shall, except in an emergency, anchor in the designated anchorage area.

55. Section 105.4 is revised as follows:

§ 105.4 Pilotage charges.

Pilotage for vessels in transit through the canal is free, but whenever any vessel requires a pilot for other than transit, it is liable for the applicable pilotage charge.

PART 107—MANNING OF VESSELS; REQUIREMENTS CONCERNING OFFICERS AND CREW

Part 107 is amended as follows:

56. Part 107 authority citation is revised as follows:

Authority: Issued under authority vested in the President by sec. 1801, Pub. L. 96–70, 93 Stat. 492; EO 12215, 45 FR 36043.

57. Section 107.1 is revised as follows:

§ 107.1 Vessels to be fully manned.

A vessel navigating the waters of the Canal shall be sufficiently manned in officers and crew to permit safe handling of the vessel. The Canal authorities may deny transit of the Canal to any vessel which, in their opinion, is insufficiently manned as to officers and crew.

58. Section 107.2 is revised as follows:

§ 107.2 Crew on watch.

(a) When underway in Canal waters, a vessel shall keep a full watch on deck and in the engine room. When approaching a lock, moored temporarily to a lock wall or when in a lock chamber, a vessel shall, when so requested by the pilot, have sufficient seamen forward and aft to handle lines expeditiously.

(b) Except as provided in subsection (c), when anchored, moored, or lying at a Panama Canal Commission pier a vessel shall at all times have on board at least one qualified deck officer, one qualified engineer officer familiar with the machinery and layout of the vessel, and sufficient crew to provide for the safety of the vessel.

(c) The manning levels of Commission vessels shall be determined by the Marine Director of his designee.

59. Section 107.3 (b) is revised and (c) is added as follows:

§ 107.3 When Master and officers must be on bridge or at other regular stations.

* * * * *

(b) At all other times when a vessel is moving in Canal waters, the Master of the vessel, or his qualified representative, shall be present on the bridge and shall keep the pilot informed concerning the individual peculiarities in the handling of the vessel so that the pilot may be better able to control the navigation and movement of the vessel. All other officers shall be at their regular stations throughout the maneuvers described herein.

(c) The Master, or his qualified representative, shall ensure at all times

that the pilot's orders are promptly and properly carried out by the vessel's personnel.

* * * * *

PART 109—ENTERING AND PREPARING TO ENTER THE LOCKS

Part 109 is amended as follows:

60. Part 109 authority citation is revised as follows:

Authority: Issued under authority vested in the President by sec. 1801, Pub. L. 96–70, 93 Stat. 492; EO 12215, 45 FR 36043.

61. Section 109·3 is revised as follows:

§109.3 Same; permits.

Permits for embarking or disembarking at the locks may be issued in the discretion of the Chief, Navigation Division or his designee.

62. Section 109.6 is revised as follows:

§ 109.6 Construction, number, and location of chocks and bitts.

(a) The Chief, Navigation Division or his designee is responsible for determining if vessels arriving for transit are properly equipped. The Navigation Division is also responsible for the approval of new construction requirements concerning chocks and bitts which are utilized for locomotives and tugs, relay operations, tie-up operations, boarding facilities, and wheelhouse design features, including visability factors.

(b) All chocks for towing wires shall be of heavy closed construction and shall have a convex bearing surface with a radius of not less than seven inches (178 milimeters). The convex surface shall extend so that a wire from the bitt, or from the towing locomotive through the chock, shall be tangent to the seven-inch (178 milimeter) radius at any angle up to 90 degrees with respect to a straight line through the chock.

(c) No part of the vessel which may be contacted by the towing wires, at any angle, shall have less than a seven-inch radius.

(d) Chocks designated as single chocks shall have a throat opening of not less than 100 square inches (645 square centimeters) in area—preferred dimensions are 12 x 9 inches (305 x 229 milimeters)—and shall be capable of withstanding a strain of 100,000 pounds (43,331 kilograms) on a towing wire from any direction.

(e) Chocks designated as double chocks shall have a throat opening of not less than 140 square inches (903 square centimeters) in area—preferred dimensions are 14 x 10 inches (356 x 254 milimeters)—and shall be capable of withstanding a strain of 140,000 pounds (64,000 kilograms) on the towing wires from any direction.

(f) Use of roller chocks is permissible provided they are not less than 14.94 meters (49 feet) above the waterline at the vessel's maximum Panama Canal draft and provided they are in good condition, meet all of the requirements for solid chocks as specified in paragraphs (a), (b), (c), and (d) of this section, as the case may be, and are so fitted that transition from the rollers to the chock body will prevent damage to towing wires.

(g) Each single chock shall have an accompanying bitt capable of withstanding a strain of 100,000 pounds (45,331 kilograms).

(h) Each double chock located at the stem and at the stern, in accordance with paragraph (h) of this section, shall have two pairs of heavy bitts with each bitt of each pair capable of withstanding a strain of 100,000 pounds (45,331 kilograms). Other double chocks shall have a pair of heavy bitts with each bitt capable of withstanding a strain of 100,000 pounds (45,331 kilograms).

(i) All vessels, except a vessel not requiring locomotives, shall be fitted with a double chock set athwartships right in the stem and another double chock set athwartships right in the stern, except that on vessels of less than 75 feet beam, two single chocks may be substituted for each double chock required by this subsection; on vessels of over 75 feet beam, two double chocks may be substituted for each double chock required by this section. If such substitution is made, the chocks shall be placed port and starboard not more than eight feet abaft the stem or 10 feet forward of the stern, provided that these chocks are not more than 10 feet from the center line of the vessel.

(j) Vessels under 60.06 meters (200 feet) in length and not exceeding 9.14 meters (30 feet) in beam shall have a double chock or two single chocks at the stem and stern. If the vessel is equipped with the two single chocks, they shall be placed, port and starboard, not more than eight feet abaft the stem or 10 feet forward of the stern, and not more than 10 feet off the center line.

(k) Vessels 60.96 to 121.92 meters (200 to 400 feet) in length and not exceeding 22.86 meters (75 feet) in beam shall have a double chock at the stem and at the stern or two single chocks at the bow and stern, port and starboard, not more than eight feet abaft the stem or 10 feet forward of the stern and not more than 10 feet off the center line and shall have two additional single chocks, port and starboard, nine to 16 meters (30 to 50 feet) abaft the stem and nine to 16 meters (30 to 50 feet) forward of the stern.

(l) Vessels 121.92 to 173.74 meters (400 to 570 feet) long and not more than 22.86 meters (75 feet) in beam shall have a double chock at the stem and stern or two single chocks at the bow and stern, port and starboard, and in addition shall have a chock, port and starboard, 12 to 16 meters (40 to 50 feet) abaft the stem, a single chock port and starboard, 24 to 28 meters (80 to 90 feet) abaft the stem, and a single chock, port and starboard, 12 to 16 meters (40 to 50 feet) forward of the stern.

(m) Vessels over 173.74 meters (570 feet) long or 22.86 meters (75 feet) in beam or over shall have a double chock at the stem and stern; a double chock, port and starboard, 24 to 28 meters (80 to 90 feet) abaft the stem; a double chock, port and starboard, 12 to 16 meters (40 to 50 feet) forward of the stern and a single chock, port and starboard, 24 to 28 meters (80 to 90 feet) forward of the stern.

(n) Vessels with large flared bows or unusually high freeboard such as container vessels or vehicle carriers will be required to provide single closed chocks located further aft than those required in paragraph (1) of this section for correct positioning of assisting tugs or may be required to fit recessed tug bollards into the hull so the tugs can work without coming in contact with the bow flare or having extra long lines and/or inefficient leads.

(o) A vessel not requiring locomotives shall have a chock arrangement similar to that described in paragraph (l) of this section, except that the chocks need only be single chocks or, if approved by the Canal authorities, of lesser strength.

(p) Any vessel which fails to meet the requirements of this section may be denied transit. If the Marine Director or his representative decides that such a vessel can be handled without undue danger to equipment or to personnel, notwithstanding her failure to comply with the requirements of this section, and allows it to transit, such vessel may do so only at its own risk and, to the extent and in proportion that such failure to meet the requirements of this section proximately causes or contributes to the casualty and resulting damages, the Master of such vessel, on behalf of said vessel, her owners, operators, or any other persons having any interest in her, and for himself, will be considered to have released the Panama Canal Commission and the United States from, and to have indemnified them against, any loss, damage, or liability incurred by the

Commission or the United States under, or in respect to:

(1) Section 1411 through 1416, inclusive, of Pub. L. 96–70, 93 Stat. 485–87;

(2) Property of Panama Canal Commission or the United States; and

(3) Panama Canal Commission employees under the Federal Employees' Compensation Act, 5 U.S.C. 8101, *et seq.*, or any other employee compensation system.

The Master of the vessel that fails to meet the requirements of this section may be required to execute, in the presence of a Commission official, a form undertaking to release the Panama Canal Commission and the United States from liability in case of an accident and to indemnify the Commission and the United States for damages sustained. The failure of the Master of a vessel to sign such a form, however, will not relieve the vessel, her owners, or any other person having an interest in her from liability incurred as a result of the vessel's failure to meet the requirements of this section.

PART 111—RULES FOR THE PREVENTION OF COLLISIONS

Part 111 is amended as follows:

63. Subpart E table of contents is revised as follows:

Subpart E—Miscellaneous

Sec.
111.201 Distress Signals.
111.202 Orders to helmsman.
111.203 Diving operations; industrial and commercial; recreational skin diving; light, flag.
111.204 Water skiing prohibited.
111.205 Operation of small craft and recreation vessels on the Canal waters.
111.206 Lookout.

64. Part 111 authority citation is revised as follows:

Authority: Issued under authority vested in the President by sec. 1801, Pub. L. 96–70, 93 Stat. 492; EO 12215, 45 FR 36043.

65. Section 111.1 is revised as follows:

§ 111.1 Application of Part.

The provisions of this Part shall be applicable to vessels and seaplanes upon the navigable waters of the—

(a) Canal operating areas, as the same are described in Annex A of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977, and as they are depicted on Attachment I to that Annex, between a line connecting the East Breakwater Light and the West Breakwater Light at the Atlantic Entrance to the Canal in Limon Bay and a line passing through Channel Buoys 1 and 2 extended to the Canal boundary lines at the Pacific Entrance in Panama Bay; and

(b) Ports of Balboa and Cristobal. Upon all waters of the Canal to seaward, outside these limits, the International Rules apply. Where any naval or military vessel of special construction as certified by the Secretary of the Navy or the Secretary of Transportation in the case of Coast Guard vessels operating under the Transportation Department, or by a corresponding official of a state, other than the United States, shall by virtue of statute, convention or treaty, be exempted from compliance with the International Rules, such vessel shall similarly be exempted from compliance with any corresponding requirement under the provisions of this Part.

66. Section 111.58(d) is revised as follows:

§ 111.58 Lights and shapes; vessel at anchor.

* * * * *

(d) Vessels not more than 65 feet in length when at anchor in any special anchorage designated by the Chief, Navigation Division for such vessels shall not be required to carry or exhibit the white light specified in paragraph (a) of this section, nor the black ball specified by paragraph (c) of this section.

67. Section 111.150 (a) and (e) are revised as follows:

§ 111.150 Overtaking vessels.

(a) Notwithstanding anything contained in this Part, every vessel overtaking another shall keep out of the way of the overtaken vessel except that within the Canal channel all pleasure vessels and craft, even though they are an overtaken vessel, shall keep out of the way of transiting vessels and Panama Canal Commission floating equipment.

* * * * *

(e) Except as specially authorized by the Chief, Navigation Division, an overtaking power-driven vessel shall not overtake and pass another power-driven vessel in Gaillard Cut, Mamei Curve or Bohio Bend between buoys 38 and 40: *Provided, however,* that this paragraph shall not apply where either the overtaking or the overtaken vessel is less than 150 feet in length or is a Panama Canal Commission power-driven vessel or a U.S. Army or U.S. Navy local tug, with or without a tow.

68. Section 111.155 is removed as follows:

§ 111.155 [Removed]

69. Section 111.161 (d) and (e) are revised as follows:

§ 111.161 Speed and maneuvering of vessels in fog, mist, etc.

* * * * *

(d) Except as provided in paragraph (e) of this section, vessels moored or at anchor shall not get underway when, because of atmospheric conditions, visibility is less than 1,000 feet and vessels underway in such conditions shall anchor or moor as soon as practicable and report immediately to the Chief, Navigation Division by radio or other available means.

(e) Vessels specially equipped to navigate under conditions restricting visibility and which have a pilot aboard, and vessels which have a pilot aboard and which are assisted by Panama Canal Commission vessels which are specially equipped to navigate under such conditions, may, at the discretion of the Canal authorities, be navigated when visibility is less than 1,000 feet.

70. Section 111.162 is amended by revising (b), (c), and (d) as follows:

§ 111.162 Maximum speeds.

* * * * *

(b) A vessel in Panama Canal waters at locations other than those specified in paragraph (a) of this section, including Gatun Anchorage, when rounding Bohio and Darien bends, Miraflores Lake, and in or near the locks, shall not exceed a speed that is safe under the existing circumstances and conditions, except in an emergency.

(c) The Chief, Navigation Division may authorize departures from the maximum speeds established by this section in the case of particular vessels whose handling characteristics are such as to indicate that a higher speed or speeds can be prudently allowed.

(d) This section does not apply to motorboats, as defined in § 111.163(b), or to vessels of the Panama Canal Commission.

71. Section 111.163(a) is revised as follows:

§ 111.163 Same; motorboats and Panama Canal Commission vessels.

(a) Motorboats and vessels of the Panama Canal Commission when underway shall proceed at a speed which is reasonable under the existing circumstances and conditions and which does not create a hazard to life or property.

* * * * *

72. Section 111.203 (a) and (b) are revised as follows:

§ 111.203 Diving operations; industrial and commercial; recreational skindiving; light, flag.

(a) When industrial or commercial diving operations are underway in the Canal, or waters adjacent thereto, a revolving red light shall be displayed in all weathers from sunset to sunrise from the diving barge or other craft serving the diver. The light shall be so mounted and of sufficient intensity as to be visible for not less than 1 mile. A flag of the type described in paragraph (b) of this section shall be displayed from such craft from sunrise to sunset. Vessels approaching or passing an area where diving operations are underway shall reduce speed sufficiently to avoid creating a dangerous wash or wake.

(b) Recreational skindiving in waters of the Canal, including Gaillard Cut and the Channel through Gatun and Miraflores Lakes and in the waters of all ship's anchorages is prohibited unless authorized in writing by the Chief, Navigation Division. Authorization shall not be given for skindiving at night. When recreational skindiving activities are underway in the Canal, or waters adjacent thereto, a flag with a hoist or height of not less than 12 inches and a fly or length of not less than 18 inches and having a red background and a 3½ inch diagonal white stripe, running from the upper corner of the staff end of the flag to the lower corner of the outside end of the flag, shall be displayed from the mast of the craft serving the skindiver. Flags larger than the foregoing minimum dimensions shall preserve the same proportions. Vessels approaching an area where such skindiving activities are underway shall reduce speed sufficiently to avoid creating a dangerous wash or wake.

* * * * *

73. Section 111.204 is revised as follows:

§ 111.204 Water skiing prohibited.

No person shall operate a motorboat or other vessel in or across the navigable channels or merchant vessel anchorages while towing a person or persons on water skis, or aquaplane or similar device at any time.

74. Section 111.205 is revised as follows:

§ 111.205 Operations of small craft and recreational vessels on the Canal waters.

(a) For the purpose of this section, a small craft is defined as any vessel which is not required to have the assistance of locomotives when transiting the locks and public vessels not engaged in official business.

(b) A small craft shall not be operated by any person who is intoxicated or who is a habitual user, or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely operating the craft or vessel. The fact that one lawfully is or has been using any drug shall not constitute a defense against a charge of violating this section.

(c) No person shall operate a small craft so close to a transiting or other vessel so as to hamper the safe operation of either vessel; nor shall any person operate a small craft in a negligent manner so as to endanger life or property.

(d) No person shall operate a small craft in the navigation channel of the Canal except when such operation is incidental to movement between points on either side of the navigation channel.

75. Section 111.206 is revised as follows:

§ 111.206 Lookout.

Every vessel shall at all times while underway in Canal and adjacent waters maintain, at or near the bow, a proper lookout by sight and hearing as well as by all available means appropriated in the prevailing circumstances and conditions so as to make a full appraisal of the situation and the risk of collision. The person acting as lookout shall have no other assigned duties and shall report promptly all relevant and material observations to the person in charge of the navigation of his vessel.

76. Section 111.207 is removed as follows:

§ 111.207 [Removed.]

77. Part 113 is revised as follows:

PART 113—DANGEROUS CARGOES

Subpart A—General Provisions

Sec.

113.1 Definition and classification of dangerous cargoes; reporting requirements.
113.2 Anchorage areas for ships loaded with dangerous cargoes.
113.3 Vessels to anchor and await instructions.
113.4 Transit restrictions.
113.5 Places for loading and discharging explosives; restrictions.

Subpart B—Vessel and Cargo Requirements

113.21 Application.
113.22 Applicable regulations and standards.
113.23 Irradiated fuel elements and special nuclear materials; shipments originating in, or destined to, a port of the United States.
113.24 Irradiated fuel elements and special nuclear materials; shipments not originating in or destined to a port of the United States.
113.25 Certification by Commission.

Subpart C—Cargo Handling in Canal waters

Sec.

113.41 Explosives.
113.42 Other dangerous cargo.

Authority: Issued under authority vested in the President by sec. 1801, Pub. L. 96–70, 93 Stat. 492; EO 12215, 45 FR 36043.

Subpart A—General Provisions

§ 113.1 Definition and classification of dangerous cargoes; reporting requirements.

(a) The definition and classification of dangerous cargoes shall be in accordance with the regulations used by the United States Coast Guard or other national or international regulatory authorities recognized by the United States Coast Guard for that purpose, but in case of doubt as to the explosive nature of any commodity, or in case of conflict as to its classification, determination of the nature and classification of such cargoes shall be made by the Chief, Navigation Division or his designee.

Cross Reference: Title 46 CFR, Chapter I

(b) Dangerous cargoes include all explosives, solid and liquid hazardous materials, all petroleum products in bulk and nuclear materials. Vessels carrying petroleum products having a flashpoint greater than 80°F and classified lower than Grade C under the U.S. system, or having a flashpoint greater than 23°C and classified higher than 3.2 under the Inter-Governmental Maritime Consultative Organization (IMCO) system are not considered to be carrying dangerous cargo for purposes of these restrictions.

(c) Normal operational restrictions will generally apply unless dangerous cargoes are carried in bulk. Liquid is considered to be in bulk unless contained in portable tanks of less than 100 U.S. gallons (or packaged in accordance with 49 CFR or IMCO regulations) which are loaded and discharged with their contents intact. Solids are in bulk form when transported without mark or count which are loaded without containers or wrappers into holds. Explosives are considered in bulk if a vessel is carrying over 5 long tons.

(d) Additional operating restrictions may be imposed by the Chief, Navigation Division or his designee on vessels carrying especially hazardous materials such as radioactive material, Class A and B poisons and corrosives in other than bulk amounts.

(e) Vessels carrying dangerous cargo (including liquefied gases) in bulk will anchor in designated explosive anchorages as provided by § 113.3.

(f) Vessels carrying hazardous materials or dangerous cargoes shall send a report at least twenty-four hours prior to transit stating that all hazardous cargo alarms, safety and shutdown devices, including ship's firefighting systems, have been tested and are in good working order. There will be periodic inspections by Canal authorities to ensure compliance with appropriate United States or IMCO rules and regulations.

§ 113.2 Anchorage areas for ships loaded with dangerous cargoes.

The anchorage areas for ships loaded with explosives or with highly volatile products are designated as follows:

(a) *Atlantic end.* (1) Inside area included in rectangle one thousand yards wide immediately south of West breakwater starting at a point on West breakwater one thousand yards from West Breakwater Light and thence extending westward 2,000 yards along breakwater.

(2) Outside area bounded by a line from Point A at position 9° 23′ 53″N, 79° 56′ 29″W thence to Point B at position 9° 24′ 40″N, 79° 56′ 29″W thence to Point C at position 9° 24′ 40″N, 79° 57′ 00″W thence to Point D at position 9° 23′ 53″N, 79° 57′ 00″W thence to Point A.

(b) *Pacific end.* Area south of Naos Island bounded on the east by a line drawn south (true) from entrance gas buoy no. 1; on the south by a line drawn east (true) from Tortolita Island, and in the north and west by the curve of 30 foot depth.

§ 113.3 Vessels to anchor and wait instructions.

(a) Vessels carrying dangerous cargoes in bulk or more than 5 tons of explosives as defined by § 113.1(a) or tankers in ballast which are not gas free shall anchor in the outside explosive anchorage on the Atlantic end or the explosive anchorage in Pacific end, as described in §§ 113.2(a)(2) and 113.2(b) respectively. Such vessels will be allowed alongside Commission wharves in Canal waters only as prescribed in § 113.5 and each case will be handled individually by the Chief, Navigation Division, or his designee.

(b) Vessels arriving on the Atlantic side and carrying dangerous cargo in bulk will anchor in the outside anchorage. These vessels shall not enter the breakwater until given orders to do so. Such orders will be issued through the appropriate Commission signal station by the Canal authorities. Orders will be given only after the pilot is standing by to board and has received the assurance from the signal station that there are no outbound vessels. When weather and boarding conditions permit, the pilot may board outside the breakwater. On northbound vessels carrying dangerous cargo bound for sea, the pilot must remain on the bridge until the vessel passes the Mole Buoy. The pilot shall not leave the bridge until he has arranged with Marine Traffic Control and the signal station for one-way traffic outbound through the breakwater.

§ 113.4 Transit restrictions.

To better assure the safe passage of vessels carrying dangerous cargo, the following transit restrictions will apply:

(a) Pilots shall be notified that the letter "B" (BRAVO) will be added to the transit schedule number and flown as part of the schedule flag hoist by the ship. It will also be used by pilots and traffic controllers in calling via radio or referring to the vessel.

(b) Such vessels, (hereinafter referred to as "B" vessels) shall have safety towing pendents ready at hand, fore and aft, prior to entering the locks and rigged fore and aft, over the side, when anchoring or mooring in the Canal waters.

(c) "B" vessels and other vessels shall meet at a safe speed and shall, as far as practicable, avoid meeting on turns.

(d) "B" vessels shall not be scheduled to overtake or be overtaken by other vessels. If an overtaking situation occurs between a "B" vessel and another vessel, due care must be exercised by both vessels.

(e) When "B" vessels are required to anchor in Gatun anchorage, they shall be anchored well clear of the channel and as clear of other shipping as conditions permit. "B" vessels shall not be moored at Gamboa without prior approval of Chief, Navigation Division.

(f) Normally, there will be no tandem restrictions on "B" vessels unless the nature of the cargo or the condition of the vessel so indicates. In such instances, the appropriate restrictions will be imposed by competent authority.

(g) Insofar as possible, the Navigation Division will avoid scheduling a "B" vessel to enter a lock chamber where another vessel is clearing, or to clear a lock chamber where another vessel is entering. In case this type of scheduling is unavoidable, the pilot of the entering vessel will hold back to allow the departing vessel adequate maneuvering room.

(h) Tug assistance at the locks and in Gaillard Cut shall be assigned to "B" vessels if, in the judgment of the appropriate Canal authority, or upon request of the pilot, the assignment is required.

(i) Vessels possessing a valid Letter of Compliance from the United States Coast Guard will be accepted for transit within the restrictions outlined in the letter.

§ 113.5 Places for loading and discharging explosives; restrictions.

(a) The explosive dock at Mindi is hereby designated for loading and discharging explosive cargo. Explosive anchorages prescribed in § 113.2 may be used upon approval by the Chief, Navigation Division or his designee.

(b) The Chief, Navigation Division or his designee upon application may grant authority to discharge explosives, whether designated for civilian or military use, at Commission docks and piers within Canal waters in an emergency or when the character or packing of the explosives justifies such discharge.

Subpart B—Vessel and cargo requirements

§ 113.21 Application.

This subpart does not apply to vessels of war or auxiliary vessels, as those terms are defined in the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal (September 7, 1977). It does apply to all other vessels, regardless of character, tonnage, size, service, and whether self-propelled or not, and whether arriving or departing, underway, moored, anchored, aground, transiting or passing through Canal waters.

§ 113.22 Applicable regulations and standards.

All vessels within Canal waters carrying dangerous cargo shall be in substantial compliance with U.S. Government regulations applicable to U.S. flag vessels or regulations of other national or international regulatory authorities meeting Inter-Governmental Maritime Consultative Organization (IMCO) standards in effect for the product carried, providing such vessels are acceptable for entering waters over which the U.S. Coast Guard has jurisdiction. This requirement encompasses the construction, maintenance, inspection, certification and classification of the vessel, its safety, equipment, and its cargo handling system; the packaging, stowage, storage, marking, maintenance, handling, inspection and certification of cargo, and the operation of the vessel including crew requirements.

§ 113.23 Irradiated fuel elements and special nuclear materials; shipments originating in, or destined to, a port of the United States.

A vessel carrying irradiated fuel elements or special nuclear materials originating in, or destined to, a port of the United States, shall comply with all regulations issued by the United States Nuclear Regulatory Commission, the United States Department of Transportation and the United States Coast Guard with regard to the packaging, handling, stowage, storage, and movement of such cargo and the precautionary measures to be taken in connection therewith. In addition, the following requirements apply to the carrying of such cargo by such a vessel:

(a) A vessel carrying such cargo must obtain in advance approval from the Panama Canal Commission.

(b) Any cask containing irradiated fuel elements, or special nuclear materials, together with any attachments thereto, may not weigh more than 150 tons.

(c) Upon arrival at the Canal of a vessel carrying such cargo, the Master shall deliver to the boarding officer a loading certificate issued by the United States Coast Guard, or, if no such loading certificate is available, a declaration as follows:

Declaration of Irradiated Fuel Elements or Special Nuclear Materials Carried

I, the undersigned ————————, Master of the ———————— carrying (Irradiated Fuel Elements) (Special Nuclear Materials which are ————————) do hereby declare and certify on behalf of the owners of the vessel that (Irradiated Fuel Elements) (Special Nuclear Materials) were loaded at the port of ————————, and were packed and stowed in accordance with regulations of the U.S. Nuclear Regulatory Commission, the U.S. Department of Transportation and the U.S. Coast Guard.

The materials are in hold(s) ———————— or on deck in the following locations ————————. The packaging and stowing has not been disturbed since leaving the port of ————————.

(Master's signature) ————————

(Date) ————————.

§ 113.24 Irradiated fuel elements and special nuclear materials; shipments not originating in or destined to a port of the United States.

A vessel carrying irradiated fuel elements or special nuclear materials not originating in, or destined to, a port of the United States, may not transit the Canal or enter Canal waters unless prior permission therefore has been obtained from the Canal authorities. Such permission may not be granted without adequate provision for indemnity covering public liability and loss to the United States or any agency thereof, comparable in general scope to the protection afforded under section 170 of the United States Atomic Energy Act of 1954, as amended, 68 Stat. 919, 71 Stat. 576.

§ 113.25 Certification by Commission.

Vessels arriving at the Canal without prior permission of proper documentation attesting to compliance with these regulations may, after inspection by the Chief, Navigation Division or his designee, be issued a certification to enter or transit through the waters of the Canal for one or more trips. Such permission may not be granted without adequate provision for indemnity covering public liability and loss to the United States or any agency thereof, comparable in general scope to the protection afforded under section 170 of the United States Atomic Energy Act of 1954, as amended, 68 Stat. 919, 71 Stat. 576.

Subpart C—Cargo handling in Canal waters

§ 113.41 Explosives.

Explosives shall be handled as prescribed by appropriate Coast Guard regulations and only at the locations designated in § 113.4.

§ 113.42 Other dangerous cargo.

(a) All other dangerous cargo, including petroleum products in bulk, shall only be handled with prior approval of the Chief, Navigation Division or his designee and only at the locations approved by the Chief, Navigation Division or his designee. When handling these products, such handling will be done in strict compliance with the appropriate U.S. Coast Guard regulations.

(b) Certain dangerous cargoes indentified by 49 CFR 172.101 and prohibited from being transported over water are also not permitted aboard vessels in Panama Canal waters. In addition, the following substances, including Class A poisons, when carried in bulk, shall not be carried aboard vessels in Panama Canal waters:

1. Acrolein.
2. Chlorine.
3. Ethylenemine.
4. Hydrofluroic Acid.
5. Hydrogen.
6. Hydrogen Chloride.
7. Hydrogen Fluoride.
8. Hydrogen Peroxide Solution.
9. Nitric Acid (Greater than 70 Percent).
10. Nitrogen Peroxide Tetroxide.
11. Phosphous Trichloride.
12. Beta Propiolactone.
13. Oxygen.
14. Methyl Cyclopentadien (YL).
15. Meganese Tricarbonyl.

PART 115—BOARD OF LOCAL INSPECTORS: COMPOSITION AND FUNCTIONS

Part 115 is amended as follows:

78. Part 115 authority citation is revised as follows:

Authority: Issued under authority vested in the President by sec. 1418, Pub. L. 96–70, 93 Stat. 492; EO 12215, 45 FR 36043.

79. Section 115.1 is revised as follows:

§ 115.1 Board of Local Inspectors; Supervising Inspector.

(a) There is hereby continued the Board of Local Inspectors of the Panama Canal Commission, constituted as provided in § 115.2, which shall perform, conduct and execute, under the supervision of the Supervising Inspector:

(1) The investigations called for by § 1417, Pub. L. 96–70, 93 Stat. 487;

(2) The functions and responsibilities with which it is vested by this Part and by Parts 117, 119 and 121 of this chapter; and

(3) Such other duties in matters of a marine character as it may be assigned to it from time to time by the Administrator.

(b) The Marine Director of the Panama Canal Commission shall serve, ex officio, as Supervising Inspector of the Commission except when he is designated to serve as Chairman of the Board in accordance with § 115.2(c). When the Marine Director is so designated, the Deputy Administrator or such other official as the Administrator may designate in his stead, shall serve as Supervising Inspector.

80. Section 115.2 (a), (b), and (c) are revised as follows:

§ 115.2 Composition of the board.

(a) The Board of Local Inspectors, referred to in this Part as "the Board," shall, except as otherwise provided in paragraphs (b) and (c) of this section, consist of the following officials who shall serve in the capacities stated:

(1) Chairman, Board of Local Inspectors.

(2) Chief, Navigation Division, as member.

(3) Senior Canal Port Captain, as member.

(b) Where the subject matter of circumstances of a particular accident warrant such action, the Supervising Inspector may designate the Chief, Industrial Division to serve, ex officio, as member of the Board in place of the

members listed in paragraph (a)(2) or (3) of this section. In the absence of the Chairman, the Supervising Inspector will appoint a member to act as Chairman.

(c) If the Supervising Inspector deems it appropriate in a particular investigation, he may designate an alternate to replace any official regularly serving on the Board. If he himself serves as such an alternate, he shall serve as Chairman of the Board.

* * * * *

PART 117—MARINE ACCIDENTS: INVESTIGATIONS; CONTROL; RESPONSIBILITY

81. Part 117 table of contents is revised as follows:

Sec.
117.1 Investigation of marine accidents.
117.1a Scheduling of investigations.
117.1b Rights of party in interest.
117.2 Change in physical status or property affected by accident forbidden.
117.3 Reports by Board to the Administrator.
117.4 Reports of accidents by officer in command to Board.
117.5 Control of wrecked, injured, or burning vessels.
117.6 Liability of vessel for injury to Canal structures or equipment.

82. Part 117 authority citation is revised as follows:

Authority: Issued under authority vested in the President by sec. 1417, 1418, Pub. L. 96–70, 93 Stat. 487; EO 12215, 45 FR 36043.

83. Section 117.1 is revised as follows:

§ 117.1 Investigation of marine accidents.

(a) Whenever, within Panama Canal waters, including the locks of the Canal, a vessel, or its cargo, crew, or passenger, meets with a serious marine accident, or whenever, within the harbors, anchorages, and areas adjacent thereto, including the ports of Balboa and Cristobal, there is a serious marine accident involving Commission personnel or equipment, the Board of Local Inspectors shall promptly investigate in detail the conditions and circumstances under which such accident occurred.

(b) Any other marine accident occurring in such waters may be investigated by the Board at the discretion of the Supervising Inspector.

(c) The Master of a vessel involved in a marine accident may request an investigation of an accident not considered by the Board to fall within paragraph (a) of this section. The request must be addressed to the Supervising Inspector or the Chairman of the Board, and must be in writing. If the Master does not so request such an investigation in writing, he shall be deemed to have waived all rights to the investigation called for by § 1417, Pub. L. 96–70, 93 Stat. 487, which provides that a claim may not be considered by the Panama Canal Commission, or an action for damages lie thereon, unless, prior to the departure from the Panama Canal of the vessel involved:

(1) The investigation by the competent authorities of the accident or injury giving rise to the claim has been completed; and,

(2) The basis for the claim has been laid before the Commission.

(d) For the purpose of this section, the term "serious marine accident" includes:

(1) Any accident involving substantial damage to any structure, plant, or equipment of the Panama Canal Commission or the United States; and

(2) Any accident (i) involving death or resulting in personal injury that requires admission of a person to a hospital as a bed patient; or (ii) resulting in damages to a vessel which require the making of repairs prior to the vessel's departure from the Canal; *Provided that* the Supervising Inspector or his designee has reason to believe that personnel or equipment of the Panama Canal Commission were then aboard or were assisting the vessel involved in the accident or were situated (aboard another vessel, ashore or otherwise) so as to have been a factor in the accident.

84. Cross reference is revised as follows:

Cross Reference: Compelling attendance and testimony of witnesses and production of books and papers by Board, see § 1418, Pub. L. 96–70, 93 Stat. 487.

* * * * *

85. Section 117.1b is revised as follows:

§ 117.1b Rights of party in interest.

Any Panama Canal pilot or other individual who is a party in interest at a marine-accident investigation may obtain counsel of his own choosing, testify in his own behalf, cross-examine witnesses, call witnesses, and introduce any relevant evidence. The Board shall advise all parties in interest of such rights.

86. Section 117.2 is revised as follows:

§ 117.2 Change in physical status of property affected by accident forbidden.

In the event of a marine accident or casualty affecting any property in Panama Canal waters, or waters adjacent thereto, or any property owned or operated by the Panama Canal Commission or the United States, which imposes on the Board an obligation to investigate, no change in the physical status of the property affected by the accident or casualty may be made or permitted prior to inspection by properly constituted authority, unless such change in status be imperative in order to preserve life or property.

87. Section 117.3 is revised as follows:

§ 117.3 Reports by Board to the Administrator.

The Board shall make reports forthwith in detail to the Administrator of all marine-accident investigations conducted by it, setting forth the facts and circumstances surrounding the accident and bearing upon its proximate causation, the nature and extent of the injury and the amount of damages, if any, occasioned by such injury. The reports shall include a transcript of the record of the Board's investigation, together with its findings and opinions respecting the accident. All findings and opinions of the Board shall be rendered by a full Board after a review of the entire transcript, even though the hearing may have been conducted by a single member of the Board or by a two-man Board. Reports to the Administrator shall be forwarded in duplicate through the Supervising Inspector, who may place thereon such endorsement as he may see fit.

88. Section 117.4 is revised as follows:

§ 117.4 Reports of accidents by officer in command to Board.

The Master or other officer in command of a vessel shall, prior to the vessel's departure from Panama Canal waters, report in writing to the Board any accident involving his vessel in Canal waters that resulted in loss of life or serious personal injury or in substantial damage to property.

89. Section 117.5 is revised as follows:

§ 117.5 Control of wrecked, injured, or burning vessels.

When a vessel in the Panama Canal waters goes aground, or is wrecked, or is so injured that it is liable to become an obstruction in such waters, or is on fire, the Canal authorities shall have the right to supervise and direct, or to take complete charge of and conduct, all operations which may be necessary to float the vessel, to clear the wreckage, to remove the injured vessel to a safe location, or to extinguish the fire, as the case may be. The Canal authorities may, when necessary, take such action without awaiting the permission of the owner or agent of the vessel, and may require the Master of the vessel and all persons under his supervision and control to place the vessel, and all equipment on board, at the disposal of the Canal authorities without costs to the Commission. Unless the Panama

Canal Commission is subsequently found or determined to be responsible for the accident or the condition necessitating action by the Canal authorities, the necessary expenses incurred by the Commission in carrying out the provisions of this section shall be a proper charge against such vessel, her owners and her operators.

90. Section 117.6 is revised as follows:

§ 117.6 Liability of vessel for injury to Canal structures or equipment.

A vessel, or her owner or operator, shall be held liable for any injury to any structure, plant, or equipment of or pertaining to the Canal, the Panama Canal Commission or the United States when the injury is proximately caused by the negligence or fault of the vessel or its master or crew. No vessel shall make fast, or run any line, to any marker, buoy, beacon, or other aid to navigation; and a vessel shall so navigate as not to strike such aids in passing.

PART 119—LICENSING OF OFFICERS

91. Part 119 table of contents is revised as follows:

Subpart A—General Provisions

Sec.

119.1 License defined; classification and licensing of Masters, mates, engineers, pilots, and motorboat operators.
119.2 Term of licenses.
119.3 Appeal from action refusing license.
119.5 Revocation for parting with license.
119.6 Employment of licensed officers.
119.7 Original license defined.
119.8 Application form.
119.9 Service records and endorsements.
119.10 Age and literacy requirements.
119.11 Knowledge of first aid.
119.12 Physical and experience requirements.
119.13 Burden of establishing qualifications.
119.14 Applicant to appear for examination.
119.15 Reexamination.
119.16 Raise of grade.
119.17 Renewal of license.
119.18 Sea service as member of armed forces of the United States or the Republic of Panama or on vessels owned by either nation.
119.19 Evaluation of equivalent experience.
119.20 Increase in scope of license; removal of limitations.
119.21 Written statement of reasons for denying license.
119.23 Limitations on license.
119.24 Oath of licensee.
119.25 Duplicate license.

Subpart B—Masters

119.61 Master, steam and motor vessels; experience required.
119.63 Master, non-self-propelled floating equipment; experience.

Subpart C—Mates

Sec.

119.103 Mate, steam or motor; experience required.

Subpart D—Pilots

119.141 Pilot, Panama Canal; qualifications.
119.143 Pilot, United States Government local vessel; employment requirement.

Subpart E—Motorboat operators

119.183 Motorboat operator; age and job requirements.
119.187 Operating test.

Subpart F—Engineers

119.221 Grade and type of engineer licenses.
119.222 Chief engineer, steam vessels; experience required.
119.223 Chief engineer, motor vessels; experience required.
119.224 Assistant engineer, steam vessels; experience required.
119.225 Assistant engineer, motor vessels; experience required.
119.227 Chief and assistant engineer; steam and motor vessel.

92. Part 119 authority citation is revised as follows:

Authority: Issued under authority vested in the President by sec. 1801, Pub. L. 96–70, 93 Stat. 492, EO 12215, 45 FR 36043.

93. Section 119.1 is revised as follows:

§ 119.1 License defined; classification and licensing of Masters, mates, engineers, pilots, and motorboat operators.

(a) The word *license* when used in this Part means a Panama Canal Commission license unless specifically identified as one from another issuing authority.

(b) The Board of Local Inspectors shall recommend the classification of Masters, mates and engineers of steam and motor vessels owned and operated by the Panama Canal Commission, and of operators of U.S. Government motorboats operating in Panama Canal waters, excluding pleasure craft, and of Panama Canal pilots, and upon such recommendation licenses may be issued by the Supervising Inspector, or by such other officer as he may designate. No person shall act or serve as a pilot, Master, mate or engineer, or operate said motorboats, unless he holds a valid license to do so.

94. Section 119.2 is revised as follows:

§ 119.2 Term of licenses.

Licenses issued to marine personnel of the Panama Canal Commission are granted to such personnel for such periods as they are employed by the Commission in a position requiring such license. Annually, all marine personnel licensed by the Panama Canal Commission shall have a physical examination attesting to their physical condition to perform their assigned work. Such examination shall include an examination of the applicant's acuity of vision and color sense.

95. Section 119.3 is revised as follows:

§ 119.3 Appeal from action refusing license.

An applicant for a license as Master, mate, engineer, or pilot, for whom the Board of Local Inspectors has refused to recommend such license may appeal to the Supervising Inspector or to such other officer as the Supervising Inspector may designate. The appeal must be entered within 15 days after the final action of the Board. Upon the appeal, the Supervising Inspector or other designated officer has authority either to grant or to deny the license.

96. Section 119.4 is removed as follows:

§ 119.4 [Removed]

97. Section 119.6 is revised as follows:

§ 119.6 Employment of licensed officers.

Only persons who are actually employed in, or conditionally eligible for appointment to, a position subject to licensing under this Part, or who can establish that they have a bonafide intention to operate a U.S. Government local craft within Panama Canal waters, may be issued an original license under this part. Renewals may be issued irrespective of the employment requirement if, in the judgment of the Supervising Inspector, the likelihood of return to Canal employment or other circumstances warrant renewal.

98. Section 119.9 is revised as follows:

§ 119.9 Service records and endorsements.

(a) Applicants for original licenses or raise in grade of license other than motorboat operator, shall present to the Board, to be filed with their applications, letters, discharges, or other official documents, certifying to the amount and character of their experience and names of the vessels on which it was acquired. Certified photostatic copies of the aforementioned documents may be accepted.

(b) The Board shall, when practicable, require an applicant for Master's, mate's, pilot's, or engineer's license to have the written endorsement of the Master or chief engineer of the vessels upon which he has served. Applicants for license as pilot shall have the endorsement of at least two licensed pilots as to their qualifications.

99. Section 119.10 is revised as follows:

§ 119.10 Age and literacy requirements.

To be eligible for examination for any license an applicant must, except as provided by § 119.183(b), be at least 21 years of age, and have the necessary experience as specified in this Part. In addition, an applicant for license as pilot, Master, mate, or engineer must have a working knowledge of the English language. Proficiency in English will be determined by the Supervisory Training Instructor, Language Training Program, Office of Personnel Administration. The examination will be given in either English or Spanish, according to the choice of the applicant.

100. Section 119.12 (a), (f), and (h) are revised as follows:

§ 119.12 Physical and experience requirements.

(a) All applicants for original license must pass a physical examination given by a physician recognized by the Commission, and present a certificate executed by the examining physician to the Board. The certificate shall attest to the applicant's acuity of vision, color sense, and general physical condition.

* * * * *

(f) No original license shall be issued to any person unless 25 percent of the required experience has been obtained within the three years immediately preceding the date of application. Such period shall include, in addition to the three years specified, any service in the Armed Forces of the United States or the Republic of Panama that immediately preceded or interrupted the last three years spent by the applicant in a civilian status prior to the date of the application. When an applicant for a license as engineer does not meet the requirement of this paragraph, but is otherwise qualified, the Board may examine him and recommend to the Supervising Inspector that he be licensed. In such cases a license may be issued provided the applicant has satisfactorily completed a 90-day period as trainee aboard applicable equipment of the Panama Canal Commission.

* * * * *

(h) An applicant for a license may not be given a grade of license higher than that in which he has served. However, this paragraph shall not apply to persons qualifying for license under the Panama Canal pilot Master and engineer training programs.

101. Section 119.13 is revised as follows:

§ 119.13 Burden of establishing qualifications.

Applicants for licenses must establish to the satisfaction of the Board that they possess all of the qualifications necessary, such as age, experience and character before they shall be entitled to be issued licenses.

102. Section 119.14 is revised as follows:

§ 119.14 Applicant to appear for examination.

(a) Except as provided in paragraph (c) of this section, before an original license or raise in grade is issued to any person to act as Master, mate, pilot, or engineer, he shall personally appear before the Board and pass a written examination, covering such subjects as will demonstrate that the applicant has sufficient knowledge of maritime matters necessary for the license for which he has applied. A list of subjects to be tested may be obtained from the Board.

(b) Applicants will also be required to pass a practical examination.

(c) Upon the recommendation of the Board that he do so, the Supervising Inspector may, in his discretion, issue an original license either without an examination or with an examination covering only subjects of a local nature, to an applicant who possesses a currently valid marine license issued by a competent national authority and who is otherwise eligible under this Part.

103. Section 119.16 is revised as follows:

§ 119.16 Raise of grade.

(a) Upon the issuance of a license involving a raise of grade, the applicant shall surrender the old license to the Board.

(b) The Board shall, before granting a raise of grade of license, require the applicant to make written application on a prescribed form.

(c) The grade of a license as Master, mate, or pilot may not be raised except upon the certificate of a physician recognized by the Panama Canal Commission, attesting that the color sense of the applicant is normal. Applicants for raise of grade of engineer license are not subject to this requirement. Nothing herein contained shall debar an applicant who has lost the sight of one eye from securing a raise of grade of his license if he is qualified in all other respects and his vision in his one eye passes the test required for the better eye of an applicant having vision in both eyes.

(d) Applicants for raise of grade of license shall present to the Board letters, discharges, or other official documents certifying to the amount and character of their experience and the names of the vessels on which it was acquired.

(e) A raise of grade of license may not be granted to any applicant unless 25 percent of the required sea service shall have been served within the three years immediately preceding the date of application. Service in the armed forces of the United States or Republic of Panama shall not be counted in computing the three years.

(f) Sea service acquired prior to the issuance of the license held may not be accepted as any part of the service required for raise of grade.

104. Section 119.17 (e) revised and (f) removed as follows:

§ 119.17 Renewal of license.

* * * * *

(e) A license as Master, mate, or pilot may not be renewed except upon the official certificate of a physician recognized by the Commission that the color sense of the applicant is normal. Applicants for renewal of license as engineer are not subject to this requirement.

(f) [Removed]

* * * * *

105. Section 119.18 is revised as follows:

§ 119.18 Sea service as member of armed forces of the United States or the Republic of Panama or on vessels owned by either nation as qualifying experience.

(a) Sea service as a member of the armed forces of the United States or the Republic of Panama will be accepted as qualifying experience for an original, raise of grade, or extension of route of license. Such service will be subject to evaluation to determine its equivalent to the sea service required on merchant-type vessels, and to determine the appropriate grade, class, and limit of license for which the applicant is eligible. An applicant may be permitted to omit the examination for intermediate grades of license if his experience is of such character as to qualify him for a higher, or the highest, grade of license.

(b) If a person who has served in a civilian capacity as commanding officer, Master, mate, engineer, or pilot, etc., of any vessel owned and operated by the United States or the Republic of Panama, in a service in which a license as Master, mate, engineer, or pilot was not required at the time of the service, applies for examination for license, the Board shall evaluate the time or service and allow appropriate credit therefor.

§ 119.22 [Removed]

106. Section 119.22 is removed.

107. Section 119.23 is revised as follows:

§ 119.23 Limitations on license.

The Board may limit, as appropriate, the tonnage, length, horsepower, type of vessel(s) and the waters upon which any licensee may act. The Board will note any such limitations on the license.

108. Section 119.25 is revised as follows:

§ 119.25 Duplicate license.

If a person to whom a license has been issued loses his license, he shall promptly report the loss to the Board. The Board shall issue a duplicate license after receiving from the person a properly executed affidavit giving satisfactory evidence of the loss. The license shall be issued as a duplicate by the addition of the following written endorsement: "This license replaces License Number —— issued at —— on the above date." The duplicate license shall have the same force and effect as the original, lost license.

109. Section 119.61 is revised as follows:

§ 119.61 Master, steam and motor vessels; experience required.

In order to be eligible for a Panama Canal license as Master of steam and motor vessels, an applicant must—

(a) Hold a currently valid Panama Canal license as mate of steam and motor vessels, and have served at least 260 eight-hour watches in charge of a deck watch on Panama Canal Commission vessels of 75 feet in length engaged in towing; or

(b) Hold a license as Master or mate of steam and motor vessels issued by an authority outside the Panama Canal, and have served at least 260 eight-hour watches as a licensed officer in charge of a deck watch on steam or motor vessels over 75 feet in length engaged in towing.

§ 119.62 [Removed]

110. Section 119.62 is removed.

111. Section 119.63 is revised as follows:

§ 119.63 Master, non-self-propelled floating equipment; experience.

In order to be eligible for examination for the license of Master of non-self-propelled floating equipment, an applicant must have at least 260 eight-hour watches of experience as mate on Panama Canal Commission non-self-propelled floating equipment or such experience on other vessels as the Supervising Inspector determines to be equivalent thereto.

§ 119.64 [Removed]

112. Section 119.64 is removed.

§119.102 [Removed]

113. Section 119.102 is removed.

114. Section 119.103 is revised as follows:

§ 119.103 Mate, steam or motor; experience required.

In order to be eligible for examination for the license of mate of steam or motor vessels an applicant must—

(a) (1) Have graduated from either the Panama Nautical School's program for deck officers, a maritime academy in the United States recognized by the U.S. Coast Guard for licensing purposes, or from another maritime academy located outside the United States which is determined by the Supervising Inspector to have standards substantially equal to United States academies, and (2) be participating in an approved Panama Canal Commission training program for Master, steam and motor vessels; or

(b) Hold a license as mate issued by an authority outside the Panama Canal, and have at least 260 eight-hour watches of experience as a licensed officer in charge of deck watch on steam or motor vessels over 75 feet in length engaged in towing.

§ 119.104 [Removed]

115. Section 119.104 is removed.

116. Section 119.141 (a), (b), (c) and (e) are revised as follows:

§ 119.141 Pilot, Panama Canal; qualifications.

(a) An applicant for a license as Pilot, Panama Canal, Of Vessels Not Over 225 Feet in Length Upon All Panama Canal Waters must have been employed by the Panama Canal Commission as Pilot-in-Training for at least 17 weeks and must meet the following minimum requirements:

(1) He must have served at least three years as a licensed deck officer on vessels of 1,000 gross tons or over, one year of which must have been as a chief mate while holding a license issued by the U.S. Coast Guard as Chief Mate Unlimited, or its equivalent as determined by the Supervising Inspector; or

(2) He must have served at least three years as a pilot on vessels of 4,000 gross tons or over on the Great Lakes while holding license issued by the U.S. Coast Guard as First Class Pilot, Great Lakes; or

(3) He must have served at least two years as Master of Panama Canal Commission vessels of 1,000 horsepower or over while holding a Panama Canal license as Master of Steam and Motor Vessels; or

(4) He must have completed the Pilot Training Program conducted by the Panama Canal Commission.

(b) An applicant for a license as Pilot, Panama Canal, Of Vessels Not Over 526 Feet in Length Upon All Panama Canal Waters must have been employed by the Panama Canal Commission as pilot of vessels not over 225 feet in length for at least 12 weeks.

(c) An applicant for a license as Pilot, Panama Canal, Of Vessels of Any Tonnage Upon All Panama Canal Waters must have been employed by the Panama Canal Commission as pilot of vessels not over 526 feet in length for at least 52 weeks.

* * * * *

(e) The qualifying periods of employment specified in paragraphs (a), (b) and (c) of this section may be shortened or lengthened by the Administrator, upon recommendation of the Supervising Inspector where the pilot demonstrates other than normal competence.

§ 119.142 [Removed]

117. Section 119.142 is removed.

118. Section 119.143 is revised as follows:

§ 119.143 Pilot, United States Government local vessel; employment requirement.

An applicant for pilot, U.S. Government local vessel, must be in the employment of the Panama Canal Commission as Master or mate of a Panama Canal Commission vessel or the employment of the U.S. Army or U.S. Navy as Master or mate of a U.S. Government local vessel, such as a mine sweeper, landing craft, patrol boat or tug, or he must be conditionally eligible for such employment.

§ 119.144 [Removed]

119. Section 119.144 is removed.

120. Section 119.183 is revised as follows:

§ 119.183 Motorboat operator; age and job requirements.

(a) The Board may examine and the Supervising Inspector may issue licenses to operate motorboats to qualified applicants. To be eligible for examination, an applicant shall establish that his is conditionally eligible for appointment to a position with the Panama Canal Commission or with another U.S. Government agency operating in Canal waters requiring a motorboat operator's license. Licenses

to operate motorboats will be issued only to the extent, and subject to such conditions and limitations, as the Supervising Inspector determines appropriate.

(b) A person must be 18 years of age or over to be issued a motorboat operator's license.

121. Section 119.184 is removed as follows:

§ 119.184 [Removed]

122. Section 119.185 is removed as follows:

§ 119.185 [Removed]

123. Section 119.186 is removed as follows:

§ 119.186 [Removed]

124. Section 119.187 is revised as follows:

§ 119.187 Operating test.

An applicant for motorboat operator's license shall pass a practical demonstration of his ability to operate a motorboat properly and safely, in the presence of an inspector, or submit satisfactory proof of such capability.

125. Section 119.222 (a), (b) and (d) are revised as follows:

§ 119.222 Chief engineer, steam vessels; experience required.

In order to be eligible for examination for the license of chief engineer of steam vessels, an applicant must—

(a) Hold a valid license as assistant engineer of steam vessels, meet the experience requirements of paragraph (a) or (b) of § 119.224, and have served at least 260 eight-hour watches as assistant engineer on Panama canal Commission steam vessels; or

(b) Hold a valid license as assistant engineer of steam vessels, and have served at least 260 eight-hour watches as a licensed officer in charge of an engine room watch on steam vessels of at least 3,000 horsepower; or

* * * * *

(d) Hold a valid license as chief or assistance engineer of steam vessels issued by an authority outside the Panama Canal and meet the hourly watch requirements of paragraphs (a) (b) or (c) of this section.

126. Section 119.223 (a) and (c) are revised as follows:

§ 119.223 Chief engineer, motor vessels; experience required.

In order to be eligible for examination for the license of chief engineer of motor vessels, an applicant must—

(a) Hold a valid license as assistant engineer of motor vessels, meet the experience requirements of paragraphs (a) or (b) of § 119.225, and have served at least 260 eight-hour watches as assistant engineer of motor vessels; or—

* * * * *

(c) Hold a valid license as chief or assistant engineer of motor vessels issued by an authority outside the Panama Canal and have served at least 260 eight-hour watches as a licensed officer in charge of an engine room watch on motor vessels of at least 3,000 horsepower.

127. Section 119.224 (a) and (b) are revised as follows:

§ 119.224 Assistant engineer, steam vessels; experience required.

In order to be eligible for examination for the license of assistant engineer of steam vessels, an applicant therefor must—

(a) (1) Have graduated from either the Panama Nautical School's program for engineer officers, from a maritime academy in the United States recognized by the U.S. Coast Guard for licensing purposes, or from another maritime academy located outside the United States which is determined by the Supervising Inspector to have standards substantially equal to the U.S. Academies, and (2) be participating in an approved Panama Canal Commission training program for chief engineer of steam vessels; or

(b) Have satisfactorily completed an approved Panama Canal Commission training program for chief engineer of steam vessels of at least four years' duration and have completed at least 260 eight-hour watches in the engine room of a Panama Canal Commission steam vessel under the supervision of a licensed engineer.

* * * * *

128. Section 119.225 is revised as follows:

§ 119.225 Assistant engineer, motor vessels; experience required.

In order to be eligible for examination the license of assistant engineer of motor vessels, an applicant therefor must—

(a) (1) Have graduated from either the Panama Nautical School's program for engineer officers, from a maritime academy in the United States recognized by the U.S. Coast Guard for licensing purposes or from another maritime academy located outside the United States which is determined by the Supervising Inspector to have standards substantially equal to the U.S. Academies, and (2) be participating in an approved Panama Canal Commission training program for chief engineer of motor vessels; or

(b) Have satisfactorily completed an approved Panama Canal Commission training program for chief engineer of motor vessels of at least four years' duration and have completed at least 260 eight-hour watches in engine room of a Panama Canal Commission motor vessel under the supervision of a licensed engineer; or

(c) While holding a license as assistant engineer of steam vessels, have served at least 130 eight-hour watches as observer-assistant engineer on motor vessels.

129. Section 119.226 is removed as follows:

§ 119.226 [Removed]

PART 121—INSPECTION AND REGISTRATION OF VESSELS

Part 121 is amended as follows:

130. Part 121 authority citation is revised as follows:

Authority: Issued under authority vested in the Commission by sec. 1813, Pub. L. 96-70, 93 Stat. 493.

131. Section 121.1 is revised as follows:

§ 121.1 Applicability of Part.

Except as otherwise specifically herein provided, the regulations in this Part apply only to vessels, floating equipment and motorboats owned or operated by the Panama Canal Commission or by the United States or any of its agencies operating in Panama Canal waters.

132. Section 121.2(a) is revised as follows:

§ 121.2 Definitions.

* * * * *

(a) "Vessel" means any vessel as defined in § 111.2 other than a motorboat as defined in this section.

133. Section 121.3 is revised as follows:

§ 121.3 Inspection of vessels merely transiting, on request.

A vessel merely transiting the Canal may be inspected, fully or in part, by the Board of Local Inspectors, upon the request of the owner, agent, or Master of such vessel. Such inspection shall be at the expense of the vessel in accordance with charges established by the Canal authorities.

134. Section 121.43 is revised as follows:

§ 121.43 Fee for inspection.

Before a certificate of inspection may be issued to any transiting vessel, or U.S. Government local craft, the Master or owner of such vessel or other responsible person shall pay to the Treasurer, Panama Canal Commission the fees established by the Canal authorities for inspection and

examination and for the issuance of certificates.

135. Section 121.89(a) is revised as follows:

§ 121.89 Boiler steam hours.

(a) Boilers on floating equipment of the Panama Canal Commission which are inspected by the Board may not be operated under steam for more than the following prescribed number of hours between boiler washout periods:

* * * * *

136. Section 121.90 introductory test is revised as follows:

§ 121.90 Annual report of floating craft on hand.

The accountable officials of the Panama Canal Commission shall furnish the Board with an annual report of all vessels and floating craft on hand by January 1st of each year. This report shall show:

* * * * *

137. Section 121.92 is revised as follows:

§ 121.92 Lifesaving apparatus.

Unless otherwise provided by this Part, lifesaving apparatus for vessels navigating beyond Panama Canal waters, and subject to this Part, shall be in accordance with the requirements of the general rules and regulations for vessel inspection of the United States Coast Guard, or with the requirements of the International Convention for the Safety of Life at Sea.

138. Section 121.171 is revised as follows:

§ 121.171 Registration and numbering of motorboats.

All motorboats shall be registered, certificated, and assigned numbers by the Board of Local Inspectors, subject to the supervision of the Supervising Inspector.

139. Section 121.173 is revised as follows:

§ 121.173 Registration and numbering of vessels under 65 feet in length not propelled by machinery.

Vessels not more than 65 feet in length and not propelled in whole or in part by machinery shall be registered and numbered by the Board, under the supervision of the Supervising Inspector.

PART 123—RADIO COMMUNICATION

140. Part 123 table of contents is revised as follows:

Sec.
123.1 Radio communication defined.
123.2 Control of communication.
123.3 Radiotelephones required.
123.4 Advance information required by radio from vessels approaching the Canal.
123.5 Radio communication between vessels in Canal and other vessels or places.
123.7 Operator on board during transit.
123.8 Precedence of messages relative to vessel's movements and Canal business; use of vessel's radio by pilot.
123.9 Immediate report of accidents, delays, or casualties.
123.10 Operation of vessel radios in conformity with treaties.
123.11 Radio charges.

141. Part 123 Authority citation is revised as follows:

Authority: Issued under authority vested in the President by sec. 1801, Pub. L. 96-70, 93 Stat. 492; EO 12215, 45 FR 36043.

142. Section 123.2 is revised as follows:

§ 123.2 Control of communications.

The Panama Canal Commission shall, subject to the provisions of this Part, have control of radio communications in the Canal operating areas so far as concerns or affects vessels in Panama Canal waters or the navigation of such waters.

143. Section 123.3 (a) introductory text (b), (c), (d), and (e) revised as follows:

§ 123.3 Radiotelephones required.

(a) Except for vessels operated by the Panama Canal Commission or another agency of the United States, the following vessels shall comply with the requirements of this section: * * *

(b) A vessel of a type described in paragraph (a) of this section shall be equipped with a radiotelephone which can be operated from the navigation bridge and which can be used to communicate on the following channels in the 156–162 MHz frequency band:

(1) Channel 12, 156.600 MHz;
(2) Channel 13, 156.650 MHz;
(3) Channel 16, 156.800 MHz.

(c) A vessel of a type described in paragraph (a) of this section, which has notified the Chief, Navigation Division or his designee that it is ready to transit or otherwise navigate in Panama Canal waters and requires a Panama Canal pilot, shall, until a pilot boards the vessel, maintain a continuous watch on Channel 12. Channel 12 will be used for notification to vessels of their transit time and for advisory harbor control communication in Limon Bay.

(d) A vessel of a type described in paragraph (a) of this section shall maintain a continuous watch on Channel 13 when underway in Panama Canal waters without a Panama Canal pilot aboard, and shall use Channel 13 only for ship-to-ship or ship-to-coast navigational communications. When such vessels have a Panama Canal pilot aboard, Channel 13 may be used only by the pilot or at his direction for navigational communications.

(e) The signal stations on Flamenco Island and in Cristobal may be called on Channels 12 and 16. Channel 16 may also be used by all vessels for ship-to-coast communications with steamship agents or other commercial businesses.

144. Section 123.4 (a) is amended and (b) introductory text is revised as follows:

§ 123.4 Advance information required by radio from vessels approaching the Canal.

(a) Vessels approaching the Panama Canal shall communicate by radio to the Navigation Division not less than 48 hours in advance of arrival at the Canal (or earlier if radio communication is practicable at an earlier time), the information required by this section unless this information has been previously communicated to the Canal authorities by other means. Symbols of the phonetic alphabet shall be used to identify each item and the word "NEGAT" shall be used after the items that can be answered "no," "none," or "not applicable." The following items of information shall be provided:

* * * * *

Delta—Any changes in the vessel's name, country of registry, structure or use of tanks that have occurred since the vessel last called in Panama Canal waters.

* * * * *

India—Quarantine and immigration information:

(1) Is radio pratique desired?

(2) State the ports at which the vessel has called within 15 days preceeding its arrival at the Canal.

* * * * *

(b) The following additional information shall be transmitted via radio to Transit Operations Division from all vessels as applicable:

* * * * *

145. Section 123.5 is revised as follows:

§ 123.5 Radio communication between vessels in Canal waters and other vessels or places.

Except for emergency traffic and routine bridge-to-bridge VHF communication, no vessel in transit through the Canal shall communicate by radio with any other vessel or shore station, local or distant. This restriction shall not apply to government vessels of the United States or of the Republic of Panama.

146. Section 123.6 is removed as follows:

§ 123.6 [Removed]

147. Section 123.7 is revised as follows:

§ 123.7 Operator on board during transit.

All vessels equipped with radio shall have a qualified radio operator on board, available to operate the radio installation if necessary, at any time the vessel is underway in Panama Canal waters and at any other time her navigation is under the control of a Panama Canal pilot. Vessels equipped with radio telephones operating on the frequencies designated by the Panama Canal Commission are deemed to meet the requirements of this section provided they have someone aboard capable and qualified to operate such equipment.

148. Section 123.9 is revised as follows:

§ 123.9 Immediate report of accidents, delays, or casualties.

Vessels within Panama Canal waters shall report by radio to the Canal authorities any accident or anything else that may delay them or require assistance, any sickness or casualties that require medical attendance or any other matter of importance that may arise. If a pilot is on board, such report shall be made by the pilot or under his direction.

149. Section 123.10 is revised as follows:

§ 123.10 Operation of vessel radios in conformity with treaties.

Except as may be otherwise provided by this Part, while in Panama Canal waters, vessels equipped with radio shall operate such equipment at all times in conformity with the principles and rules stipulated in the treaties or conventions to which the United States is a party.

PART 125—SANITARY REQUIREMENTS: VESSEL WASTES; GARBAGE; BALLAST

Part 125 is amended as follows:

150. Part 125 authority citation is revised as follows:

Authority: Issued under authority vested in the President by secs. 1701 and 1801, Pub. L. 96–70, 93 Stat. 492; EO 12215, 45 FR 36043.

151. Section 125.1 is revised as follows:

§ 125.1 Discharging vessel wastes into waters.

(a) Vessels may not discharge or throw into Panama Canal waters any ballast, ashes, cinders, boxes, barrels, straw, paper, or other solid matter; nor discharge heavy slops, engine or fire room bilge water, oil, or any other matter that will tend to deface or make Canal waters unsanitary. This requirement does not apply to the water used in cooking or in cleaning tableware.

(b) Ballast tanks may not be discharged in Canal waters.

(c) Before arrival from sea at either of the terminal ports, vessels should, in a manner consistent with the requirements of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, and all amendments thereto which are currently in force, dispose of all waste forbidden to be discharged in Canal waters.

152. Section 125.3 is removed as follows:

§ 125.3 [Removed]

153. Section 125.4 is revised as follows:

§ 125.4 Removing wastes when anchored for considerable time.

A vessel anchored in Panama Canal waters for a considerable length of time may get rid of vessel wastes by requesting Canal authorities to place a garbage scow alongside. This service is chargeable to the vessel.

PART 129—[REMOVED]

154. Part 129 is removed.

PART 131—NEUTRALITY OF CANAL

155. Part 131 is revised as follows:

Authority: Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, signed September 7, 1977.

§ 131.1 Applicability of Treaty.

Matters concerning the neutrality of the Panama Canal are governed by the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, signed in Washington, D.C., on September 7, 1977.

PART 133—TOLLS FOR USE OF CANAL

156. Part 133 Subpart B table of contents is revised as follows:

Subpart B—Levying of Tolls

133.31 Measurement of vessels; vessels to secure tonnage certificates.
133.32 Measurement of vessels; making and correction of measurement; plans and copies.
133.33 Measurement of vessels; temporary retention of certificate at Canal.
133.34 Tolls for vessels in ballast.
133.36 Tolls for vessels making partial transit and return.
133.37 Partial transits by small vessels.

157. Part 133 authority citation revised as follows:

Authority: Issued under authority vested in the President by secs. 1601 and 1801, Pub. L. 96–70, 93 Stat. 489; EO 12215, 45 FR 36043.

158. Section 133.35 is removed as follows:

§ 133.35 [Removed]

159. Section 133.37 is revised as follows:

§ 133.37 Partial transits by small vessels.

Section 133.36 shall not be interpreted as authorizing vessels less than 65 feet in length, or barges, or rafts of any size not on regular transit schedules and not paying tolls, to navigate the waters of any locks, or of Gaillard Cut to or from Gatun Lake in partial transit of the Canal; specific authority of the Administrator must be obtained through the Marine Director for each such partial transit.

160. Section 133.71(b) is revised as follows:

§ 133.71 Time of making payment.

* * * * *

(b) All vessel charges shall be paid, or secured as provided by § 133.74, before permission to depart is given a vessel at the port of departure from the Canal: *Provided, however,* That in cases involving emergency or other special circumstances, the requirement of this paragraph may be waived by the Administrator of the Panama Canal Commission.

161. Section 133.74 is revised as follows:

§ 133.74 Same; exception; payment secured by deposit of cash or bonds.

(a) The payment of tolls and vessel charges may be secured by making cash deposits for that purpose with the Treasurer of the Panama Canal Commission or such United States depository as may be designated by the Panama Canal Commission.

(b) In lieu of payment in cash or a cash deposit, the payment of tolls and vessel charges may be secured by making deposits, pursuant to written agreement with the Panama Canal Commission, of negotiable bonds of the United States Treasury Department as collateral security for the deposit of public moneys. Such bonds shall be under the full control of the Panama Canal Commission; shall be deposited with the Treasurer of the Panama Canal Commission or such United States depository as may be designated by the Panama Canal Commission and shall be subject to sale or other disposition by the Panama Canal Commission upon

any failure in prompt payment of any bill for tolls or vessel charges for which the said bonds are deposited as security.

162. Section 133.75 is revised as follows:

§ 133.75 To whom payment is to be made.

Payment for tolls and vessel charges shall be made to the Treasurer, Panama Canal Commission.

PART 135—RULES FOR MEASUREMENT OF VESSELS

Part 135 is amended as follows:

163. Part 135 authority citation is revised as follows:

Authority: Issued under authority vested in the President by sec. 1601, Pub. L. 96–70, 93 Stat. 489; EO 12215, 45 FR 36043.

164. Section 135.443 is revised as follows:

§ 135.443 Substance and form of tonnage certificates; blank certificates.

The Panama Canal tonnage certificates issued by the measurement authorities of the United States and the several foreign countries shall correspond in substance and form to the (prescribed) sample certificate (available on request from the Board of Admeasurement, Panama Canal Commission, APO Miami, Florida 34011). Blank certificates will be furnished by the Secretary of the Army or Administrator of the Panama Canal Commission upon request of measurement authorities of foreign countries. The measurement authorities of any foreign country may also provide themselves with Panama Canal measurement certificates printed in English or in the language of the foreign country: *Provided,* That such certificates strictly correspond in substance and form to the sample certificate: *And provided further,* That if it is desired to have a certificate in the language of the foreign country, there must also be a corresponding certificate issued to the vessel in English.

165. Section 135.483 is revised as follows:

§ 135.483 Anchoring of warships to facilitate ascertainment of draft.

Every warship, other than army and navy transports, colliers, supply ships, and hospital ships (as defined in §§ 135.1–135.3) upon applying for passage through the Panama Canal shall, in order to facilitate the ascertainment of its mean draft, be anchored or placed at such station or location as shall be designated by the Administrator of the Panama Canal Commission or by the officials authorized to act for him.

166. Section 135.484 is revised as follows:

§ 135.484 Commander of warship to exhibit vessel's displacement scale and curves.

The commander of every warship, other than army and navy transports, colliers, supply ships, and hospital ships (as defined in §§ 135.1–135.3), applying for passage through the Panama Canal, shall exhibit for examination by the Administrator of the Panama Canal Commission, or by the officials authorized to act for the Administrator, an official document containing the vessel's curve of displacement for change of trim, and a scale so arranged that the displacement at any given mean draft is shown. Such document or documents shall be issued and be certified as correct by competent authorities of the government to which the vessel belongs.

167. Section 135.486 is revised as follows:

§ 135.486 Determining displacement of warship not supplied with displacement scale and curves.

Should any warship, other than army and navy transports, colliers, supply ships, and hospital ships (as described in §§ 135.1–135.3), apply for passage through the Panama Canal and for reasons satisfactory to the Administrator of the Panama Canal Commission, not have on board the duly certified document or documents specified in § 135.484, the Administrator, or the officials authorized to act for him, shall then determine the displacement of the vessel, using such reliable data as may be available, or by taking such dimensions of the vessel and using such approximate methods as may be considered necessary and practicable. The displacement tonnage so determined shall be considered to be the displacement of the vessel.

168. Section 135.511 is revised as follows:

§ 135.511 Administration of rules.

The rules of measurement provided in this Part shall be administered by the Administrator of the Panama Canal Commission.

[FR Doc. 81–37100 Filed 12–29–81; 8:45 am]

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Wednesday
December 30, 1981

Part IV

Department of Agriculture

Agricultural Marketing Service

Federally Licensed Warehouses; Fees for Services; Final Rule

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 102, 103, 104, 106, 107, 108, and 111

Federally Licensed Warehouses; Fees for Services

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule specifies the fees to be charged warehousemen licensed under provisions of the United States Warehouse Act for licenses and examinations of warehouses. Such fees are mandated by the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35, which amends the U.S. Warehouse Act to stipulate that the fees shall cover the costs of providing licenses and examinations including the administrative and supervisory costs as of October 1, 1981.

EFFECTIVE DATE: December 30, 1981.

FOR FURTHER INFORMATION CONTACT: Orval Kerchner, Chief, Warehouse Development Branch, Warehouse Division, Agricultural Marketing Service, Department of Agriculture, Washington, D.C. 20250 (202–447–3616).

SUPPLEMENTARY INFORMATION: On September 4, 1981, the Department of Agriculture published proposed regulations 46 FR 44680 amending 7 CFR Parts 101, 102, 103, 104, 106, 107, 108, and 111. The purpose of the proposed regulations was to suggest for comment fees for warehouse and service licenses, for original and reexamination or reinspection of warehouses and the annual fees for a licensed warehouse. Such fees are mandated by the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35 and due to the requirements contained in that Act it is necessary to make this regulatory action comply with an effective date of October 1, 1981. This action was reviewed under the USDA procedure established in accordance with Executive Order 12291 of February 17, 1981, and was classified "nonmajor" as it does not meet the criteria contained therein for major regulatory actions. William T. Manley, Deputy Administrator for Marketing Program Operations, determined that the action would not have a significant impact on a substantial number of small business entities because (i) use of the services is voluntary; and (ii) further, if there was any impact, the Secretary is required by statute to make the services available and to recover the costs of the services from the users of the services.

Written comments were to be filed no later than September 24, 1981. As of that date, 116 comments were filed. Ninety-nine comments were from the grain industry, 7 comments were from the cotton industry, and 10 comments were from persons who individually had an interest in the proposal. These are available for public inspection in the Office of the Hearing Clerk, USDA.

Principal Comments Related to the Following

A. Fee—Assessment and Structure

The majority opposed the assessment of fees for philosophical and practical reasons. The warehousemen who are the people to be assessed believe: (1) An assessment for the program is not justified because of the benefits to the public at large; (2) that for practical reasons all beneficiaries cannot be identified and assessed, therefore it is inequitable to single out the licensed warehouseman to bear the total; and (3) an assessment of total fees to licensed warehousemen likely will result in losses in licensees under the U.S. Warehouse Act weakening the network of federally licensed warehouses. These now make up 40 percent of the nation's commercial grain elevator storage space which would affect the orderly marketing of farm products, remove a regulatory protection to farm income which has been highly successful over many years, limit the federal efforts and influence in the research and development of basic standards of good warehousing practices, regulatory requirements and licensing, financial, bonding, and examination procedures.

They further believe the proposed fees in principle and amount are prohibitive and inhibiting to the general program as warehousemen now licensed may terminate such licenses rather than pay such fees and warehousemen not now licensed will not apply for licenses. The program has had a steady growth in licensees and warehouse capacity over the years.

B. CCC as a Beneficiary

A significant number of replies argued that Commodity Credit Corporation (CCC) was a prime beneficiary of the program and should bear a share of the cost.

Reasoning for this Position was that

(1) CCC interests in loan and owned grain are protected by the Federal examination.

(2) CCC pays AMS and a number of cooperating States (on a share basis) for examining non-federally licensed warehouses having a storage agreement with CCC, and

(3) Federally licensed warehouses who might consider terminating their license because of the user fee likely would continue their storage agreement and CCC would then pay for examinations at these same warehouses as non-federally licensed warehouses.

The reason for CCC not paying for the service up to now is that the program was funded by appropriation, hence no beneficiary paid directly, and so CCC had no reason to pay for the services and protection it received. Now that other beneficiaries (the warehousemen) are being billed for user fee costs it appears in order for CCC to share in these costs.

Further, the CCC was created for the purpose of stabilizing, supporting and protecting farm income and prices, of assisting in the maintenance of a balanced and an adequate supply of agricultural commodities, and of facilitating the orderly distribution of agricultural commodities. The existence of a broad network of public warehouses for the storage of CCC-owned and loan products is basic to the proper handling, storage, processing, servicing, and transportation of the agricultural commodities subject to its control. The supervision of the care of CCC-owned and loan commodities in such facilities is good business practice, minimizing fraud, waste and abuse.

C. Reduction in Fees for Financial Statement Audited by a Certified Public Accountant

Comments on this proposal ranged from (1) the proposal was discriminatory because it did not recognize independent public accountants as well as certified public accountants, and (2) a larger reduction was warranted because of the cost of such a statement and the administrative value in the uses of such a statement.

The Department has carefully considered each comment and has reached the following conclusions and decisions:

A. The Department is mandated by Congress to charge, assess and collect such fees and such fees must cover as nearly as practicable the costs of providing services and licenses including administrative and supervision costs. The program has been reviewed for present and future scopes. Reductions in fees have been made and these are reflected in the final regulations.

B. The Department recognizes the validity of the position that CCC is a direct identifiable beneficiary.

Therefore, the annual licensed warehouse fee has been adjusted to reflect payment by CCC for those warehouses holding storage agreements with CCC.

C. The reduction in fee granted for voluntarily providing an annual financial statement audited by a Certified Public Accountant has been removed: The Commodity Credit Corporation has proposed for comment a requirement making mandatory such a statement to approval under the Uniform Grain Storage Agreement. Of the 1,832 licensed grain warehouses, 1,755 hold such agreements and will need to comply to continue this agreement. A similar proposal has been published for warehouses licensed under the United States Warehouse Act. It seems in order to await the final rule in this matter.

Implementation of Fees

Fees for the original, amended and/or reinstated licenses, for the original inspection and/or reinspection examinations for modification of an existing license, for licenses to classify, inspect, grade, sample, and/or weigh shall be assessed and collected as the service is performed. The annual fee for each licensed warehouse shall be assessed and collected effective with the date of issuance of the original license or continuation thereof on the anniversary date. Each warehouseman holding an active license on October 1, 1981, shall be billed for a proportionate share of his annual fee which will extend coverage to the next anniversary date of his license. Those warehousemen whose license anniversary date occurs between October 1, 1981, and the first billing under these regulations shall be billed for the period October 1, 1981, to the anniversary date on a proportionate basis and for the annual fee which would have been due. Failure to pay fees shall be grounds for suspension of license.

Notice to this effect was given in the September 4, 1981, notice. This notice merely finalizes the exact amount of fees required and specifies the manner in which such fees will be collected. Fees must be assessed beginning October 1, 1981. Therefore, under the administrative provisions of 5 U.S.C. 553, good cause is shown for making the final rule effective with less than 30 days notice after publication.

Fee schedules are published for all commodities for which there are effective regulations as of October 1, 1981, except cotton. Pursuant to Section 156(d) of the Omnibus Budget Reconciliation Act (95 Stat. 374), the Secretary has determined that fees and charges to cotton warehouses licensed pursuant to the U.S. Warehouse Act should be waived for fiscal year 1982 to insure that the licensing and inspection procedures for cotton warehouses are preserved. An appropriation has been requested to accomplish this and now is under consideration by Congress. Therefore, the proposal to amend 7 CFR Part 101 is withdrawn. However, if Congress does not provide the requested funds, a fee schedule will be necessary and will be published.

Said parts and regulations, therefore, are amended or revised as described below:

PART 102—GRAIN WAREHOUSES

1. Sections 102.57, 102.58 and 102.59 are revised as follows:

Fees

§ 102.57 License fees.

There shall be charged and collected a fee of $50 for each original warehouse license, and a fee of $50 for each amended, modified, extended, reinstated or duplicate warehouseman's license applied for by a warehouseman, and a fee of $20 for each license or amendment thereto issued to any person to inspect, grade, or weigh agricultural products stored or to be stored under provisions of this Act.

§ 102.58 Warehouse inspection fees.

There shall be charged and collected—

(a) For each original examination or inspection, or reexamination or reinspection for modification of an existing license of a warehouse under the Act a fee at the rate of $10 for each 10,000 bushels of storage capacity or fraction thereof, determined in accordance with § 102.6(a), but in no case less than $100 nor more than $1,000; and

(b)(1) For each licensed warehouse an annual fee computed in accordance with the following table:

Licensed capacity (bushels)	Annual fee (dollars) with uniform grain storage agreement	Annual fee (dollars) without uniform grain storage agreement
Less than 150,000	$250	$500
151,000 to 250,000	350	700
251,000 to 500,000	450	900
501,000 to 750,000	550	1,100
751,000 to 1,000,000	650	1,300
1,001,000 to 1,200,000	750	1,500
1,201,000 to 1,500,000	850	1,700
1,501,000 to 2,000,000	950	1,900
2,001,000 to 2,500,000	1,050	2,100
2,501,000 to 5,000,000	1,150	2,300
5,001,000 and over	1,250	2,500

The licensed capacity shall be that stated in the current warehouse license as determined under § 102.6(a).

§ 102.59 Advance deposit.

Before any license is granted, or an original examination or inspection is made, or reexamination or reinspection for modification of an existing license is made, or when the annual fee for the licensed warehouse is assessed, pursuant to the regulation in this part, the applicant or licensee shall deposit with the Service the amount of the fee prescribed. Such deposit shall be made in the form of a check, certified if required by the Service, draft, or post office or express money order, payable to the order of "Agricultural Marketing Service, USDA."

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PART 103—TOBACCO WAREHOUSES

2. Sections 103.48, 103.49 and 103.50 are revised as follows:

Fees

§ 103.48 License fees.

There shall be charged and collected a fee of $50 for each original warehouseman's license, and a fee of $50 for each amended, modified, extended, reinstated or duplicate warehouseman's license applied for by a warehouseman, and a fee of $20 for each license or amendment thereto issued to any person to inspect, grade, sample, or weigh agricultural products stored or to be stored under provisions of this Act.

§ 103.49 Warehouse inspection fees.

There shall be charged and collected—

(a) For each original examination or inspection, or reexamination or reinspection for modification of an existing license of a warehouse under the Act a fee at the rate of $10 for each 100,000 pounds of storage capacity, or fraction thereof, determined in accordance with § 103.12, but in no case less than $100 nor more than $500; and

(b)(1) For each licensed warehouse an annual fee at the rate of $10 for each 100,000 pounds of licensed capacity, or fraction thereof, but in no case shall the fee be less than $400 nor more than $2,000. The licensed capacity shall be that stated in the current warehouse license as determined under § 103.12.

(2) If Commodity Credit Corporation has a depository interest in any warehouse covered by this section and shares in the cost of the examination program at that warehouse, the fees stipulated in this section shall be reduced to that warehouseman by the

amount Commodity Credit Corporation pays.

§ 103.50 Advance deposit.

Before any license is granted, or an original examination or inspection is made, or reexamination or reinspection for modification of an existing license is made, or when the annual fee for the licensed warehouse is assessed, pursuant to the regulation in this part, the applicant or licensee shall deposit with the Service the amount of the fee prescribed. Such deposit shall be made in the form of a check, certified if required by the Service, draft, or post office or express money order, payable to the order of "Agricultural Marketing Service, USDA."

* * * * *

PART 104—WOOL WAREHOUSES

3. Sections 104.46, 104.47 and 104.48 are revised as follows:

Fees

§ 104.46 License fees.

There shall be charged and collected a fee of $50 for each original warehouseman's license, and a fee of $50 for each amended, modified, extended, reinstated, or duplicate warehouseman's license applied for by a warehouseman, and a fee of $20 for each license or amendment thereto issued to any person to grade or weigh agricultural products stored or to be stored under provisions of this Act.

§ 104.47 Warehouse inspection fees.

There shall be charged and collected—

(a) For each original examination or inspection, or reexamination or reinspection for modification of an existing license of a warehouse under the Act a fee at the rate of $10 for each 100,000 pounds of storage capacity or fraction thereof, determined in accordance with § 104.12(a), but in no case less than $100 nor more than $500; and

(b)(1) For each licensed warehouse an annual fee at the rate of $10 for each 100,000 pounds of license capacity, or fraction thereof, but in no case shall the fee be less than $400 nor more than $2,000. The licensed capacity shall be that stated in the current warehouse license as determined under § 104.12(a).

(2) If Commodity Credit Corporation has a depository interest in any warehouse covered by this section and shares in the cost of the examination program at that warehouse, the fees stipulated in this section shall be reduced to that warehouseman by the amount Commodity Credit Corporation pays.

§ 104.48 Advance deposit.

Before any license is granted, or an original examination or inspection is made, or reexamination or reinspection for modification of an existing license is made, or when the annual fee for the licensed warehouse is assessed, pursuant to the regulation in this part, the applicant or licensee shall deposit with the Service the amount of the fee prescribed. Such deposit shall be made in the form of a check, certified if required by the Service, draft, or post office or express money order, payable to the order of "Agricultural Marketing Service, USDA."

* * * * *

PART 106—DRY BEAN WAREHOUSES

4. Sections 106.55, 106.56, and 106.57 are revised as follows:

Fees

§ 106.55 License fees.

There shall be charged and collected a fee of $50 for each original warehouseman's license, and a fee of $50 for each amended, modified, extended, reinstated or duplicate warehouseman's license applied for by a warehouseman, and a fee of $20 for each license or amendment thereto issued to any person to inspect, grade, or weigh agricultural products stored or to be stored under provisions of this Act; except that no fee shall be charged for issuance of a license to an inspector who holds an unsuspended and unrevoked license under the Agricultural Marketing Act of 1946 and regulations thereunder to inspect and grade any beans and to certificate the grade thereof.

§ 106.56 Warehouse inspection fees.

There shall be charged and collected—

(a) For each original examination or inspection, or reexamination or reinspection for modification of an existing license of a warehouse under the Act a fee at the rate of $10 for each 1,000 hundredweight of storage capacity, or fraction thereof determined in accordance with § 106.12(a), but in no case less than $100 nor more than $500; and

(b)(1) For each licensed warehouse an annual fee computed in accordance with the following table:

Licensed capacity (hundredweight)	Annual fee (dollars)
Less than 90,000	$500
90,100 to 150,000	700
150,100 to 300,000	900
300,100 to 450,000	1,100
450,100 to 600,000	1,300
600,100 to 720,000	1,500
720,100 to 900,000	1,700
900,100 to 1,200,000	1,900
1,200,100 to 1,500,000	2,100
1,500,100 to 3,000,000	2,300
3,000,100 and over	2,500

The licensed capacity shall be that stated in the current warehouse license as determined under § 106.12(a).

(2) If Commodity Credit Corporation has a depository interest in any warehouse covered by this section and shares in the cost of the examination program at that warehouse, the fees stipulated in this section shall be reduced to that warehouseman by the amount Commodity Credit Corporation pays.

§ 106.57 Advance deposit.

Before any license is granted, or an original examination or inspection is made, or reexamination or reinspection for modification of an existing license is made, or when the annual fee for the licensed warehouse is assessed, pursuant to the regulation in this part, the applicant or licensee shall deposit with the Service the amount of the fee prescribed. Such deposit shall be made in the form of a check, certified if required by the Service, draft, or post office or express money order, payable to the order of "Agricultural Marketing Service, USDA."

* * * * *

PART 107—NUT WAREHOUSES

5. Sections 107.56, 107.57 and 107.58 are revised as follows:

Fees

§ 107.56 License fees.

There shall be charged and collected a fee of $50 for each original warehouseman's license, and a fee of $50 for each amended, modified, extended, reinstated or duplicate warehouseman's license applied for by a warehouseman, and a fee of $20 for each license or amendment thereto issued to any person to inspect, grade, or weigh agricultural products stored or to be stored under provisions of this Act.

§ 107.57 Warehouse inspection fees.

There shall be charged and collected—

(a) For each original examination or inspection, a reexamination or reinspection for modification of an

existing license of a warehouse under the Act a fee at the rate of $5 for each 100 tons, or fraction thereof, of peanuts, and $10 for each 1,000 hundredweight, or fraction thereof of other nuts of storage capacity determined in accordance with § 107.6, but in no case less than $100 nor more than $1,000; and

(b)(1) For each licensed warehouse an annual fee at the rate of 10¢ for each ton of licensed capacity, or fraction thereof, but in no case shall the fee be less than $400 nor more than $2,000. The licensed capacity shall be that stated in the current warehouse license as determined under § 107.6.

(2) If Commodity Credit Corporation has a depository interest in any warehouse covered by this section and shares in the cost of the examination program at that warehouse, the fees stipulated in this section shall be reduced to that warehouseman by the amount Commodity Credit Corporation pays.

§ 107.58 Advance deposit.

Before any license is granted, or an original examination or inspection is made, or reexamination or reinspection for modification of an existing license is made, or when the annual fee for the licensed warehouse is assessed, pursuant to the regulation in this part, the applicant or licensee shall deposit with the Service the amount of the fee prescribed. Such deposit shall be made in the form of a check, certified if required by the Service, draft, or post office or express money order, payable to the order of "Agricultural Marketing Service, USDA."

* * * * *

PART 108—SIRUP WAREHOUSES

6. Sections 108.48, 108.49 and 108.50 are revised as follows:

Fees

§ 108.48 License fees.

There shall be charged and collected a fee of $50 for each original warehouseman's license, and a fee of $50 for each amended, modified, extended, reinstated or duplicate warehouseman's license applied for by a warehouseman, and a fee of $20 for each license or amendment thereto issued to any person to inspect, grade, or weigh agricultural products stored or to be stored under provisions of this Act.

§ 108.49 Warehouse inspection fees.

There shall be charged and collected—

(a) For each original examination or inspection, or reexamination or reinspection for modification of an existing license of a warehouse under the Act a fee at the rate of $3 for each 5,000 gallons or fraction thereof of storage capacity determined in accordance with § 108.12(a), but in no case less than $100 nor more than $500; and

(b)(1) For each licensed warehouse an annual fee at the rate of $3 for each 5,000 gallons of licensed capacity, or fraction thereof, but in no case shall the fee be less than $400 nor more than $2,000. The licensed capacity shall be that stated in the current warehouse license as determined under § 108.12(a).

(2) If Commodity Credit Corporation has a depository interest in any warehouse covered by this section and shares in the cost of the examination program at that warehouse, the fees stipulated in this section shall be reduced to that warehouseman by the amount Commodity Credit Corporation pays.

§ 108.50 Advance deposit.

Before any license is granted, or an original examination or inspection is made, or reexamination or reinspection for modification of an existing license is made, or when the annual fee for the licensed warehouse is assessed, pursuant to the regulation in this part, the applicant or licensee shall deposit with the Service the amount of the fee prescribed. Such deposit shall be made in the form of a check, certified if required by the Service, draft, or post office or express money order, payable to the order of "Agricultural Marketing Service, USDA."

* * * * *

PART 111—COTTONSEED WAREHOUSES

7. Sections 111.58, 111.59 and 111.60 are revised as follows:

Fees

§ 111.58 License fees.

There shall be charged and collected a fee of $50 for each original warehouseman's license, and a fee of $50 for each amended, modified, extended, reinstated or duplicate warehouseman's license applied for by a warehouseman, and a fee of $20 for each license or amendment thereto issued to any person to inspect, grade, or weigh agricultural products stored or to be stored under provisions of this Act.

§ 111.59 Warehouse inspection fees.

There shall be charged and collected—

(a) For each original examination or inspection, or reexamination or reinspection for modification of an existing license of a warehouse under the Act a fee at the rate of $10 for each 1,000 tons of storage capacity, or fraction thereof determined in accordance with § 111.13, but in no case less than $100 nor more than $500; and

(b)(1) For each licensed warehouse an annual fee at the rate of $10 for each 1,000 tons of licensed capacity, or fraction thereof, but in no case shall the fee be less than $400 nor more than $2,000.

(2) If Commodity Credit Corporation has a depository interest in any warehouse covered by this section and shares in the cost of the examination program at that warehouse, the fees stipulated in this section shall be reduced to that warehouseman by the amount Commodity Credit Corporation pays.

§ 111.60 Advance deposit.

Before any license is granted, or an original examination or inspection is made, or reexamination or reinspection for modification of an existing license is made, or when the annual fee for the licensed warehouse is assessed, pursuant to the regulation in this part, the applicant or licensee shall deposit with the Service the amount of the fee prescribed. Such deposit shall be made in the form of a check, certified if required by the Service, draft, or post office or express money order, payable to the order of "Agricultural Marketing Service, USDA."

* * * * *

Done at Washington, D.C., December 23, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-37146 Filed 12-29-81; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

List of Public Laws

Last Listing December 29, 1981

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

S. 1003 / Pub. L. 97–109 To amend title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, to authorize appropriations for such title for fiscal years 1982 and 1983, and for other purposes. (Dec. 26, 1981; 95 Stat. 1512) Price: $1.50.

H.R. 4879 / Pub. L. 97–110 "International Banking Facility Deposit Insurance Act" (Dec. 26, 1981; 95 Stat. 1513) Price: $1.50.

S. 1948 / Pub. L. 97–111 To permit to become effective certain Farm Credit Administration regulations which expand the authority of financing institutions, other than farm credit system institutions, to borrow from and discount with Federal intermediate credit banks (Dec. 26, 1981; 95 Stat. 1517) Price: $1.50.

The "reminders" below identify documents that appeared in issues of the Federal Register 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

AGRICULTURE DEPARTMENT

Farmers Home Administration—

54949 11–5–81 / Appeal procedure; comments by 1–4–82

54751 11–4–81 / Insured farmer program borrower responsibilities; comments by 1–4–82

COMMERCE DEPARTMENT

Patent and Trademark Office—

49602 10–7–81 / Trademark application; filing dates; comments by 1–5–82

CONSUMER PRODUCT SAFETY COMMISSION

58702 12–3–81 / Withdrawal of proposed rule and reproposal of rule to regulate under the CPSA risk of injury that may be presented by certain stuffed toys; comments by 1–4–81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

60214 12–9–81 / Form No. 423: Monthly report of cost and quality of fuels for electric plants; comments by 1–4–82

ENVIRONMENTAL PROTECTION AGENCY

60217 12–9–81 / Approval and promulgation of implementation, Indiana; comments by 1–6–82

55123 11–6–81 / Approval and promulgation of implementation plans; Iowa; comments by 1–5–82

55220 11–6–81 / Grants for construction of treatment works; comments by 1–8–82

55551 11–10–81 / Interstate pollution abatement; Announcement of receipt of petition from Maine; comments by 1–4–82

45383 9–11–81 / Interstate pollution abatement; Announcement of supplemented petition for New York and Pennsylvania; comments by 1–4–82

60217 12–9–81 / Phenmedipham; tolerance; comments by 1–8–82

FEDERAL COMMUNICATIONS COMMISSION

56836 11–9–81 / Elimination of requirement for type approval of aural modulation monitors; extension of time; reply comments by 1–5–82

[*See also* 46 FR 52398; 10–27–81]

52151 10–26–81 / FM broadcast station; Atlantic City, N.J.; changes in table of assignments; reply comments by 1–4–82

52145 10–26–81 / FM broadcast station; Celina, Clinton, Knoxville, LaFollette, and Sweetwater, Tennessee; Louisville, Oneida, Radcliff, Somerset, and Stanford, Kentucky; Madison and New Albany, Indiana; changes in Table of Assignments; comments by 1–4–82

56833 11–19–81 / FM broadcast station; changes in table of assignments; Freeport, Tex.; comments by 1–4–82

60221 12–9–81 / Frequency allocations and radio treaty matters general rules and regulation; reply comments by 1–6–82

57078 11–20–81 / Subscription television service; reply comments by 1–5–82

FEDERAL MARITIME COMMISSION

54390 11–2–81 / Tariffs filed by common carriers in foreign commerce of U.S.; time/ volume rate contracts; filing regulations; comments by 1–4–82

FEDERAL RESERVE SYSTEM

55533 11–10–81 / Credit by brokers and dealers; proposal to permit use of letters of credit as the required deposit when securities are borrowed; comments by 1–5–82

FEDERAL TRADE COMMISSION

54756 11–4–81 / Gifford-Hill-American, Inc.; proposed consent agreement with analyses to aid public comment; comments by 1–4–82

54758 11–4–81 / Renuzit Home Products Co.; proposed consent agreement with analysis to aid public comment; comments by 1–4–82

Deadlines for Comments on Proposed Rules for the Week of January 3 through January 9, 1982

HEALTH AND HUMAN SERVICES DEPARTMENT

Child Support Enforcement Office—

54554 11–2–81/Requests to use Federal Parent Locator Service in parental kidnapping and child custody cases; comments by 1–4–82

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62185 12–22–81 / HHS/PHS—Maternal and child health services block grant; delegation of authority

62353 12–23–81 / SFC—Notice of supplement to Initial Solicitation for Synthetic Fuels Projects

62353 12–23–81 / SFC—Notice of Second Solicitation for Synthetic Fuels Projects



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federal register

Thursday
December 31, 1981

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63478 **Incorporation by Reference** OFR approves certain materials in Titles 7 through 16 and corrects certain materials in Title 46. (Part II of this issue).

63327 **Grant Programs—Health** VA proposes requirements for scholarship awards under Health Professional Scholarship Program.

63393 **Grant Programs—Refugee Resettlement** HHS/SSA announces proposed funding of project grants for services in high-impact areas.

63223 **Grant Programs—Space Exploration** NASA issues rule on grants and cooperative agreements with educational institutions and other nonprofit organizations.

63259 **Grant Programs—Juvenile Delinquency** Justice/JJDPO issues rules for formula grants program.

63326 **Income Tax** Treasury/IRS proposes rules on issuance of tax-exempt bonds for acquisition of qualified mass commuting vehicles.

63256 Treasury/IRS issues temporary rules on leases for qualified mass commuting vehicles and new reporting requirements for all safe harbor leases.

63268 **Pensions** PBGC amends rules for determining expected retirement age for certain plan participants.

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Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

63273 **Medicare** HHS/HCFA amends rules on determination of reasonable charges for services.

63385 HHS/HCFA requests comments on study of methods for improving coverage of registered dieticians' services and respiratory therapy services provided by home health agencies.

63385 HHS/HCFA requests comments on study of methods for improving foot care services coverage.

63389 HHS/HCFA announces monthly actuarial and premium rates for aged and disabled enrollees in the Supplementary Medical Insurance Program, and announces monthly hospital insurance premium for uninsured aged. (2 documents)

63255 **Securities** SEC establishes ceiling on debt security amounts that can be exempt from provisions of the Trust Indenture Act of 1939.

63254 SEC defers effective date of quarterly reporting requirements for smaller life insurance companies whose shares are not actively traded.

63252 SEC publishes bulletin on application of existing financial accounting standards to certain business combinations.

63447 **Treasury Notes—Series K-1985** Treasury announces interest rate of 14⅛ percent per annum.

63364 **Imports** Commerce/ITA issues preliminary determination of sales at less than fair value for high power microwave amplifiers and components from Japan.

63361 **Forests** USDA/FS requests comments on goals for the 1985 Resources Planning Act Program.

63272 **Procurement** EPA abolishes guidelines on cost sharing contracts.

63322 **Visas** ICA proposes to establish criteria for use of J–1 visa for exchange-visitor program.

63368 **Utilities** DOE/BPA changes effective-date for certain revised wholesale power rates.

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63448 **Sunshine Act Meetings**

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Rules and Regulations

Federal Register
Vol. 46, No. 251
Thursday, December 31, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Chs. I and XXVIII

Food Safety and Inspection Service

9 CFR Ch. III

Transfer and Redesignation of Department of Agriculture Regulations

AGENCY: Agricultural Marketing Service and Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: On June 17, 1981, the Secretary of Agriculture announced a reorganization of the Department of Agriculture. As part of this reorganization, certain functions which pertain to grading, standardization and voluntary inspection of fruit, vegetable, meat, poultry, eggs, egg products, and dairy products formerly administered by the Food Safety and Quality Service were transferred to and are now administered by the Agricultural Marketing Service. The Food Safety and Quality Service was renamed the Food Safety and Inspection Service. This final rule amends Titles 7 and 9 of the Code of Federal Regulations by transferring and redesignating the pertinent regulations to reflect the changes in program administration made by the reorganization.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT:
Richard N. Hooper, Administrative Services Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447–4906
S. Paul Ragan, Director, Regulations Office, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447–3317

SUPPLEMENTARY INFORMATION: On June 17, 1981, Secretary Block of the Department of Agriculture issued Secretary's Memorandum 1000–1 announcing the reorganization of the Department. The reorganization and the corresponding delegations of authority were published in the **Federal Register** on September 30, 1981 (46 FR 47747–47757).

As part of this reorganization, it was determined that those functions then being administered by the Food Safety and Quality Service (FSQS) relating to grading and standardization activities and voluntary inspection of egg products and administration of the Egg Products Inspection Act were more logically associated with other marketing functions and, therefore, should be administered by the Agricultural Marketing Service (AMS).

Pursuant to this determination, the Secretary of Agriculture directed that the functions relating to grading and standardization activities and voluntary inspection of egg products, and administration of the Egg Products Inspection Act be transferred from FSQS to AMS. The Secretary further directed that FSQS be renamed the Food Safety and Inspection Service (FSIS).

The regulations involved currently appear in Chapter XXVIII of Title 7 under the Food Safety and Quality Service (now renamed the Food Safety and Inspection Service). The authority to administer those regulations was at that time delegated to the Administrator of the Food Safety and Inspection Service, pursuant to 7 CFR 2.92(a). The regulations currently administered by the Agricultural Marketing Service are found at Chapter I of Title 7 of the Code of Federal Regulations.

Pursuant to the Department reorganization and the transfer of the previously specified functions from FSQS to AMS, the Department is adopting this final rule which transfers and redesignates those regulations currently codified in Chapter XXVIII of Title 7 of the CFR under FSQS to Chapter I of Title 7 of the CFR under AMS. Furthermore, this rule transfers and redesignates Subchapter F of Chapter XXVIII of Title 7 to Subchapter D Chapter III of Title 9.

Title 7 of the Code of Federal Regulations is amended as follows:

PART 2850—RULES OF PRACTICE GOVERNING WITHDRAWAL OF INSPECTION AND GRADING SERVICES [REMOVED]

1. Part 2850 is removed.

2. Parts 2842, 2843, 2851, 2852, 2853, 2855, 2856, 2858, 2859, 2870, and 2880 of Chapter XXVIII are transferred to Chapter I and redesignated as follows:

CHAPTER I—AGRICULTURAL MARKETING SERVICE

Subchapter A—Commodity Standards and Standard Container Regulations

* * * * *

Old Part Ch. XXVIII and New Part, Ch. I

2842—42 Standards for Condition of Food Containers
2843—43 Standards for Sampling Plans

* * * * *

Subchapter C—Regulations and Standards Under the Agricultural Marketing Act of 1946

Old and New

2851—51 Fresh Fruits, Vegetables, and Other Products (Inspection, Certification, and Standards)
2852—52 Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products
2853—54 Meats, Prepared Meats, and Meat Products (Grading Certification, and Standards)
2855—55 Voluntary Inspection of Egg Products and Grading
2856—56 Grading of Shell Eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs
2858—58 Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products
2859—59 Inspection of Eggs and Egg Products (Egg Products Inspection Act of 1970)
2870—70 Voluntary Grading of Poultry Products and Rabbit Products and U.S. Classes, Standards, and Grades

Subchapter D—Export and Domestic Consumption Programs

Old and New

2880—80 Fresh Irish Potatoes

3. Wherever the name "Food Safety and Quality Service" or "FSQS" appears within the new Parts 42 through 80 change it to read "Agricultural Marketing Service" or "AMS", respectively.

4. In Title 7 of the Code of Federal Regulations, Subchapter F and its Parts 2890–2899 are removed and redesignated as a new Subchapter D, Parts 390–399, of

Chapter III, Title 9, of the Code of Federal Regulations.

Part 2890 of Title 7 is redesignated as Part 390 of Title 9.

5. Chapter XXVIII of Title 7 is vacated.

Furthermore, Title 9 of the Code of Federal Regulations is amended as follows:

1. In the first sentence of the new § 390.2 (9 CFR 390.2), the words "Chapter XXVIII, Title 7 and" are removed.

2. Wherever the name "Food Safety and Quality Service" on "FSQS" appears within 9 CFR Chapter III, Parts 301–335, 350, 351, 355, 362, 381, and 390 (formerly Title 7, Part 2890), change it to read "Food Safety and Inspection Service" or "FSIS", respectively.

(This final rule is issued pursuant to 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953)

It has been determined that publication of this rule as a proposal for public comment is unnecessary since this final rule merely redesignates existing regulations.

Done at Washington, D.C. on: December 24, 1981.

C. W. McMillan,

Assistant Secretary for Marketing and Inspection Services.

[FR Doc. 81-37220 Filed 12-30-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 907

[Navel Orange Reg. 534]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period January 1–January 7, 1982. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on October 6, 1981. The committee met again publicly on December 29, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navels deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is easier.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provisions and the effective time.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the reporting or recordkeeping provisions that are included in this final rule have been or will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until OMB approval has been obtained.

1. Section 907.834 is added as follows:

§ 907.834 Navel orange regulation 534.

The quantities of navel oranges grown in Arizona and California which may be handled during the period January 1, 1982, through January 7, 1982, are established as follows:

(1) District 1: 650,000 cartons;

(2) District 2: 56,502 cartons;

(3) District 3: Unlimited cartons;

(4) District 4: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 30, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-37471 Filed 12-30-81; 3:30 pm]

BILLING CODE 3410-02-M

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7 CFR Part 910

[Lemon Reg. 340]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period January 3–9, 1982. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: January 3, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on July 7, 1981. The committee met again publicly on December 29, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the reporting or recordkeeping provisions that are included in this final rule have been submitted for approval to the Office of Management and Budget (OMB). They are not effective until OMB approval has been obtained.

Section 910.640 is added as follows:

§ 910.640 Lemon regulation 340.

The quantity of lemons grown in California and Arizona which may be handled during the period January 3, 1982, through January 9, 1982, is established at 240,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 30, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-37470 Filed 12-30-81; 3:50 pm]

BILLING CODE 3410-02-M

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7 CFR Part 1106

[Milk Order No. 106]

Milk in the Oklahoma Metropolitan Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action suspends certain provisions concerning the shipping requirements for supply plants and the limits on the amount of milk from individual producers that may be diverted directly to nonpool plants and still be priced under the order. For the month of December 1981, the suspension reduces the amount of milk that a supply plant must ship to pool distributing plants in order to qualify as a pool plant. Also, the amount of milk that may be moved directly from farms to nonpool plants for manufacturing is increased. The suspension was requested by a cooperative association because of increased milk production and decreased fluid milk sales due to school closings during the Christmas holidays. The suspension is needed to assure the efficient disposition of reserve milk supplies that are now available and to assure that dairy farmers who have regularly supplied the fluid milk needs of the market will continue to have their milk pooled and priced under the order.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–4824.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, not a major action.

It also has been determined that the need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the office of Management and Budget at least 10 days prior to its publication in the **Federal Register.** However, this would not permit the issuance of the suspension on the timely basis that is necessary to make the suspension effective for the month of December 1981. The initial request for the action was received on December 17, 1981.

It has been determined that this action would not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Oklahoma Metropolitan marketing area.

After consideration of all relevant information it is hereby found and determined that for the month of December 1981 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1106.7(b), that part of the provisions that reads "in an amount not less than 50 percent of milk received at the supply plant from dairy farmers who would be eligible as producers under §1106.12 if such plant qualifies pursuant to this paragraph and milk of such dairy farmers diverted from such plant by the plant operator".

2. In § 1106.13(e)(1), that part of the provisions that reads ", subject to the conditions of paragraph (e)(3) of this section, a total quantity of milk not in excess of total" and "received at all pool plants during the month. Diversions in excess of such quantity shall not be eligible under this section and the diverting cooperative shall specify the dairy farmers whose diverted milk is not so eligible. If the cooperative association fails to designate such person, status under this section shall be forefeited with respect to all milk diverted by such cooperative association".

3. In § 1106.13(e)(2), that part of the provisions that reads ", subject to the conditions of paragraph (e)(3) of this section," and ", in a total quantity not in excess of the milk of producers not members of such cooperative association received at such pool plant(s) during the month. Milk diverted in excess of such quantity shall not be eligible under this section and the diverting handler shall specify the dairy farmers whose diverted milk is not so eligible. If a handler fails to designate such persons, status under this section shall be forfeited with respect to all milk diverted by such handler".

4. In § 1106.13, paragraph (e)(3).

Statement of Consideration

This action reduces the amount of milk that supply plants must ship to pool distributing plants to attain pool plant status under the order. Under the suspension, a supply plant needs to make but one shipment to a pool distributing plant to qualify as a pool plant.

The action also increases the amount of milk that may be moved directly from farms to nonpool manufacturing plants and still be priced under the order. Without the suspension, diversions would be limited to producers who deliver not less than 15 percent of their producer milk to pool plants. In addition, diversions to nonpool plants by proprietary handlers and cooperatives could not exceed the quantity of milk received at pool plants.

This action was requested by a cooperative association that represents producers supplying the market. The cooperative indicated that the suspension is needed primarily because

of a decline in Class I sales to schools as the result of school closings for the Christmas holidays. In addition to reduced fluid milk sales, increased production by producers is contributing to the cooperative's problems in marketing the available supplies of milk. In the absence of any suspension action, the cooperative indicates that it would be necessary to make costly and inefficient movements of milk solely for the purpose of pooling the milk of dairy farmers who have regularly supplied the fluid milk needs of the market.

The suspension is supported by a second cooperative association, by the operator of a pool supply plant and by the operator of a pool distributing plant on the basis that the action would facilitate the orderly and efficient disposition of milk supplies that are in excess of the anticipated fluid milk requirements of distributing plants. In addition, other interested parties were notified by the proponent cooperative that it intended to request this suspension action. None of these parties expressed any opposition to the requested suspension.

In view of the circumstances, the aforesaid provisions should be suspended to ensure the orderly marketing of milk supplies that are in excess of fluid milk requirements. Without the suspension, some milk not needed for bottling use would be shipped to distributing plants from supply plants and then be shipped to manufacturing plants for surplus disposal. Also, the milk of certain dairy farmers that is in excess of fluid milk needs would be shipped to pool plants for reshipment to manufacturing plants rather than being shipped directly from the farm to manufacturing plants. Both of these actions would represent costly and inefficient movements of milk.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that the action will assist handlers in disposing of reserve milk supplies that are now available and will allow dairy farmers who have regularly supplied the fluid milk needs of the market to maintain producer status under the order; and

(b) This suspension eases restrictions and does not require of persons affected substantial or extensive preparation prior to the effective date.

Therefore, good cause exists for making this order effective December 31, 1981.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the month of December 1981.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: December 31, 1981.

Signed at Washington, D.C., on December 24, 1981.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 81-37351 Filed 12-30-81; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 52

Dourine in Horses and Asses

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document removes Part 52 from the regulations in Title 9, Code of Federal Regulations, governing appraisal of and compensation for animals destroyed because of dourine. This action removes regulations no longer deemed necessary because the regulations in 9 CFR Part 53 can be used to appraise animals and compensate the owners for destruction of the animals in order to prevent the spread of and to aid in the eradication of dourine.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. W. W. Buisch, USDA, APHIS, VS, Federal Building, Room 748, Hyattsville, MD 20782, 301–436–8073.

SUPPLEMENTARY INFORMATION: This action has been reviewed in conformance with Executive Order 12291 and has been classified as not a "major rule." The Department has determined that this rule will not have an annual effect on the economy of $100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and should have no adverse effects on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action removes the regulations which provide a means by which owners of animals infected with dourine can receive compensation from the Department on account of the destruction of said animals. The United States has been free of dourine since 1946, and import requirements have proven adequate to prevent the introduction of the disease into the United States. Additionally, if an animal becomes infected with dourine, appraisal of and compensation to the owner for the discharge of all claims the owner may have against the Department on account of the destruction of the animals, can be made pursuant to 9 CFR Part 53.

On Tuesday, July 28, 1981, there was published in the **Federal Register** (46 FR 38524–38525), a proposed amendment to remove Part 52 from Title 9, Code of Federal Regulations. A 60-day comment period was provided for receipt of comments which expired on September 28, 1981. No comments were received.

The alternative to this final rule would be to not remove Part 52 from Title 9, Code of Federal Regulations. However, test procedures have proven adequate to prevent the entry of dourine and the United States has been free of dourine for 34 years. Additionally, Part 53, 9 CFR, can be used in appropriate circumstances to provide for appraisal of and compensation to the owners of animals infected with dourine that are destroyed pursuant to the regulations.

The factual situation which was set forth in the document of July 28, 1981, still provides a basis for the amendment, and therefore, the Department is amending the regulation as proposed.

PART 52—[RESERVED]

Accordingly, Title 9, Code of Federal Regulations, is amended by removing Part 52, and Part 52 is reserved.

(Sec. 3, 23 Stat. 32, as amended; sec. 2, 32 Stat. 792, as amended; sec. 11, 58 Stat. 734, as amended; (21 U.S.C. 111, 114, 114a); 37 FR 28464, 28477; 38 FR 19141)

Done at Washington, D.C., this 28th day of December 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-37353 Filed 12-30-81; 8:45 am]

BILLING CODE 3410-34-M

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9 CFR Part 94

[Docket No. 81-098]

Change in Disease Status of Great Britain (England, Scotland, Wales, and Isle of Man) Because of Foot-and-Mouth Disease

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document adds Great Britain (England, Scotland, Wales, and Isle of Man) to the list of countries declared to be free of rinderpest and foot-and-mouth disease. Data furnished to the Department establishes that foot-and-mouth disease has been eradicated from Great Britain (England, Scotland, Wales, and Isle of Man). This action is necessary to permit importation of cattle, sheep, or other ruminants, or swine, or fresh, chilled or frozen meats of such animals into the United States from Great Britain (England, Scotland, Wales, and Isle of Man).

DATES: Effective date: December 31, 1981. Comments on or before March 1, 1982.

ADDRESS: Written comments should be submitted to the Deputy Administrator, Veterinary Services, APHIS, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. D. E. Herrick, USDA, APHIS, VS, Import/Export Animals and Products Staff, Room 821, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8530.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This emergency action has been reviewed in conformance with Executive Order 12291 and has been determined to be not a "major rule." The Department has determined that this rule will not have an annual effect on the economy of $100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and should have no adverse effects on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The emergency nature of this action makes it impracticable to follow the procedures of Executive Order 12291 with respect to this action.

Dr. E. C. Sharman, Assistant Deputy Administrator, Animal Health Programs, USDA, APHIS, VS, has determined that an emergency situation exists which warrants publication of this interim rule without opportunity for a public comment at this time. These amendments relieve restrictions on the importation of cattle, sheep, or other ruminants, or swine, or fresh, chilled, or frozen meats of such animals into the United States from Great Britain (England, Scotland, Wales, and Isle of Man) because it has been found to be free of foot-and-mouth disease. Therefore, these amendments should be made effective immediately, on an interim basis, in order to relieve restrictions presently imposed but no longer necessary to prevent the introduction and dissemination of the contagion of foot-and-mouth disease into the United States.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency action is impracticable, unnecessary and contrary to the public interest, and good cause is found for making this emergency action effective less than 30 days after publication of this document in the **Federal Register**. Comments have been solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

Certification Under the Regulatory Flexibility Act

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action will lift restrictions that were imposed on March 25, 1981, on the importation of cattle, sheep, or other ruminants, or swine, or fresh, chilled, or frozen meats and other products of such animals into the United States from Great Britain (England, Scotland, Wales, and Isle of Man). In recent years approximately 50–100 cattle, sheep, other ruminants and swine have been imported from Great Britain into the United States annually. Further, in recent years there has been no fresh, chilled, or frozen meat of such animals and a negligible quality of other animal products imported into the United States from Great Britain. Therefore, it does not appear that this action will have a significant economic impact on a substantial number of small entities.

Background

On March 21, 1981, the Isle of Wight (part of Great Britain), was determined to be infected with foot-and-mouth disease. This was based upon laboratory confirmation of the presence of the disease. Foot-and-mouth disease is a dangerous and destructive communicable disease of ruminants and swine. The morbidity rate within a herd approaches 100 percent. Consequently, it was necessary to remove Great Britain from the list of countries determined to be free of rinderpest and foot-and-mouth disease.

On Wednesday, April 1, 1981, there was published in the **Federal Register** (46 FR 19817) amendments to 9 CFR Part 94 which, among other things, removed Great Britain (England, Scotland, Wales, and Isle of Man) from the list of countries which are declared to be free of rinderpest and foot-and-mouth disease.

Veterinary Services has reviewed all the pertinent information and documents submitted by the authorities of Great Britain (England, Scotland, Wales, and Isle of Man) in support of its position that the country is free of foot-and-mouth disease, and has concluded that Great Britain (England, Scotland, Wales, and Isle of Man) qualifies for listing as a country declared to be free of rinderpest and foot-and-mouth disease in § 94.1(a)(2) of the regulations.

However, Great Britain (England, Scotland, Wales, and Isle of Man) supplements its national meat supply through importations of fresh, chilled, or frozen meat of ruminants and swine from countries designated in § 94.1(a) of the regulations to be infected with rinderpest or foot-and-mouth disease. It also imports ruminants and swine from countries designated as infected with rinderpest or foot-and-mouth disease under conditions less restrictive than would be acceptable for importation into the United States. Thus, even though this document designates Great Britain (England, Scotland, Wales, and the Isle of Man) as free of rinderpest and foot-and-mouth disease, the meat and other animal products produced in Great Britain (England, Scotland, Wales, and Isle of Man) may be commingled with the meat and other animal products produced from an infected country, resulting in an undue risk of introducing rinderpest or foot-and-mouth disease into the United States. Therefore, meat of ruminants or swine and other animal products from Great Britain (England, Scotland, Wales, and Isle of Man) should be imported into the United States only under the restrictions specified in § 94.11(a) of the regulations.

Two other alternatives to these amendments were considered.

1. Not to amend the list of countries declared to be free of rinderpest and foot-and-mouth disease. This alternative was not adopted because the pertinent information and documents reviewed by Veterinary Services indicates that Great Britain qualifies for listing as a country declared to be free of rinderpest and foot-and-mouth disease. In light of the qualification of Great Britain as a

country free of rinderpest and foot-and-mouth disease, the failure to place Great Britain on the list of countries declared to be free of rinderpest and foot-and-mouth disease would result in unnecessary and unjustified restrictions upon the entry into the United States of cattle, sheep, or other ruminants, or swine, or fresh, chilled or frozen meat of such animals from Great Britain.

2. Not to amend the list of countries declared to be free of rinderpest and foot-and-mouth disease until one year after receiving information that Great Britain qualified for listing as a country declared to be free of rinderpest and foot-and-mouth disease.

The outbreak of foot-and-mouth disease which resulted in the removal of Great Britain from the list of countries free from rinderpest and foot-and-mouth disease occurred on March 19, 1981, and the evidence indicates the disease has been eradicated. Further, the outbreak of foot-and-mouth disease occurred on the Isle of Wight, a small isolated island, which is part of Great Britain. These two factors, the evidence that the disease was eradicated quickly and the isolated nature of the area of Great Britain in which the outbreak occurred, constitutes the factual basis for the Departments' rejection of this second alternative.

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMONENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA: PROHIBITED AND REGISTERED IMPORTATIONS

Accordingly, Part 94, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

§ 94.1 [Amended]

1. In § 94.1 paragraph (a)(2) is amended by inserting "Great Britain (England, Scotland, Wales, and Isle of Man)" between "Finland" and "Greenland."

§ 94.11 [Amended]

2. In § 94.11 paragraph (a) is amended by inserting "Great Britain (England, Scotland, Wales, and Isle of Man)" between "Finland" and "Japan."

(Sec. 2, 32 Stat. 792, as amended; sec. 306, 46 Stat. 689, as amended; secs. 4 and 11, 76 Stat. 130, 132; 19 U.S.C. 1306; 21 U.S.C. 111, 134c, 134f; 37 FR 28464, 28477; 38 FR 19141)

All written submissions made pursuant to this interim rule will be made available for public inspection at the Federal Building, Room 870, Hyattsville, MD, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27 (b)).

Comments submitted should bear a reference to the date and page number of this issue in the **Federal Register.**

Done at Washington, D.C., this 28th day of December, 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-37352 Filed 12-30-81; 8:45 am]

BILLING CODE 3410-34-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Codes and Standards for Nuclear Power Plants; ASME Boiler and Pressure Vessel Code; Incorporation by Reference

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its regulations to incorporate by reference new addenda of the ASME Boiler and Pressure Vessel Code. The sections of the ASME Code being incorporated provide rules for the construction of nuclear power plant components and specify requirements for inservice inspection of those components. Adoption of these amendments will permit the use of improved methods for construction and inservice inspection of nuclear power plants.

EFFECTIVE DATE: February 1, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. E. Baker, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 443-5892.

SUPPLEMENTARY INFORMATION: On July 27, 1981 the Nuclear Regulatory Commission published in the **Federal Register** (46 FR 38374) proposed amendments to its regulation, 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities." The proposed amendments revised § 50.55a to incorporate by reference the Winter 1979 Addenda, 1980 Edition, Summer 1980 Addenda, and the Winter 1980 Addenda of section III and the Winter 1979 Addenda, the 1980 Edition, and the Winter 1980 Addenda to section XI of the ASME Boiler and Pressure Vessel Code.

The incorporation of the new edition and addenda does not change any of the previous supplementary requirements included in the regulation. Until the ASME Code adds current requirements for inspecting the residual heat removal and emergency core cooling systems, the regulation will continue to require that these systems be inspected to the provisions cited in § 50.55a(b)(2)(iv).

One comment was received on the proposed rule. It recommended that § 50.55a(b)(2)(i) be revised to reflect the updated incorporation by reference of the ASME Boiler and Pressure Vessel Code, as stated in § 50.55a(b)(2). The reason given for recommending the revision was that § 50.55a(b)(2)(i) was being interpreted as prohibiting the use of addenda that were published and incorporated subsequent to the Summer 1978 Addenda to the 1977 Edition of the code.

As a result of the comment the title and the body of § 50.55a(b)(2)(i) were editorally revised to clarify them.

Some of the changes effected in the addenda which are incorporated through the adoption of the amendments are:

1. Section XI requires that a system hydrostatic test be performed after all inservice repairs and replacements to Class 1 systems and components.

2. Section III requires that there be some method of remotely monitoring the position of pressure relief devices.

3. Both sections III and XI allow the practical exam, required for Nondestructive Examination (NDE) qualification, to be given by the American Society for Nondestructive Testing (ASNT) rather than the employer.

4. Section III requires that licensees meet the requirements of the national standard, ANSI/ASME N626.3-1979 "Qualification and Duties of Personnel Engaged in ASME Boiler and Pressure Vessel Code, Section III, Divisions 1 and 2, Certifying Activities."

Interested person were invited to submit written comments for consideration in connection with the proposed amendment by September 10, 1981. One editorial comment was received and the paragraphs addressing the effective edition and addenda of the ASME Code were added to the preamble in response to the comment. The Commission has adopted the proposed amendment with a minor editorial revision to accommodate the incorporation by reference of the ASME Code.

Paperwork Reduction Act Statement

The recordkeeping requirements contained in this Regulation have been approved by the Office of Management and Budget; OMB approval No. 3150-0011.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule affects only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121. Since these companies are dominant in their service areas, this rule does not fall within the purview of the Act.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Part 50 are published as a document subject to codification.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 reads as follows:

Authority: Secs. 103, 104, 161, 182, 183, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239); secs. 201, 202, 206, 88 Stat. 1243, 1244, 1246 (42 U.S.C. 5841, 5842, 5846), unless otherwise noted. Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended; (42 U.S.C. 2234). Sections 50.100–50.102 issued under sec. 186, 68 Stat. 955; (42 U.S.C. 2236). For the purposes of sec. 223, 68 Stat. 958, as amended; (42 U.S.C. 2273), § 50.54(i) issued under sec. 161i, 68 Stat. 949; (42 U.S.C. 2201(i)), §§ 50.70, 50.71 and 50.78 issued under sec. 161i, 68 Stat. 950, as amended; (42 U.S.C. 2201(o)) and the laws referred to in Appendices.

2. In § 50.55a, paragraph (b)(1) is revised, the introductory text of paragraph (b)(2) is revised, and paragraph (b)(2)(i) is revised to read as follows:

§ 50.55a Codes and standards.

* * * * *

(b) * * *

(1) As used in this section, references to section III of the ASME Boiler and Pressure Vessel Code refer to section III, Division 1, and include editions through the 1980 Edition and addenda through the Winter 1980 Addenda.

(2) As used in this section, references to section XI of the ASME Boiler and Pressure Vessel Code refer to section XI, Division 1 and include editions through the 1980 Edition and addenda through the Winter 1980 Addenda, subject to the following limitations and modifications:

(i) "Limitations on specific editions and addenda." When applying the 1974 Edition, only the addenda through the Summer 1975 Addenda may be used. When applying the 1977 Edition, all of the addenda through the Summer 1978 Addenda must also be used. Addenda and editions subsequent to the Summer 1978 Addenda, that are incorporated by reference in paragraph (b)(2) of this section are not affected by these limitations.

Dated at Bethesda, MD this 8th day of December 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-37202 Filed 12-30-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

10 CFR Chs. II and III

OMB Control Numbers; Reporting or Recordkeeping Requirements

AGENCY: Department of Energy.

ACTION: Technical amendments.

SUMMARY: This document amends Department of Energy regulations to include OMB control numbers at the places in the regulations where current reporting or recordkeeping requirements are described. It also removes obsolete references to previous GAO or OMB approvals of information collection requirements.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Laurie R. Garnand Ford, Office of General Counsel, Department of Energy, 1000 Independence Avenue, S.W., Room 6A–230, Washington, D.C. 20585, (202) 252–8618.

SUPPLEMENTARY INFORMATION:

A. Paperwork Reduction Act.

The Paperwork Reduction Act (44 U.S.C. 3501 et seq.) requires that all agencies obtain approval of the Director of the Office of Management and Budget (OMB) prior to making an information collection request or imposing a recordkeeping requirement. Section 3504(c)(3)(A) requires the Director to ensure that all information collection requests and recordkeeping requirements display a control number. Section 3507(f) declares that an agency shall not engage in a collection of information without obtaining from the Director a control number to be displayed on the information request. Approval numbers which have been obtained are listed below.

B. Text of the Amendments.

For the reasons set forth in the preamble, the following regulations in Title 10 of the Code of Federal Regulations are hereby amended as follows: After the text of each regulation cited in the first column of the table, add parenthetically the corresponding OMB number listed in the second column.

CFR citation	OMB control No.
10 CFR Part 786, 10 CFR 786.99	1901-0244
10 CFR Part 797, 10 CFR 797.60	1901-0225
10 CFR 799.7(a)(9), 10 CFR 799.15	1904-0028
10 CFR 210.1	1903-0073
10 CFR 211.68(g)(3)	1903-0073
10 CFR Appendix A, Standby Regulation 211-1 Para. 5(a)(4)(i)	1903-0074
10 CFR Appendix A, Standby Regulation 211-1 Para. 5(i)(1)	1903-0074
10 CFR Appendix A, Standby Regulation 211-1 Para. 6(b)	1903-0074
10 CFR Appendix A, Standby Regulation 211-1 Para. 6(c)	1903-0074
10 CFR 212.78	1903-0069
10 CFR Appendix A, Standby Regulation 212-1 Para. 3(b)(7)	1903-0074
10 CFR 213.6	1903-0073
10 CFR 221.36	1903-0073
10 CFR Parts 500, 501, 503, 504, & 515	1903-0075
10 CFR 209.24	1905-0076
10 CFR 209.34	1905-0067
10 CFR 213.23	1903-0054
10 CFR 205.35	1903-0045
10 CFR 205 Subpart W, 10 CFR 205.308	1901-0245
10 CFR 205.377	1954-0096
41 CFR 9-9.107-5(a) para. (a)(2)(ii)(iii)	1901-0246
41 CFR 9-9.109-6(c)(7)	1901-0246
41 CFR 9-9.109-6(i)(5)(ii)	1901-0246
41 CFR 9-9.109-6(ii)	1901-0246
10 CFR 781.51(b)(6)	1903-0232
41 CFR 9-9.109-5(a) para. f	1901-0246
41 CFR 9-9.107-5(a) para. (e)(1)	1901-0246
10 CFR 781.52, 10 CFR 781.52(i)	1901-0232
10 CFR 600.14	1904-0011
10 CFR 456.63	1904-0011
10 CFR 455.63	1904-0011
10 CFR 455.60	1904-0005
10 CFR 455.4	1904-0007
10 CFR 455.6, 10 CFR 600.14	1904-0011
10 CFR 463.3 § 116(a)	1903-0098
10 CFR 445.12, 10 CFR 445.14(d)	1904-0003
10 CFR 445.21, 10 CFR 445.26(a)	1904-0003
10 CFR 445.22(b), 10 CFR 445.26(a)(b)	1904-0003
10 CFR 445.26(c)	1904-0003
10 CFR 445.34	1904-0036
10 CFR 445.35	1904-0036
10 CFR Part 470	1904-0036
10 CFR 420.12	1904-0127
10 CFR 420.4	1904-0027
10 CFR 465.13	1901-0084
10 CFR 465.7	1901-0084
10 CFR 440.22	1904-0027
10 CFR 440.23	1904-0027
10 CFR 440.12	1904-0027
10 CFR Part 516	1903-0072
41 CFR 9-9.109.6	1901-0021
41 CFR 1.5408	1901-0021
41 CFR 1.807	1901-0021
41 CFR 4.1004-50	1901-0021
41 CFR 4.1004-53	1901-0021
41 CFR 4.5107-1(c)	1901-0021
41 CFR 4.5109	1901-0021
41 CFR 4.5111	1901-0021
41 CFR 4.5112-4	1901-0021
41 CFR 4.5702-5	1901-0021
41 CFR 4.5802-4	1901-0021
41 CFR 4.5905	1901-0021
41 CFR 7.102-56	1901-0021
41 CFR 7.302-58	1901-0021
41 CFR 7.802-10	1901-0021
41 CFR 7.804-3	1901-0021

CFR citation	OMB control No.
41 CFR 9.104	1901-0021
41 CFR 9.107-5	1901-0021
41 CFR 9.107-6	1901-0021
41 CFR 9.109-2	1901-0021
41 CFR 9.109-6	1901-0021
41 CFR 9.110	1901-0021
41 CFR 9.202-4	1901-0021
41 CFR 12.810	1901-0021
41 CFR 15.307	1901-0021
41 CFR 16.701-50	1901-0021
41 CFR 50.108(c)	1901-0021
41 CFR 50.302-5(b)(6)	1901-0021
41 CFR 50.402	1901-0021
41 CFR 50.506.3	1901-0021
41 CFR 50.704-1(a)	1901-0021
41 CFR 50.704-2 thru 37	1901-0021
41 CFR 50.704-41 thru 43	1901-0021
41 CFR 50.704-49	1901-0021
41 CFR 50.81	1901-0021
41 CFR 50.1103-1 thru 4	1901-0021
41 CFR 50.1210-2	1901-0021
41 CFR 50.1213-6	1901-0021
41 CFR 50.1402	1901-0021
41 CFR 50.1604-2	1901-0021
41 CFR 50.1605	1901-0021

Issued in Washington, D.C., December 28, 1981.

(Paperwork Reduction Act of 1980, Pub. L. No. 96-511, 94 Stat. 2812 (44 U.S.C. 3501 *et seq.*))

Harry L. Peebles,

Deputy Assistant Secretary, Management and Administration.

[FR Doc. 81-37307 Filed 12-30-81; 8:45 am]

BILLING CODE 6450-01-M

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10 CFR Parts 202 and 709

Production and Disclosure and Public Records; Removal

AGENCY: Department of Energy.

ACTION: Removal of certain regulations.

SUMMARY: This Notice removes 10 CFR Part 202, Subpart A, entitled "Production and Disclosure Under 5 U.S.C. 552", and 10 CFR Part 709, entitled "Public Records", of the Department of Energy regulations. The regulations contained in Part 202, Subpart A, and Part 709 were superseded by 10 CFR Part 1004, Freedom of Information, and are, therefore, unnecessary.

EFFECTIVE DATE: February 4, 1982.

FOR FURTHER INFORMATION CONTACT: Milton Jordan, Director, Division of FOI and Privacy Acts Activities, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-5955.

SUPPLEMENTARY INFORMATION: These regulations are being removed from the Code of Federal Regulations since they have been superseded by 10 CFR Part 1004 which was published in the **Federal Register** on January 8, 1979, 44 FR 1909.

The National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, requires Federal agencies to prepare detailed statements on proposals for major Federal actions significantly affecting the quality of the human environment. The issuance of this rule by the Department of Energy clearly will not have a significant environmental effect since it merely removes regulations that were superseded by 10 CFR Part 1004. Thus, the preparation of an Environmental Impact Statement is not required.

Pursuant to section 501(c) of the Department of Energy Organization Act (DOE Act), I have determined that no substantial issue of fact or law exists and that this action will not have a substantial impact on the Nation's economy or large numbers of individuals or businesses because it will merely remove from the Code of Federal Regulations those provisions that have been made unnecessary by the promulgation of 10 CFR Part 1004. Accordingly, the Department of Energy is not bound by the prior notice and hearing requirements of section 501 (b), (c), and (d) of the DOE Act, and may promulgate this rule in accordance with the rulemaking procedure outlined in 5 U.S.C. 553.

Subsection (b) of 5 U.S.C. 553 requires that a notice of proposed rulemaking be published in the **Federal Register**, except when the agency for good cause finds that notice and public procedures thereon are impracticable, unnecessary, or contrary to the public interest. I have determined that the notice and comment procedures of section 553 are unnecessary, since the purpose and effect of this rule is merely to remove regulations that were superseded by 10 CFR Part 1004.

This action has been reviewed in accordance with Executive Order No. 12291, 46 FR 13193, February 19, 1981, and it has been determined that it does not constitute a major rule within the meaning of the Executive Order.

Because no notice of proposed rulemaking is required for this rule under 5 U.S.C. 553(b), the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, pertaining to regulatory flexibility analyses, do not apply to this rule.

In consideration of the foregoing, Part 202, Subpart A, and Part 709 of Title 10 of the Code of Federal Regulations are hereby removed.

Issued at Washington, D.C., December 23, 1981.

William S. Heffelfinger,

Assistant Secretary, Management and Administration.

PART 202—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

§§ 202.1-202.10 (Subpart A) [Removed]

PART 709—PUBLIC RECORDS [Removed]

For the reasons set out in the preamble, Part 202, Subpart A, and Part 709, of Title 10 of the Code of Federal Regulations are hereby removed.

(Sec. 644, Pub. L. 95-91, 91 Stat. 599 (42 U.S.C. 7254))

[FR Doc. 81-37348 Filed 12-30-81; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-CE-18-AD; Amdt. 39-4289]

Beech Models 65, A65, A65-8200, 65-A80, 65-A80-8800, 65-B80, 65-88, 65-A88, 65-90, 65-A90, 70, B90, C90, E90, 99, 99A, B99, 100, A100, B100, L23F, 65-A90-1, 65-A90-2, 65-A90-3, 65-A90-4, and NU-8F Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises Emergency Airworthiness Directive (EAD) 81-23-01 which was made applicable to Beech Models 65, A65, A65-8200, 65-A80, 65-A80-8800, 65-B80, 65-88, 65-A88, 65-90, 65-A90, 70, B90, C90, E90, 99, 99A, B99, 100, A100, B100, L23F, 65-A90-1, 65-A90-2, 65-A90-3, 65-A90-4, and NU-8F airplanes by letter dated October 31, 1981, and codifies the revised EAD into the **Federal Register**. In order to prevent inflight separation of an outer wing panel from the airplane, the EAD requires inspection and application of corrosion inhibitor to components of the lower forward wing attachments, and appropriate repair or replacement of components found defective. Need for the above action stems from an accident that was caused by inflight failure of a bolt in a lower forward wing attachment.

EFFECTIVE DATE: January 4, 1982, to all persons except those to whom it has already been made effective by airmail letter from the FAA dated October 31, 1981.

COMPLIANCE SCHEDULE: As prescribed in the body of the AD.

ADDRESSES: Commonly available Beech

Aircraft Corporation Maintenance and Shop Manuals applicable to airplanes specified within this AD may be obtained from local Beechcraft Aviation and Aero Centers or Beech Aircraft Corporation, Commercial Service Department, 9709 East Central, Wichita, Kansas 67201. Copies of the above Service Material are located at the location specified in the "FOR FURTHER INFORMATION CONTACT" section, below.

FOR FURTHER INFORMATION CONTACT:
Ross R. Spencer, Aerospace Engineer, Aircraft Certification Program, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 269–7005.

SUPPLEMENTARY INFORMATION: An accident with a Beech Model E90 airplane was caused by a stress corrosion crack and consequent fracture of a bolt in the lower forward attachment of the left outer wing panel. The FAA determined that this accident occasioned a serious safety hazard, that an emergency condition existed, that immediate corrective action was required and that notice and public procedure thereon was impractical and contrary to the public interest. Therefore, Emergency Airworthiness Directive (EAD) was issued by airmail letter dated October 31, 1981, identified as AD 81–23–01 and became effective to registered owners upon receipt of the airmail letter. For the left and right lower forward wing attachments, the EAD requires baking of the nut and bolt as well as inspection of and application of corrosion inhibitor to fittings, nuts, bolts, and washers. The EAD also requires repair or replacement of components in these attachments which are classified as defective during required inspections.

The EAD cites 2,629 airplanes, but some are exempted because susceptibility to stress corrosion cracking is not so great as to warrant emergency AD action. The exempted airplanes have better protection against corrosion, or less adverse bolt stress, or a bolt material which is less susceptible to stress corrosion. When the exemptions are considered, the EAD actually applies only to approximately 2,400 airplanes. During compliance with the EAD, the need for a revision was recognized, and the revised version is now codified into the **Federal Register**. Differences between the original and revised versions are described below.

The 65–A88 model designation was misprinted as 65,A88. The applicability statement and language in the body of the EAD overstated intended applicability. Eligible alternate nut part numbers and an alternate corrosion inhibitor were not mentioned. Some unnecessary use of Alodine was required. Procedure for reinstallation of used preload indicating washers was not fully explained. The revised version relaxes and clarifies the original version in the above and other minor respects.

Since the unsafe condition described herein may still exist on other Beech model airplanes described herein, the AD is being published in the **Federal Register** as an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make it effective to all persons who did not receive the letter notification.

Since the FAA has determined that there is an immediate need for this regulation to correct an unsafe condition and assure safe operation of the affected airplanes, the regulation is within the exemption provisions of section 8(a)(1) of Executive Order 12291. In addition, notice and public procedure under 5 U.S.C. 553(b) were considered impractical and contrary to the public interest, and good cause exists for making the amendment effective in less than thirty (30) days after the publication in the **Federal Register**.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive.

Beech: Applies to the following model airplanes regardless of the category or categories of airworthiness certification:

Models	Serial No. (S/N) [1]
65, A65 & A65-8200	LC-181 through LC-335.
70	LB-1 through LB-35.
65-A80, 65-A80-8800 & 65-B80.	LD-151 through LD-511 and LD-34, LD-46, LD-119.
65-A88, 65-88	LP-1 through LP-54.
65-90, 65-A90, B90 & C90	LJ-1 through LJ-929.
E90	LW-1 through LW-342.
99, 99A, B99	U-1 through U-164.
100 & A100	B-1 through B-247.
B100	BE-1 through BE-102, and BE-104.
Military	
L23F [2]	LF-7 [2] through LF-78 [2].
65-A90-1	LM-1 through LM-144.
65-A90-2	LS-1, -2, -3.
65-A90-3	LT-1, -2.
65-A90-4	LU-1 through LU-16.
NU-8F	LG-1.

[1] Except that airplanes which have installed BEECHCRAFT Kit No. 90-4077-1 S, BEECHCRAFT Kit No. 99-4023-1 S, or Aviadesign Supplemental Type Certificate SA1178CE or SA1583CE are not affected by this AD.

[2] Except that Model L23F airplanes which do not have a preload indicating washer assembly (i.e., one with radial holes in a center ring) are not affected by this AD.

Compliance: Required as indicated, unless already accomplished.

In order to assure integrity of bolts and nuts at the lower forward attachments of outer wing panels to the wing center section, accomplish the following:

(A) Prior to next flight, accomplish all of the following:

1. Remove all bolts, washers, and nuts from each lower forward wing attachment and thoroughly clean removed part. Throughout all action required by this AD:

a. Use procedures in the applicable Beech Maintenance Manual except where other procedures are specified by this AD,

b. Unless different instructions from Beech Aircraft Corporation is obtained and followed, reposition wing, as necessary, to remove or reinstall bolt by hand without using any tool,

c. Keep parts of each preload indicating washer assembly together so that parts of one assembly cannot be intermingled with parts of another assembly,

d. Clean each removed part with naptha or methyl ethyl ketone (MEK) using a bristle brush, and repeat this cleaning as necessary prior to each subsequently specified action until lubricant is applied, and

e. Accomplish all of the specified actions on both (i.e., left and right) sides of the airplane.

2. Visually inspect each bolt and nut for reddish rust. Do not classify copper residue over cadmium plating as rust. For a bolt, rust is acceptable only on the end (including not more than one thread) farthest from the head and within the counterbored recess between wrench serrations of the bolt head. For compliance with Paragraph (A)6 and (C), below, classify a bolt as rusted if rust is found elsewhere. Classify a nut as rusted if rust is found anywhere.

3. Visually inspect each bolt and nut for a pit or crack in steel (not cadmium or copper plating) material. Use 10X or stronger magnifying glass. For each bolt, pay particular attention to the fillet and shank, including threads. For each nut, pay particular attention to the chamfer (that faces the bolt head when installed) and perceptible threads adjacent to this chamfer. (Refer to Paragraphs (A)(6) and (C) below.)

4. Bake each bolt and nut continously for 23 hours at 350 degrees to 400 degrees Fahrenheit and cool in still air.

5. After accomplishment of Paragraph (A)4. above, use a magnetic particle method of Advisory Circular AC43.13–1A to inspect each bolt and nut for a crack, paying particular attention to locations specified in Paragraph (A)3, above. For each bolt, use a fluorescent particle method with 5250 to 6750 ampereturns in a coil to produce longitudinal magnetization in each bolt. (6,000 ampereturns means 2,000 amperes in a 3-turn coil or 1,000 amperes in a 6-turn coil, etc.) For each nut, use any magnetic particle method with 500 to 700 amperes through a central conductor of at least 0.6-inch diameter through two nuts to produce circular magnetization. Demagnetize each bolt and nut after the above inspection.

6. Replace each rusted, pitted, and/or cracked nut and bolt with a new Part Number (P/N) as follows:

a. If a new preload indicating (PLI) washer assembly is to be used in accordance with Paragraph (A)9, below, nut P/N is 72789–1414, 72789M–1414, FN22–1414, or FN22M–1414. ("M" in P/N denotes black coating. All eligible nuts have a locking feature which necessitates use of a wrench for full engagement with bolt.)

b. If a used PLI washer assembly is reinstalled in accordance with Paragraph (A)9, below, nut P/N is 72789–1414 or FN22–1414.

c. Bolt is P/N LWB 22–14–XX or VEP 220121–14–XX where XX is 31 for airplanes with S/N LD–34, LD–46, LD–119, and LJ–1 through LJ–67, and XX is 32 for all other airplanes affected by this AD.

Replace preload indicating washer with new P/N 61475–14–43.5 assembly (not any other P/N) if this assembly is available. Obtain new parts only from Beech Service Centers or Beech Aircraft Corporation. (Neither baking nor field inspection of new parts is necessary.) Do not replate any part.

7. Clean the bore and recessed washer seat area of the outboard and inboard wing fittings with naptha or methyl ethyl ketone (MEK). Visually inspect these areas for corrosion, burrs, gouges and coining. If any defect is found, contact Beech Aircraft Service Department, 9709 East Central, Wichita, Kansas 76201; Telephone (316) 681–7261, 7278, or 7352, for rework disposition. Also, if any defect is found, treat the bore and recessed washer seat areas of the inboard and outboard wing fittings with Alodine 1200, 1200S, or 1201. Allow the alodine coating to dry for 5 minutes. Wash the coating with water and blow dry with air without wiping. Paint treated washer seat areas with zinc chromate primer (obtain locally) and allow primer to dry.

8. Coat the inspected areas of the wing fittings, all of each bolt, all of each nut, and all of each preload indicating washer assembly with either clean MIL–C–16173, Grade 2 corrosion preventative compound or clean General Electric G322L Versilube Silicone Lubricant.

9. Install removed or new parts using standard procedures except as follows:

a. Preload indicating (PLI) washer assembly may be reused with P/N 72789–1414 and/or P/N FN22–1414 nuts, only.

b. Ascertain that a radius of the adjacent washer is next to the fillet under the bolt head and next to the outer edge of the recess in each wing fitting. Position wing as necessary to allow bolt to slide into fitting without use of any tool.

c. Tighten the joint by rotating the nut (do not turn the bolt). Use standard procedure if new PLI washer assembly is installed. If used PLI washer assembly is reinstalled, make necessary correction for any torque wrench adapter and apply 3250 to 3400 inch-pounds torque, but install new PLI washer assembly if center ring of the used assembly turns after 3400 inch-pounds torque is applied. Do not allow wrench to bear against fitting.

d. Coat entire portion of bolt that projects beyond nut, using a material that is specified in Paragraph (A)8, above.

e. Make aircraft maintenance record entry showing work accomplished, especially procedure used for tightening nut, and whether new or used PLI washer was installed.

(B) Between 90 and 110 hours time-in-service after accomplishment of action specified by Paragraph (A) of this AD, check nut tightness, using the same procedure that was used for accomplishment of Paragraph (A)9c, above.

(C) Within 3 days after replacing a part in accordance with Paragraph (A)6, above, or noting a defect when complying with this AD, submit a written report to the Federal Aviation Administration via an FAA M or D Report (FAA Form 8330–2) or a letter to the office specified in Paragraph (E), below and send the replaced part(s) to Beech Aircraft Corporation. In the submitted report, please advise date of last previous bolt removal.

(D) A special flight permit in accordance with Federal Aviation Regulation 21.197 for flight to the nearest base is permitted in order to accomplish Paragraph (A) of this AD. The nearest FAA Flight Standards District Office may be contacted to obtain a telegraphic special flight permit.

(E) Any equivalent method of compliance with this AD must be approved by the Chief, Aircraft Certification Program, Federal Aviation Administration, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 269–7000, 7001, or 7002.

This amendment becomes effective on January 4, 1982, to all persons except those to whom it has already been made effective by an airmail letter from the FAA dated October 31, 1981.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in the aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, if prepared and when filed, may be obtained by contacting the Office of the Regional Counsel, FAA, Room 1558, Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374–5446.

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review by the courts of appeals of the United States, or the United States Court of Appeals of the District of Columbia.

Issued in Kansas City, Missouri, on December 17, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81–36972 Filed 12–30–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 81–NW–68–AD; Amdt. 39–4288]

Airworthiness Directives: Canadair Model CL–600 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) which requires a one-time inspection of the fittings on the left and right push/pull wing flight spoiler cables on Canadair CL–600 (Challenger) airplanes, S/N 1002 to 1050 inclusive. This inspection is necessary to ensure that these cables are properly adjusted. Improper adjustment may result in disengagement of a spoiler from its control system, which, in turn, could result in a partial loss of lateral control of the aircraft.

DATES: Effective date: January 6, 1982.

ADDRESSES: The service bulletin specified in this Airworthiness Directive may be obtained upon request to Canadair Ltd, Commercial Aircraft Technical Services, Box 6087, Station A, Montreal, Canada, PQ H3C3G9, or may be examined at the FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, Foreign Aircraft Certification Branch, ANM–150S, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108; telephone (206) 767–2530.

SUPPLEMENTARY INFORMATION: The Canadian MOT (Ministry of Transport) has issued an airworthiness directive which requires a one-time inspection to ensure that wing spoiler cables are properly adjusted on Canadair CL–600 (Challenger) airplanes, S/N 1002 to 1050 inclusive.

Ground inspection reports revealed that the left and right push/pull wing flight spoiler cables may be improperly adjusted on certain airplanes. If improperly adjusted, a spoiler may become disengaged from its control system, resulting in asymmetrical deployment and, therefore, a partial loss of lateral control. If more than six threads are visible on the end fittings,

the spoiler cables are not properly adjusted and may become disconnected from the control system, resulting in a partial loss of lateral control. In order to prevent this from occurring, the MOT, which is the Civil Air Authority of Canada, is requiring the left and right push/pull flight spoiler cable fittings to be inspected in accordance with Canadair Alert Service Bulletin A600–0024, Revision 1, dated November 6, 1981.

This airplane model is manufactured in Canada and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since this condition is likely to exist or develop on airplanes of this model registered in the United States, an AD is being issued which requires a one-time inspection of the flight spoiler cable fittings on certain Canadair CL–600 airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Canadair: Applies to Model CL–600 airplanes with serial number 1002 to 1050 inclusive. To prevent asymmetric spoiler deployment, accomplish the following within ten days after the effective date of this AD, unless already accomplished:

1. Visually inspect and adjust, if necessary, the left and right controlex cables (parts numbers 600–91305–5 and 600–91305–7) for compliance with the revised rigging procedure specified in Canadair Alert Service Bulletin A600–0024, Revision 1, dated November 6, 1981, or in a manner approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region.

2. Airplanes may be flown in accordance with FAR 21.197 to a maintenance base for accomplishment of the inspection required by this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the addresses listed above. These documents may also be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective January 4, 1982.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note: The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator. Under Section 1006(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1486(a)), it is subject to review by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on December 17, 1981.

Robert O. Brown,

Acting Director, Northwest Mountain Region.

[FR Doc. 81–36631 Filed 12–30–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Airworthiness Docket No. 81–ASW–63; Amdt. 39–4288]

Swearingen Model SA–26T and SA–26AT Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes airworthiness directive (AD) 72–7–5 and adopts a new AD for Swearingen Model SA–26T and SA–26AT airplanes. At the lower forward wing station 99 attach joint, this AD requires inspection of the fittings and bolt for deterioration and cracks, replacement of any damaged fittings, and replacement of any damaged or improperly identified bolts. This AD is needed to correct an unsafe condition that could result in the loss of a wing and subsequent loss of the airplane.

DATE: Effective December 30, 1981. Compliance required as prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from the Director of Product Support, Fairchild Swearingen Corporation, P.O. Box 32486, San Antonio, Texas 78284.

These documents may be examined at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas, or at the Rules Docket in Room 916, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: William A. Simmons, Airframe Branch, Aircraft Certification Division, ASW–120, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624–4911, extension 516.

SUPPLEMENTARY INFORMATION: There has been a failure at a wing attach joint similar to the wing attach joint used on the Swearingen SA–26 series airplanes. Also there have been several reports of cracked fittings and installation of incorrect part number bolts at the lower forward wing station 99 attach joint on the Swearingen airplanes. The FAA has determined that this is an unsafe condition that is likely to exist or develop on other airplanes with the same attach joint design and could result in the loss of a wing. This amendment supersedes Amendment 39–1412 (37 FR 6183) AD 72–7–5 and adopts a new airworthiness directive for Swearingen Model SA–26T and SA–26AT airplanes. At the lower forward wing station 99 attach joint, the AD requires inspection of the fittings and bolt for deterioration and cracks, replacement of any damaged fittings with new parts of the same part numbers, and replacement of any damaged or improperly identified bolt with a new MS20014–29 part number bolt.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Swearingen: Applies to Swearingen Model SA–26T, S/N T26–2 through T26–99; SA–26AT, S/N T26–100 through T26–999 airplanes certified in all categories.

Compliance required within the next 25 hours' time in service after the effective date of this AD, and thereafter at intervals of 200 hours' time in service since last compliance (Airworthiness Docket No. 81-ASW-63).

To prevent a failure at the lower forward wing station 99 attach joint, accomplish the following:

1. Remove the lower forward wing station 99 attach joint cover plate and wing attach bolt.

2. Inspect the lower forward wing station 99 attach fittings for deterioration and cracks and replace damaged parts with new parts of the same part numbers.

3. Inspect the lower forward wing station 99 attach bolt for identifying part number, deterioration and cracks and replace any damaged bolt or bolt not identified as P/N MS20014-29 bolt with a new P/N MS20014-29 bolt.

Accomplish paragraphs 1., 2., and 3. in accordance with Fairchild Swearingen Service Bulletin SB 57-40-015 revised December 4, 1981, or an equivalent means approved by the Chief, Aircraft Certification Division, FAA Southwest Region.

A special flight permit may be issued in accordance with FAR 21.197 to allow flight of the aircraft to a location where this AD can be accomplished.

This AD supersedes Amendment 39-1412, AD 72-7-5.

This amendment becomes effective December 30, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the various courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Texas, on December 15, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 81-36071 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-EA-34]

Alteration of Control Zone and Transition Area: Hagerstown, Md.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Hagerstown, Maryland, Control Zone and Transition Area by changing the description to delete "Hagerstown Regional Airport" and insert "Washington County Regional Airport". This results from a change of name of the airport by the Board of County Commissioners.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: The rule is clerical in nature and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F and G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) are amended, effective December 31, 1981, as follows:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the text of the description of the Hagerstown, Maryland, Control Zone by deleting, "Hagerstown Regional Airport" and by substituting, "Washington County Regional Airport" therefor.

2. Amend § 71.181 of Part 71, Federal Aviation Regulations by altering the text of the description of the Hagerstown, Maryland, 700-foot floor transition area by deleting, "Hagerstown Regional Airport" and by substituting, "Washington County Regional Airport" therefor.

(Sec. 307(a), and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York on December 1, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 81-36030 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-EA-55]

Alteration of Transition Area: Ocean City, Maryland

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Ocean City, Maryland, Transition Area by changing the description of the area by deleting the reference to the Snow Hill, Maryland, VORTAC and the airspace based thereon and substituting the Salisbury, Maryland, VORTAC and airspace thereon. This results on the implementation of a new instrument procedure.

EFFECTIVE DATE: 0901 GMT December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: The rule deletes an extension to the area to the southwest and substitutes an extension to the west. The overall result is a decrease in the amount of controlled airspace. The new extension is approximately 1 mile by 2 miles, not a substantial amount in the context of the reduction and the amount of controlled airspace remaining. Thus it is minor in nature and does not impose any additional burden on any person. In view of the foregoing, notice and public

procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective December 24, 1981, by adopting the rule as follows:

1. Amend § 1.181 of Part 71, Federal Aviation Regulations by altering the description of the Ocean City, Maryland 700-foot floor transition area by deleting, "within 2.5 miles each side of the Snow Hill, Md., VORTAC 047° radial, extending from the 5-mile radius area to 18.5 miles northeast of the VORTAC" and by substituting, "within 2-miles each side of the Salisbury, Md., 096° radial extending from the 5-mile radius area to 14 miles east of the VORTAC" therefor.

(Sec. 307(a), and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69.)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York on December 1, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 81-36837 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-EA-46]

Alteration of Control Zone and Transition Area; Jamestown, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Jamestown, New York, Control Zone and Transition Area. The alteration will delete airspace extensions based upon the NDB, VOR and ILS, as these are no longer needed. It will also add a small area of controlled airspace due to the authorization of two new RNAV procedures. The foregoing results from a review of the airspace needs at Jamestown, New York.

EFFECTIVE DATE: 0901 GMT, January 21, 1982.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: The rule is minor in nature since the added airspace is only two 1-mile by 4-miles extensions, and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F and G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) are amended, effective January 21, 1982, by adopting the rule as follows:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the description of the Jamestown, New York, Control Zone by deleting, "; within 2 miles each side of the Jamestown, N.Y., VOR 071° and 251° radials extending from the 5-mile radius zone to the VOR and within 2 miles each side of a 053° bearing from the Jamestown, N.Y., RBN (42°11'02"N., 79°11'15"W.) extending from the 5-mile radius zone to 7 miles northeast of the RBN."

2. Amend § 71.181 of Part 71, Federal Aviation Regulations, by altering the description of the Jamestown, New York, 700-foot floor transition area by deleting, "within 2 miles each side of the Jamestown VOR 071° and 251° radials, extending from the 7-mile radius area to 8 miles northeast of the VOR; and within 2 miles each side of a 053° bearing from the Jamestown, N.Y., RBN (42°11'02"N., 79°11'15"W.) extending from the 7-mile radius area to 8 miles northeast of the RBN; within 2 miles each side of the Jamestown, N.Y., ILS localizer northeast course extending from the 7-mile radius area to 8 miles northeast of the ILS OM." and substitute, "within 2.5 miles each side of the Runway 31 extended runway centerline extending from the 7-mile radius area to 8 miles northwest of the runway; and within 2.5 miles each side of the Runway 13 extended runway centerline extending from the 7-mile radius area to 9 miles southeast of the runway."

(Sec. 307(a), and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C 1655(c)]; and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York on December 8, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 81-36837 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-EA-31]

Alteration of Control Zone and Transition Areas; Newburgh, New York and Wurtsboro, New York

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Newburgh, New York, Control Zone, and Transition Area and the Wurtsboro, New York, Transition Area, by deleting in the descriptions reference to the Stewart VOR and airspace based thereon. This results from a cancellation of the instrument procedures based on the VOR.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: The rule is relaxatory in nature since it releases controlled airspace and does not impose

any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F and G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) are amended, effective upon December 31, 1981, as follows:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the description of the Newburgh, New York, Control Zone by deleting, "066° bearing from the airport; within 3 miles each side of the Stewart VOR (41°30'30" N., 74°05'51" W.) 325° radial, extending from the VOR to 15 miles northwest of the VOR and 4.5 miles each side of the Stewart VOR 085° radial, extending from the VOR to 11.5 miles east of the VOR, excluding the portion that coincides with the Poughkeepsie, New York, Control Zone," and substitute therefor, "066° bearing from the airport."

2. Amend § 71.181 of Part 71, Federal Aviation Regulations, by altering the description of the Newburgh, New York, 700-foot floor Transition Area by deleting, "within 3.5 miles each side of the Stewart VOR (41°30'30" N., 74°05'51" W.) 325° radial, extending from the Stewart VOR to 18.5 miles northwest of the Stewart VOR; within 5 miles each side of the Stewart VOR 085° radial, extending from the Stewart VOR to 13 miles east of the Stewart VOR;"

3. Amend § 71.181 of Part 71, Federal Aviation Regulations, by altering the description of the Wurtsboro, New York, 700-foot floor Transition Area by deleting, "within 4.5 miles north and 6.5 miles south of the Stewart VOR (41°30'30" N., 74°05'51" W.) 288° radial extending from 2.5 miles west to 19.5 miles west of the Stewart VOR;".

(Sec. 307(a), and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York on December 1, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 81-38839 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-45]

Designation of Transition Area; Freeport, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will designate a transition area at Freeport, TX. The intended effect of the amendment is to provide adequate controlled airspace for helicopters executing a new instrument approach procedure to the Petroleum Helicopters, Inc. (PHI), landing area, Freeport, TX. This amendment is necessary to provide controlled airspace for helicopters executing an instrument approach procedure to a point in space east of the PHI landing area.

EFFECTIVE DATE: March 18, 1982.

FOR FURTHER INFORMATION CONTACT: James L. Owens, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On October 26, 1981, a notice of proposed rulemaking was published in the **Federal Register** (46 FR 52124) stating that the Federal Aviation Administration proposed to designate the Freeport, TX, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes, this amendment is that proposed in the notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, § 71.181 of Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 GMT, March 18, 1982, as follows:

Freeport, Texas

That airspace extending upward from 700 feet above the surface within 2.5 miles each side of the Scholes VORTAC 220° radial at point beginning 19.5 miles southwest of the VORTAC and extending to 26.5 miles southwest.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, TX, on December 17, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-38873 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-EA-52]

Alteration of Control Zones; Allentown, Pa., Charlottesville, Va., Caldwell, N.J., Lynchburg, Va., Middletown, Pa., Morristown, N.J., Niagara Falls, N.Y., Reading, Pa., Syracuse, N.Y., Trenton, N.J., Wheeling, W. Va., White Plains, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the subject Control Zones by changing the hours of effectivity to less than 24 hours of operation. It also permits changing future hours of effectivity by reference to the Notices to Airmen. This all results from a temporary reduction in staffing.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: The rule is relaxatory in nature in that it reduces the time of effective controlled airspace and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule

may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of the Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective upon December 31, 1981, as follows:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the Allentown, Pennsylvania, Control Zone description by adding, "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be published continuously in the Airport/Facility Directory." therefor.

2. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the Caldwell, New Jersey, Control Zone description by deleting, "This control zone is effective from 0800 to 2200 hours, local time, daily." and by substituting, "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be published continuously in the Airport/Facility Directory." thereto.

3. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the description of the Charlottesville, Virginia, Control Zone by adding, "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be published in the Airport/Facility Directory." thereto.

4. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the Lynchburg, Virginia, Control Zone description by deleting, "This control zone is effective from 0700 to 2300 hours, local time, daily." and by substituting, "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be published continuously in the Airport/Facility Directory." therefor.

5. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the Middletown, Pennsylvania, Control Zone description by adding, "This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be published continuously in the Airport/Facility Directory." thereto.

6. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the Morristown, New Jersey, Control Zone description by deleting, "This control zone is effective from 0630 to 2230 hours, local time, daily." and by substituting "This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be published continuously in the Airport/Facility Directory." therefor.

7. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the Niagara Falls, New York, Control Zone description by adding, "This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be published continuously in the Airport/Facility Directory." thereto.

8. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the Reading, Pennsylvania, Control Zone description by adding, "This control zone is effective during specific dates and time established in advance by a Notice to Airmen. The effective date and time will thereafter be published continuously in the Airport/Facility Directory." thereto.

9. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the Syracuse, New York, Control Zone description by adding, "This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be published continuously in the Airport/Facility Directory." therefor.

10. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the Trenton, New Jersey, Control Zone description by adding, "This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be published continuously in the Airport/Facility Directory." thereto.

11. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the Wheeling, West Virginia, Control Zone description by adding, "This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be published continuously in the Airport/Facility Directory." thereto.

12. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the White Plains, New York, Control Zone description by adding, "This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be published continuously in the Airport/Facility Directory." thereto.

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(c)); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, N.Y., on December 8, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 81-36834 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-EA-47]

Alteration of Transition Area: Reedsville, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Reedsville, Pennsylvania, Transition Area by changing the description to delete "Mifflin County Airport" to "Veterans Memorial Airpark Airport." This results from a recent order to change the name of the airport.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: The rule is clerical in nature and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is

amended, effective upon December 31, 1981 as follows:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, by altering the description of the Reedsville, Pennsylvania, 700-foot floor transition area by deleting, "of Mifflin County Airport," and substituting, "Veterans Memorial Airpark Airport" therefor.

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(c)); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, N.Y., on December 1, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 81-36836 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-EA-57]

Revocation of Transition Area: Hopewell, Va.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule revokes the Hopewell, Virginia, Transition Area. This results from cancellation of the instrument approach procedure for Hopewell Airport.

EFFECTIVE DATE: 0901 GMT, December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: This rule is relaxatory in nature and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective December 24, 1981, by adopting the rule as follows:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations by deleting the Hopewell, Virginia 700-foot floor transition area in its entirety.

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(c)); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, N.Y. on December 1, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 81-36832 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 204

[Regulation ER-1273; Amend. 3]

Data To Support Fitness Determinations; Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The note at the end of this Part 204 concerning clearance of the requirement for the filing of data to support various air carrier fitness determinations is revised to indicate approval of the reporting requirements by the Office of Management and Budget (OMB). This action is required because the responsibility for approval of the CAB's reporting requirements was transferred from the General Accounting Office to OMB by the Paperwork Reduction Act of 1980.

DATES: Adopted: December 24, 1981. Effective: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D. C. 20428, (202) 673-6042.

PART 204—DATA TO SUPPORT FITNESS DETERMINATIONS

Accordingly, the Civil Aeronautics Board amends Part 204 of its Economic Regulations (14 CFR Part 204) by revising the note at the end of Part 204 to read:

Note.—The application requirements contained in §§ 204.4, 204.5, 204.6 and 204.7 have been approved by the Office of Management and Budget under number 3024-0041.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

(Sec. 204, of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary

[FR Doc. 81-37229 Filed 12-30-81; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 221

[Regulation ER-1271; Amdt. 59]

Tariffs; Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The note at the end of this Part 221 concerning the clearance of the requirement for the filing of tariffs by air carriers and foreign air carriers is revised to indicate approval of the reporting requirements by the Office of Management and Budget (OMB). This action is required because the responsibility for approval of the CAB's reporting requirements was trasnferred from the General Accounting Office to OMB by the Paperwork Reduction Act of 1980.

DATES: Adopted: December 24, 1981. Effective: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6042.

Part 221—TARIFFS

Accordingly, the Civil Aeronautics Board amends Part 221 of its Economic Regulations (14 CFR Part 221) by revising the note at the end of Part 221 to read:

Note.—The filing requirements contained in this part have been approved by the Office of Management and Budget under number 3024–0030.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

(Sec. 204, the Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–37330 Filed 12–30–81; 8:45 am]

BILLING CODE 6320–01–M

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14 CFR Part 223

[Regulation ER–1267; Amdt. 12]

Free and Reduced-Rate Transportation; Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The note at the end of this Part 223 concerning the clearance of reporting requirements associated with the furnishing of free and reduced-rate transportation by air carriers is revised to indicate approval of the reporting requirements by the Office of Management and Budget (OMB). This action is required because the responsibility for approval of the CAB's reporting requirements was transferred from the General Accounting Office to OMB by the Paperwork Reduction Act of 1980.

DATES: Adopted: December 24, 1981. Effective: December 24, 1981.

FOR FURTHER INFORMATION CONTACT:

Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–6042.

PART 223—FREE AND REDUCED-RATE TRANSPORTATION

Accordingly, the Civil Aeronautics Board amends Part 223 of its Economic Regulations (14 CFR Part 223) by revising the note at the end of Part 223 to read:

Note.—The reporting requirements contained in §§ 223.2(c), 223.6, 223.7 and the application requirement contained in § 223.8 have been approved by the Office of Management and Budget under number 3024–0002.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

(Sec. 204, Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–37331 Filed 12–30–81; 8:45 am]

BILLING CODE 6320–01–M

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14 CFR Part 231

[Regulation ER–1272; Amdt. 5]

Transportation of Mail; Mail Schedules; Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The note at the end of this Part 231 concerning the clearance of the requirement for the filing of general schedules by air carriers is revised to indicate approval of the reporting requirements by the Office of Management and Budget (OMB). This action is required because the responsibility for approval of the CAB's reporting requirements was transferred from the General Accounting Office to OMB by the Paperwork Reduction Act of 1980.

DATES: Adopted: December 24, 1981. Effective: December 24, 1981.

FOR FURTHER INFORMATION CONTACT:

Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–6042.

PART 231—TRANSPORTATION OF MAIL; MAIL SCHEDULES

Accordingly, the Civil Aeronautics Board amends Part 231 of its Economic Regulations (14 CFR Part 231) by revising the note at the end of Part 231 to read:

Note.—The reporting requirements contained in §§ 231.1 and 231.7 have been approved by the Office of Management and Budget under number 3024–0040.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

(Sec. 204, Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–37332 Filed 12–30–81; 8:45 am]

BILLING CODE 6320–01–M

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14 CFR Part 241

[Regulation ER–1269; Amdt. 43]

Uniform System of Accounts and Reports for Certificated Air Carriers; Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The note at the end of this Part 241 concerning the clearance of the requirement for the submission of service segment data is revised to indicate approval of the reporting requirements by the Office of Management and Budget (OMB). This action is required because the responsibility for approval of the CAB's reporting requirements was transferred from the General Accounting Office to OMB by the Paperwork Reduction Act of 1980.

DATES: Adopted: December 24, 1981. Effective: December 24, 1981.

FOR FURTHER INFORMATION CONTACT:

Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–6042.

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Accordingly, the Civil Aeronautics Board amends Part 241 of its Economic Regulations (14 CFR Part 241) by revising the note at the end of Part 241 to read:

Note.—The reporting requirement contained in § 241.19–3 has been approved by the Office of Management and Budget under number 3024–0014.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

(Sec. 204, Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–37333 Filed 12–30–81; 8:45 am]

BILLING CODE 6320–01–M

14 CFR Part 248

[Regulation ER-1268; Amdt. 3]

Submission of Audit and Reconciliation Reports; Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The note at the end of this Part 248 concerning the clearance of requirements for the submission of audit reports of independent public accountants and reconciliation of these reports with CAB Form 41 is revised to indicate approval of the reporting requirements by the Office of Management and Budget (OMB). This action is required because the responsibility for approval of the CAB's reporting requirements was transferred from the General Accounting Office to OMB by the Paperwork Reduction Act of 1980.

DATES: Adopted: December 24, 1981. Effective: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6042.

PART 248—SUBMISSION OF AUDIT AND RECONCILIATION REPORTS

Accordingly, the Civil Aeronautics Board amends Part 248 of its Economic Regulations (14 CFR Part 248) by revising the note at the end of Part 248 to read:

Note.—The reporting requirements contained in this part have been approved by the Office of Management and Budget under number 3024-0004.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

(Sec. 204, Federal Aviation Act of 1958, as amended, 72 Stat.. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-37334 Filed 12-30-81; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 291

[Regulation ER-1270; Amdt. 8]

Domestic Cargo Transportation; Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The note at the end of this part 291 concerning the clearance of the reporting requirements of air carriers holding an all-cargo air service certificate is revised to indicate approval of the reporting requirements by the Office of Management and Budget (OMB). This action is required because the responsibility for approval of the CAB's reporting requirements was transferred from the General Accounting Office to OMB by the Paperwork Reduction Act of 1980.

DATES: Adopted: December 24, 1981. Effective: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6042.

PART 291—DOMESTIC CARGO TRANSPORTATION

Accordingly, the Civil Aeronautics Board amends Part 291 of its Economic Regulations (14 CFR Part 291) by revising the note at the end of Part 291 to read:

Note.—The requirement to file an application in section 291.11, the recordkeeping requirement in § 291.23, and the reporting requirement in § 291.33 have been approved by the Office of Management and Budget under number 3024-0022.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

(Sec. 204 Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-37335 Filed 12-30-81; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 302

[Reg. PR-233; Amdt. No. 64 to Part 302]

Removal of Subpart K Costing Methodology

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB amends its procedural rules to remove an obsolete scheme for preparing cost estimates in certain route cases.

DATES: Adopted: December 16, 1981. Efective: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Mark Schwimmer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: The Board is amending its procedural rules (14 CFR Part 302) to eliminate Subpart K, *Standardized Method for Costing Proposed Changes in the Authorized Operations of Local Service Carriers.* This costing methodology has largely fallen into disuse. The local service carriers no longer exist as a separate classification of air carriers. The cost of operating a given route segment has not been at issue in domestic route proceedings for several years, and will be legally irrelevant after December 31, 1981, when the Board loses the authority to name terminal and intermediate points in certificates for interstate and overseas passenger air transportation. And while costs can still be relevant in international route proceedings, the Subpart K method has not been used there for several years either.

Since this action is procedural in nature and merely removes an obsolete provision, the Board finds that notice and public procedure are unnecessary and that the amendment may become effective less than 30 days after publication in the **Federal Register.**

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 302, Rules of Practice in Board Proceedings, as follows:

PART 302—RULES OF PRACTICE IN BOARD PROCEEDINGS

1. The authority for Part 302 is:

Authority: Secs. 101, 203, 204, 401, 402, 403, 404, 406, 412, 901, 1001, 1002, 1005, Pub. L. 85-726, as amended, 72 Stat. 737, 742, 743, 754, 757, 758, 760, 763, 770, 783, 788, 794; (49 U.S.C. 1301, 1323, 1324, 1371, 1372, 1373, 1374, 1376, 1382, 1471, 1481, 1482, 1485); Reorganization Plan No. 3, 75 Stat. 837, 26 FR 5989; E.O. 11514, Pub. L. 91-90, (42 U.S.C. 4321; 84 Stat. 772, 39 U.S.C. 5402)

2. The Table of Contents is amended by removing Subpart K.

§§ 302.1101-302.1109 (Subpart K) [Reserved]

3. Subpart K, §§ 302.1101-302.1109, *Standardized Method for Costing Proposed Changes in the Authorized Operations of Local Service Carriers,* is removed and reserved.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-37332 Filed 12-30-81; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 321

[Regulation PR-237; Amdt. 2]

Unused Authority Procedures; Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The note at the end of this Part 321 concerning the clearance of reporting requirements associated with procedures governing unused route authority is revised to indicate approval of the reporting requirements by the Office of Management and Budget (OMB). This action is required because the responsibility for approval of the CAB's reporting requirements was transferred from the General Accounting Office to OMB by the Paperwork Reduction Act of 1980.

DATES: Adopted: December 24, 1981. Effective: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-6042.

PART 321—UNUSED AUTHORITY PROCEDURES

Accordingly, the Civil Aeronautics Board amends Part 321 of its Procedural Regulations (14 CFR Part 321) by revising the note at the end of Part 321 to read:

Note.—The application and reporting requirements contained in §§ 321.4, 321.10, 321.11, 321.12, 321.13, 321.14, 321.15, 321.20, 321.21, 321.22, 321.23, 321.32(b) and 321.33(c) have been approved by the Office of Management and Budget under number 3024-0026.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

(Sec. 204 of Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-37330 Filed 12-30-81; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 323

[Regulation PR-234; Amdt. 5]

Terminations, Suspensions, and Reductions of Service; Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The note at the end of this Part 323 concerning the reporting requirements associated with procedures for compensating an air carrier for losses incurred in complying with a Board order to continue service is revised to indicate approval of the reporting requirements by the Office of Management and Budget (OMB). This action is required because the responsibility for approval of the CAB's reporting requirements was transferred from the General Accounting Office to OMB by the Paperwork Reduction Act of 1980.

DATES: Adopted: December 24, 1981. Effective: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6042.

PART 323—TERMINATIONS, SUSPENSIONS, AND REDUCTIONS OF SERVICE

Accordingly, the Civil Aeronautics Board amends Part 323 of its Procedural Regulations (14 CFR Part 323) by revising the note at the end of Part 323 to read:

Note.—The reporting requirements contained in §§ 323.4, 323.9, 323.11, 323.14 and 323.15 have been approved by the Office of Management and Budget under number 3024-0030.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

(Sec. 204, Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-37337 Filed 12-30-81; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 324

[Regulation PR-235; Amdt. 3]

Procedures for Compensating Air Carriers for Losses; Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The note at the end of this Part 324 concerning the reporting requirements associated with procedures for compensating an air carrier for losses incurred in complying with a Board order to continue service is revised to indicate approval of the reporting requirements by the Office of Management and Budget (OMB). This action is required because the responsibility for approval of the CAB's reporting requirements was transferred from the General Accounting Office to OMB by the Paperwork Reduction Act of 1980.

DATES: Adopted: December 24, 1981.

EFFECTIVE: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6042.

PART 324—PROCEDURES FOR COMPENSATING AIR CARRIERS FOR LOSSES

Accordingly, the Civil Aeronautics Board amends Part 324 of its Procedural Regulations (14 CFR Part 324) by revising the note at the end of Part 324 to read:

Note.—The reporting requirements contained in §§ 324.2 and 324.9 have been approved by the Office of Management and Budget under number 3024-0034.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

(Sec. 204, Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-37339 Filed 12-30-81; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 325

[Regulation PR-236; Amdt. 3]

Essential Air Service Procedures; Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The note at the end of this Part 325 concerning the clearance of reporting requirements associated with procedures for designating eligible points and determining essential air transportation levels for eligible points is revised to indicate approval of the reporting requirements by the Office of Management and Budget (OMB). This action is required because the responsibility for approval of the CAB's reporting requirements was transferred from the General Accounting Office to

OMB by the Paperwork Reduction Act of 1980.

DATES: Adopted: December 24, 1981. Effective: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue N.W., Washington, D.C. 20428, (202) 673–6042.

PART 325—ESSENTIAL AIR SERVICE PROCEDURES

Accordingly, the Civil Aeronautics Board amends Part 325 of its Procedural Regulations (14 CFR Part 325) by revising the note at the end of Part 325 to read:

Note.—The reporting requirements contained in sections 325.4, 325.7 and 325.10 have been approved by the Office of Management and Budget under number 3024–0037.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR Sec. 385.24(b).

(Sec. 204, Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-37380 Filed 12-30-81; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 375

[Regulation SPR-181; Amdt. 14]

Navigation of Foreign Civil Aircraft Within the United States; Notice of Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The note at the end of this Part 375 concerning the clearance of reporting requirements associated with the navigation of foreign civil aircraft in the United States is revised to indicate approval of the reporting requirements by the Office of Management and Budget (OMB). This action is required because the responsibility for approval of the CAB's reporting requirements was transferred from the General Accounting Office to OMB by the Paperwork Reduction Act of 1980.

DATES: Adopted: December 24, 1981. Effective: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–6042.

PART 375—NAVIGATION OF FOREIGH CIVIL AIRCRAFT WITHIN THE UNITED STATES

Accordingly, the Civil Aeronautics Board amends Part 375 of its Special Regulations (14 CFR Part 375) as follows:

(1) By removing the first note at the end of the part;

(2) By revising the second note to read:

Note.—The recordkeeping requirements contained in §§ 375.43(b) and 375.43(c) and the reporting requirements contained in §§ 375.44(b), 375.45 and 375.70 have been approved by the Office of Management and Budget under number 3024–0031.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

(Sec. 204, Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C.) 1324))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-37340 Filed 12-30-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 93

[Docket No. 19497; Amdt. No. 93-45]

Special Airport Traffic Areas and Air Traffic Rules for Abbotsford, BC, and Sault Ste. Marie, ON, Canada

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects Amendment 45 to Part 93 of the Federal Aviation Regulations published on December 10, 1981 (46 FR 60420). The section numbers assigned to the new Subpart Q created by the Amendment had previously been assigned to Subpart P. The effect of this correction is to renumber those sections. Additionally, this action corrects a minor discrepancy in the description of the Abbotsford, BC, Special Airport Traffic Area.

EFFECTIVE DATE: December 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. William C. Davis, Air Traffic Rules Branch (AAT-220), Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 426–3128.

SUPPLEMENTARY INFORMATION: Since this action is necessary to prescribe the originally intended regulatory amendments under Amendment 93–45 and since this action is corrective in nature, I find that notice and public procedure regarding the action are impractical and unnecessary. Further, since it would not be in the public interest or consistent with sound regulatory practice to delay making necessary corrections to the Amendment, good cause exists for making it effective in less than 30 days after publication.

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

Adoption of the Amendment

The following corrections are made in FR Docket No. 81–35289, appearing on page 60420, in the Federal Register issue of December 10, 1981:

1. On page 60421, in column 1, "§ 93.181" is corrected to read "§ 93.195."

2. On page 60421, in column 1, "§ 93.183" is corrected to read "§ 93.197."

3. On page 60421, in column 2, "§ 93.185" is corrected to read "§ 93.199."

4. On page 60421, in column 1, the description of the Abbotsford, BC, Special Airport Traffic Area is corrected to include the words "east to and" after the words "a line beginning 49°59'00" N; 122°21'45" W, thence."

(Secs. 307 and 313(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)), and 14 CFR 11.45)

Note.—The FAA has determined that this document involves a correction to a regulation which is—(1) Not major under Executive Order 12291; and (2) not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this correction does not substantively affect the Amendment, the FAA certifies that it will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, DC, on December 21, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-37140 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-13-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1260

Regulatory Coverage for Grants and Cooperative Agreements With Educational Institutions and Other Nonprofit Organizations

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This document contains the 1981 revision and Change 1 of the NASA Grant and Cooperative Agreement Regulation (14 CFR Part 1260). This document implements the Federal Grant and Cooperative Agreement Act of 1977 and it provides educational institutions and other nonprofit organizations information of mutual interest designed to further a close cooperative working relationship with NASA in achieving national goals.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: James H. Wilson, Policy Division (Code HP–1), Office of Procurement, NASA Headquarters, Washington, DC 20546, Telephone: 202–755–2237.

SUPPLEMENTARY INFORMATION: This document implements the Federal Grant and Cooperative Agreement Act of 1977, Pub. L. 95–224 (41 U.S.C. 501 et seq.) and establishes uniform policies and procedures relating to the negotiation, award, and administration of research grants and cooperative agreements with educational institutions and other nonprofit organizations.

a. Section 1260.203 provides guidance on the appropriate choice of award instruments consistent with the Act and Office of Management and Budget (OMB) implementation of that Act.

b. Section 1260.303 provides guidance in determining the allowability of costs chargeable to research supported by NASA under grants and cooperative agreements.

c. Section 1260.304 reflects a revision in cost sharing policy for educational institutions.

Stuart J. Evans,

Director of Procurement.

Accordingly, 14 CFR Part 1260 is revised to read as follows:

PART 1260—GRANTS AND COOPERATIVE AGREEMENTS

Subpart 1—General

Sec.
1260.100 Purpose.
1260.101 Applicability.
1260.102 Arrangement of part.
1260.103 Contents.
1260.104 Amendment.
1260.105 Dissemination and effective date of the part and amendments.
1260.106 Applicability.
1260.107 Definitions.

Subpart 2—Basic Policies

1260.200 Authority.
1260.201 Policy.
1260.202 Proposals.
1260.203 Criteria for selection of award instrument.
1260.204 Processing the instruments.
1260.205 Civil Rights Act of 1964—Nondiscrimination in certain Federally funded programs.
1260.206 Printing, binding, and duplicating.
1260.207 Procurement of helium.
1260.208 Clean Air and Federal Water Pollution Control Acts.
1260.209 Patent rights in inventions.

Subpart 3—Award of Grants and Cooperative Agreements

1260.301 Instruments.
1260.302 Format.
1260.303 Allowable costs.
1260.304 Cost sharing.
1260.305 Long-term stability.
1260.306 Numbering of instruments.
1260.308 Retention of documents for on-site audit.

Subpart 4—Research Grant and Cooperative Agreement Provisions

1260.400 General.
1260.401 Technical reports and publications.
1260.402 Extensions.
1260.403 Revocation.
1260.404 Travel.
1260.405 Allowable Costs.
1260.406 Accounting records.
1260.407 Payment.
1260.408 Equipment and other property.
1260.409 Patent rights (small business firm or nonprofit organization).
1260.410 Rights in data.
1260.411 Security.
1260.412 Civil rights.
1260.413 Safety.
1260.414 Subcontracts.
1260.415 Changes in principal investigator or technical objectives.
1260.416 Communications.
1260.417 Financial management system.
1260.418 Procurement standards.
1260.419 Additional provision for cooperative agreements.
1260.420 Special conditions.

Subpart 5—Administration of Research Grants and Cooperative Agreements

1260.501 General.
1260.502 Instrument.
1260.503 Instrument period.
1260.504 Adherence to original budget estimates.
1260.505 Use, disposition and vesting of title to research equipment.
1260.506 Revocation.
1260.507 Transfer of grants or cooperative agreements to other institutions.
1260.508 Accounting procedures
1260.509 Property management standards.
1260.510 Screening of requests for Government-furnished equipment.
1260.511 Standards for grantee's financial management systems.
1260.512 Procurement standards.
1260.513 Suspension and termination procedures.
1260.514 Closeout procedures.
1260.515 Novation and change of name agreements.

Subpart 6—Reports

1260.600 General.
1260.601 Individual Procurement Action Report (NASA Form 507).
1260.602 Committee on Academic Science and Engineering (CASE) Reports.
1260.603 Federal Cash Transactions Report (SF 272).
1260.604 Annual Inventory Listing of Government-Owned Property.
1260.605 Status and final reports.
Appendix—Listing of Exhibits and Attachments.
Exhibit G—Patent Rights (Small Business Firm or Nonprofit Organization).

Authority: Pub. L. 95–224, 92 Stat. 3 (41 U.S.C. 501 et seq).

Subpart 1—General

§ 1260.100 Purpose.

This part 1260, issued by the Director of Procurement under authority delegated by the Administrator, establishes for the National Aeronautics and Space Administration (NASA) uniform policies and procedures relating to the negotiation, award and administration of research grants and cooperative agreements with educational institutions and other nonprofit organizations, under the authority of Pub. L. 95–224 (41 U.S.C. 501 et seq.).

§ 1260.101 Applicability.

This part applies to all research grants and cooperative agreements made by NASA with educational institutions and other nonprofit organizations.

§ 1260.102 Arrangement of part.

(a) *General plan.* This part is divided into subparts. Each one deals with a separate aspect of research grants and cooperative agreements, and is further subdivided into sections.

(b) *Numbering.* The numbering of individual sections and pages is not necessarily consecutive, and is designed to permit subsequent insertion of additional sections and pages within the appropriate subpart. The first digit of a section number indicates the subpart, and the second two digits indicate the section sequence in that subpart in which the particular section is set forth. Thus, § 1260.203 indicates the third section in Subpart 2 of this part.

§ 1260.103 Contents.

This part 1260 is published to achieve maximum uniformity throughout NASA and will be amended from time to time. Personnel involved with grants and cooperative agreements are encouraged to submit suggestions for improving the procedures set forth in this part. Such suggestions should be submitted to the Office of Procurement, NASA Headquarters (Code HP–1).

§ 1260.104 Amendment.

(a) *Changes.* This part will be amended by issuance of printed loose-leaf "Changes" containing revised or additional pages, sections, or subparts. Each revised or new page of a change will bear, at the top, the date of the change and the change number. Changes to this part will be published in the Federal Register.

(b) *NASA Grant and Cooperative Agreement Handbook Instruction.* The Handbook may be amended by means of a NASA Grant and Cooperative Agreement Handbook Instruction when (1) it is necessary to provide rapid dissemination of new or revised grant and cooperative agreement policies or procedures pending their incorporation into the next published change to the Handbook; or (2) the policy or procedure is expected to be effective for 1 year or less. The NASA Grant and Cooperative Agreement Handbook Instructions will be numbered consecutively.

§ 1260.105 Dissemination and effective date of the part and amendments.

(a) The NASA grant and cooperative agreement handbook, Changes and Instructions will be distributed directly to NASA installations. The number of copies of the Handbook, Changes, and Instructions will be distributed on the basis of the requirements furnished by each Headquarters Staff Office, Headquarters Program Office, and NASA installation to the Office of Procurement, NASA Headquarters, Procurement Policy Division (Code HP–1).

(b) Directors of Installations and the Procurement Policy Division at Headquarters will ensure that copies of the NASA Grant and Cooperative Agreement Handbook are distributed to all interested activities and individuals within their installation.

(c) Copies of the NASA Grant and Cooperative Agreement Handbook, Changes and Instructions may be purchased by private concerns, universities and individuals from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402.

(d) Compliance with an amendment to the NASA Grant and Cooperative Agreement Handbook shall be optional effective with the date of issuance thereof, and shall be mandatory effective 60 days thereafter, except as may be otherwise prescribed in a Change or Instruction.

§ 1260.106 Deviations.

(a) *Applicability.* A deviation shall be considered to be any of the following:

(1) When a prescribed grant or cooperative agreement clause is set forth verbatim in this part, use of a clause covering the same subject matter which varies from, or has the effect of altering, the prescribed clause, or changing its application;

(2) When a grant or cooperative agreement clause is set forth in this part but not for use verbatim, use of a clause covering the same subject matter which is inconsistent with the intent, principle and substance of the part clause or related coverage of the subject matter;

(3) Omission of any mandatory grant or cooperative agreement clause;

(4) When a NASA or other form is prescribed by this part, use of any other form for the same purpose;

(5) Alteration of a NASA or other form prescribed in this part except as authorized herein;

(6) When limitations are imposed by this part upon the use of a grant or cooperative agreement clause, form, procedure, or any other grant or cooperative agreement action, the imposition of lesser or greater limitations; or

(7) When a policy, procedure, method, or practice of conducting grant actions is prescribed in this part, any policy, procedure, method, or practice inconsistent therewith.

(b) *Approval of deviations.* Deviations from this part 1260 will be authorized only when essential to effect necessary grant or cooperative agreement actions or where special circumstances make such deviations clearly in the best interests of the Government. Such deviations will be approved only by the Director of Procurement or a duly authorized representative.

(c) *Request for deviations.* Requests for authority to deviate from this part 1260 shall be submitted to the Director of Procurement, NASA Headquarters (Code HS–1). Such requests shall be signed by the Procurement Officer of a field installation (or the Director of the Division in the case of the Headquarters Contracts and Grants Division) and shall be submitted as far in advance as exigencies of the situation will permit.

(d) Each request for a deviation shall contain as a minimum:

(1) Identification of the part requirement from which a deviation is sought;

(2) A full description of the deviation and the circumstances in which it will be used;

(3) A description of the intended effect of the deviation;

(4) A statement as to whether the deviation has been requested previously, and, if so, circumstances of the previous request;

(5) The name of the grantee or party to a cooperative agreement and identification of the grant or cooperative agreement affected, including the dollar value; and

(6) Detailed rationale for the request, including any pertinent background information, that will contribute to a fuller understanding of the deviation sought.

§ 1260.107 Definitions.

As used throughout this Part 1260, the words and terms defined in this section shall have the meanings set forth below, unless the context in which they are used clearly requires a different meaning, or a different definition is prescribed for a particular subpart or portion thereof. In particular, the term "grant" applies to "grant" and "cooperative agreement" unless otherwise indicated.

(a) *Administrator.* The Administrator or Deputy Administrator of NASA.

(b) *Director of Procurement.* The Director of Procurement, Office of Procurement, NASA Headquarters (Code H).

(c) *Basic research.* Systematic, intensive study directed toward greater knowlege or understanding of the subject studied.

(d) *Educational institution.* Any institution which (1) has a faculty, (2) offers courses of instruction and (3) is authorized to award a degree upon completion of a specific course of study.

(e) *Equipment.* As used in this part, "equipment" is another term for nonexpendable personal property.

(i) *Government furnished equipment.* Equipment in the possession of, or acquired directly by, the Government and subsequently delivered or otherwise made available to a grantee.

(ii) *Acquired equipment.* Equipment purchased or fabricated with grant or cooperative agreement funds by a recipient, for the performance of research under its grant or cooperative agreement.

(f) *Grants officer.* A contracting officer who has been delegated authority to award and administer grants and cooperative agreements.

(g) *Grant specialist.* Any employee of NASA who is assigned the responsibility of negotiating with potential grantees the terms and conditions of specific grants and cooperative agreements, and the administration of such grants or cooperative agreements.

(h) *NASA.* The National Aeronautics and Space Administration.

(i) *Subcontract.* A written agreement between a grantee and a third party for the furnishing of services or supplies necessary to carry out the research under a grant or cooperative agreement.

(j) *Support.* Funding of a research project meeting NASA mission objectives.

(k) *Technical officer.* The official of the cognizant NASA program office who is responsible for monitoring the technical aspects of the work under a grant or cooperative agreement.

Subpart 2—Basic Policies

§ 1260.200 Authority.

Under the Federal Grant and Cooperative Agreement Act of 1977, Pub. L. 95–224 (41 U.S.C. 501 et. seq.), NASA is authorized to award grants and cooperative agreements. Pub. L. 95–224 includes (as Section 7(b)) the substance of the repealed "Grants Act" (42 U.S.C. 1891, 1892) pertaining to the vesting of title to equipment purchased with Federal funds in a nonprofit organization. It expands this authority to other tangible personal property and applies to cooperative agreements and contracts as well as grants.

§ 1260.201 Policy.

(a) NASA policy is to use the grant instrument to sponsor required basic research at nonprofit institutions or organizations when it is desired (1) to accomplish a public purpose of support or stimulation in the area of basic research, (2) when no substantial NASA involvement in the technical performance is anticipated, (3) to provide latitude to investigators that will encourage maximum creativity, and (4) to have the minimum administration consistent with the public interest.

(b) NASA policy is to use the cooperative agreement for the same purpose as grants, except that substantial Federal involvement in significant aspects of the effort are necessary for its accomplishment.

(c) In addition, it is NASA policy to provide appropriate continuity of support in research sponsored under grants.

§ 1260.202 Proposals.

(a) *General.* An activity leading to a grant or cooperative agreement must be supported by a valid proposal from the prospective recipient organization. Proposals are not categorized as "grant proposal" or "contract proposal." In many cases the proposals received will be unsolicited. However, instrument selection under the Federal Grant and Cooperative Agreement Act, Pub. L. 95–224, is independent of proposal type; therefore, some grants and cooperative agreements will be based on solicitations. This Subpart 2 provides information for the grants officer in processing actions based on either type of proposal.

(b) *Unsolicited proposals*—(1) *Refrerences.* 41 CFR Ch. 18, 4.9 contains basic agency guidance on unsolicited proposals applicable to all classes of performers. NASA Management Instruction 8330.1, "Unsolicited Proposals From Universities," provides additional guidance for educational institutions only. Proposal submission information for educational institutions is covered in "The NASA-University Program: A Guide to Policies and Procedures," which should be provided to academic researchers in response to requests.

(2) *Policy.* It is NASA policy to foster and encourage the submission of unsolicited proposals and, in particular, to develop policies and procedures which not only encourage their submission, but which avoid, to the extent possible, those factors which tend to discourage the generation and acceptance of innovative ideas by the unsolicited proposal mechanism (see 41 CFR Ch. 18, 4.903).

(3) An unsolicited proposal, by definition, is a written offer to perform a proposed task or effort, initiated and submitted to NASA by an institution without a solicitation by NASA. It is important to note that contact with agency technical personnel prior to proposal submission is permissible and is encouraged to determine if preparation of a formal submission is warranted. Such discussions, confined to the limited objectives of conveying to the potential offeror an understanding of the agency mission and needs relative to the type of effort contemplated, do not jeopardize the unsolicited status of any subsequently submitted proposal. (See 41 CFR, Ch. 18, 4.904 and 4.905.)

(4) *Proposal validity.* The validity of a proposal received with a procurement package should be verified. In particular, it must have been approved by a responsible official or authorized representative of the organization submitting the proposal, or a person authorized to contractually obligate the organization. (See 41 CFR, Ch. 18, 4.909.) Incomplete or sketchy "informal" or "preliminary" proposals or technical correspondence, as defined by 41 CFR, Ch. 18, 4.904 and 4.908(d), do not qualify as unsolicited proposals.

(5) If any such invalid proposals are received for procurement action, the grants officer should give the institution an opportunity to provide the missing information. (See 41 CFR, Ch. 18, 4.909.) In the event excessive delay or possible cancellation of the procurement is contemplated, the procurement request initiator should be notified.

(6) *Proposals from other agencies.* NASA will not accept for formal evaluation unsolicited proposals initially submitted to another agency or the Jet Propulsion Laboratory, Pasadena, CA without the express consent of the offeror. (See 41 CFR Ch. 18, 4.912(a).) In the event such a proposal is received as the basis for a procurement action and the required consent is lacking, the grants officer should contact the institution to determine if conversion to a formal submission to NASA is desired. The institution may at that time submit any desired revisions or other material necessary. The procurement initiator should be notified of any substantive changes.

(7) *Use of data.* Some proposals may have a notice on the cover intended to maintain trade secret rights. The notice set forth in 41 CFR, Ch. 18, 1.304–2 is:

> Data on pages ——— of this proposal constitute a trade secret. It is furnished to the Government in confidence with the understanding that it will not, without permission of the offeror, be used or disclosed other than for evaluation purposes: *Provided, however,* In the event a contract is awarded on this proposal, the Government may obtain in the contract additional rights to use and disclose this data.

If the grants officer receives an unsolicited proposal containing a notice and the terms are more restrictive than those provided in the notice above, the grants officer shall inquire whether the offeror is willing to accept the conditions of the notice set forth in 41 CFR, Ch. 18, 1.304–2. Should the offeror not agree, local counsel should be consulted concernng the legal effect of the more restrictive conditions imposed by the offeror. (See 41 CFR, Ch. 18, 4.913.) This situation should rarely occur in actions with universities.

(8) *Prohibitions.* NASA shall not permit all or any part of an unsolicited proposal to be used as the basis, or portion of, a solicitation, or in negotiation with other organizations

unless the offeror is notified of and agrees to the intended use. However, nothing herein precludes the Government from using any data, concept or idea which it could have used had the unsolicited proposal not been submitted. (See 41 CFR, Ch. 18, 4.911.)

(9) *Foreign proposals.* Proposals from foreign sources are additionally subject to the provisions of NASA Procurement Directive 1362.1, "Initiation and Development of International Participation and Cooperation in Aeronautical and Space Program." Field installations will forward purchase requests for foreign proposals to the Headquarters Contracts and Grants Division, Code HW–2, through the International Affairs Division, Code LI, for procurement action. (See 41 CFR, Ch. 18, 4.914.)

(10) *Justification for acceptance.* (i) A negotiated, noncompetitive grant or cooperative agreement is permissible and will be used when an unsolicited proposal has received a favorable technical evaluation, except as noted in paragraph (b)(4) of this section. The technical office sponsoring the procurement shall support its recommendation with a "Justification for Acceptance of Unsolicited Proposal." The "Justification" shall be based on a comprehensive evaluation of the proposal. The "Justification" shall include the facts and circumstances that operate to preclude competition and that support the recommended noncompetitive action. Consideration shall include the following evaluation factors (see 41 CFR, Ch. 18, 4.910(b)):

(A) Unique, innovative, or meritorious methods, approaches, or ideas which have originated with or have been assembled together by the offeror that are contained in the proposed effort or activity;

(B) Overall scientific, technical, or socio-economic merits of the proposed effort or activity;

(C) Potential contribution which the proposed effort is expected to make to the agency's specific mission, if pursued at this time;

(D) Capabilities, related experience, facilities, or techniques, or unique combinations thereof which the offeror possesses and offers, and which are considered to be integral factors for achieving the scientific, technical, or socio-economic objective(s) of the proposal; and

(E) Qualifications capabilities and experience of the proposed principal investigator, team leader, or key personnel who are considered to be critical in achieving the objectives of the proposal (see 41 CFR, Ch. 18, 4.909(d)).

(ii) In reviewing the "Justification" the grants officer should bear in mind that paragraph (b)(10)(i) is generally descriptive of research as performed by academic institutions and of research typically suitable for support by a grant or cooperative agreement. Since research proposals of this type are intellectual products, it is inappropriate and unrealistic to attempt to establish that no one else can perform similar research. It is only necessary to establish that the proposal is the only one available for the type of effort contemplated or has better promise than related or overlapping ones available for evaluation at the same time.

(iii) In isolated instances, a favorable comprehensive evaluation of a university unsolicited proposal is not, in itself, sufficient justification for negotiating on a noncompetitive basis with the offeror. When a document qualifies as an unsolicited proposal but the substance (A) is available to the Government without restriction from another source or (B) closely resembles that of a pending competitive solicitation, or (C) is otherwise not sufficiently unique to justify acceptance, the unsolicited proposal shall not be acceptable. When procurement is intended and competition is feasible, the proposal shall be returned to the offeror together with the reasons for the return. The procurement request initiator shall be notified before such action is taken. (See 41 CFR, Ch. 18, 4.910(a).)

(iv) When it is determined that the subject matter of an unsolicited proposal is acceptable for award on a noncompetitive basis, the unsolicited proposal will serve as the basis for negotiation. (See 41 CFR Ch. 18, 4.910(c).) A Request for Proposal (RFP) or a Request for Quotation (RFQ) will not be used to obtain any additional information or revisions. In this connection, note that the manner and extent of the evaluation of the scientific/technical and the price/cost portions of unsolicited proposals is the responsibility of officers having substantive responsibilities for these areas. (See 41 CFR, Ch. 18, 4.909(e).)

(v) Proposals for renewal of on-going projects are generally simpler as less detailed information or justification is required. However, they should cover the basic information required for procurement action, with particular emphasis on changes since the original award was made. (See 41 CFR Ch. 18, 4.906(d).) Simplified procedures should be used wherever possible to expedite renewals, particularly when continuing or step funded awards are involved.

(vi) Justifications will normally be prepared by the procurement request initiator on an individual proposal basis. However, where a number of similar proposals are peer reviewed in a group or as the result of a Space Science Announcement, Applications Announcement or similar announcement, a simplified procedure may be used. This is particularly applicable where the evaluation is conducted by Headquarters and the proposals subsequently transferred to a field center for all further processing and award.

(vii) Accordingly, in instances where unsolicited proposals are received as a result of an open notice issued in accordance with 41 CFR, Ch. 18, 4.908(b)(i), the following justification format, to be executed by the technical office which issued the open notice, may be used to satisfy the requirements of 41 CFR, Ch. 18, 4.910(b).

(Format)—Justification for Acceptance of Unsolicited Proposal

I recommend that NASA negotiate only with *(Organization and location)* for a technical study/investigation entitled: *(proposal title)*, which is related to the (Name of) discipline field of the (Name of) Program. This recommendation is made on the basis of a favorable comprehensive evaluation in accordance with applicable provisions of NASA Procurement Regulation (NPR) 4.909, and is submitted in accordance with applicable provisions of NPR 4.910. This recommendation is made for the following reason(s): *(insert one or more, but not necessarily all)*

(i) The proposed effort contains unique, innovative (or meritorious) methods (approaches or ideas) which have orginated with (and/or been assembled together by) the offeror;

(ii) A significant degree of scientific/technical merit inheresin the proposed effort;

(iii) The proposed effort is expected to make a noticeable, positive contribution to the (Name of) Program, if supported at this time;

(iv) The proposed effort has value to the (Name of) Program, not previously recognized by NASA;

(v) The qualifications, capabilities and experience of the proposed principal investigator (team leader and/or key personnel) are considered to be critical in achieving the objectives of the proposal;

(vi) The offeror possesses and offers capabilities, related experience and facilities (or techniques, or unique combinations thereof) which are considered to be integral factors for achieving the objectives of the proposal. It further appears that the substance of the proposal is not readily available to the Government without restriction from another source, does not closely resemble that of a pending competitive solicitation, and is sufficiently unique to justify acceptance. Based upon a comprehensive evaluation and the foregoing reason(s), I accept this proposal submitted by the anticipated principal investigator, (Full

Name), for implementation as a (Name of Program) Project. I am assigning this project to (Installation) for implementation and request that an appropriate instrument be executed with the institution.

(c) *Solicited proposals.* As a result of the instrument selection criteria specified by Pub. L. 95–224, and NASA's implementation in § 1260.301, the award of a grant or cooperative agreement based on a solicited proposal may be appropriate.

(d) Grants and cooperative agreements based on solicited proposals are most likely to result from proposals submitted in response to "Announcements of Opportunity." This type of solicitation is governed by the terms of NASA Handbook 8030.6, "Guidelines for Acquisition of Investigations."

§ 1260.203 Criteria for selection of award instrument.

(a) *General.* (1) This § 1260.203 provides guidance on the appropriate choice of award instruments consistent with the Federal Grant and Cooperative Agreement Act of 1977, Pub. L. 95–224 and Office of Management and Budget (OMB) implementation of that Act. This § 1260.203 applies to all program and individual transactions where the choice of award isntruments is within the administrative discretion of NASA and is not otherwise prescribed or limited by law. A variety of award instruments is available as the means for defining the terms and conditions, and the nature of the relationship between NASA and eligible recipients. The award instruments are intended to be different in purpose, application, content and nature. When properly employed, they create different relationships betwen the parties. Because of these differences, the decision to use a particular instrument to implement a particular purpose must be made deliberately.

(2) *Procurement contracts.* A procurement contract shall be used as the legal instrument to reflect a relationship between the Federal Government and a recipient whenever (i) the principal purpose of the instrument is the acquisition by purchase, lease or barter, of property, or services for the direct benefit or use of the Federal Government; or (ii) whenever NASA determines in a specific instance that the use of a type of procurement contract is appropriate.

(3) *Grants.* A grant agreement shall be used as the legal instrument to reflect a relationship between the Federal Government and a recipient whenever the principal purpose of the relationship is transfer of money, property, services, or anything of value to the recipient in order to accomplish a public purpose of support or stimulation authorized by Federal statute, rather than by acquisition, purchase, lease, or barter of property or services for the direct benefit or use of the Federal Government; and no substantial involvement is anticipated between NASA acting for the Federal Government and the recipient during performance of the contemplated activity.

(4) *Cooperative agreements.* A cooperative agreement shall be used as the legal instrument to reflect a relationship between the Federal Government and a recipient whenever the principal purpose of the relationship is the transfer of money, property, services, or anything of value to the recipient to accomplish a public purpose of support or stimulation authorized by Federal statute, rather than acquisition by purchase, lease, or barter, of property, or services for the direct benefit or use of the Federal Government; and substantial involvement is anticipated between NASA, acting for the Federal Government, and the recipient during performance of the contemplated activity.

(b) *Factors to consider in the selection of award instrument.* The cognizant technical officer shall recommend to the contracting officer of the funding installation the selection of the research support instrument (grant, cooperative agreement or contract), regardless of the type of proposal involved, taking into account statutory requirements, NASA policies for dealing with universities, the nature of the proposed research, the manner in which it will be performed, and the nature and extent of interaction between NASA and the performer. Research grants and cooperative agreements with nonprofit institutions of higher education or at nonprofit organizations whose primary purpose is the conduct of scientific research may be made only to support basic scientific research. Any exceptions must have the prior approval of the Director of Procurement. As a matter of policy NASA does not generally award grants for donative assistance purposes, but only to meet program objectives; hence, consideration of any potential benefit accruing to the recipient is extraneous to determination of the support instrument. Since prime responsibility for the pursuit of most basic studies is with the university researcher, it is anticipated that the use of cooperative agreements will be limited to those situations where the project would not be possible without extensive NASA-university collaboration. Thus, cooperative agreements would be appropriate, for instance, where a university investigator works for a substantial amount of time at a NASA center (or a NASA investigator works at the university), or when the NASA-university scientific collaboration is such that a jointly authored report is appropriate. Under no circumstances are cooperative agreements to be used solely to obtain the stricter control requirements typical of a contract. Subject to the statutory requirements set forth in § 1260.203(a) of this part, the characteristics generally inherent in grants, cooperative agreements and contracts are as follows:

(1) Characteristics of a grant instrument:

(i) The principal purpose is to accomplish a NASA objective through stimulating or supporting the acquisition of knowledge or understanding of the subject or phenomena under study;

(ii) The exact course of the work and its outcome cannot be defined precisely and specific points in time for achievement of significant results cannot be realistically specified;

(iii) NASA desires, or the nature of the proposed investigation is such, that the grantee will bear prime responsibility for the conduct of the research, and exercises judgment and original thought toward attaining the scientific goals within broad parameters of the research areas proposed and the related resources provided;

(iv) The research problem is such that long term support (i.e., in excess of 1 year) is required for the study to mature to maximum scientific effectiveness (however, this does not preclude shorter-term grants in special cases);

(v) Meaningful technical reports (as distinguished from the Semiannual Status Reports) can be prepared only as new findings are made, rather than on a predetermined time schedule;

(vi) Simplicity and economy in execution and administration are mutually desirable; and

(2) Characteristics inherent in a cooperative agreement include the characteristics of a grant plus the following:

(i) Substantial NASA involvement in and contribution to the technical aspects of the effort are necessary for its accomplishment;

(ii) The project, conducted as proposed, would not be possible without extensive NASA-university technical collaboration; and

(iii) The nature of the collaboration can be clearly defined and specified in advance.

(3) Characteristics inherent in a contract are as follows:

(i) The principal purpose is the purchase for the direct use or benefit of NASA's well-defined, specific effort clearly required for the advancement of a programmed NASA mission or project;

(ii) The work to be conducted is directed closely toward the solution of a specific problem;

(iii) A specific service, piece of hardware, or improved performance of a specific device is the end product;

(iv) NASA considers it necessary, and it is reasonable in consideration of the nature of the project, to exercise control over the objectives, direction, specifications, costs or methods of the research, and schedule control is desirable and feasible;

(v) The work to be conducted is classified (however, access to security classified information may be given grantees where a demonstrated need exists);

(vi) The end result is clearly defined and/or parameters and specifications are prepared in advance of the work; and

(vii) A significant portion of the total effort will be performed by an organization other than the one submitting the proposal, and such portion will involve the development, fabrication or acquisition of instruments or hardware.

(d) Other instruments authorized by statute shall be used only after it has been determined, with the advise of general counsel, that the action cannot be accomplished under a grant, cooperative agreement, or contract, as described in this section. Use of purchase orders (NASA Form 1379) for research is subject to the limitations of 41 CFR, Ch. 18, 3.603(a) and 3.608–2(b)(1).

§ 1260.204 Processing the instruments.

(a) If a grant or cooperative agreement is selected as the research support instrument, negotiation will be by the funding installation, except for grants to foreign institutions subject to NASA Procurement Directive 1362.1.

(b) Grants officers at field installations will furnish to the University Affairs Office copies of the technical evaluation and procurement request, identified by the proposal control number assigned by the University Affairs Office, at the time the negotiation is started. This requirement does not apply to (1) proposals for which a proposal control number is not assigned by the University Affairs Office, or (2) when a proposal evaluation (NASA Form 884 or an equivalent memorandum) and a copy of the procurement request have been forwarded to the University Affairs Office prior to the time the procurement package is received by the grants officer.

(c) Grants officers at field installations and the Headquarters Contracts and Grants Division will furnish to the University Affairs Office completed NASA Forms 1356, "C.A.S.E. Report on College and University Projects," after all awards, regardless of any exceptions in paragraphs (a) and (b) of this section (see § 1260.602).

§ 1260.205 Civil Rights Act of 1964—Nondiscrimination in certain federally funded programs.

(a) Section 602 of the Civil Rights Act of 1964 (Pub. L. 88–352; 42 U.S.C. 200d–1), provides that no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance, and requires that each Government agency which is empowered to extend such financial assistance shall issue rules or regulations effectuating Title VI (Sections 601–605) of the Act with respect to such programs or activities administered by the agency. NASA's Civil Rights regulation was published as 14 CFR Part 1250 and incorporated into NASA's directives system as NASA Management Instruction 2090.1, "Civil Rights Act—Nondiscrimination in Federally-Assisted Programs of NASA." Section 602 of the Act applies nondiscrimination requirements to certain types of awards not covered by Executive Order 11246, as amended, which pertains primarily to contracts.

(b) For Civil Rights purposes, NASA has determined that research grants and cooperative agreements made under the authority of Pub. L. 95–224, are within the purview of Title VI of the Act, rather than within the purview of Executive Order 1246 and its predecessors.

(c) Section 504 of the Rehabilitation Act of 1973, as amended, provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(d) Further implementation, setting forth procedures and guidance, and assigning responsibility to NASA officials, is contained in NASA Management Instruction 2090.1.

(e)(1) No grant shall be made unless and until an Assurance of Compliance With the National Aeronautics and Space Administration Regulation Under Title VI of the Civil Rights Act of 1964, NASA Form 1206 (Exhibit A of this part), has been obtained in accordance with the requirements of NASA Management Instruction 2090.1, or until proceedings pursuant to § 1250.107(c) of the NASA Civil Rights regulation have been conducted and terminated in favor of the prospective grantee. NASA shall not be obligated to provide support in such a case during the pendency of any administrative proceedings under the NASA Civil Rights regulation.

(2) If a proposal relating to a covered program does not contain or refer to a prescribed assurance and it does not appear that the offeror is aware of the requirement for the assurance, prior to making any grant, the offeror shall be furnished a copy of the desired form of assurance and shall be informed of the requirements of the NASA Civil Rights regulation and this § 1260.205.

§ 1260.206 Printing, binding, and duplicating.

Printing, binding and duplicating required by NASA shall be obtained in accordance with (a) the Government Printing and Binding Regulations published by the Joint Committee on Printing, Congress of the United States, and (b) NASA Management Instruction 1490.2, "Responsibilities, Procedures, and Standards for NASA Printing, Duplicating, and Binding." Technical proposals should be carefully reviewed to assure that unauthorized printing, binding, or volume duplicating constituting printing are not included in grants. When a proposed grant may involve printing, binding, or duplicating, close coordination will be effected with the Installation Central Printing Management Officer in the review process to ensure compliance with these regulations.

1260.207 Procurement of helium.

(a) NASA is required under the provisions of Pub. L. 86–777 (50 U.S.C. 167a et. seq.) to obtain its major requirements for helium from the Secretary of the Interior.

(b) When it is known that the performance of a grant or cooperative agreement will necessitate the purchase of helium by the grantee, the following clause shall be included in the grant:

Procurement of Helium (January 1981)

(a) The Grantee shall obtain its requirements for helium under this grant from the Department of the Interior (Bureau of Mines) or from a commercial supplier

qualified by the Bureau of Mines and included in the Bureau of Mines publication, "List by Shipping Points of Private Distributors Eligible to Sell Helium to Federal Agencies." Copies of this publication may be obtained from the Bureau of Mines, Helium Operations, P.O. Box H4372, Herring Plaza, Amarillo, Texas 79101.

(b) The Grantee's procurement documents for the commercial procurement of helium shall be annotated. Pursuant to 30 CFR Parts 1 and 2, helium furnished under this contract (purchase order) shall be Bureau of Mines helium, or shall be replaced by the supplier with an equivalent volume of helium purchased from the Bureau of Mines.

(c) A copy of each contract or purchase order for the supply of helium from commercial sources shall be forwarded to the Bureau of Mines, Helium Operations, Box H4372, Herring Plaza, Amarillo, Texas, 79101. These copies shall be further identified by the applicable NASA grant number.

§ 1260.208 Clean Air and Federal Water Pollution Control Acts.

(a) Pursuant to regulations issued by authority of E.O. 11728 by the Environmental Protection Agency (EPA) and published in 40 CFR Part 15, no grant or subgrant or subcontract thereunder in excess of $100,000 shall be awarded, renewed, or extended, except as provided in paragraph (c) of this section, if any facility to be utilized thereunder or in the performance thereof is listed on the EPA "List of Violating Facilities," published pursuant to 40 CFR 15.20, the Clean Air Act, as amended, (42 U.S.C. 1857 et seq., as amended by Pub. L. 91–604), and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq., as amended by Pub. L. 92–500). This list will be distributed periodically by EPA to all Federal agencies and published in the **Federal Register**.

(b) Special condition, § 1260.420(b)(7), shall be used with each grant or grant extension in excess of $100,000.

(c) When the Administrator determines that the paramount interest of the United States so requires, the Administrator may exempt for a period not to exceed 1 year any individual grant, or any subgrant or subcontract thereunder, from the requirements of this § 1260.208, and, by rule or regulation following consultation with the Administrator of the EPA, any class of grants or subgrants or subcontracts thereunder. The Administrator shall promptly notify the Administrator of the EPA of any of the exemptions authorized by the foregoing, and the justification therefor, which shall fully describe the purpose of the grant, subgrant, or subcontract and indicate the manner in which the paramount interest of the United States requires that the exemption be made.

(d) Requests for exemptions or renewals thereof shall be made to the Director of Procurement (Code HP–1), NASA Headquarters. Requests for individual exemptions shall list the recipient and the amount of the proposed grant, subgrant or subcontract and the title and name of the principal investigator (where applicable). All requests, whether for individual or class exemptions, shall provide a complete justification as required in paragraph (c) of this section.

§ 1260.209 Patent rights in inventions.

(a) Pub. L. 96–517 (35 U.S.C. 200 et seq.) governs the disposition of rights in inventions made by small business firms and nonprofit organizations under contracts, grants and cooperative agreements for the performance of experimental, developmental, or research work funded in whole or in part by Federal agencies. This Act takes precedence over any other Acts, including section 305 of the National Aeronautics and Space Act of 1958, regarding the disposition of rights to such inventions. It takes effect on July 1, 1981, and is applicable to all contracts, grants and cooperative agreements (including subcontracts) with small business firms and nonprofit organizations executed on or after that date. As to inventions "made" on or after July 1, 1981, in the performance of work under any such contracts, grants or cooperative agreements (including subcontracts) executed prior to July 1, 1981, § 1245.118 of the NASA Patent Waiver Regulation of July 1, 1981 (14 CFR 1245.1) may be applied.

(b) The implementation of Pub. L. 96–517 in the NASA Procurement Regulation, 41 CFR, Ch. 18, 9.1), shall apply equally to all grants and cooperative agreements (including subcontracts thereunder) with a small business firm or nonprofit institution for experimental, developmental or research work to be performed in the United States, awarded and administered under the Grant and Cooperative Agreement Handbook, unless a deviation from such use is approved pursuant to § 1260.106. The clause implementing Pub. L. 96–517 for grants and cooperative agreements is set forth in Exhibit G of this part. Where a deviation is approved or where experimental, developmental or research work is to be performed outside the United States, patent counsel should be consulted for the appropriate provisions to be included in the grant or cooperative agreement.

(c) Reports required pursuant to § 1260.409(b) shall be submitted upon receipt by the grants officer to the local patent counsel.

Subpart 3—Award of Grants and Cooperative Agreements

§ 1260.301 Instruments.

(a) The grant or cooperative agreement instrument shall be brief in format, containing only those provisions necessary to protect the fundamental interests of the Government. To ease compliance problems within universities and nonprofit institutions, grants issued by all NASA installations are identical in format and printed content, and changes in grant requirements are made as infrequently as possible.

(b) In order to maintain the distinction between transactions entered into pursuant to section 203(c)(5) and other provisions of the Space Act of 1958 (such as patent licenses, out-bailments, reimbursable launch agreements, and international agreements) and cooperative agreements entered into pursuant to Pub. L. 95–224, (effective February 3, 1979), the term "cooperative agreement" shall not be used to designate those agreements entered into under the Space Act but shall be used only to designate those cooperative agreements entered into pursuant to Pub. L. 95–224. Loans of Government personal property not associated with a contract, grant, or cooperative agreement under Pub. L. 95–224, and made under the Space Act of 1958, should be consummated as loan agreements under paragraph 1.211 and Part 3.400 of NASA Handbook 4200.1, "Equipment Management Manual."

(c) An initial determination shall be made by the technical office sponsoring the requirement whether the principal purpose involved is the acquisition of property or services for the direct benefit or use of the Federal Government. If the determination is affirmative, it shall be set forth in the "Justification for Acceptance of Unsolicited Proposal" (41 CFR, Ch. 18, 910(b)) or the procurement request and, upon concurrence of the contracting officer, a contract shall be used pursuant to the NASA Procurement Regulation.

(d) If it is determined that the principal purpose of a research task is not the acquisition of property or services for the direct benefit or use of the Federal Government, but rather is to accomplish a public purpose of support or stimulation by increasing basic knowledge and understanding in aeronautics or space, a grant (where no substantial Federal involvement is

anticipated) or a cooperative agreement (where substantial Federal involvement is anticipated) shall be used. (See § 1260.203 for guidance.)

(e) Where the technical office sponsoring the research recommends that a grant or cooperative agreement be used as the research instrument supporting an unsolicited proposal, the "Recommendation for Acceptance of Unsolicited Proposal" shall contain justification for such recommendation under the guidance set forth in § 1260.301(d). The required justification shall be in reasonable detail, shall adequately support the recommendation to award either a grant or cooperative agreement, and shall be approved by a responsible official designated for this purpose by the head of the program office concerned at Headquarters or field installation. In those instances where the transaction does not arise from an unsolicited proposal, the technical office involved shall, in the procurement request, justify any recommendation to the grants officer for award of a grant or cooperative agreement, subject to the approval required above.

(f) The grants officer shall review the recommendations of the cognizant technical office and, upon concurrence therein, shall prepare and sign a statement prior to the award of each grant or cooperative agreement, which justifies the use of such instrument under Pub. L. 95–224. The statement shall be placed in the offical file maintained for the transaction. General counsel should be consulted on questions of unique requirements and where additional assistance is otherwise determined to be necessary.

(g) Grants and cooperative agreements subject to Pub. L. 95–224, shall cite sections 5 or 6, as applicable, of the Federal Grant and Cooperative Agreement Act of 1977 (Pub. L. 95–224) as the authority for their placement. Contracts shall cite the applicable authority contained in 41 CFR, Ch. 18, 3.2.

(h) *Exception and deviations.* (1) Subsection 4(2) of Pub. L. 95–224 allows the use of contracts "whenever an executive agency determines in a specific instance that the use of a type of procurement contract is appropriate." This provision accommodates situations in which an agency determines that specific public needs can be satisfied best using the procurement process. However, because the provision, if misused, could allow agencies to circumvent the criteria for use of procurement or assistance instruments, use of this authority is restricted to extraordinary circumstances, and only with prior approval of the Director of Procurement. (Deviations from policies and procedures shall be processed under 41 CFR, Ch. 18, 1.109 or § 1260.100, as appropriate.)

(2) It is NASA's policy that non-monetary (zero dollar) grants or cooperative agreements shall not be used (except for no-cost time extensions).

§ 1260.302 Format.

NASA Form 1463, "Research Grant Award" Exhibit B, NASA Form 1562, "Cooperative Agreement" Exhibit C, and NASA Form 1463A, "Provisions for Research Grants and Cooperative Agreements" Exhibit D, shall be used for the award of all NASA research grants and cooperative agreements pursuant to the Federal Grant and Cooperative Agreement Act of 1977 (Pub. L. 95–224).

§ 1260.303 Allowable costs.

(a) Regulations governing procurement contracts generally are not appropriate for application to grants and cooperative agreements. However, in general, Office of Management and Budget (OMB) Circular A–21, "Cost Principles for Educational Institutions," OMB Circular A–122, "Cost Principles for Nonprofit Organizations," OMB Circular A–110, "Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations," and 41 CFR, Ch. 18.3 are the basic guidance documents in determining the allowability of costs chargeable to research supported by NASA under grants and cooperative agreements.

(b) NASA normally allows full recovery of indirect expenses but in no case shall an overhead rate used for determining grant or cooperative agreement amounts exceed, in equivalence, the most recent overhead rate at the recipient institution for comparable research contracts of the Government.

(c) Grant amounts determined at the time of the award shall not be reduced other than in case of revocation or in the event grant funds are not committed by the grantee prior to completion of the research involved.

(d) It is the responsibility of the recipient to manage the granted funds in such a manner that they cover the full period of the grant or cooperative agreement. NASA is not obligated to reimburse over-expenditures. However, this stricture does not preclude acceptance of a proposal requesting supplemental funding to extend the research.

§ 1260.304 Cost sharing.

(a)(1) *General.* In implementing the statutory requirement appearing in various NASA Appropriations Acts, for cost sharing of research resulting from unsolicited proposals, NASA has, in the past, generally required that educational institutions share in the cost of such research. This requirement was derived from the understanding that there was generally extant a "mutuality of interest" (as that phrase appears in the statutes) in such relationships thereby bringing into play the cost-sharing requirement.

(2) Subsequent to Congressional concern on overly strict application of the cost sharing requirement, a NASA reevaluation resulted in a determination that the activities of educational institutions under NASA research grants, cooperative agreements and contracts do not generally produce benefits that can be measured as having significance apart from the benefit intrinsic in the conducting of research for NASA. Therefore, in such instances, these agreements should not be subject to the cost-sharing requirement.

(3) No individual documentation or justification is required to establish agreements with educational and non-profit institutions not subject to a cost sharing requirement. Documentation, however, is necessary in those instances where cost sharing is appropriate.

(4) If in an individual case, cost-sharing is determined to be applicable pursuant to the NASA policy set forth in 41 CFR, Ch. 18, 1.362, the procedures in 41 CFR, Ch. 18, § 1.362 shall be followed and the special condition clause for cost sharing set forth in paragraph (b) of this section shall be used.

(b) *Clause.* In grants and cooperative agreements to which cost sharing is applicable, the following clause shall be used.

Cost Sharing (January 1981)

The Grantee agrees to share in the cost of the research by charging to the Government not more than percent of the costs of performance determined to be allowable in accordance with paragraph 405 of the NASA Grant and Cooperative Agreement Handbook. The remaining percent, or more, of the allowable costs of performance so determined will constitute the Grantee's share and will not be charged to the Government under this grant or under any other grant or contract (including allocation to other grants or contracts as part of an independent research and development program). The Grantee will maintain records of all grant costs claimed by the Grantee as constituting part of its share and such records shall be subject to audit by the Government.

§ 1260.305 Long term stability.

(a) *General.* Research performed for NASA by universities tends to be long term. Encouraging stability permits confidence in advance planning for the most effective use of resources. Two methods for achieving long term stability, i.e., continuing awards and step funding, are set forth in §§ 1260.305–2 and 1260.305–3.

(b) *Continuing awards*—(1) *Definition.* A continuing award is a grant or cooperative agreement for which NASA obligates funds to support an effort for a 1-year period, and states an intention to support approximate levels of effort for an additional period of time provided funds are available and the results achieved warrant further support within the context of agency programs.

(2) *Duration and funding.* Continuing awards will normally be approved by the relevant Headquarters program office or center for periods not in excess of 3 years. Legal, along with concomitant fiscal obligations, however, will be entered into for periods of 1 year. The award instrument will contain the following special condition which provides an estimate of an approximate level of funding for each of the following years:

> This is a continuing award. Contingent on the availability of funds, scientific progress of the project, and continued relevance to NASA programs, NASA anticipates continuing support at approximately the following levels:
>
> Second year $—— Third year $——
>
> It is the responsibility of the awardee to request such continued support by submitting a brief proposal, according to NASA procedures for unsolicited proposals.

The phrase "Third year" will be omitted if inapplicable.) The above special condition is not to be used in multiple-year, including step-funded, awards.

(3) *Proposals and review.* The original proposal and its scientific evaluation is applicable to the entire period. Thus, neither an extensive new proposal nor new reviews is required for subsequent funding in the approved period, unless a special need for new reviews is indicated by monitoring of the project and of its reports, by major changes in the project or senior investigators, by the introduction of work outside the scope of the approved proposal, or by the need for substantial additional funding than that initially anticipated.

(4) *Requests for continued support.* Five copies of a brief renewal proposal are required, as described in the special conditions of the award instrument for additional funding. Investigators shall be encouraged to contact the NASA technical officer for the project prior to proposal preparation to determine the amount of information required. An additional extended period may be proposed, upon the expiration of the approved period. A complete, new proposal, subject to full review, must be submitted for this purpose. If otherwise acceptable, NASA, at its option, may fund the proposal through a further continuing award or by a standard year-to-year agreement, if long-term effort is no longer anticipated.

(5) *Levels of continued support.* Normally, each year of a continuing award will be funded at the approximate level indicated in the original award instrument, subject to satisfactory scientific progress, availability of funds, and continued relevance to NASA programs. This is not, however, a binding commitment as changing NASA program constraints and developments within the project itself may dictate adjustments in the originally anticipated level.

(6) *Programmatic procedures.* Procurement request initiators who desire to use the continuing award technique should include in their procurement justification packages a brief statement requesting the use of the continuing award, including the expected levels for future periods.

(7) *Other conditions.* Except as noted in this part, all regulations, terms and guidelines applicable to regular grants and cooperative agreements apply to continuing awards.

(c) Step funding.

(1) *Description of step funding.* A step funded research project is one for which funds are obligated over a 3-year period. In addition to full support for the first year's effort, funds are also obligated for a second year's operation at approximately two-thirds of the first year level, and for third year's effort at approximately one-third of the first year level. The typical funding schedule anticipates a continuation of the initially established levels in subsequent years, but this is not always the case—planned increases or decreases in level may be projected in advance. In any event, the full amount required to establish the desired steps must be obligated. (See Step Funding Illustration—Exhibit E.)

(2) *Procedures.* The documentation will clearly indicate that the step funding is appropriate and provide a suggested step schedule accommodating both the previously obligated and the new funding. Annual levels should be rounded to the nearest $1,000, where feasible. Annual continuation proposals should project the contemplated effort for 3 years in advance. Wherever possible, renewal or notification to the grantee that further support will not be forthcoming will be issued before the authorized level drops to the next lower step. Normally, step funded grants should not be allowed to expire if the total period of performance is less than 5 years. Except in cases of revocation, funds should not be de-obligated from the steps. Do not make "No Cost-time Extensions" to step-funded awards, except when they are in the last year and no additional obligations are planned. Annual funding dates may be changed, if necessary, by appropriately rescheduling the steps. The award instrument shall contain the special condition for step funding (see § 1260.420 (b)(5)).

§ 1260.306 Numbering of instruments.

(a) *Grants.* (1) The identification numbering system for all research grants shall conform to 41 CFR, Ch. 18, 20.203–3, except that an NAG prefix shall be used in lieu of the NAS prefix.

(2) The prefix designation shall include the Center Identification Number; e.g., NAGW would be the Headquarters prefix designation and NAG5 would be the Goddard prefix designation. Grants will be sequentially numbered beginning with "1."

(3) This numbering system applies to all new research grants awarded beginning in Fiscal Year 1980. Existing grants identified with prefixes NGT and NGF will not be changed. Sequential numbers are controlled by the NASA University Affairs Office.

(b) *Cooperative agreements.* The numbering system for cooperative agreements shall be the same as for paragraphs (a) and (b) of § 1260.306–1, except that NCC (for centers) and NCCW (for Headquarters) prefixes shall be used in lieu of the NAG and NAGW prefixes.

§ 1260.307 Distribution of grants, cooperative agreements, and grant supplements.

(a) Distribution of grants, cooperative agreements and grant supplements shall be made by the initiating office in accordance with its requirements, except that in all cases:

(b) At least one copy will be furnished to paying offices in order to support the payment file and shall be retained for audit purposes in accordance with § 1260.308.

(c) One copy, plus a copy of the grantee's proposal, will be furnished to the Scientific and Technical Information Office, Code NST–10, NASA Headquarters.

§ 1260.308 Retention of documents for on-site audit.

NASA's grants, cooperative agreements and grant supplements

designated in § 1260.307 are subject to on-site audit by the General Accounting Office. The original or a signed copy of each document, with supporting data, shall be retained by the installation to be available to the General Accounting Office for audit purposes. Records shall be retained for 3 years after completion.

Subpart 4—Research Grant and Cooperative Agreement Provisions

§ 1260.400 General.

The provisions set forth in this subpart shall be inserted in and made a part of all NASA grants and cooperative agreements subject to this part. Whenever the words "grant" or "grantee" appear in these provisions, they shall be deemed to include, as appropriate, the words "cooperative agreement" and "recipient of cooperative agreement" respectively.

§ 1260.401 Technical reports and publications.

Technical Reports and Publications (January 1981)

(a) All measurement values employed in technical reports prepared under this Grant shall be expressed in the International System of Units (SI). Expression in both SI units and customary units is acceptable where the use of SI units alone would obviously impair communications or reduce the usefulness of the report to the primary recipients. When both systems of units are used, SI units are to be stated first and customary units afterwards in parentheses. In each such case, the report shall state which system of units was used for the principal measurements and calculations.

(b) Publication to accomplish widest practicable and appropriate dissemination of research results is encouraged at any time during the course of the investigation. Examples of appropriate media for such dissemination are the learned journals, the proceedings of professional groups, conference presentations, and NASA scientific and technical publications. NASA Grantees may submit the results of their work for publication by whichever media they feel most appropriate. Publications and reports prepared under a Grant shall contain a statement which acknowledges NASA's support and identifies the grant by number. Submissions for NASA scientific and technical publications shall be accompained by manuscripts provided initially in draft. Upon agency review and approval, a reproducible copy shall be submitted in the style and format specified by NASA.

(c) Copies of preprints or manuscripts of each publication shall be provided to NASA for information at the time of submission for publication. Prior approval for publication is not required unless security classification is involved or the Grant contains special conditions pertinent to publication of results. Should the preprint or manuscript contain a description of a "subject invention," such invention is to be disclosed to NASA as required by the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause set forth as Exhibit G of the NASA Grant and Cooperative Agreement Handbook.

(d) Brief, informal Semiannual Status Reports, which shall include concise statements of the research accomplished during the report period, including full bibliographic references to, or abstracts of, publications, shall be submitted. This is a minimum reporting requirement and Grantees are urged to submit interim reports, to publish in the open literature, or to present conference papers whenever the research has reached a point where it is logical to summarize the results, a research phase has been completed, or significant new findings are made.

(e) A final technical report will be submitted upon termination of support under a specific Grant, whether or not support is continued under another Grant number. The final report may be a comprehensive report of all research findings, suitable for printing as a permanent contribution to knowledge, or it may be a brief summary of the entire project. In either case, cumulated bibliographic references to, or abstracts of, all publications issued during the course of the research shall be included.

(f) Status and final technical reports shall have a title page that displays the title of the Grant, the type of report, the name of the Principal Investigator, the period covered by the report, the name and address of the Grantee's institution, and the Grant number.

(g) Five copies of all preprints, reprints, manuscripts, status and interim reports, and the final technical report shall be submitted to NASA. Three of these copies shall be sent to the NASA Technical Office designated on the cover page of the Grant. The remaining two copies, one of which shall be of a quality suitable for microreproduction, shall be sent to:

NASA Scientific & Technical Information Facility, P.O. Box 8757, Baltimore/Washington International Airport, Maryland 21240

§ 1260.402 Extensions.

Extensions (January 1981)

(a) It is NASA policy to provide maximum possible continuity in funding grant-supported research, and Grants may be extended for additional periods of time. Any extension requiring additional funding must be supported by an unsolicited proposal submitted at least 4 months in advance of the expiration date of the Grant. The period of performance shown in the Grant documents is approximate, but extension for more than 30 days must be requested by application to the Grants Officer and approved in writing.

(b) When a Grant is a continuing award or step funded, NASA will, if circumstances permit, make available additional funding to extend the period. The step funding is based on unsolicited proposals received prior to the completion of each year of full support. NASA shall be the sole judge of whether circumstances will permit this increase. This statement of policy should not be taken as a commitment by NASA.

§ 1260.403 Revocation.

Revocation (January 1981)

It is a condition of each Grant that it may be revoked in whole or in part by NASA after consultation with the Grantee. In the event of revocation, the Grantee shall refund to NASA any unexpended funds that it has received under the Grant, except such portion thereof as may be required by the Grantee to meet commitments which had in the judgment of NASA become firm prior to the effective date of revocation and are otherwise appropriate.

§ 1260.404 Travel.

Travel (March 1981)

(a) Domestic travel is an appropriate charge to research Grants and NASA authorization for specific trips is not required. Expenditures for domestic travel shall not exceed $500 or 125% of the amount allotted for such travel in the approved proposal budget, whichever is greater, without the prior authorization of the NASA Grants Officer.

(b) Foreign Travel (all travel outside the 50 United States, the District of Columbia, Puerto Rico, Possessions of the United States and the areas in the Republic of Panama made available to the United States and Canada) must be clearly essential to the research effort and must, to be charged to a Grant, have the prior approval of the NASA Grants Officer regardless of its inclusion in the approved proposal budget. NMI 9720.5, "Foreign Travel Costs Charged to Grants, Contracts, and Other Agreements with Colleges and Universities," sets forth policy and responsibilities governing NASA approval of foreign travel by university personnel when the costs of such travel are chargeable to NASA Contracts, Grants or Cooperative Agreements. In addition, approval of international travel including Canada is dependent upon adherence to the guidelines in Section 5 of the International Air Transportation Act of 1974, which requires use of certificated air carriers if such service is available.

§ 1260.405 Allowable costs.

(a) *General Guidance.*

General Guidance (January 1981)

OMB Circular A–21, "Cost Principles for Educational Institutions," and OMB Circular A–122, "Cost Principles for Nonprofit Organizations," OMB Circular A–110, "Grants and Agreements with Institutions of Higher Education, Hospital and other Nonprofit Organizations," and NASA Procurement Regulation (NPR) Part 15, Subpart 3, (41 CFR Ch. 10), are the general guidance documents in determining the allowability of costs chargeable to research sponsored by NASA under Grants and Cooperative Agreements.

(b) *Consultant services.*

Consultant Services (January 1981)

Payments to individuals for consultant services under a NASA Grant or Cooperative Agreement shall not exceed the daily equivalent of the maximum rate paid to a

GS–16 Federal employee (exclusive of indirect cost, travel, per diem, clerical services, vacation, fringe benefits, and supplies).

§ 1260.406 Accounting records.

Accounting Records (January 1981)

(a) The Grantee shall maintain books and accounting records, in accordance with the principles set forth in the documents listed in paragraph 405 of the NASA Grant and Cooperative Agreement Handbook in a manner sufficient to reflect properly all direct and indirect costs incurred or anticipated as a result of commitments made during the period of the grant. Microfilm records are acceptable.

(b) Financial records, supporting documents, statistical records, and all other records pertinent to this Grant shall be retained for a period of 3 years, except that:

(1) If any litigation, claim or audit is started before the expiration of the 3-year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved, and

(2) Records for nonexpendable property acquired with Grant funds shall be retained for 3 years after its final disposition.

(c) The retention period starts from the date of the submission of the final Federal Cash Transactions Report (SF 272).

(d) The Administrator of NASA and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any pertinent books, documents, papers and records of the Grantee and to subrecipients to make audits, examinations, excerpts and transcripts.

(e) All of the foregoing provisions shall apply to any subrecipient performing substantive work under this Grant.

§ 1260.407 Payment.

Payment (January 1981)

Advance payments by the Letter-of-Credit or Direct Treasury Check method will be made in accordance with procedures set forth in Exhibit F of the NASA Grant and Cooperative Agreement Handbook.

§ 1260.408 Equipment and other property.

Equipment and Other Property (March 1981)

(a) NASA research grants permit acquisition of technical property required for the conduct of research. Acquisition of property costing in excess of $1,000 and not included in the approved proposal budget requires the prior approval of the NASA Grants Officer unless the item is merely a different model of an item shown in the approved proposal budget.

(b) NASA Grant funds shall not be used to purchase items such as furniture, furnishings, office equipment or other items of a nontechnical nature; exceptions to this require approval of the NASA Grants Officer and must be fully justified as essential to the research under the Grant. Under no circumstances shall Grant funds be used to acquire land or any interest therein, to acquire or construct facilities or to procure passenger carrying vehicles.

(c) Title to equipment purchased with Grant funds shall vest in the Grantee unless otherwise provided. The Government reserves the right to require transfer to itself title to items purchased at a cost of $1,000 or more. Such reservation is subject to the conditions of paragraph 505 of the NASA Grant and Cooperative Agreement Handbook.

(d) Title to Government-furnished property (including equipment, title to which has been transferred to the Government pursuant to paragraph (c) of this section prior to completion of the work) will remain with the Government.

(e) Title to expendable property shall vest in the recipient upon acquisition. If there is a residual inventory of such property exceeding $1,000 in total aggregate fair market value, upon termination or completion of the Grant or other agreement, and the property is not needed for any other Federally sponsored project or program, the recipient shall retain the property for use on non-Federally sponsored activities, or sell it, but must in either case, compensate the Federal Government for its share. The amount of compensation shall be computed in accordance with subparagraph 6c, Attachment N to OMB Circular A–110.

(f) The Grantee shall maintain property records and otherwise manage nonexpendable personal property utilized in the performance of this Grant in accordance with the provisions of Paragraph 509 of the NASA Grant and Cooperative Agreement Handbook. Grantees will submit annually an inventory listing of Government owned property in their custody to the Grants Officer. Such listings will be as of June 30, will be submitted by July 31, and will reflect the record elements required in Paragraph 509(b)(1) and beginning and ending dollar value totals for the period. Upon completion of the agreement or when the property is no longer needed, the recipient shall notify the Grants Officer, who will provide disposition instructions. The Grants Officer will provide a copy of each annual inventory listing to the NASA installation Financial Management Office upon receipt.

§ 1260.409 Patent rights (small business firm or nonprofit organization).

Patent Rights (Small Business Firm or Nonprofit Organization) (July 1981)

(a) The disposition of rights to inventions made in the performance of work under this Grant will be made in accordance with the Pub. L. 96–517 (94 Stat. 3019, 35 U.S.C. 200 et seq.) and NASA's implementing regulations as set forth in the NASA Procurement Regulation, Part 9, Subpart 1, paragraphs 9.108 and 9.109 (41 CFR Ch. 18). The provision (clause) required by NASA PR 9.108–5, entitled "Patent Rights (Small Business Firm or Nonprofit Organization)" is set forth as Exhibit G of the NASA Grant and Cooperative Agreement Handbook, and is hereby made applicable to this Grant. The Grantee shall include an appropriate patent rights provision in accordance with paragraph (g) of Exhibit G in all subcontracts.

(b) All disclosures of Subject Inventions, election of rights utilization reports, and other reports required by the aforementioned "Patent Rights (Small Business Firm or Nonprofit Organization)" clause shall be submitted to the Grants Officer.

§ 1260.410 Rights in data.

Rights in Data (January 1981)

The Grantee grants to the Government, for Governmental purposes, the right to publish, translate, reproduce, deliver, use and dispose of, and to authorize others to do so, all data, including reports, drawings, blueprints, and technical information resulting from the performance of work under this Grant.

§ 1260.411 Security.

Security (January 1981)

Normally, NASA research Grants do not involve classified defense information. However, if information is sought or developed by the Grantee that should be classified in the interests of national security, the NASA Grants Officer that issued the Grant shall be notified immediately.

§ 1260.412 Civil rights.

Civil Rights (January 1981)

Work on NASA Grants is subject to the provisions of the Civil Rights Act of 1964, and the NASA implementing regulations (14 CFR Part 1250).

§ 1260.413 Safety.

Safety (January 1981)

(a) The Grantee shall act responsibly in matters of safety and shall take all reasonable safety measures in performing under this Grant. The grantee shall comply with all applicable Federal, State, and local laws relating to safety. The Grantee shall maintain a record of, and will notify the NASA Grants Officer of any accident involving death, disabling injury or substantial loss of property. The Grantee will advise NASA of hazards that come to its attention as a result of the work under the Grant through routine status reports furnished in compliance with the Grant.

(b) Where the work under this Grant involves flight hardware, the hazardous aspects, if any, of such hardware will be identified, in writing, by the Grantee. Compliance with the provisions of this clause by subcontractors shall be the responsibility of the Grantee.

§ 1260.414 Subcontracts.

Subcontracts (January 1981)

Approval of subcontracts for the purchase of property or equipment under this grant shall be obtained in accordance with the provision herein entitled "Equipment and Other Property." All other subcontracts not provided for in the approved proposal budget require the prior consent of the Grants Officer.

§ 1260.415 Changes in principal investigator or technical objectives.

Changes in Principal Investigator or Technical Objectives (January 1981)

(a) The Grantee shall be permitted to change the methods and procedures

employed in performing the research without the need to make special reports on proposed actions or obtain NASA approval. Significant changes in methods or procedures shall be reported to NASA in status reports and final technical reports. However, in the event the methodology or experiment is proposed as a specific stated objective of the research work, this shall be reflected in the Grant title.

(b) The stated objectives of the research effort shall not be changed, except with the approval of the NASA Grants Officer.

(c) The phenomenon or phenomena under study, i.e., the broad category of research, shall not be changed except with the prior approval of the NASA Grant Officer.

(d) The Grantee shall obtain the approval of the NASA Grants Officer to change the principal investigator; or to continue the research work during a continuous period in excess of 3 months without the participation of an approved principal investigator.

(e) The Grantee shall consult with the NASA Grants Officer if the Principal Investigator becomes aware that he or she will devote substantially less effort to the work than anticipated in the approved proposal. If NASA determines that the reduction of effort would be so substantial as to impair the successful prosecution of the research, it may request a change of Principal Investigator or other appropriate modification of the Grant, or may revoke the Grant as provided herein.

(f) In projects which involve co-principal investigators or otherwise include more than one key person who may be considered essential to the conduct of the proposed research project, the foregoing provisions similarly apply to each key person. In such event, the Grant instrument shall identify the individual(s) to whom the provisions apply.

(g) In accordance with the Small Business Act Amendments, Pub. L. 95–507, small and disadvantaged firms shall be utilized as subcontractors to Grantees to the maximum extent.

§ 1260.416 Communications.

Communications (January 1981)

The Principal Investigator may expect to be contacted by the NASA Technical Officer named on the cover page of the Grant in connection with the research aspects of the work under the Grant. Inquiries regarding the research aspects of the Grant should be directed to the NASA Technical Officer. However, written or oral communications of an administrative nature, such as approval of foreign travel, property matters, extension of the term of the Grant, etc., shall be channeled through the Grantee's business office to the Grants Officer.

§ 1260.417 Financial management system.

Financial Management System (January 1981)

The Grantee's financial management system shall meet the standards set forth in paragraph 511 of the NASA Grant and Cooperative Agreement Handbook.

§ 1260.418 Procurement standards.

Procurement Standards (January 1981)

The Grantee's procurement practices shall meet the standards set forth in paragraph 512 of the NASA Grant and Cooperative Agreement Handbook.

§ 1260.419 Additional provision for cooperative agreements.

With respect to cooperative agreements under Pub. L. 95–224, it has been determined that the NASA guidelines and regulations applicable to grants will apply to cooperative agreements. The Cooperative Agreements, NASA Form 1562 (see Exhibit C), shall contain a special provision stating the nature of the recipient/NASA interaction in accordance with Pub. L. 95–224. That special provision is as follows:

Cooperative Agreement Special Provision (January 1981)

(a) This award is a Cooperative Agreement as it is anticipated that there will be substantial NASA involvement during performance of the effort. That is, the recipient can expect NASA collaboration or participation in the management of the project.

(b) NASA and the recipient mutually agree to the following statement of anticipated cooperative interactions which may occur during the performance of this effort. (Briefly state the nature of the cooperative interactions).

§ 1260.420 Special conditions.

(a) In addition to the general provisions set forth in this Chapter, NASA grants and cooperative agreements are subject to various conditions which either are not applicable to all awards or are temporary in nature. Such conditions are not printed in NASA Form 1463A, "NASA Provisions for Research Grants and Cooperative Agreements" (Exhibit D), but are contained in a form, "Special Conditions," which is reproduced locally at individual NASA installations. In using the "Special Conditions" form, the grants officer indicates by check mark the specific clauses which are applicable to individual grants and fills in the blank sections of incomplete clauses as appropriate.

(b) All "Special Conditions" forms shall contain the following heading and number clauses:

Special Conditions

Grant No. .....

The special conditions checked below are applicable to this Award:

(1) *Federal Cash Transactions Report.* Pursuant to the clause, "Payment," of the NASA Provisions for Research Grants and Cooperative Agreements, the "Federal Cash Transactions Report," Standard Form 272, shall be submitted quarterly to:

(Installation)
(Address)
(City, State, Zip Code)
(Attn: .....)

(2) *Cash Payments.* An initial cash payment will be made in the amount of $..... Subsequent payments will be made in accordance with Exhibit F of the NASA Grant and Cooperative Agreement Handbook and the Grantee's requirements as reported on Standard Form 272.

(3) *Financing by Letter of Credit.* This grant does not provide for initial cash payment. Funds will be obtained by the Letter of Credit method of obtaining cash. No part of such funds shall be paid in advance to any secondary recipient without the express written approval of the Grants Officer. Cash drawdowns shall be initiated by the Grantee only when actually needed for the disbursements of the Grantee or of approved secondary recipients. Standard Form 272, "Federal Cash Transactions Report," covering cash disbursements and balances of the Grantee and any approved secondary recipients, shall be submitted by the Grantee in a timely manner as provided in the clause "Payment" of the NASA Provisions for Research Grants. The Grantee's financial management system shall provide for effective control over and accountability for all Federal funds. Continued financing by the Letter of Credit method is conditional upon all of the foregoing, and failure to comply with any of these requirements may cause the unobligated portion of the Letter of Credit to be revoked by NASA or the Department of the Treasury.

(4) *Stipulated Salary Support.* Pursuant to NPR Part 15, Subpart 3, salaries of professional staff and other professionals engaged in the work are stipulated as provided in the approved proposal budget. The Grantee agrees that stipulated amounts for any individual hereunder will not per se result in increasing his or her official salary from the Grantee institution.

(5) *Step Funding.* This is a step funded Grant. If the total amount allowed by the Schedule on the face of the Grant is not expended during the applicable period, the residual funds may be expended during the succeeding period. This carryover shall be brought to the attention of the Grants Officer when the Grantee submits its budget for the subsequent period.

(6) *Procurement of Helium.* (Insert the clause in Paragraph 207.)

(7) *Clean Air and Federal Water Pollution Control Acts.* The Grantee agrees to notify the Grants Officer promptly of the receipt, whether prior or subsequent to the Grantee's acceptance of this grant, of any communication from the Director, Office of Federal Activities, Environmental Protection Agency (EPA), indicating that a facility to be utilized under or in the performance of this Grant or any subgrant or subcontract thereunder is under consideration to be listed on the EPA "List of Violating Facilities" published pursuant to 40 CFR 15.20. By acceptance of this Grant, the Grantee: (i) Stipulates that any facility to be utilized thereunder is not listed on the EPA "List of Violating Facilities" as of the date of acceptance; (ii) agrees to comply with all requirements of section 114 of the Clean Air Act, as amended (42 U.S.C. 1857 et seq, as amended by Pub. L. 91–604) and Section 308 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq. as amended by Pub. L. 92–500) relating to inspection, monitoring, entry, reports and information, and all other requirements specified in the aforementioned Sections, as well as all regulations and guidelines issued

thereunder after award of and applicable to the grant; and (iii) agrees to include the criteria and requirements of this clause in every subgrant or subcontract hereunder in excess of $100,000, and to take such action as the Grants Officer may direct to enforce such criteria and requirements.

(8) *Continuing Award.* Insert the clause shown in paragraph 305.2(2) of the NASA Grant and Cooperative Agreement Handbook.

(c) All clauses inserted in "Special Conditions" forms shall be written out in full. Clauses shall not be incorporated by reference.

(d) Special conditions clauses which are not included in, or which differ in language from, the clauses in § 1260.420 shall be considered as deviations and processed in accordance with § 1260.106.

Subpart 5—Administration of Research Grants and Cooperative Agreements

§ 1260.501 General.

(a) NASA assumes that, once a grant or cooperative agreement is made, the principal investigator, operating within the policies of the grantee institution, is in the best position to determine the means by which the research may be conducted most effectively. The term "grantee" refers to recipients of both grants and cooperative agreements. NASA wishes to avoid any action that might diminish the responsibility of the grantee and the investigator for making sound scientific and administrative judgments. Grantees and investigators are encouraged to seek the advice and opinions of NASA on problems that may arise. Unless otherwise stated, the giving of such advice should not imply that the responsibility for final decisions has shifted to NASA. The primary concern of NASA is that granted funds be used in a manner that will make a maximum contribution to the scientific area under investigation. It is expected that grantees and investigators will also direct their efforts to this end.

(b) The grantee shall be permitted to change the methods and procedures employed in performing the research without the need to make special reports on proposed actions or obtain NASA approval. Significant changes in methods or procedures shall be reported to NASA in status reports and final technical reports. In the event the methodology or experiment is proposed as a specific stated objective of the research work, this shall be reflected in the grant title.

(c) The stated objectives of the research effort shall not be changed except with the approval of the NASA grants officer.

(d) The phenomenon or phenomena under study, i.e., the broad category of research, shall not be changed except with the prior aproval of the NASA grants officer.

(e) The grantee shall obtain the approval of the NASA grants officer to change the principal investigator, or to continue the research work during a continuous period in excess of 3 months without the participation of an approved principal investigator.

(f) The grantee shall consult with the NASA grants officer if the principal investigator plans to, or becomes aware that he/she will, devote substantially less effort to the work than anticipated in the approved proposal. If NASA determines that the reduction of effort would be so substantial as to impair the successful prosecution of the research, it may request a change of principal investigator or other appropriate modification of the grant, or may revoke the grant as provided in § 1260.506.

(g) In projects which involve co-principal investigators or otherwise include more than one key person who may be considered essential to the conduct of the proposed research project, the provisions of paragraphs (e) and (f) of this section similarly apply to each such key person. In such event, the grant instrument shall identify the individual(s) to whom the provisions apply.

(h) It is NASA policy to make optimum use of the administration functions available from the Department of Defense (DOD) and other Government agencies. Property administration and plant clearance for grants and cooperative agreements will be delegated to the cognizant administering activity.

§ 1260.502 Instrument.

A NASA grant or cooperative agreement is consummated by an instrument signed by the NASA Administrator, or duly authorized representative and contains the provisions set forth in Subpart 1260.4 of this part.

§ 1260.503 Instrument period.

(a) Normally, NASA grants and cooperative agreements are made for periods up to 3 years. As stated in the instrument, the period is approximate; the beginning and ending dates are not specified with precision. The instrument period begins approximately on the date thereof and extends for approximately the length of time specified. However, when progress of research under the grant or cooperative agreement is delayed and circumstances make it necessary to request an extension of the period without additional funds, the policy of NASA is to permit extensions in time, upon written request.

(b) When it appears that the research contemplated will be completed within 30 days after the approximate ending date, a request for extension of the instrument period will be unnecessary. If it appears, however, that the additional time required for completion of the research will exceed 30 days, a request for extension must be made by the grantee. Any extension requiring additional funding must be supported by an unsolicited proposal and submitted at least 4 months in advance of the expiration date of the grant or cooperative agreement.

§ 1260.504 Adherence to original budget estimate.

(a) NASA believes that the principal investigator, operating within the established policies of the grantee, is the individual best qualified to determine the manner in which the grant or cooperative agreement funds may be used most effectively to accomplish the proposed research. Although NASA assumes no responsibility for overspent budgets, the investigator and the grantee institution are free to spend grant or cooperative agreements funds for the proposed research without strict adherence to individual allocations within total budgets, except as provided in §§ 1260.404 and 1260.408. Under no circumstances, however, may grant or cooperative agreements funds be used to acquire land or any interest therein, to acquire or construct facilities or to procure passenger carrying vehicles. Purchase of furniture, furnishings, office equipment or other items of a nontechnical natue require the prior approval of the NASA grants officer as provided in § 1260.408.

(b) Controls and limitations on expenditures for specific items under NASA grants or cooperative agreements shall be in accordance with the provisions of § 1260.405.

(c) If any of the actions requiring approval in accordance with § 1260.405 have received specific NASA approval during the proposal and award process, a further approval shall not be required. Whenever practical, the approvals shall be given at the time of the project award or extension to avoid any delays during the course of the project.

(d) Approval requirements relating to expenditures under grants and cooperative agreements, in addition to those provided for in § 1260.405 shall not be imposed except in accordance with the deviation procedure of § 1260.106 or as specifically required by statute.

§ 1260.505 Use, disposition and vesting of title to research equipment.

(a) *Background.* (1) Support of research in educational institutions provides substantial long-term and indirect benefits as well as the immediate research results. In addition to the obvious academic advantages of such support, individual and institutional capabilities to perform relevant research are enhanced, and the number of scientists and graduates with research interests in areas of concern to the nation generally, and to NASA in particular, is increased. Adequate modern research equipment in universities serves to maximize these direct and supplemental benefits.

(2) NASA funds research in academic areas in which the university has, and expects to maintain, a capacity for research and education. The research equipment that it acquires has, therefore, an especially high potential for continuing effective use at the acquiring institution. The legitimate interests of both NASA and the university, as well as the long-term national interest, require that any decision by the agency to take title for the purpose of transferring grantee equipment to another location reflect careful consideration of all relevant factors. This should include comparison of the expected beneficial use at the present location which that expected at the new location, possible deleterious effects of removal, and the administrative and relocation costs involved.

(b) *Policy.* The following policies will be reflected, as appropriate, in the negotiation and the documentation of NASA research grants, cooperative agreements and supplements thereto and in related correspondence:

(1) Title to equipment purchased with grant and cooperative agreement funds vests in the grantee institution, and the equipment does not automatically follow the principal investigator when he or she leaves the institution. Title to Government-furnished equipment remains with the Government. When Government-furnished equipment is reported excess by a grantee, the grants officer will report the equipment to the installation property disposal officer for further NASA use. If NASA has no further need for the property, it shall be declared excess and reported to the General Services Administration. Appropriate disposition instructions will be issued to the recipient after completion of the Federal agency review.

(2) NASA may require transfer to it of title to individual items or coherent systems (paragraph (b)(8) of this section) of major grantee acquired equipment purchased at a cost of more than $1,000 subject to the following conditions:

(i) The equipment shall be appropriately identified to the recipient in writing.

(ii) NASA shall issue disposition instructions within 120 calendar days after the end of the Federal support of the project for which it was acquired. If NASA fails to issue disposition instructions within the 120 calendar day period, the grantee shall apply the standards of subparagraphs 6b and 6c, Attachment N to OMB Circular A–110 as appropriate.

(iii) When NASA exercises its right to take title, the equipment shall be subject to the provisions for Federally-owned nonexpendable property discussed in § 1260.408(f).

(iv) When title is transferred to the Federal Government, the provisions of subparagraph 6c(2)(b), Attachment N to OMB Circular A–110 shall be followed.

(3) Title to minor equipment items (costing individually $1,000 or less) is not subject to transfer to the agency, except under the conditions of paragraph (b)(8) of this section.

(4) NASA procedure does not require a grantee to transfer title to grant or cooperative agreement-acquired equipment directly to another actual or potential grantee or contractor. Such transfers are accomplished by the Government taking title and issuing the equipment to the second institution as Government-furnished equipment.

(5) NASA normally will not recover equipment that a grantee desires to retain, for reissuance to another institution or to a NASA installation, unless it is specifically required for NASA work at the new location. Exceptions will be made only in highly unusual situations where title transfer is clearly in the best interest of the Government.

(6) Cost sharing by NASA and a grantee in the acquisition of individual items or coherent systems (paragraph (b)(8) of this section) of equipment, in response to a statutory requirement for cost-sharing of in any way that could result in joint ownership, shall normally be avoided.

(7) When cost sharing by NASA and a grantee in the acquisition of major equipment items or coherent systems cannot be avoided, and the NASA contribution will exceed $1,000, agreement regarding NASA retention of its option to take title and the conditions under which the option (if retained) will be exercised, shall be reached and documented prior to purchase. NASA shall have no option to take title if its contribution is $1,000 or less.

(8) When two or more components are fabricated into a single coherent system in such a way that the components lose their separate identities and their separation would render the system useless for its original purpose, the components will be considered as integral parts of a single system. If such a system includes grantee-owned components (for cost sharing or other purposes), paragraph (b)(7) of this section applies. The requirement that NASA seek agreement to retain its option to take title shall further apply where it is expected that one or more grant-acquired components costing $1,000 or less will be fabricated into a single coherent system costing in excess of $1,000. However, an item that is used ancillary to a system, without loss of its separate identity and usefulness, will be considered as a separate item and not as an integral component of the system.

(c) *Procedures.* (1) When a decision is made to revoke or discontinue support of a grant or cooperative agreement, the grants officer shall notify the grantee in writing of the requirement under the instrument for submission of a final inventory report of Government-furnished equipment.

(2) When the cognizant NASA technical officer or program manager desires that NASA take title to a major item of grantee purchased equipment, the technical officer shall request the grants officer to obtain information regarding the grantee's desire to retain the equipment, the use to which it would be put in the absence of further NASA support of the grant or cooperative agreement, and any substantial deleterious effects of removal of the equipment.

(3) The grants officer shall obtain the information and provide copies to the technical officer and the University Affairs Office for their coordinated review and recommendation regarding acquisition of title. The technical officer shall inform the grants officer of the recommendation by means of a memorandum concurred in by the University Affairs Office.

(4) When NASA acquires title to major items of grantee purchased equipment, the grants officer shall notify both the cognizant NASA installation financial management officer and supply and equipment management officer so that proper entries can be made in financial and property accounting records.

§ 1260.506 Revocation.

(a) NASA grants and cooperative agreements may be revoked in whole or in part by NASA after consultation with the grantee, except that a revocation shall not affect any financial commitment which in the judgment of NASA had become firm prior to the effective date of the revocation and is otherwise appropriate. Upon revocation, the grantee shall reduce, insofar as possible, the amount of outstanding commitments and repay by check made payable to the National Aeronautics and Space Administration, the uncommitted balance of all funds that have been paid to the grantee by NASA under the terms of the particular grant or cooperative agreement.

(b) The grantee shall communicate with NASA whenever it has reason to believe that circumstances may necessitate revocation of the grant or cooperative agreement. The most common cause for revocation would be the inability of the grantee to carry out the research for which the grant or cooperative agreement was made or to adhere to the other conditions set forth in the instrument. As a general rule, and availability of the services of the principal investigator named in the instrument is a decisive factor in NASA's decision to award the grant or cooperative agreement. Consequently, NASA should be informed immediately whenever it appears that the principal investigator will find it impossible to continue to direct the research.

§ 1260.507 Transfer of grants or cooperative agreements to other institutions.

Awards cannot be transferred from one institution to another. However, when the principal investigator changes his or her organizational affiliation and desires support for the research at a new location, he or she must submit a new proposal via the appropriate officials of the new institution. Although such a proposal will be reviewed in the normal manner, every effort will be made to expedite a decision. Regardless of the action taken on the new proposal, final reports on the original grant or cooperative agreement, describing the scientific progress and expenditure to date, will be required if that instrument is revoked

§ 1260.508 Accounting procedures.

While no particular classification of accounts is required, it is expected that grantees will maintain records for each grant or cooperative agreement, in accordance with the principles enunciated in § 1260.405, which will permit preparation of the required fiscal report and make possible the determination that grant or cooperative agreement funds were used for the general purpose for which the award was made.

§ 1260.509 Property management standards.

(a) *Definitions.* The following definitions apply for the purpose of this section.

(1) *Real property.* Real property means land, including land improvements, structures and appurtenances thereto, but excluding movable machinery and equipment.

(2) *Personal property.* Personal property means property of any kind except real property. It may be tangible, having physical existence; or intangible, having no physical existence, such as patents, inventions and copyrights.

(3) *Nonexpendable personal property.* Nonexpendable personal property means tangible personal personal property having a useful life of more than 2 years and an acquisition cost of $500 or more per unit. A recipient may use its own definition of nonexpendable personal property provided the definition would at least include all tangible personal property as defined in paragraph (a)(2) of this section. "Equipment" as used in this subpart, is another term for nonexpendable personal property.

(4) *Expendable personal property.* Expendable personal property refers to all tangible personal property other than nonexpendable personal property.

(5) *Excess personal property.* Excess personal property means any personal property under the control of any Federal agency which is not required for its needs and the discharge of its responsibilities, as determined by the Head thereof.

(6) *Acquisition cost of purchased nonexpendable personal property.* Acquisition cost of an item of purchased nonexpendable personal property means the net invoice unit price of the property including the cost of modifications, attachments, accessories or auxiliary apparatus necessary to make the property usable for the purpose for which it was acquired. Other charges such as the cost of installation, transportation, taxes, duty or protective in-transit insurance, shall be included or excluded from the unit acquisition cost in accordance with the recipient's regular accounting practices.

(7) *Exempt property.* Exempt property means that tangible personal property acquired in whole or in part with Federal funds, and title to which is vested in the recipient without further obligation to the Federal Government except as provided in § 1260.505(b)(2).

(b) *Property management standards for nonexpendable personal property.* The recipient's property management standards for nonexpendable personal property shall include the following procedural requirements:

(1) Property records shall be maintained accurately and shall include:

(i) A description of the property.

(ii) Manufacturer's serial number, model number, national stock number, or other identification number.

(iv) Whether title vests in the recipient or the Federal Government.

(v) Acquisition date (or date received, if the property was furnished by the Federal Government) and cost.

(vi) Percentage (at the end of the budget year) of Federal participation in the cost of the project or program for which the property was acquired. (Not applicable to property furnished by the Federal Government.)

(vii) Location, use and condition of the property and the date the information was reported.

(viii) Unit acquisition cost.

(ix) Ultimate disposition data, including date of disposal and sales price or the method used to determine current fair market value where a recipient compensates the Federal sponsoring agency for its share.

(2) Property owned by the Federal Government must be marked to indicate Federal ownership.

(3) A physical inventory of property shall be taken and the results reconciled with the property records at least once every 2 years. Any differences between quantities determined by the physical inspection and those shown in the accounting records shall be investigated to determine the causes of the difference. The recipient shall, in connection with the inventory, verify the existence, current utilization, and continued need for the property.

(4) A control system shall be in effect to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft of nonexpendable property shall be investigated and fully documented; if the property was owned by the Federal Government, the recipient shall promptly notify the grants officer.

(5) Adequate maintenance procedures shall be implemented to keep the property in good condition.

(6) Where the recipient is authorized or required to sell the property, proper sales procedures shall be established which would provide for competition to the extent practicable and result in the highest possible return.

(c) *Exempt property.* Title to nonexpendable personal property acquired with project funds, shall be vested in the recipient upon acquisition unless it is determined that to do so is not in furtherance of the objectives of the Federal sponsoring agency. When title is vested in the recipient, the recipient shall have no other obligation or accountability to the Federal Government for its use or disposition except as provided in § 1260.505(b)(2).

§ 1260.510 Screening of requests for Government-furnished equipment.

(a) Pursuant to NASA Management Instruction 4000.2, "NASA Equipment Utilization," an agencywide Equipment Visibility System (EVS) has been established to identify and effect optimum use and reuse of Government-owned equipment items of high value and reuse potential. The EVS and this section apply only to grantee requests for Government-furnished equipment. Requests for grantee acquired equipment are neither required nor encouraged to be screened through the EVS.

(b) When a grantee requests Government-furnished equipment of $1,000 or more, the grants officer shall screen the item through the installation's EVS coordinator. Screening requests shall list the manufacturer, model number, description, national stock number, power requirements, estimated cost, and any other information deemed necessary by the EVS coordinator to properly identify the item. Urgent requests may be screened by telephone.

(c) When suitable equipment is located through the foregoing procedures, the holding installation will place a "freeze" on the item for 10 working days pending shipping instructions. Extension of the freeze period must be requested through the EVS coordinator if shipping instructions cannot be furnished within the required period. (See paragraph 5.307, NASA Equipment Management Manual, NASA Handbook 4200.1.)

§ 1260.511 Standards for grantee's financial management systems.

As prescribed by Office of Management and Budget (OMB) Circular A–110, "Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organization," the grantee's financial management system shall provide for:

(a) Accurate, current and complete disclosure of the financial results of the project.

(b) Records that identify adequately the source and application of funds for the grant or cooperative agreement. These records shall contain information pertaining to the award, authorizations, obligations, unobligated balances, assets, outlays, and income.

(c) Effective control over and accountability for all funds, property and other assets. The grantee shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.

(d) Comparison of actual outlays with obligated amounts for the grant or cooperative agreement.

(e) Procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the grantee. When advances are made by a letter-of-credit method, the grantee shall make drawdowns as close as possible to the time of making disbursements. See Exhibit F of this Handbook.

(f) Procedures for determining the reasonableness, allowability and allocability of costs in accordance with the provisions of § 1260.405 and the terms of the grant or cooperative agreement.

(g) Accounting records that are supported by source documentation.

(h) Examinations in the form of audits or internal audits. Such audits shall be made by qualified individuals who are sufficiently independent of those authorizing the expenditure of NASA funds to produce unbiased opinions, conclusions or judgments. They shall meet the independence criteria along the lines of Chapter 3, Part 3 of the U.S. General Accounting Office publication, "Standards for Audit of Government Organizations, Programs, Activities and Functions." These examinations are intended to ascertain the effectiveness of the financial management systems and internal procedures that have been established to meet the terms and conditions of the agreements. It is not intended that each agreement awarded to the grantee be examined. Generally, examinations should be conducted on an organization-wide basis to test the fiscal integrity of financial transactions, as well as compliance with the terms and conditions of the NASA grants and other agreements. Such tests would include an appropriate sampling of NASA agreements. Examinations will be conducted with reasonable frequency, on a continuing basis or at scheduled intervals, usually annually, but not less frequently than every 2 years. The frequency of these examinations shall depend upon the nature, size and the complexity of the activity. These examinations do not relieve the cognizant Federal audit agency of its audit responsibilities, but may affect the frequency and scope of such audits.

(i) A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

§ 1260.512 Procurement standards.

As prescribed by Office of Management and Budget Circular A–110, the grantee's procurement practices shall be subject to the following standards:

(a) The grantee shall maintain a code of standards of conduct that shall govern the performance of its officers, employees or agents engaged in the awarding and administration of contracts using NASA funds. No employee, officer or agent shall participate in the selection, award or administration of a contract in which NASA funds are used, where, to his or her knowledge, there exists a financial interest on the part of (1) that person, (2) that person's immediate family or partners, or (3) any organization in which that person or an immediate family member or partner has a financial interest or with whom he or she is negotiating or has any arrangement concerning prospective employment. The grantee's officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors or potential contractors. Such standards shall provide for disciplinary actions to be applied for violation of such standards by the recipients' officers, employees or agents.

(b) All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. The grantee should be alert to organizational conflicts of interest or noncompetitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, invitations for bids or requests for proposals should be excluded from competing for such procurements except when the grantor agency gives approval to a grantee's request to waive this requirement for a particular procurement. Awards shall be made to the bidder/offeror whose bid/offer is responsive to the solicitation and is most advantageous to the grantee, price and other factors considered. Solicitations shall clearly set forth all requirements that the bidder/offeror must fulfill in order for the bid/offer to be evaluated by the grantee. Any and all

bids/offers may be rejected when it is in the grantee's interest to do so.

(c) The grantee shall establish procurement procedures that provide for, at a minimum, the following procedural requirements:

(1) Proposed procurement actions shall follow a procedure to assure the avoidance of purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

(2) Solicitations for goods and services shall be based upon a clear and accurate description of the technical requirements for the material, product or service to be procured. Such a description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" descriptions may be used as a means to define the performance or other salient requirements of a procurement, and when so used the specific features of the named brand which must be met by bidders/offerors shall be clearly specified.

(3) Positive efforts shall be made by the grantee to utilize small and disadvantaged business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts utilizing NASA funds.

(4) The types of procuring instruments used, e.g., fixed-price contracts, cost reimbursable contracts, purchase orders, incentive contracts, shall be determined by the grantee but must be appropriate for the particular procurement and for promoting the best interest of the program involved. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

(5) Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources and accessibility to other necessary resources.

(6) Some form of price or cost analysis should be made in connection with every procurement action. Price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices and similar indicia, together with discounts. Cost analysis is the review and evaluation of each element of cost to determine reasonableness, allocability and allowability.

(7) Procurement records and files for purchases in excess of $10,000 shall include the following:

(i) Basis for contractor selection;

(ii) Justification for lack of competition when competitive bids or offers are not obtained; and

(iii) Basis for award, cost or price.

(8) A system for contract administration shall be maintained to ensure contractor conformance with terms, conditions and specifications of the contract, and to ensure adequate and timely follow-up of all purchases.

(d) The grantee shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts. These provisions shall also be applied to subcontracts.

(1) Contracts in excess of $10,000 shall contain contractual provisions or conditions that will allow for administrative, contractual or legal remedies in instances in which contractors violate or breach contract terms, and provide for such remedial actions as may be appropriate.

(2) All contracts in excess of $10,000 shall contain suitable provisions for termination by the grantee including the manner by which termination will be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(3) All contracts awarded by grantees and their contractors or subgrantees having a value of more than $10,000 shall contain a provision requiring compliance with Executive Order 11246 entitled "Equal Employment Opportunity," as amended by Executive Order 11375 and as supplemented in Department of Labor regulations (41 CFR Part 60).

(4) All negotiated contracts (except those of $10,000 or less) awarded by grantees shall include a provision to the effect that the grantee, NASA, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the contractor which are directly pertinent to the specific project, for the purpose of making audits, examinations, excerpts and transcriptions.

§ 1260.513 Suspension and termination procedures.

(a) *Policy.* When a university grant or cooperative agreement is terminated at other than its planned end date, the result can be a significant disruption in the university educational activities. NASA has established excellent relationships with hundreds of universities, including a credibility for responsibly understanding and handling the problems experienced by educational institutions. This has resulted in the retention of highly qualified investigators on NASA work and participation of the most able graduate students. To maintain that credibility, suspension and termination of grants or cooperative agreements prior to the planned completion date must be reserved for those few exceptional situations which cannot be handled any other way.

(b) *Suspension.* When a grantee has failed to comply with the terms of a grant or cooperative agreement, NASA may, on reasonable notice to the grantee, temporarily suspend the grant or cooperative agreement, withhold further payments, and prohibit the grantee from incurring additional obligations of funds, pending corrective action by the grantee or a decision by NASA to terminate in accordance with paragraph (c) or (d) of this section. NASA will allow all necessary and proper costs that the grantee could not reasonably avoid during the period of suspension provided that they meet the provisions of the cost principles set forth in § 1260.405.

(c) *Termination for cause.* NASA reserves the right to terminate any grant or cooperative agreements in whole or in part at any time before the date of completion, whenever it is determined that the grantee has failed to comply with the conditions of the instrument. NASA shall promptly notify the grantee in writing of the determination, the reasons for the termination, and the effective date. Payments made to the grantee or recoveries by NASA under grants or cooperative agreements terminated for cause shall be in accordance with the legal rights and liabilities of the parties.

(d) *Termination for convenience.* NASA or the grantee may terminate grants or cooperative agreements in whole or in part when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. NASA shall allow full credit to the

grantee for NASA's share of the noncancellable obligations, properly incurred by the grantee prior to termination.

(e) *University grants and cooperative agreements.* Before suspending or terminating any grant or cooperative agreement with a university as set forth in paragraphs (b) through (d) of this section, the matter shall be coordinated within NASA as prescribed in NMI 8340.1, "Actions Leading to Decisions to Terminate University Grants and Contracts for the Convenience of the Government"

§ 1260.514 Closeout procedures.

The closeout of a grant or cooperative agreement is the process by which NASA determines that all applicable administrative actions and all required work under the instrument has been completed by the grantee and NASA. Closeout procedures include the following:

(a) Upon request, NASA shall make prompt payments to a grantee for allowable reimbursable costs under the grant or cooperative agreement being closed out.

(b) The grantee shall immediately refund any balance of unobligated (unencumbered) cash that NASA has advanced or paid.

(c) NASA shall obtain from the grantee within 90 calendar days after the date of completion of the grant or cooperative agreement, all financial, performance, and other reports required as the condition of the instrument. NASA may authorize additional time for this purpose when requested by the grantee.

(d) The grantee shall account for any property acquired with Federal funds, or received from the Government in accordance with the provisions of § 1260.408.

(e) In the event a final audit has not been performed prior to the closeout of the grant or cooperative agreement, NASA shall retain the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

§ 1260.515 Novation and change of name agreements.

All novation agreements and change of name agreements of the grantee, prior to execution, shall be reviewed by general counsel for legal sufficiency. 41 CFR, Ch. 18, 28.400 shall be followed for general guidance. Where possible, novation is preferable to termination followed by a new award or any other procedure which causes unnecessary paperwork or disrupts ongoing research efforts.

Subpart 6—Reports

§ 1260.600 General.

This subpart prescribes reports designed to provide records and statistics for management purposes and to comply with statutory requirements.

§ 1260.601 Individual procurement action report (NASA Form 507).

The Individual Procurement Action Report (NASA Form 507) is designed to provide essential procurement records and statistics through a single, uniform reporting program as a basis for required recurring and special reports to the President, the Congress, the Department of Labor, the Office of Emergency Preparedness, the General Accounting Office, the Small Business Administration, and other Federal agencies. The preparation and utilization of NASA Form 507 has been made an integral part of the agencywide system for the recording and reporting of financial and contractual status (FACS). Complete instructions covering the operation of this system are contained in the NASA Financial Management Manual.

§ 1260.602 Committee on academic science and engineering (CASE) reports.

NASA Form 1356, "Committee on Academic Science and Engineering (C.A.S.E.) Report on College and University Projects" is either submitted with funded procurement requests pursuant to NASA Management Instruction 5101.12, "Policy and Procedures Concerning Procurement," or in the case of certain non-funded actions, initiated by the procuring office. All NASA Forms 1356 will be completed, checked and promptly forwarded to the University Affairs Office, NASA Headquarters (Code LU-16), in accordance with the instructions on the form.

§ 1260.603 Federal cash transactions report (SF 272).

Federal Cash Transactions Reports (SF 272) will be submitted quarterly as a condition of receiving advance payments, in accordance with Exhibit F of this part.

§ 1260.604 Annual inventory listing of Government-owned property.

As provided in § 1260.408(f), an annual inventory listing of Government-owned property will be submitted by July 31 of each year, including the information specified in § 1260.509 and beginning and ending dollar value totals for the reporting period.

§ 1260.605 Status and final reports.

(a) Five copies of a brief, informal, Semiannual Status Report including a concise statement of the research accomplished during the report period shall be submitted.

(b) Upon completion of the research, the grantee shall submit five copies of a final technical report which summarizes the results of the entire project. Citation of publications resulting from the research, or abstracts thereof, may serve as all or part of this final report. Research results not intended for publication in technical journals must be in the format prescribed for NASA Technical Notes. In addition, the grantee will report to NASA whether or not any inventions required to be reported under the grant or cooperative agreement have been made in the performance of work thereunder.

(c) A properly certified final fiscal report is required for each grant and cooperative agreement. Report forms for this purpose are forwarded to the business office of the grantee institution, together with the copy of the instrument; additional forms may be requested. Two copies of the final fiscal report should be forwarded to NASA after work under the grant or cooperative agreement has been completed.

Note.—This appendix will appear in the CFR.

Appendix—Listing Exhibits and Attachments

Exhibit A—Assurance of Compliance—Civil Rights Act (NASA Form 1206).
Exhibit B—Research Grant Award (NASA Form 1463).
Exhibit C—Cooperative Agreement (NASA Form 1562).
Exhibit D—NASA Provisions for Research Grants and Cooperative Agreements (NASA Form 1463A).
Exhibit E—Step Funding Illustration.
Exhibit F—Instructions to Recipient Organizations for Acquiring Advance Payments.
Exhibit G—Patent Rights (Small Business Firm or Nonprofit Organization).
Attachment 1—Authorized Signature Card for Payment Vouchers on Letter of Credit (Standard Form 1194).
Attachment 2—Letter of Credit (Standard Form 1193).
Attachment 3—Payment Voucher on Letter of Credit (Sample) (TFS 5401).
Attachment 4—Federal Cash Transactions Report (Standard Form 272).
Attachment 5—Federal Cash Transactions Report (Continuation) (Standard Form 272-A).

The preceding list of forms and instructions may be obtained by the Grantee from the Procurement Officer of the following NASA Offices:

Ames Research Center, National Aeronautics and Space Administration, Moffett Field, CA 94035

Goddard Space Flight Center, National Aeronautics and Space Administration, Greenbelt, MD 20771
John F. Kennedy Space Center, National Aeronautics and Space Administration, Kennedy Space Center, FL 32899
Langley Research Center, National Aeronautics and Space Administration, Hampton, VA 23665
Lewis Research Center, National Aeronautics and Space Administration, Cleveland, OH 44135
Lyndon B. Johnson Space Center, National Aeronautics and Space Administration, Houston, TX 77058
George C. Marshall Space Flight Center, National Aeronautics and Space Administration, Huntsville, AL 35812
National Space Technology Laboratories, National Aeronautics and Space Administration, NSTL Station, MS 39529
Headquarters Contracts and Grants Division, National Aeronautics and Space Administration, Washington, DC 20546

Note.—This exhibit will appear in the CFR.

Exhibit G—Patent Rights

(Small Business Firm or Nonprofit Organization) (July 1981)

(a) *Definitions.*

(1) "Invention" means any invention or discovery which is or may be patentable or otherwise protectable under Title 35 of the United States Code.

(2) "Subject Invention" means any invention of the Grantee conceived or first actually reduced to practice in the performance of work under this grant.

(3) "Practical Application" means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are to the extent permitted by law or Government regulations available to the public on reasonable terms.

(4) "Made" when used in relation to any invention means the conception or first actual reduction to practice of such invention.

(5) "Small Business Firm" means a small business concern as defined at Section 2 of Pub. L. 85–536 (15 U.S.C. 632) and implementing regulations of the Administrator of the Small Business Administration. For the purpose of this clause, the size standards for small business concerns involved in Government procurement, contained in 13 CFR 121.3–8, and in subcontracting, contained in 13 CFR 121.3–12, will be used.

(6) "Nonprofit Organization" means universities and other institutions of higher education or an organization of the type described in Section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)) and exempt from taxation under Section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)) or any nonprofit scientific or educational organization qualified under a State nonprofit organization statute.

(b) *Allocation of Principal Rights.* The Grantee may retain the entire right, title, and interest throughout the world to each Subject Invention subject to the provisions of this clause. With respect to any Subject Invention in which the Grantee retains title, the Federal Government shall have a non-exclusive, non-transferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States any Subject Invention throughout the world for which the Grantee has elected to retain title.

(c) *Invention Disclosure, Election of Title and Filing of Patent Applications by Grantee.* (1) After a Subject Invention has been disclosed in writing by the inventor(s) to Grantee personnel responsible for the administration of patent matters, the Grantee will:

(i) Disclose such invention to the Grants Officer within six months;

(ii) Elect whether or not to retain title to any such invention by notifying the Grants Officer within twelve months of disclosure to the Grantee, but in any event, at least three months (unless shortened by the Grants Officer) before (A) a public use or on sale of the invention occurs, (B) a manuscript describing the invention is submitted for publication without assurances of confidentiality, or (C) the invention is otherwise made available to the public;

(iii) File its initial patent application on an elected invention within two years after election; and

(iv) File patent applications in additional countries within either, ten months of the corresponding initial patent application, or six months from the date a license is granted by the Commissioner of Patents and Trademarks to file foreign patent applications when such filing was prohibited for security reasons.

(2) Request for extension of the time for disclosure to the Grants Officer, election and filing, where reasonable, will normally be granted.

(3) The disclosure to the Grants Officer shall be in the form of a written report and shall identify the grant under which the invention was made and the inventor(s). It shall be sufficiently complete in technical detail to convey a clear understanding of the nature, purpose, operation, and, to the extent known, the physical, chemical, biological or electrical characteristics of the invention. The report shall also identify any publication, on sale or public use of the invention and whether a manuscript describing the invention has been submitted for publication and accepted at the time of disclosure.

(d) *Forfeiture of Title.* (1) The Grantee will convey to NASA, upon written request title to any Subject Invention:

(i) If the Grantee fails to disclose or elect the Subject Invention within the times specified in (c) above, or elects not to retain title;

(ii) In those countries in which the Grantee fails to file patent applications within the times specified in (c) above: *Provided however,* That if the Grantee has filed a patent application in a country after the times specified in (c) above but prior to its receipt of the written request of NASA, the Grantee shall continue to retain title in that country; or

(iii) In any country in which the Grantee decides not to continue the prosecution of any application for, to pay the maintenance fees on, or defend in a reexamination or opposition proceeding on, a patent on a Subject Invention.

(e) *Minimum Rights to Grantee.* The Grantee will retain a nonexclusive, royalty-free, license throughout the world in each Subject Invention to which the Government obtains title except if the Grantee fails to disclose the Subject Invention within the times specified in (c) above. This license extends to, and is revocable and transferable as, specified in 9.108–4(b) of the NASA Procurement Regulation.

(f) *Grantee Action to Protect Government's Interest.* (1) The Grantee agrees to execute or to have executed and promptly deliver to NASA all instruments necessary to—

(i) Establish or confirm the rights the Government has throughout the world in those Subject Inventions for which the Grantee retains title, and

(ii) Convey title to NASA when requested under (d) above and to enable the Government to obtain patent protection throughout the world on that Subject Invention.

(2) The Grantee agrees to require, by written agreement, its employees, other than clerical and non-technical employees, to disclose promptly in writing to personnel identified as responsible for the administration of patent matters and in a format suggested by the Grantee each Subject Invention made under this grant in order that the Grantee can comply with the disclosure provisions of (c) above and to execute all papers necessary to file patent applications on Subject Inventions and to establish the Government's rights in the Subject Inventions. The disclosure format should require as a minimum, the information requested by subparagraph (c)(3) above. The Grantee shall instruct such employees through the employee agreements or other suitable educational programs on the importance of reporting inventions in sufficient time to permit the filing of patent applications prior to United States or foreign statutory bars.

(3) The Grantee will notify the NASA of any decision not to continue prosecution of a patent application, pay maintenance fees, or defend in a reexamination or opposition proceeding on a patent, in any country, not less than thirty days before the expiration of the response period required by the patent office.

(4) The Grantee agrees to include, within the specification of any United States patent application and any patent issuing thereon covering a Subject Invention, the following statement, "This invention was made with Government support under (identify the grant) awarded by NASA. The Government has certain rights in this invention."

(5) The Grantee shall furnish the Grants Officer:

(i) Interim reports every twelve months from the date of this grant, listing all Subject Inventions required to be disclosed during that period;

(ii) A final report prior to close out of this grant listing all Subject Inventions;

(iii) Notification of all subcontracts for experimental, developmental, research,

design or engineering work; identification of the patent rights clause therein, and a copy of the subcontract upon request; and

(iv) Upon request, the filing date, serial number, and title; a copy of the patent application; and patent number and issue date for any Subject Invention in any country in which the Grantee has applied for patents.

(g) *Subcontracts.* (1) The Grantee shall include this clause, suitably modified to identify the parties, in all subcontracts, regardless of tier, for experimental, developmental or research work to be performed in the United States, its possessions, or Puerto Rico, by a small business firm or a nonprofit organization. The subcontractor will retain all rights provided for the Grantee in this clause, and the Grantee will not, as part of the consideration for awarding the subcontract, obtain rights in the subcontractor's Subject Inventions.

(2) The Grantee will include in all subcontracts, regardless of tier, for experimental, developmental, research, design or engineering work with other than a small business firm or nonprofit organization the patent rights clause required by 9.107–4(b) of the NASA Procurement Regulation.

(h) *Reporting on Utilization of Subject Inventions.* The Grantee agrees to submit on request periodic reports no more frequently than annually on the utilization of a Subject Invention or on efforts at obtaining such utilization that are being made by the Grantee or its licensees or assignees. Such reports shall include information regarding the status of development, date of first commercial sale or use, gross royalties received by the Grantee, and such other data and information as NASA may reasonably specify. The Grantee also agrees to provide additional reports as may be requested by NASA in connection with any march-in proceeding or informal investigation undertaken by NASA in accordance with 9.108–12 of the NASA Procurement Regulation. To the extent data or information supplied under this section is considered by the Grantee, its licensee or assignee to be privileged and confidential and is so marked, NASA agrees that, to the extent permitted by 35 U.S.C. 202(c)(5), it will not disclose such information to persons outside the Government.

(i) *Preference for United States Industry.* Notwithstanding any other provision of this clause, the Grantee agrees that neither it nor any assignee will grant to any person the exclusive right to use or sell any Subject Invention in the United States unless such person agrees that any products embodying the Subject Invention or produced through the use of the Subject Invention will be manufactured substantially in the United States. However, in individual cases, the requirement for such an agreement may be waived by NASA upon a showing by the Grantee or assignee that reasonable but unsuccessful efforts have been made to grant licenses on similar terms to potential licensees that would be likely to manufacture substantially in the United States or that under the circumstances domestic manufacture is not commercially feasible.

(j) *March-in Rights.* The Grantee agrees that with respect to any Subject Invention in which it has acquired title, NASA has the right in accordance with the procedures of 9.108–12 of the NASA Procurement Regulation to require the Grantee, an assignee or exclusive licensee of a Subject Invention to grant a nonexclusive, partially exclusive, or exclusive license in any field of use to a responsible applicant or applicants, upon terms that are reasonable under the circumstances, and if the Grantee, assignee, or exclusive licensee refuses such a request, NASA has the right to grant such a license itself if NASA determines that:

(1) Such action is necessary because the Grantee or assignee has not taken, or is not expected to take within a reasonable time, effective steps to achieve practical application of the Subject Invention in such field of use;

(2) Such action is necessary to alleviate health or safety needs which are not reasonably satisfied by the Grantee, assignee, or their licensees;

(3) Such action is necessary to meet requirements for public use specified by Federal regulations and such requirements are not reasonably satisfied by the Grantee, assignee, or licensees; or

(4) Such action is necessary because the agreement required by section (i) of this clause has not been obtained or waived or because a licensee of the exclusive right to use or sell any Subject Invention in the United States is in breach of such agreement.

(k) *Special Provisions for Grants with Nonprofit Organizations.* If the Grantee is a nonprofit organization, it agrees that:

(1) Rights to a Subject Invention in the United States may not be assigned without the approval of NASA except where such assignment is made to an organization which has as one of its primary functions the management of inventions and which is not, itself, engaged in or does not hold a substantial interest in other organizations engaged in the manufacture or sale of products or the use of processes that might utilize the invention or be in competition with embodiments of the invention (*Provided,* That such assignee will be subject to the same provisions as the Grantee);

(2) The Grantee may not grant exclusive licenses under United States patents or patent applications in Subject Inventions to persons other than small business firms for a period in excess of the earlier of (i) five years from first commercial sale or use of the invention, or (ii) eight years from the date of the exclusive license excepting that time before regulatory agencies necessary to obtain premarket clearance, unless on a case-by-case basis, NASA approves a longer exclusive license. If exclusive field of use licenses are granted, commercial sale or use in one field of use will not be deemed commercial sale or use as to other fields of use, and a first commercial sale or use with respect to a product of the invention will not be deemed to end the exclusive period to different subsequent products covered by the invention;

(3) The Grantee will share any royalties collected on a Subject Invention with the inventor(s); and

(4) The balance of any royalties or income earned by the Grantee with respect to Subject Inventions, after payment of expenses (including payments to inventors) incidental to the administration of Subject Inventions, will be utilized for the support of scientific research or education.

[FR Doc. 81–37190 Filed 12–30–81; 8:45 am]
BILLING CODE 7510–01–M

CIVIL AERONAUTICS BOARD

14 CFR Part 322

[Reg. PR–232]

Automatic Market Entry Procedures; Revocation

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB revokes its rule governing the procedures to be followed by airlines seeking new routes under the Automatic Market Entry Program. This action is taken because the statutory authority for this program has expired.

DATES: Adopted: December 16, 1981. Effective: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION: Section 401(d)(7) of the Federal Aviation Act of 1958, which was added by section 12 of the Airline Deregulation Act of 1978, established the Automatic Market Entry (AME) program. Under this program, air carriers were able to apply for and recieve one new route per year without having to undergo a proceeding to determine whether the additional service was consistent with the public convenience and necessity, as they would under other provisions of the Act.

Part 322 of the Board's rules (14 CFR Part 322) set forth the procedures that air carriers were to follow in applying for new routes under this program. By this notice, we are revoking this rule. The statutory authority (section 401(d)(7)) for the AME program has expired by its own terms. Furthermore, after December 31, 1981, air carriers will not need Board permission to commence service on additonal routes. Section 1601(a)(1)(C). They will be able to begin new service on their own initiative without having to follow the procedures of the AME or any other Board program.

Since Part 322 is procedural in nature and the statutory authority for it has expired, the Board finds that it may be revoked without notice and public procedure and that this action may take effect in less than 30 days.

Part 322—Automatic Market Entry Procedures [Reserved]

Accordingly, 14 CFR Part 322, Automatic Market Entry Procedures, is removed and reserved.

(Secs. 204 and 401, Pub. L. 85-726, as amended, 72 Stat. 743, 92 Stat. 1716; (49 U.S.C. 1324, 1371))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-37281 Filed 12-30-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 970

Civil Procedures; Interim Regulations

Correction

In FR Doc. 81-34431 appearing on page 61643 in the issue for Friday, December 18, 1981, make the following correction:

On page 61652, middle column, the heading for Part 970 now reading "Part 970-Deep Seabed Mining Regulations Affecting Pre-Enactment Explorers" should have read "Part 970—Deep Seabed Mining Regulations for Exploration Licenses".

BILLING CODE 1505-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1000

Commission Organization and Functions

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission is publishing revisions to its statement of organization and functions to reflect organizational changes made since December 31, 1980. These include a reduction in the number of regional offices; elimination of the Directorate for Field Operations, the Directorate for Communications, and the Office of Media Relations; renaming the Directorate for Hazard Identification and Analysis; creation of a Directorate for Economics and an Office of Public Affairs; and relocation of certain organizational units from Washington, D.C. to Bethesda, Maryland.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Sadye E. Dunn, Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Telephone (202) 634-7700.

SUPPLEMENTARY INFORMATION: The Commission is revising its statement of organization and functions, 16 CFR Part 1000, to include organizational changes since the part was last substantively revised on December 31, 1980, 45 FR 86415. The organizational changes are summarized below:

1. Certain functions of the Commission's Directorate for Hazard Identification and Analysis were transferred to a newly created Directorate for Economics, and the Directorate for Hazard Identification and Analysis was renamed the Directorate for Epidemiology.

2. The Commission's field organization was reduced from 10 Regional Offices and 3 District Offices to 5 Regional Offices. Some of the Regional Offices have moved to new addresses.

3. The Directorate for Field Operations was abolished, and certain of its functions transferred to the Office of the Executive Director.

4. The Directorate for Communications was abolished and certain of its functions were transferred to a newly created Office of Public Affairs, a newly created Office of Outreach Coordination, and the Office of Administration. Its Hotline and Correspondence functions were transferred to the Office of the Secretary.

5. The Office of Media Relations was abolished and its functions were transferred to the newly created Office of Public Affairs which reports to the Chairman.

6. The Office of General Counsel and the Office of the Secretary, except for the public reading room, were relocated from the Commission's headquarters at 1111 18th Street, N.W., Washington, D.C. to its offices at 5401 Westbard Avenue. Bethesda, Maryland.

Since this amendment deals only with internal agency organization, it is being made effective immediately and comments are not being solicited.

For the foregoing reasons, Part 1000 of Chapter II of Title 16 of the Code of Federal Regulations is amended as shown.

PART 1000—COMMISSION ORGANIZATION AND FUNCTIONS

1. The authority citation for Part 1000 reads as follows:

Authority: 5 U.S.C. 552(a).

2. Sections 1000.4, 1000.12, 1000.17 and 1000.21 are revised to read as follows:

§ 1000.4 Commission addresses.

(a) The principal offices of the Commission are in Washington, D.C. All written communications with the Commission should be addressed to the Consumer Product Safety Commission, Washington, D.C. 20207, unless otherwise specifically directed.

(b) The main headquarters of the Commission are at 1111 18th Street, N.W., Washington, D.C. At this location are the Offices of the Chairman and Commissioners, Office of Congressional Relations, Office of Public Affairs, a hearing room, and a public reading room maintained by the Office of the Secretary.

(c) The Office of the General Counsel, Office of the Secretary, Office of Internal Audit, Office of Equal Employment Opportunity and Minority Enterprise, the Executive Director and the operating units under his or her authority, are located at 5401 Westbard Avenue, Bethesda, Maryland.

(d) The Commission has 5 Regional Offices which are located at the following addresses and which serve the states indicated:

(1) Southeastern Regional Office, 800 Peachtree St. N.E., Suite 210, Atlanta, Georgia 30308; Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

(2) Midwestern Regional Office, 230 South Dearborn St., Room 2945, Chicago, Illinois 60604; Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota, Ohio, South Dakota, and Wisconsin.

(3) Southwestern Regional Office, 1100 Commerce St., Room 1 C10, Dallas, Texas 75242; Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

(4) Northeastern Regional Office, 6 World Trade Center, Vesey Street, 6th Floor, New York, New York 10048; Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, and Virgin Islands.

(5) Western Regional Office, U.S. Customs House, 555 Battery St., Room 416, San Francisco, California 94111; Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

§ 1000.12 Organization structure.

The Consumer Product Safety Commission is composed of the principal units listed in this section.

(a) The following units report directly to the Chairman of the Commission:

(1) Office of the General Counsel;

(2) Office of Congressional Relations;

(3) Office of Administrative Law Judge;

(4) Office of Public Affairs;

(5) Office of the Secretary;

(6) Office of Internal Audit;

(7) Office of Equal Employment Opportunity and Minority Enterprise;

(8) Office of the Executive Director.

(b) The following units report directly to the Executive Director of the Commission:

(1) Office of Program Management;

(2) Office of Budget, Program Planning and Evaluation;

(3) Office of Outreach Coordination;

(4) Directorate for Epidemiology;

(5) Directorate for Economic Analysis;

(6) Directorate for Engineering Sciences;

(7) Directorate for Health Sciences;

(8) Directorate for Compliance and Administrative Litigation;

(9) Directorate for Administration;

(10) Five Regional Offices.

§ 1000.17 Office of Public Affairs.

The Office of Public Affairs is responsible for the development, implementation, and evaluation of a comprehensive national public affairs program designed to promote product safety. The Office develops and maintains relations with a wide range of national groups, including: Consumer organizations; business groups; trade associations; state and local government associations; labor organizations; medical, legal, scientific, and other professional associations; national print and broadcast media; and other Federal health, safety, and consumer affairs agencies.

§ 1000.21 Office of the Executive Director.

The Executive Director, under the broad direction of the Chairman and in accordance with Commission policy, acts as the chief operating manager of the agency, supporting the development of the agency's budget and operating plan before and after Commission approval, and managing the execution of those plans. The Executive Director has direct line authority over six operating directorates: Epidemiology, Economic Analysis, Engineering Sciences, Health Sciences, Compliance and Administrative Litigation, and Administration; the Office of Program Management; the Office of Budget, Program Planning, and Evaluation; the Office of Outreach Coordination; and the five Regional Offices.

§§ 1000.28 and 1000.30 [Removed]

3. Sections 1000.28 and 1000.30 are removed.

§§ 1000.25 1000.26, 1000.27 and 1000.29 Redesignated as §§ 1000.27, 1000.28, 1000.29 and 1000.30.

4. Sections 1000.25, 1000.26, 1000.27, and 1000.29 are redesignated as sections 1000.27, 1000.28, 1000.29, and 1000.30 respectively.

5. Section 1000.24 is revised to read as follows:

§ 1000.24 Office of Outreach Coordination.

The Office of Outreach Coordination is responsible for implementing and monitoring, through CPSC's five regional offices, comprehensive public information, education, and other activities designed to promote consumer product safety and explain CPSC actions and policies on regional, state, and local levels. The Office coordinates the activities of the CPSC Regional Offices, Directorates, and the Office of Program Management in implementing comprehensive public outreach programs. It also assists the Office of Public Affairs by implementing outreach activities involving national business, consumer, and professional associations in local or regional meetings.

6. Section 1000.25 is added to read as follows:

§ 1000.25 Directorate for Epidemiology.

The Associate Executive Director for Epidemiology manages the Directorate for Epidemiology, which is responsible for injury data analysis to identify hazards or hazard patterns. The Directorate collects data on consumer product-related hazards and potential hazards, determines the frequency, severity, and distribution of the various types of injuries, and investigates their causes. It assesses the effects of product safety standards and programs on consumer injuries, conducts epidemiological studies and research in the fields of consumer-related injuries, and provides data describing the human factors aspects of injury. It maintains an injury data clearinghouse and manages the National Electronic Injury Surveillance System (NEISS). The Directorate also provides analysis and advice to assure that technical standards requirements are compatible with human anthropometric, perception, and other performance tolerances. It assists in reviewing hazard patterns and epidemiological analysis to clarify possible injury patterns attributed to human factors and advises on all other Commission activities requiring human factors input. It provides appropriate analytical representation to the Office of Program Management.

7. Section 1000.26 is added to read as follows:

§ 1000.26 Directorate for Economic Analysis.

The Associate Executive Director for Economic Analysis manages the Directorate for Economic Analysis which provides the Commission with advice and information on economic and environmental matters and on the economic, social and environmental effects of Commission actions. It analyzes the potential effects of CPSC actions on consumers and on industries, including effects on competitive structure and commercial practices. The Directorate acquires, compiles, and maintains economic data on movements and trends in the general economy and on the production, distribution, and sales of consumer products and their components to assist in the analysis of CPSC priorities, policies, actions, and rules. It plans and carries out economic surveys of consumers and industries. It studies the costs of accidents and injuries. It evaluates the economic, societal, and environmental impact of product safety rules and standards. It performs such regulatory analyses and such studies of costs and benefits of CPSC actions as are required by the Consumer Product Safety Act, The National Environmental Policy Act, the Regulatory Flexiblity Act and other Acts, and by policies established by the Consumer Product Safety Commission.

Dated: December 28, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-37460 Filed 12-30-81; 8:45 am]

BILLING CODE 6355-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket 8879]

Grolier Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens the proceeding and modifies the Commission's order issued on March 13, 1978 (43 FR 18652; 91 F.T.C. 315), by changing the disclosure requirements contained in Paragraphs II (A), (B), (D), and (E), so as to give respondent a choice of several approved methods of

making required disclosures in advising those who reply to respondent's solicitations that they may be contacted directly by a salesperson; and allows sales personnel to present a business card containing prescribed information, when making a sales visit.

DATES: Order issued March 13, 1978. Modifying order issued December 10, 1981.

FOR FURTHER INFORMATION CONTACT: FTC/PS, David C. Fix or Robert D. Friedman, Washington, D.C. 20580. (202) 724–1037.

SUPPLEMENTARY INFORMATION: In the Matter of Grolier Incorporated, a corporation, et al. Codification appearing at 43 FR 18652 remains unchanged.

The Order Modifying Cease and Desist Order is as follows:

Before the Federal Trade Commission

In the matter of Grolier Incorporated, a corporation, et al. Docket No. 8879.

Order Modifying Cease and Desist Order

On August 13, 1981, the Commission issued an order denying respondent's motion to disqualify the Administrative Law Judge who rendered the Initial Decision in this proceeding. In its order, the Commission also invited the parties in this matter to file before the Commission their views as to whether the original Final Order of the Commission, 91 FTC 315 (1978), should be modified to conform to the modified order in *Encyclopedia Britannica*, 96 FTC 778 (1980).

On September 30, 1981, respondent filed a response to the Commission's order. In this submission, respondent first proposed modifying the *Grolier* order to incorporate modifications made in *Britannica* on October 28, 1980. Second, respondent asked for guarantees that any future modifications in *Britannica* also be granted to respondents here. Third, respondent moved that the instant proceeding be stayed until the Commission takes action on a pending motion for further modifications in the *Britannica* order. Finally, respondent also seeks a stay on the ground that a trade regulation rulemaking, rather than an adjudication, is the appropriate manner to conduct further proceedings involving Grolier.

Complaint counsel, on October 14, 1981, filed its answer to respondent's submission, pursuant to the August 13 order. Complaint counsel do not oppose modification of the *Grolier* order to conform with modifications already made in *Britannica*. But, they oppose any assurances of future modifications on the ground that in the event of such modifications, the Commission's rules afford Grolier an appropriate procedural vehicle, Rule 2.51(b), by which Grolier may petition for further modifications in its order. An assessment of whether further modifications should be made in either of the orders in question depends on facts and circumstances particular to the acts and practices of each company. Complaint counsel also oppose granting any stay in order to facilitate a conversion of this adjudication to a rulemaking proceeding.

The Commission agrees with the parties that the modifications in the *Britannica* order granted on October 28, 1980, should now be granted to Grolier. However, the Commission believes that the issue of further modifications in *Britannica* cannot now be resolved with respect to this respondent because the request for further modifications that Britannica made (and which we will allow Grolier to make) depends upon experience in complying with the first modification. See paragraphs 2 and 3, *infra*. Britannica has had this experience, but Grolier has not.[1] Moreover, Grolier has available to it a right to petition the Commission for reopening the *Grolier* matter should any further modifications in *Britannica* justify similar treatment of Grolier. Therefore, a stay of this matter pending further events in *Britannica* would be inappropriate.

Nor does the Commission believe a stay is justified pending resolution of this matter by an industrywide rulemaking proceeding. Respondents rely on *Ford Motor Co.* v. *FTC*, 654 F.2d 599 (9th Cir. 1981) for the proposition that rulemaking is preferable to adjudication where the Commission is attempting to change existing law or to establish rules of widespread application. In this matter the Commission did not engage in any novel interpretation of existing law as the court of appeals believed occurred in *Ford Motor Co.*, but rather the Commission declared practices to be unlawful that were established as violations of Section 5 of the FTC Act over a decade ago, see, e.g., *P. F. Collier & Son Corp.* v. *F.T.C.*, 427 F.2d 261 (6th Cir.), *cert. denied*, 400 U.S. 926 (1970). It is true that issues of relief involving affirmative disclosures distinguish *Grolier* from earlier cases, but the crafting of relief is particular to the facts and circumstances of each case. In this instance, affirmative disclosures were ordered because of the Commission's experience that mere cease and desist order provisions were inadequate to remedy the abuses found to be in violation of Section 5, practices that had persisted over time, despite earlier prohibitive relief. *Grolier, Inc.*, 91 F.T.C. 315, 437, n.98. In this regard, the Seventh Circuit held, in a related case, that rulemaking was not required to replace adjudication where relief differed because "[a] prior insufficient order does not necessitate the insufficiency of all later orders." *Encyclopaedia Britannica, Inc.* v. *FTC*, 605 F.2d 964, 974 (7th Cir. 1979), *cert. denied*, 445 U.S. 934 (1980).

[1] Grolier's argument that it would be at a competitive disadvantage if the Commission does not now assure Grolier it will receive all future modifications granted in *Britannica* is disingenuous. As matters now stand, Britannica is bound by our order while Grolier is not. Grolier has offered no evidence that it is voluntarily complying with our order and until it does comply it probably has a competitive advantage.

Therefore, it is ordered, that Paragraphs II(A), (B), (D), and (E) of the Order issued in this docket on March 13, 1978, shall be modified as follows:

1. Paragraph II(A) shall read:

A. Disseminating or causing to be disseminated any advertisement of promotional material which solicits participation in any contest, drawing or sweepstakes, or solicits any response to any offer of merchandise, service or information, unless any such solicitation clearly and conspicuously discloses that a person who replies as requested may be contacted directly by a salesperson for the purpose of selling respondent's products, using one of the following disclosures:

1. IMPORTANT: This card will let you know of my interest and enable your [location designation, if appropriate] sales representative to

(contact me at home)
(call or visit me) with (details)
(contact me in person) (facts)
(information)

on how I may (purchase) [applicable product].
(buy)

2. IMPORTANT: Returning this card allows me to have your [location designation, if appropriate] sales representative

(contact me at home)
(call or visit me) with (details)
(contact me in person) (facts)
(information)

on how I may (purchase) [applicable product].
(buy)

3. IMPORTANT: Returning this card will enable your [location designation, if appropriate] sales representative to

(contact me at home)
(call or visit me) with (details)
(contact me in person) (facts)
(information)

on how I may (purchase) [applicable product].
(buy)

Upon prior approval in writing of the Assistant Director of the Division of Compliance of the Bureau of Consumer Protection, or his designee, respondent may use any other disclosure that clearly and conspicuously discloses that a person who replies as requested may be contacted directly by a salesperson for the purpose of selling respondent's products. A request for approval shall be in writing and shall be deemed granted if not disapproved within 30 days after receipt by the Assistant Director of the Division of Compliance of the Bureau of Consumer Protection.

2. Paragraph II(B) shall read:

B. Providing any return card, coupon or other device which is used to respond to any advertisement or promotional material covered by Paragraph II(A) above, unless one of the disclosures set forth in such Paragraph, or a disclosure approved by the Assistant Director of the Division of Compliance or his designee as satisfying the requirements of Paragraph II(A), clearly and conspicuously appears in immediate proximity to the space provided for a signature or other identification of the responding party. During the one (1) year period from the date this Order becomes final, respondent may submit a request to reopen these proceedings pursuant to Section 2.51 of the Commission's Rules of Practice. Such petition shall contain information demonstrating that any proposed modifications of Paragraphs II(A) and II(B) will clearly and conspicuously disclose to potential purchasers of respondent's products that a person who replies as requested may be contacted directly by a salesperson for the purpose of selling respondent's products. The foregoing sentence shall not be construed as a limitation of respondent's submission of additional information regarding the request to reopen, including information relating to the financial impact of Paragraph II(A) and II(B) on respondent. Should a request be submitted, the Commission shall determine whether to reopen these proceedings within one hundred twenty (120) days of receipt of such request. The procedure to reopen the proceedings as set forth herein is in addition to, and not in lieu of, any other procedure (or time period with respect to such procedure) permitted by law or the Commission's Rules of Practice.

3. Paragraph II(D) shall be amended by adding the following proviso at the end thereof:

Provided, however, That for one (1) year from the date this Order becomes final, respondent may, in lieu of the card required by this Paragraph of the Order, substitute a business card of at least 2 inches by 3½ inches containing only the following information:

1. The name of the corporation.
2. The name of the salesperson.
3. The term "sales representative".
4. An address and telephone number at which the corporation or salesperson may be contacted.
5. The product or the corporation logo or identifying mark.

During this one (1) year period, respondent shall comply in all other respects with the requirements of Paragraph II(D) above. Prior to the expiration of the aforesaid time period, respondent may submit a request to reopen these proceedings pursuant to Section 2.51 of the Commission's rules of practice. Such petition shall contain information demonstrating that the business card required in Paragraph II(D), as modified above, is effective in communicating to potential purchasers, prior to the entry into their homes or places of business by any of respondent's sales representatives, that the purpose of the sales representative's call is to solicit the sale of respondent's products. The foregoing sentence shall not be construed as a limitation on respondent's submission of additional information regarding the request to reopen, including information on the financial impact of Paragraph II(D) on respondent. Should a request be submitted, the Commission shall determine whether to reopen these proceedings within one hundred twenty (120) days of receipt of such request. Respondent may continue to use the business card, as described by this proviso, during the time that a request to reopen these proceedings pursuant to this Paragraph is pending, and, if such proceedings are reopened, until the Commission determination of the matter has become final. The procedure to reopen the proceedings as set forth herein is in addition to, and not in lieu of, any other procedure (or time period with respect to such procedure) permitted by law of the Commission's Rules of Practice.

4. Paragraph II(E) shall be amended by striking the words "to direct each such person to read the information contained on such card." The amended paragraph shall read:

E. Failing to give the card, required by Paragraph II(D), above, to each person and to provide each such person with an adequate opportunity to read the card before engaging any such person in any sales solicitation.

It is further ordered, That the foregoing modifications shall become effective upon service of this Order.

It is further ordered, That in all other respects, respondent's other requests are denied.

By Direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-37341 Filed 12-30-81; 8:45 am]

BILLING CODE 6750-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1018

Revisions to Advisory Committee Management Regulations

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Consumer Product Safety Commission is amending its advisory committee management regulations to delete references to three advisory committees which were abolished by the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35). The Commission is also correcting certain citations and making other minor corrections.

DATE: These amendments are effective December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Barbara Rosenfeld, Advisory Committee Management Officer, Consumer Product Safety Commission, Washington, D.C. 20207, telephone 202-634-7700.

SUPPLEMENTARY INFORMATION: Prior to August 13, 1981, the Commission had four statutory advisory committees as described in §§ 1018.12 and 1018.15 of the Commission's advisory committee management regulations. The Product Safety Advisory Council provided the Commission with diverse viewpoints on major policy issues, proposed rulemaking, and approaches to special problems and issues. The National Advisory Committee for the Flammable Fabrics Act provided the Commission with advice, opinions, and recommendations on its proposed regulations or other programs to reduce the frequency and severity of burn injuries involving flammable fabrics. The Technical Advisory Committee on Poison Prevention Packaging provided the Commission with advice and recommendations on the establishment of packaging standards to protect children from serious personal injury or illness resulting from handling, using, or ingesting household substances and reviewed and evaluated petitions requesting exemptions from poison prevention packaging regulations. The Toxicological Advisory Board provides the Commission with scientific and technical advice on precautionary labeling for hazardous substances.

Section 1205 of Pub. L. 97-35, enacted August 13, 1981, repealed the statutory authority for three of these committees: the Product Safety Advisory Council, the National Advisory Committee for the Flammable Fabrics Act, and the Technical Advisory Committee on Poison Prevention Packaging. Sections 1018.12 and 1018.15 are accordingly being revised to remove references to the terminated committees. In addition, the material in these sections relating to the Commission's remaining committee, the Toxicological Advisory Board, is being revised by correction of a section number in the U.S. Code citation of the Federal Hazardous Substances Act and by addition of the corresponding Statutes at Large citation. Section 1018.12 is being additionally revised to indicate that the Toxicological Advisory Board is the remaining statutory committee subject to the Federal Advisory Committee Act. While section 1206 of Pub. L. 97-35 also provides for new chronic hazard advisory panels, these panels are exempt from the Federal Advisory Committee Act, and thus are not provided for in these regulations. The Commission is preparing regulations for these panels, and will publish them as a separate part of Title 16.

A new paragraph is being added to § 1018.4, Applicability, to make explicit the fact that Part 1018 does not apply to committees specifically exempted by statute from the Federal Advisory Committee Act. As mentioned above, the chronic hazard advisory panels are specifically exempted from the Federal Advisory Committee Act by statute.

Also, several references to the OMB Committee Management Secretariat are being revised to reflect the transfer of the Committee Management Secretariat from OMB to the General Services Administration as effected by Reorganization Plan No. 1 of 1977, 91 Stat. 1633.

Since these amendments relate to matters of internal agency policy and management, and merely reflect changes effected by acts of Congress or the President, they are being made effective immediately and comments are not being solicited, in accordance with the provisions of 5 U.S.C. 553(a)(2).

PART 1018—ADVISORY COMMITTEE MANAGEMENT

For the reasons set out above, Part 1018 of Title 16 of the Code of Federal Regulations is amended as shown.

1. The authority citation for Part 1018 is as follows:

Authority: Sec. 8, Pub. L. 92-463, 86 Stat. 770 (5 U.S.C. App. I).

2. Section 1018.2(h) is revised to read as follows:

§ 1018.2 Definitions.

* * * * *

(h) "GSA Secretariat" means the Committee Management Secretariat of the General Services Administration.

* * * * *

3. Section 1018.4 is revised by adding paragraph (c) to read as follows:

§ 1018.4 Applicability.

* * * * *

(c) This part shall not apply to a committee or other group to the extent that it is specifically exempted by statute from the Federal Advisory Committee Act.

4. Section 1018.12 is revised to read as follows:

§ 1018.12 Statutory advisory committees.

The Commission has one statutory advisory committee subject to the Federal Advisory Committee Act. The Toxicological Advisory Board was established by the Commission on December 22, 1978, pursuant to section 20 of the Federal Hazardous Substances Act, as amended (Pub. L. 95-631, 92 Stat. 3747, 15 U.S.C. 1275).

5. Section 1018.15 is revised to read as follows:

§ 1018.15 Membership composition.

The Toxicological Advisory Board, as specified in section 20 of the Federal Hazardous Substances Act, as amended (Pub. L. 95-631, 92 Stat. 3747, 15 U.S.C. 1275), shall be composed of nine members appointed by the Commission. Each member of the Board shall be qualified by training and experience in one or more fields applicable to the duties of the Board, and at least three of the members of the Board shall be members of the American Board of Medical Toxicology. The Commission will seek a balanced membership, including individuals representative of consumers, government and industry.

§ 1018.11 [Amended]

§ 1018.43 [Amended]

§ 1018.62 [Amended]

6. In addition to the amendments set forth above, 16 CFR Part 1018 is amended by removing the word "OMB" and inserting, in its place, the word "GSA" in the following places:

16 CFR 1018.11(a);
16 CFR 1018.43;
16 CFR 1018.62 (c) and (d).

Dated: December 24, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-37252 Filed 12-30-81; 8:45 am]

BILLING CODE 6355-01-M

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16 CFR Parts 1201, 1402, 1505, 1615, 1616, and 1632

Technical Amendments to Standards and Regulations To Correct Incorporations by Reference

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Consumer Product Safety Commission has issued several standards and regulations which contain citations to existing procedures, test methods, or standards, and provide that the cited materials will be used to determine compliance with the Commission's requirements. This procedure is called "incorporation by reference," and can be done only with the approval of the Director of the Federal Register. Some of the Commission's standards and regulations contain incorporations by reference which do not meet all applicable requirements established by the Office of the Federal Register, and published at 1 CFR Part 51. The Commission is issuing technical amendments to those standards and regulations so that they will meet all requirements for incorporation by reference. These technical amendments do not change any substantive provision of any of the standards or regulations which are the subject of this notice.

DATE: These technical amendments shall be effective December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Allen F. Brauninger, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492-6980.

SUPPLEMENTARY INFORMATION: The Consumer Product Safety Commission (Commission) issues standards and regulations under several statutes, including the Consumer Product Safety Act (CPSA, 15 U.S.C. 2051 et seq.), the Federal Hazardous Substances Act (FHSA, 15 U.S.C. 1261 et seq.), and the Flammable Fabrics Act, (FFA, 15 U.S.C. 1191, et seq.). The Commission has in force several standards and regulations under these statutes which contain citations to one or more existing procedures, test methods, or standards, and provide that provisions of the cited materials will be followed for purposes of determining compliance with the Commission's standard or regulation. This procedure is called "incorporation by reference," a technique employed to make the cited materials a part of the standard or regulation without the necessity of publishing the text of the cited materials, which in some cases can be voluminous. When done in accordance with the Administrative Procedure Act (5 U.S.C. 552(a)) and regulations issued by the Director of the Federal Register (1 CFR Part 51), incorporation by reference gives the cited materials the force and effect of law.

Some of the incorporations by reference appearing in the Commission's standards and regulations which were issued before 1979 do not comply with requirements for incorporation by reference set forth in 1 CFR Part 51, or with the format established by the Office of the Federal Register for incorporation by references.

For example, some do not contain an explicit statement that the cited material is incorporated by reference. Others do not state that the incorporation by reference has been approved by the Director of the Federal Register. some others do not state that the material incorporated by reference is available for inspection at the Office of the Federal Register.

For this reason, the Commission is making technical amendments to portions of the following standards and regulations so that they will meet all applicable requirements for incorporation by reference:

1. Safety Standard for Architectural Glazing Material, 16 CFR Part 1201, §§ 1201.4(b)(3), 1201.4(d)(2), 1201.4(e)(1), and 1201.7(b).

2. CB Base Station Antennas, TV Antennas, and Supporting Structures, 16 CFR Part 1402, § 1402.4(a)(1).

3. Requirements for Electrically Operated Toys or Other Electrically Operated Articles Intended for Use by Children, 16 CFR Part 1505, § 1505.5(e)(5), 1505.5(h)(2), 1505.6(e)(3), 1505.6(g)(5).

4. Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X (FF 3-71), 16 CFR Part 1615, § 1615.4(g)(4).

5. Standard for the Flammability of Children's Sleepwear: Sizes 7 through 14 (FF 5-74), 16 CFR Part 1616, § 1616.5(c)(4).

6. Standard for the Flammability of Mattresses (and Mattress Pads) (FF 4-72), 16 CFR Part 1632, § 1632.5(b)(1).

Generally, the Administrative Procedure Act (APA, 5 U.S.C. 553) requires that agencies must give notice of proposed rulemaking and provide opportunity for interested parties to submit written comments on the proposal before a rule can be issued or amended. However, 5 U.S.C. 553(b)(B) provides that notice of proposed rulemaking and public participation are not required when the agency makes a finding for good cause that such notice and opportunity for comment are "impracticable, unnecessary, or contrary to the public interest."

The Commission finds for good cause that notice of proposed rulemaking and opportunity for comment are not necessary for issuance of the amendments published below because they do not affect any substantive requirement or provision of the standards and regulations in question. The only purpose of the amendments is to make the text of certain sections of those standards and regulations conform to the format for incorporation by reference now required by the Office of the Federal Register. In this instance, providing notice of proposed rulemaking and opportunity for submission of comments would be a meaningless gesture.

Similarly, the APA requires at 5 U.S.C. 553 that a "substantive rule" must be published at least 30 days before its effective date, unless the agency finds otherwise, for good cause and publishes that finding with the final rule.

As stated above, the amendments published below do not alter or affect any substantive provision of the standards and regulations which they modify; they change only the language used to incorporate various materials by reference into those standards and regulations. For this reason, the requirement of 5 U.S.C. 553 for publication of a final substantive rule, at least 30 days before its effective date is not applicable, and the amendments published below shall become effective immediately.

Accordingly, pursuant to section 9(h) and 30(a) and (b) of the Consumer Product Safety Act, 15 U.S.C. 2058(h), 2079(a) and (b), section 10(a) of the Federal Hazardous Substances Act, 15 U.S.C. 1269(a), and sections 4 and 5 of

the Flammable Fabrics Act, 15 U.S.C. 1193 and 1194, the Commission amends Title 16, Chapter II, Parts 1201, 1402, 1505, 1615, 1616, and 1632 of the Code of Federal Regulations, as follows:

PART 1201—SAFETY STANDARD FOR ARCHITECTURAL GLAZING MATERIALS

1. In § 1201.4, paragraphs (b)(3)(ii), (d)(2)(iii), and (e)(1)(iii) are revised to read as follows:

§ 1201.4 Test procedures.

* * * * *

(b) *Test equipment.* * * *

(3) * * *

(ii) *Simulated weathering test.* The equipment shall be a xenon arc (water-cooled) Weather-Ometer employing a lamp rated at 6500 watts and automatic light monitoring and control systems. Borosilicate inner and outer filters shall be used. An appropriate water spray cycle shall be used. Operating procedures shall be in accordance with ASTM G 26–70, "Standard Recommended Practice for Operating Light—and Water-Exposure Apparatus (Xenon-Arc Type) for Exposure of Nonmetallic Materials," April 13, 1970, as augmented for plastics by ASTM D 2565–70, "Standard Recommended Practice for Operating Xenon-Arc Type (Water-Cooled) Light- and Water-Exposure Apparatus for Exposure of Plastics," Procedure B, June 12, 1970, which are incorporated by reference. Copies of both documents are available from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103. They are also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C. 20408. This incorporation by reference was approved by the Director of the Federal Register. These materials are incorporated as they exist in the edition which has been approved by the Director of the Federal Register and which has been filed with the Office of the Federal Register.

* * * * *

(d) *Test procedures.* * * *

(2) *Environmental durability test procedures* * * *

(iii) *Indoor aging test.* The specimens shall be hung in the test chamber for 10 complete cycles (480 hours). The procedure shall be in accordance with procedure A of ASTM D 756–56, "Test for Resistance of Plastics to Accelerated Service Conditioning," September 10, 1956. (Reapproved 1971), which is incorporated by reference, except that during the humid phase of the cycle the relative humidity shall be maintained at 95 percent. Copies of ASTM D 756–56 are available from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103. This test method is also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C. 20408. This incorporation by reference was approved by the Director of the Federal Register. These materials are incorporated as they exist in the edition which has been approved by the Director of the Federal Register and which has been filed with the Office of the Federal Register.

* * * * *

(e) *Interpretation of results*—(1) *Impact test.* * * *

(iii) The specimen has:

(A) A modulus of elasticity less than 750,000 psi (5,170 megapascal) when measured by ASTM D 790–71, "Standard Method of Test for Flexural Properties of Plastics," October 29, 1971, which is incorporated by reference, and

(B) A Rockwell hardness (M or R scale) less than 140 when measured by ASTM D 785–65 (Reapproved 1979), "Standard Method of Test for Rockwell Hardness of Plastics and Electrical Insulating Materials," August 31, 1965, which is incorporated by reference. Copies of both documents are available from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103. They are also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C. 20408. This incorporation by reference was approved by the Director of the Federal Register. These materials are incorporated as they exist in the edition which was approved by the Director of the Federal Register and which has been filed with the Office of the Federal Register.

* * * * *

2. In § 1201.7, paragraph (b)(1) is revised to read as follows:

§ 1201.7 Effective date.

* * * * *

(b) Architectural glazing materials manufactured before July 6, 1977 may be incorporated into architectural products listed in § 1201.1(a) through July 5, 1978 if:

(1) The architectural glazing material conforms to ANSI Standard Z97.1–1972 or 1975, "Performance Specifications and Methods of Test for Safety Glazing Material Used in Buildings," 1972 or 1975*, which is incorporated by reference, and

* * * * *

PART 1402—CB BASE STATION ANTENNAS, TV ANTENNAS, AND SUPPORTING STRUCTURES

3. In § 1402.4, paragraph (a)(1)(i)(E) is revised to read as follows:

§ 1402.4 Requirements to provide performance and technical data by labeling and instructions.

(a) *Notice to purchasers.* * * *

(1) *Antennas.* * * *

(i) *Label.* * * *

(E)(*1*) The colors in figure 1 shall conform to ANSI Standard Z53.1–1971, "Safety Color Code for Marking Physical Hazards," published in 1971 by the American National Standards Institute, which is incorporated by reference. Copies of this document are available from the American National Standards Institute, 1430 Broadway, New York, New York 10018. This standard is also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C. 20408. This incorporation by reference was approved by the Director of the Federal Register. These materials are incorporated as they exist in the edition which has been approved by the Director of the Federal Register and which has been filed with the Office of the Federal Register. Alternatively, the colors "red" and "yellow" in figure 1 may conform to Color Tolerance Charts, published by the Department of Transportation. Copies of the Color Tolerance Charts are available from the Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590. These materials are also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C. 20408.

(*2*) Color limit values shall be determined by ASTM D 1535–68, "Specifying Color by the Munsell System," published in 1968 by the American Society for Testing and Materials. Copies of ASTM D 1535–68 are available from the American Society for Testing and Materials, 1916 Race

* Copies of ANSI Standard Z97.1–1972 or 1975 are available from the American National Standards Institute, 1430 Broadway, New York, New York 10018. They are also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C. 20408. This incorporation by reference was approved by the Director of the Federal Register. These materials are incorporated as they exist in the editions which have been approved by the Director of the Federal Register and which have been filed with the Office of the Federal Register.

Street, Philadelphia, Pennsylvania 19103. These materials are also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C. 20408. This incorporation by reference was approved by the Director of the Federal Register. These materials are incorporated as they exist in the edition which has been approved by the Director of the Federal Register and which has been filed with the Office of the Federal Register. Alternatively, color limit values for red or yellow may be determined by the Department of Transportation Color Tolerance Charts, which display the desired color within the tolerance limits.

* * * * *

PART 1505—REQUIREMENTS FOR ELECTRICALLY OPERATED TOYS OR OTHER ELECTRICALLY OPERATED ARTICLES INTENDED FOR USE BY CHILDREN

4. In § 1505.5, paragraphs (e)(5) and (h)(2) are revised to read as follows:

§ 1505.5 Electrical design and construction.

* * * * *

(e) *Power supply connections (cords and plugs).* * * *

(5) A flexible electrical power cord provided on a toy shall be type SP–2 (as defined in the "National Electrical Code," Chapter 4, article 400, pages 230–241 (1978)[1], or its equivalent, or a heavier general-use type, and shall be not less than 5 feet nor more than 10 feet in length when measured as the overall length of the attached cord outside the enclosure of the toy, including fittings, up to the face of the attachment-plug cap. However, hand-held educational or hobby-type products intended for heating such as woodburning tools, shall use one of the type cords designated below, in accordance with the weight of the product without the cord:

Weight of appliance (without cord) and cord type
½ lb. (0.227 kg) and lighter: SP–1, SPT–1, HPD. Heavier than ½ lb. (0.227 kg): SP–2, SPT–2, SV, SVO, SVT, SVTO, HPD, HPN, SJ, SJO, SJT, SJTO.

* * * * *

(h) *Strain relief.* * * *

(2) If suitable auxiliary insulation is provided under a clamp for mechanical protection, clamps of any material are acceptable for use on Type SP–2 (as defined in the "National Electrical Code," chapter 4, article 400, pages 184–194 (1971)[2]) or equivalent rubber-insulated cord. For heavier types of thermoplastic-insulated cord, clamps may be without auxiliary insulation unless the clamp may damage the cord insulation.

5. In § 1505.6, paragraphs (e)(3)(n) and (g)(5)(i) are revised to read as follows:

§ 1505.6 Performance.

* * * * *

(e) *Electrical.* * * *

(3) *Leakage current and repeated dielectrical withstand tests.* * * *

(iv) With the connections intended for the source of supply connected thereto and then connected to the ungrounded side of a power supply circuit having a voltage equal to 110 percent of the rated voltage of the toy, the leakage current through a noninductive 1,500-ohm resistor connected between the gounded side of the supply circuit and each dead metal part (accessible and inaccessible) shall, when stable, be measured in accordance with the test provisions established in ANSI Standard C 101.1–1971, "American National Standard for Leakage Current for Appliances," approved November 17, 1970, which is incorporated by reference. Copies of this document are available from American National Standards Institute, 1430 Broadway, New York, New York 10018. This document is also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C. 20408. This incorporation by reference was approved by the Director of the Federal Register. These materials are incorporated as they exist in the edition which has been approved by the Director of the Federal Register and which has been filed with the Office of the Federal Register.

* * * * *

(g) *Thermal.* * * *

(5) *Temperature measurements.*

(i) *General.* Temperatures shall be measured by means of instruments utilizing thermocouples of No. 30 AWG (American Wire Gage) wire (either copper and constantan or iron and constantan) and potentiometer-type instruments that are accurate and are calibrated in accordance with current good laboratory practices. The thermocouple wire shall conform with the requirements for "special" thermocouples as listed in the table of limits of error of thermocouples (Table VIII) in ANSI Standard C 96.1–1964, "American Standard for Temperature Measurement Thermocouples," approved June 9, 1964, which is incorporated by reference. Copies of this document are available from American National Standards Institute, 1430 Broadway, New York, New York 10018. This standard is also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C., 20408. This incorporation by reference was approved by the Director of the Office of the Federal Register. These materials are incorporated as they exist in the edition which has been approved by the Director of the Federal Register and which has been filed with the Office of the Federal Register.

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PART 1615—STANDARD FOR THE FLAMMABILITY OF CHILDREN'S SLEEPWEAR: SIZES THROUGH 6X (FF 3–71)

6. In § 1615.4, paragraph (g)(4)(i) is revised to read as follows:

§ 1615.4 Test procedure.

(g) *Testing.* * * *

(4) *Laundering.*

(i) The procedures described under paragraphs (b) through (g) of this section shall be carried out on finished items (as produced or after one washing and drying) and after they have been washed and dried 50 times according to AATCC Test Method 124–1969, "Appearance of Durable Press Fabrics After Repeated Home Laundering," Technical Manual of the American Association of Textile Chemists and Colorists, vol. 46, 1970, which is incorporated by reference. Copies of this

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[1] NFPA No. 70–1978, 1978 edition of National Electrical Code, Article 400, "Flexible Cords and Cables," pages 70–230 through 70–240, published by the National Fire Protection Association, which is incorporated by reference. Copies of this document are available from the National Fire Protection Administration, 60 Batterymarch Park, Quincy, Massachusetts 02269. This document is also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C. 20408. This incorporation by reference was approved by the Director of the Federal Register. These materials are incorporated as they exist in the edition which has been approved by the Director of the Federal Register and which has been filed with the Office of the Federal Register.

[2] NFPA No. 70–1971, 1971 edition of National Electrical Code, Article 400, "Flexible Cords and Cables," pages 70–184 through 70–194, published by the National Fire Protection Association, which is incorporated by reference. Copies of this document are available from the National Fire Protection Association, 60 Batterymarch Park, Quincy, Massachusetts 02269. This document is also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C. 20408. This incorporation by reference was approved by the Director of the Federal Register. These materials are incorporated as they exist in the edition which has been approved by the Director of the Federal Register and which has been filed with the Office of the Federal Register.

document are available from the American Association of Textile Chemists and Colorists, P.O. Box 12215, Research Triangle Park, North Carolina 27709. This document is also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C. 20408. This incorporation by reference was approved by the Director of the Federal Register. These materials are incorporated as they exist in the edition which has been approved by the Director of the Federal Register and which has been filed with the Office of the Federal Register. Items which do not withstand 50 launderings shall be tested at the end of their useful service life.

* * * * *

PART 1616—STANDARDS FOR THE FLAMMABILITY OF CHILDREN'S SLEEPWEAR: SIZES 7 THROUGH 14 (FF 5–74)

7. In § 1616.5, paragraph (c)(4)(i) is revised to read as follows:

§ 1616.5 Test procedure.

* * * * *

(c) *Testing.* * * *

(4) *Laundering.*—(i) The Procedures described under § 1616.4 *Sampling and acceptance procedures,* § 1616.5(b) *Conditioning and mounting of specimens,* and (c) *Testing,* shall be carried out on finished items (as produced or after one washing and drying) and after they have been washed and dried 50 times according to the laundering procedures in AATCC Test Method 124–69, "Appearance of Durable Press Fabrics After Repeated Home Laundering," Technical Manual of the American Association of Textile Chemists and Colorists, vol. 46, 1970, which is incorporated by reference. Copies of this document are available from the American Association of Textile Chemists and Colorists, Post Office Box 12215, Research Triangle Park, North Carolina 27709. This document is also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C. 20408. This incorporation by reference was approved by the Director of the Office of the Federal Register. These materials are incorporated as they exist in the edition which has been approved by the Director of the Federal Register and which has been filed with the Office of the Federal Register. Items which do not withstand 50 launderings may be tested at the end of their useful service life with prior approval of the Consumer Product Safety Commission.

PART 1632—STANDARD FOR THE FLAMMABILITY OF MATTRESSES (AND MATTRESS PADS) (FF 4–72)

8. In § 1632.5, paragraph (b)(1) is revised to read as follows:

§ 1632.5 Mattress pads.

* * * * *

(b) *Laundering.* (1) Mattress pads which have had a chemical fire retardant treatment or contain any chemically fire retardant treatment components, shall be tested in accordance with § 1632.4 *Test procedure* in the condition in which they are intended to be sold, and after they have been washed and dried 10 times in accordance with washing procedure 6.2 (III), with a water temperature of 60° ±2.8° C (140° ±5° F), and drying procedure 6.3.2.(b), prescribed in AATC Test Method 12469, "Appearance of Durable Press Fabrics After Repeated Home Laundering," Technical Manual of the American Association of Textile Chemists and Colorists, vol. 46, 1970, which is incorporated by reference. Copies of this document are available from the American Association of Textile Chemists and Colorists, Post Office Box 12215, Research Triangle Park, North Carolina 27709. This document is also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C. 20408. This incorporation by reference was approved by the Director of the Federal Register. These materials are incorporated as they exist in the edition which has been approved by the Director of the Federal Register and which has been filed with the Office of the Federal Register. Maximum load shall be 3.46 kg (8 lb) and may consist of any combination of test items and dummy pieces. Alternatively, a different number of times under another washing and drying procedure may be specified and used, if that procedure has previously been found to be equivalent by the Consumer Product Safety Commission.

* * * * *

(Secs. 9(h), 30(a) and (b), Pub. L. 92–573, as amended Pub. L. 97–35, (15 U.S.C. 2058(h), 2079(a) and (b)); sec. 10(a), Pub. L. 86–613, as amended Pub. L. 89–756, Pub. L. 91–113, 15 U.S.C. 1269(a); secs. 4 and 5, Pub. L. 83–88, as amended, Pub. L. 90–189, Pub. L. 94–284, Pub. L. 95–631, (15 U.S.C. 1193, 1194))

Dated: December 24, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-37281 Filed 12-30-81; 8:45 am]

BILLING CODE 6355-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 211

[Release No. SAB–42]

Staff Accounting Bulletin No. 42; Business Combinations

AGENCY: Securities and Exchange Commission.

ACTION: Publication of staff accounting bulletin.

SUMMARY: The interpretations in this Staff Accounting Bulletin express the staff's views concerning the application of existing financial accounting standards to business combinations accounted for by the purchase method involving financial institutions, including the allocation of purchase price to tangible and intangible assets acquired and amortization periods for intangible assets.

EFFECTIVE DATE: December 23, 1981.

FOR FURTHER INFORMATION CONTACT: Marc D. Oken, Office of the Chief Accountant, Securities and Exchange Commission, 500 N. Capitol Street, Washington, D.C. 20549, (202—272–2131).

SUPPLEMENTARY INFORMATION: The statements in Staff Accounting Bulletins are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval. They represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

December 23, 1981.

George A. Fitzsimmons,

Secretary.

Staff Accounting Bulletin No. 42

The staff hereby adds new topic, 2–A–3, setting forth the staff's views on questions pertaining to the application of existing accounting standards to business combinations accounted for by the purchase method involving financial institutions.

Topic 2: Business Combinations

A. Purchase Method

* * * * *

3. Acquisitions Involving Financial Institutions

Facts

When financial institutions are acquired in periods of high interest rates, the use of the purchase method of accounting may result in significant

effects on the reported results of operations of the combined companies. In such periods, a substantial discount is applied to the historical cost of any low-yielding mortgage loans and investments to determine their fair value at the acquisition date. The amount paid by the acquiring entity can be significantly higher than the amounts allocated to the identifiable assets acquired. Therefore, the amount of the purchase price in excess of the fair value of the tangible and identifiable intangible assets acquired which is allocated to purchased goodwill is often very significant. The discount on the loans and investments is accreted to income using the interest method to report a market yield on the acquired assets over a relatively short period based on the estimated life of the loans and investments. Goodwill has been amortized over as many as 40 years on a straight-line basis. The accretion of the discount to income over a short period, which is partially offset by the amortization on a straight-line method over longer periods of the purchase price amounts allocated to goodwill, often results in substantial positive effects on the reported results of operations in the first few years subsequent to the acquisition. The effect on the reported results of operations of such business combinations varies depending on the amount of discount applied to the loan and investment portfolios to record them at their fair values, the purchase price allocated to tangible and identifiable intangible assets and to goodwill, and the related accretion and amortization periods and methods selected. In certain filings with the Commission involving banks and savings and loan institutions where this effect has been significant, the staff has questioned whether the financial statements and pro forma results of operations properly reflected the economics of the purchase transaction.

Question 1

Are there any unique considerations in the allocation of purchase price to acquired tangible and intangible assets in the acquisition of financial institutions?

Interpretive Response

The staff believes that adequate guidance is provided by Accounting Principles Board ("APB") Opinion No. 16, "Accounting for Business Combinations," APB Opinion No. 17, "Accounting for Intangible Assets," and by Financial Accounting Standards Board ("FASB") Interpretation No. 9, "Applying APB Opinions No. 16 and 17 When a Savings and Loan Association or a Similar Institution is Acquired in a Business Combination Accounted for by the Purchase Method." [1] These accounting standards generally require that all tangible and identifiable intangible assets acquired be recorded on the basis of their fair values at the acquisition date. The cost of unidentifiable intangible assets purchased (goodwill) is measured by the total cost of the purchase less the sum of the amounts assigned to the fair value of identifiable tangible and intangible assets and less the fair value of deposits and other liabilities assumed. In practice, however, some of the principles in these standards may be difficult to apply to acquisitions of financial institutions.

Determination of the fair value of loans and other investments acquired in a business combination involving financial institutions may not be difficult since these values are computed based on a comparison of the historical interest yields of the acquired portfolios and market yields for comparable loans and investments. However, the staff's experience has been that the applicable accounting standards have not always been properly considered. Many factors may need to be evaluated in the selection of an interest rate which properly reflects a comparable market yield. The discount applied to loans and investments to attain a market yield should be accreted using the interest method. The accretion period for the loan discount should be the remaining contractual term to maturity of the portfolio adjusted for anticipated prepayments. Recent trends which indicate slower turnovers of mortgaged residential properties should be considered when determining expected prepayments. The impact of any estimated future tax effects of differences between the tax bases and the amounts otherwise assignable to any assets acquired must be considered in estimating their fair value (paragraph 89 of APB Opinion No. 16).

Determination of the values of identifiable intangible assets purchased is often considered impracticable because they are not easily quantified. As a result, the methods of applying this aspect of the standards have varied considerably in financial statements included in registrant filings. A discussion of purchased identifiable intangible assets is contained in paragraph 8 of FASB Interpretation No. 9:

> The purchase price paid for a savings and loan association may include an amount for one or more factors, such as the following:
> (a) Capacity of existing savings accounts and loan accounts to generate future income,
> (b) Capacity of existing savings accounts and loan accounts to generate additional business or new business, and
> (c) Nature of territory served.

Application of the guidance provided in FASB Interpretation No. 9 could result in values assigned to various identifiable intangible assets in commercial bank or savings and loan association acquisitions, including:

- Mortgage escrow deposits.
- Branch networks.
- Mortgage servicing rights.
- Customer base.
- Deposit relationships.
- Name in the marketplace.
- Earning capacity.

The values inherent in some of these identifiable intangibles overlap. Determination of the specific intangibles purchased, as well as the fair values thereof, has to be made based on the individual facts and circumstances. The staff recognizes that this process is often difficult and that little practical guidance exists to facilitate such valuations. However, when the purchase price is not properly allocated to all intangibles, there may be a significant effect on the reported results of operations of the consolidated entity because the amount assigned to goodwill, which has usually been amortized over long periods, could be overstated. Although the practice of allocating costs to values associated with the earnings potential of acquired deposits has gained increased acceptance, the staff believes that the allocation of purchase price to all identifiable intangible assets acquired has often not received adequate consideration in business combinations involving financial institutions.

Question 2

What is the appropriate measure of the fair value of deposit liabilities assumed in the purchase of financial institutions?

Interpretative Response

The staff believes that the standards set forth in paragraph 7 of FASB Interpretation No. 9 for valuing the deposits of a savings and loan association are appropriate for other financial institutions. The fair value of such liabilities is the present value of the amounts to be paid using prevailing interest rates for similar deposits at the

[1] Footnote 1 to FASB Interpretation No. 9 states that the Interpretation is applicable to financial institutions other than savings and loan associations which have similar types of assets and liabilities.

acquisition date. For example, the values assigned to passbook savings accounts paying interest at the maximum allowable rate would be the historical cost of the savings deposits to the acquired association plus any accrued interest. Noninterest bearing demand deposits of an acquired commercial bank would be recorded at their carrying amount. Acquired time deposits with interest rates less than the prevailing interest rate for similar time deposits would be recorded at a discount to their carrying value on an individual or on some aggregate basis and the discount would be amortized to report the prevailing interest rate on the acquired deposits. Any discount on deposits should be amortized using the interest method.

Consideration should be given to adjusting the fair value of deposits for the estimated future tax effects of differences in the tax bases and amounts otherwise assignable to the deposits, as specified in paragraph 89 of APB Opinion No. 16.

As discussed in Question 1 above, any purchased identifiable intangible assets associated with the deposits of the acquired institution should be recorded at their estimated fair values at acquisition.

Question 3

What are the appropriate amortization periods and methods for intangible assets acquired in the acquisition of financial institutions?

Interpretive Response

APB Opinion No. 17 and FASB Interpretation No. 9 provide appropriate guidance on this matter. The amortization period should be determined separately for each identifiable intangible asset acquired and for goodwill. The amortization period for identifiable intangibles may be readily determinable. However, determination of the appropriate amortization period for goodwill is more difficult and should be carefully evaluated.

The lives of identifiable intangible assets are often closely related to other assets acquired or liabilities assumed. For example, an intangible asset whose fair value is the present value of expected earnings from mortgage escrow deposits should be amortized over the estimated life of the related mortgage investments; an amortization method should be used which reflects the decreasing escrow levels resulting from expected payoffs of the mortgage loans. An intangible asset whose fair value is the present value of expected net interest margins to be earned from other purchased deposits normally should be amortized on an accelerated basis over a period which reflects the pattern of the expected runoff of the related deposits.

When identifiable intangible assets have been purchased in the acquisition of a financial institution, but their fair values are not determinable, these costs should be assigned to goodwill. Paragraph 30 of APB Opinion No. 17 requires that goodwill be amortized on a straight line basis unless it is demonstrated that an accelerated method is more appropriate. Paragraph 9 of FASB Interpretation No. 9 indicates that an accelerated method of amortization would be appropriate and may be used for goodwill when the amount assigned to goodwill includes costs for identifiable intangibles whose fair values are not determinable and the benefits expected to be received from these intangibles decline over the expected life of the factors which are the basis for those intangibles. The staff believes that such circumstances demonstrate that an accelerated method of amortization for goodwill is more appropriate than a straight line method and should be used.

Paragraph 27 of APB Opinion 17 provides factors which should be considered in estimating the useful lives of intangible assets. There are many relevant matters which should be evaluated when applying these guidelines to determine the appropriate amortization period for goodwill. Regulated depository institutions, for example, are experiencing erosions of their traditional markets because of inroads made by unregulated financial segments. Competitive pressures, the potential effects of deregulatory initiatives, and rapid technology changes in the industry create an uncertain environment which must be considered when determining the period in which goodwill benefits will exist. This uncertainty may be greater for savings and loan associations and savings banks since high interest rates have adversely affected their financial positions due to the funding costs of their fixed-rate loan portfolios.

The staff believes that the automatic selection of a 40-year amortization period for goodwill purchased in a financial institution acquisition is not appropriate. The uncertainty which results from the economic, competitive and organizational changes facing these institutions suggests that it is usually not realistic to conclude that purchased goodwill benefits have indefinite lives. In some of the financial institution filings which the staff has reviewed, the staff concluded, based on the facts and circumstances, that short amortization periods were appropriate with respect to the business combinations reflected in the filings. The allocation to goodwill of significant amounts of the purchase price, where appeared to be the result of a failure to properly identify and quantify all intangible assets purchased, was often a factor which influenced these decisions. The staff recognizes that under certain circumstances, goodwill benefits may exist beyond a short-term period. For example, in a recent discussion with a savings and loan registrant, the staff agreed that an entrance into major new market areas resulting from an acquisition provided a basis for concluding that the purchased goodwill benefits could exist beyond a short-term period. In reaching this decision, the staff was influenced by the fact that the expected financial results appeared to adequately reflect the economic realities of the transaction.

[FR Doc. 81-37247 Filed 12-30-81; 8:45 am]
BILLING CODE 8010-01-M

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17 CFR Part 240

[Release Nos. 33-6370; 34-18368]

Quarterly Reporting Requirements For Smaller Life Insurance Companies Whose Shares Are Not Actively Traded

AGENCY: Securities and Exchange Commission.

ACTION: Rule amendments.

SUMMARY: The Commission is further deferring, until 1983, the effective date of the quarterly reporting requirements for smaller life insurance companies whose shares are not actively traded. Such additional delay is necessary to allow sufficient time for the Commission to consider public comment on a proposed system of classifying small issuers for purposes of modifying certain reporting requirements under the Securities Exchange Act of 1934 and, if adopted, to implement such a classification system.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Mark R. Beatty, Office of Small Business Policy, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202) 272-2644.

SUPPLEMENTARY INFORMATION: On December 22, 1980, the Commission announced that it was deferring until 1982 quarterly financial reporting, on Form 10-Q (17 CFR 249.308a), for smaller life insurance companies whose

shares are not actively traded.[1] The Commission noted that it had published an advance notice of proposed rulemaking regarding the classification of small issuers for purposes of reducing their reporting and other obligations under the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 78a et seq.),[2] which might have a direct impact on smaller life insurance companies whose shares are not actively traded.

On October 20, 1981, the Commission published for public comment a proposed system of classification of smaller issuers that would, in effect, provide an exemption from the registration and reporting requirements of the Exchange Act for certain Smaller issuers.[3] The Commission is reviewing the public comments submitted thereon and anticipates final action on the proposal in the second quarter of calendar year 1982. In order that smaller life insurance companies who may be exempt under a classification system, if adopted, not be required to file Form 10–Q reports for a short interim period, and to provide sufficient lead time for any smaller life insurance companies who may not continue to be exempt under a classification system, the Commission is deferring the effective date of the Form 10–Q reporting requirements until 1983 for life insurance companies whose securities are not actively traded. The Commission does not anticipate that any further deferral will be necessary.

For the reasons stated above and pursuant to the Administrative Procedure Act (5 U.S.C. 551 et seq.), the Commission finds for good cause that notice and public procedure on these rule amendments are impracticable, unnecessary and contrary to the public interest and that there is good cause for making these amendments effective immediately.

[1] Securities Exchange Act Release No. 17397 (December 22, 1980) (45 FR 86422). The requirement to file Form 10–Q reports was imposed on life insurance companies and holding companies having only life insurance subsidiaries in Securities Exchange Act Release No. 12815 (September 20, 1976) (41 FR 42845) but was deferred for life insurance companies with inactively traded securities. The Commission again deferred the requirement for such companies to allow it to consider the Commission's Advisory Committee Report on Corporate Disclosure and testimony taken at the Commission's Small Business Hearings. *See* Securities Exchange Act Release No. 14003 (September 28, 1977) (42 FR 54531); Securities Exchange Act Release No. 15445 (December 28, 1978) (44 FR 1727); and Securities Exchange Act Release No. 16430 (December 19, 1979) (44 FR 76777).

[2] Securities Exchange Act Release No. 16886 (June 2, 1980) (44 FR 40145).

[3] Securities Exchange Act Release No. 18169 (October 20, 1981) (46 FR 52382).

Text of Amendments

The Commission hereby amends paragraphs (c)(1) of §§ 240.13a–13 and 15d–13 of 17 CFR Part 240 to defer the effective date specified therein as given below.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Section 240.13a–13 is amended by revising (c)(1) as follows:

§ 240.13a–13 Quarterly reports on Form 10–Q (§ 249.308a of this chapter).

* * * * *

(c) * * *

(1) Life insurance companies and holding companies having only life insurance subsidiaries for quarters in fiscal years ending on or before December 20, 1983, if they do not meet the test specified in item 12, paragraph (a)(1)(i), of § 229.20; or

* * * * *

Section 240.15d–13 is amended by revising (c)(1) as follows:

§ 240.15d–13 Quarterly reports on Form 10–Q (§ 249.308a of this chapter).

* * * * *

(c) * * *

(1) Life insurance companies and holding companies having only life insurance subsidiaries for quarters in fiscal years ending on or before December 20, 1983, if they do not meet the test specified in item 12, paragraph (a)(1)(i), of § 229.20; or

* * * * *

Authority: These amendments are adopted pursuant to authority in Sections 12, 13, 15(d) and 23(a) (15 U.S.C. 781, 78m, 78o(d) and 78w(a)) of the Securities Exchange Act of 1934.

By the Commission.

December 22, 1981.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81–37289 Filed 12–30–81; 8:45 am]

BILLING CODE 8010–01–M

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17 CFR Part 260

[Release Nos. 33–6372; 39–683]

Adoption of Final Rules Under the Trust Indenture Act of 1939

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of final rules.

SUMMARY: The Commission is adopting, after an interim period, final rules under Sections 304(a)(8) and 304(a)(9) of the Trust Indenture Act of 1939 to establish ceiling limitations on the amount of debt securities that can be totally or partially exempt from the Act at $2,000,000 and $5,000,000 respectively. The rules were adopted on an interim basis in October 1980 in response to legislative amendments of the Trust Indenture Act of 1939.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Mark Beatty or Paul A. Belvin (202/272–2644), Office of Small Business Policy, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549

SUPPLEMENTARY INFORMATION: On October 23, 1980, the Commission announced the adoption of interim rules effective until December 31, 1981, under Sections 304(a)(8) and 304(a)(9) of the Trust Indenture Act of 1939 (the "Trust Indenture Act") (15 U.S.C. 77ddd et seq.) to establish ceiling limitations at $2,000,000 and $5,000,000 respectively.[1] Sections 304(a)(8) and 304(a)(9) are the small offering exemptions under the Trust Indenture Act.

The interim rules were adopted in reponse to certain legislative amendments the substance of which was submitted to Congress by the Commission. The Commission solicited public comments on whether, and in what form, the interim rules should be adopted as final rules. No comment letters were received.

The Commission has determined to adopt the interim rules as final without modification for the reasons stated in the release adopting the rules on an interim basis.

Text of Rules

Part 260 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adopting without change as final §§ 260.4a–1 and 260.4a–2 which were added on an interim basis at 45 FR 71778, Oct. 30, 1980:

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

§ 260.4a–1 Exempted securities under section 304(a)(8).

The provisions of the Trust Indenture Act of 1939 shall not apply to any security which has been or is to be issued otherwise than under an indenture, but this exemption shall not be applied within a period of twelve consecutive months to more than

[1] Securties Act Release No. 6249; Trust Indenture Act Release No. 594 (October 23, 1980) (45 FR 71776).

$2,000,000 aggregate principal amount of any securities of the same issuer.

§ 260.4a–2 Exempted securities under section 304(a)(9).

The provisions of the Trust Indenture Act of 1939 shall not apply to any security which has been or is to be issued under an indenture which limits the aggregate principal amount of securities at any time outstanding thereunder to $5,000,000 or less, but this exemption shall not be applied within a period of thirty-six consecutive months to more than $5,000,000 aggregate principal amount of securities of the same issuer.

Authority: The Commission hereby adopts Rules 4a–1 and 4a–2 pursuant to Sections 304(a)(8) and 304(a)(9) of the Trust Indenture Act of 1939. (Sec. 302, Pub. L. 86–477; secs. 304 (a)(8), 304(a)(9), 53 Stat. 1153; (15 U.S.C. 77ddd(a)(8), 77ddd(a)(9))).

By the Commission.

Dated: December 23, 1981.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81–37286 Filed 12–30–81; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

[Docket No. R81-945]

Schedule A—Fair Market Rents for New Construction and Substantial Rehabilitation—All Market Areas

AGENCY: Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Interim rule: Notice of correct effective date.

SUMMARY: On November 25, 1981, (46 FR 57838) HUD adopted an interim rule amending the section 8 fair market rents applicable to new construction and substantial rehabilitation for all market areas with an effective date that is dependent on whether a waiver were granted on the deferred effective date requirement of Section 7(o)(3) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)). In view of the urgency of this rule the Secretary sought waiver of the deferred effective date requirement in accordance with Section 7(o)(4) of the Act. The Effective Date section of the rule recited that the rule would become effective on December 28, 1981 if the waiver were granted. A waiver has been agreed to by the Chairmen and Ranking Minority Members of the Senate Committee on Banking, Housing and Urban Affairs and the House of Representatives Committee on Banking, Finance and Urban Affairs.

DATE: Accordingly, the correct effective date for the interim rule is December 28, 1981.

FOR FURTHER INFORMATION CONTACT:

Richard Lasner, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 5218, 451 7th Street, S.W., Washington, D.C. 20410, Telephone No. (202) 755–6207. (This is not a toll-free number.)

(Secs. 7(d) and 7(o)(4), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d) and (o)(4)).

Issued at Washington, D.C., December 29, 1981.

Richard Lasner,

Assistant General Counsel for Regulations.

[FR Doc. 81–37380 Filed 12–30–81; 2:18 pm]

BILLING CODE 4210–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 5c

[T.D. 7800]

Income Tax; Special Rules for Leases Concerning Qualified Mass Commuting Vehicles and New Reporting Requirements for All Safe Harbor Leases

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary regulations relating to the special rules for leases concerning qualified mass commuting vehicles under the Economic Recovery Tax Act of 1981. The regulations provide guidance to persons executing lease agreements concerning qualified mass commuting vehicles under section 168(f)(8) of the Internal Revenue Code of 1954. These regulations also contain a new reporting requirement applicable to all leases qualifying under section 168(f)(8).

DATE: The regulations apply with respect to safe harbor leases executed and certain mass commuting vehicles placed in service after December 31, 1980.

FOR FURTHER INFORMATION CONTACT:

John A. Tolleris of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, D.C. 20224 (202–566–3294).

SUPPLEMENTARY INFORMATION:

Background

This document contains amendments to the Temporary Income Tax Regulations under the Economic Recovery Tax Act of 1981 (26 CFR Part 5c) promulgated by Treasury Decision 7791 regarding special rules for leases under section 168(f)(8) of the Internal Revenue Code of 1954, which were published in the **Federal Register** for October 23, 1981 (46 FR 51907). This amendment expands upon those temporary regulations providing rules relating to certain mass commuting vehicles treated as qualified leased property and to a new filing requirement applicable to all safe harbor leases. This amendment will remain in effect until superseded by later final regulations with respect to section 168 concerning the accelerated cost recovery system.

Explanation

This amendment clarifies the special rules for leases with respect to certain mass commuting vehicles under section 168(f)(8)(D)(iii). It establishes certain requirements that must be met by the lessee (usually a State or local governmental unit which operates the local mass transit system) and the lessor in order that the lessor may, for Federal income tax purposes, lease mass commuting vehicles, such as buses and rapid rail cars, and take cost recovery deductions with respect to them.

The lessor is allowed no investment tax credit with respect to mass commuting vehicles. There is no requirement that such vehicles be leased under section 168(f)(8) within 3 months after being placed in service. In general, those portions of vehicles whose financing is allocable to grants from Federal agencies such as the Urban Mass Transportation Administration may not be leased under section 168(f)(8).

A notice of proposed rulemaking proposing a definition of "qualified mass commuting vehicles" under section 103(b)(9) is published in the Proposed Rules section of this issue of the **Federal Register.**

This amendment also contains a new reporting requirement applicable to all leases qualifying under section 168(f)(8) and executed after December 31, 1981. Basically, the new rule provides that the lessor and lessee are required to file jointly an information return setting

forth certain specified information concerning the leasing transaction within a 30-day period after the lease is executed or the election under section 168(f)(8) will be void. A copy of this information return is also required to be attached to the Federal income tax return of the lessor and lessee. For leases executed before January 1, 1982, only the lessor is required to file the information return postmarked by January 31, 1982. Unless the lessor's failure to file is shown to be due to reasonable cause, or unless the lessee files the return postmarked by January 31, 1982, the lessor's failure to timely file is a disqualifying event which may result in a recapture of the tax benefits to the lessor.

Inapplicability of Executive Order 12291

These regulations are not major legislative regulations for purposes of Executive Order 12291 because the economic effect of these regulations flows principally from the statutory provisions upon which these regulations are based.

Drafting Information

The principal author of these regulations is John A. Tolleris of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations on matters of both substance and style.

Adoption of Amendments to the Regulations

Accordingly, the following amendments to 26 CFR Part 5c are adopted:

PART 5c—TEMPORARY INCOME TAX REGULATIONS UNDER THE ENERGY TAX ACT OF 1981

Paragraph 1. New §§ 5c.103–2 and 5c.103–3 are added. The new sections read as follows:

§ 5c.103–2 Leases and industrial development bonds.

For purposes of section 103(b)(2), the determination of whether an obligation constitutes an industrial development bond shall be made without regard to the characterization of the transaction as a lease under section 168(f)(8).

§ 5c.103–3 Leases and arbitrage.

In the case of a sale and leaseback transaction qualifying under section 168(f)(8), where the lessee's rental payments are substantially equal in timing and amount to the principal and interest payments on the lessor's note, the arbitrage provisions of section 103(c) and §§ 1.103–13, 1.103–14, and 1.103–15 shall apply to any obligations of the lessee (or party related to the lessee) without regard to the section 168(f)(8) lease transaction.

Par. 2. Section 5c.168(f)(8)–2 is amended by revising paragraph (a)(3) to read as follows:

§ 5c.168(f)(8)–2 Election to characterize transaction as a section 168(f)(8) lease.

(a) *Election.* * * *

(3) *Information return concerning the election.* (i) Except as provided in subdivision (ii), for each lease agreement, the lessor and lessee must jointly file Form 6793, Safe Harbor Lease Information Return, concerning their election under section 168(f)(8). The information return must be signed by both the lessor and the lessee and filed not later than the 30th day after the agreement is executed with the Commissioner of Internal Revenue, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attn: Form 6793). Unless the failure to file timely is shown to be due to reasonable cause, the failure to file the information return timely shall void the section 168(f)(8) election as of the date of the execution of the lease agreement. The information return shall include the following items:

(A) The name, address, and taxpayer identifying number of the lessor and the lessee (and the common parent company if a consolidated return is filed);

(B) The service center with which the income tax returns of the lessor and lessee are filed;

(C) A description of each property with respect to which the election is made;

(D) The date on which the lessee places the property in service (determined as defined in § 5c.168(f)(8)–6(b)(2)(i)), the date on which the lease begins, and the term of the lease;

(E) The recovery property class of the leased property under section 168(c)(2) (for example, 5 years) and the ADR midpoint life of the leased property;

(F) The terms of the payments between the parties to the lease transaction;

(G) Whether the ACRS deductions and the investment tax credit are allowable to the same taxpayer;

(H) The aggregate amount paid to outside parties to arrange or carry out the transaction, such as, for example, legal and investment banking fees;

(I) For the lessor only: The unadjusted basis of the property as defined in section 168(d)(1);

(J) For the lessor only: If the lessor is a partnership or a grantor trust, the name, address, and taxpayer identifying number of the partners or the beneficiaries, and the Service Center with which the income tax return of each partner or beneficiary is filed; and

(K) Such other information as may be required by the return or its instructions. The aggregate amount paid to outside parties which is described in paragraph (a)(3)(i)(H) of this section need not be disclosed unless it is reasonable to estimate that either the lessor or the lessee will lease property under section 168(f)(8) for the calendar year which has an aggregate adjusted basis to such person of more than $1,000,000. If either the lessor or the lessee reasonably expects to lease property with an aggregate basis of more than $1,000,000, then both parties must disclose their transaction costs.

(ii) In the case of an agreement executed before January 1, 1982, only the lessor is required to file the information return described in paragraph (a)(3)(i) of this section and the return must be postmarked not later than January 31, 1982. Unless the failure to file timely is shown to be due to reasonable cause, or unless the lessee files the information return postmarked by January 31, 1982, the lessor's failure to file the information return timely shall be a disqualifying event as of February 1, 1982, which shall cause an agreement to cease to be treated as a lease under section 168(f)(8). For the Federal income tax consequences of a disqualifying event, see § 5c.168(f)(8)–6.

(iii) A copy of the information return described in paragraph (a)(3) (i) and (ii) shall be filed by each party with its timely filed Federal income tax return for its taxable year during which the lease term begins. However, for taxable years ending in 1981 with respect to lease agreements executed during calendar year 1981, such statement shall be filed by the later of (A) the due date (taking extensions into account) of the party's 1981 Federal income tax return, or (B) where the filing of an amended return is required, with the amended return within 3 months following the execution of the lease agreement. For the requirement to file an amended return within 3 months and the consequences of the failure to so file, see § 5c.168(f)(8)–6(b)(2)(ii). A taxpayer that is required to file the information return with its Federal income tax return before an information return form is available shall file, in lieu of the required information return, a statement which contains the information set forth in subparagraphs (A) through (J) of

pargraph (a)(3)(i). The failure by the lessor to file the information return (or, if applicable, the statement referred to in the preceding sentence) with its timely filed Federal income tax return shall be a disqualifying event which shall cause an agreement to cease to be treated as a lease under section 168(f)(8). For the Federal income tax consequences of a disqualifying event, see § 5c.168(f)(8)–8.

* * * * *

Par. 3. Section 5c.168(f)(8)–6 is amended by revising paragraphs (a)(2)(ii) and (b)(3) to read as follows:

§ 5c.168(f)(8)–6 Qualified leased property.

(a) *Basic rules.* * * *

(2) *Sale and leaseback arrangement.* * * *

(ii) For purposes of this paragraph (a)(2) and paragraph (b)(3)(ii) of this section, transactional costs with respect to a sale and leaseback arrangement that are not currently deductible shall be allocated to the lease agreement (and not included in the lessor's adjusted basis with respect to the property) and amortized over the term of the lease. These costs include legal and investment banking fees and printing costs.

* * * * *

(b) *Special rules.* * * *

(3) *Qualified mass commuting vehicle.* (i) A qualified mass commuting vehicle as defined in section 103(b)(9) will constitute qualified leased property for purposes of section 168(f)(8)(D)(iii) and this section provided all of the following requirements are met:

(A) At least part (as, for example, 5 percent) of the financing for the purchase of such vehicle must be derived from proceeds of obligations the interest on which is excludable from income under section 103(a)(1) (whether or not such obligations are described in section 103(b)(4)(I));

(B) The vehicle must be recovery property (*i.e.*, it must have been first placed in service by the lessee after December 31, 1980); and

(C) the vehicle must not have been previously leased under a section 168(f)(8) lease by the lessee.

A qualified mass commuting vehicle that is qualified leased property may be leased under section 168(f)(8) at any time after December 31, 1980. The requirement of paragraph (b)(3)(i)(A) of this section may be satisfied where the vehicles leased under a section 168(f)(8) lease are refinanced with proceeds of an obligation the interest on which is excludable from income under section 103(a)(1).

(ii) Where the leased property is purchased, directly or indirectly, by the lessor from the lessee (or a party related to the lessee), the property will not qualify under this subsection unless the lessor's adjusted basis in the property does not exceed the adjusted basis of the lessee (or related party) at the time of the execution of the lease. The adjusted basis of property to a lessee (or related party) shall be determined under part II of subchapter O of chapter 1 of the Code for purposes of determining gain, except that the adjustment described in section 1016(a)(3) and § 1.1016–4 need not be made for property acquired during calendar year 1981 and leased no later than March 1, 1982.

(iii) In a transaction characterized as a lease under section 168(f)(8), the lessor's adjusted basis may not include that portion, if any, of the cost of the vehicle to the lessee (or related party) that is financed, directly or indirectly, with an Urban Mass Transportation Administration (UMTA) grant (excluding a grant under the interstate transfer provision of the Federal-Aid Highway Act (FAHA)), a FAHA grant, or any other Federal grant. Where a vehicle is included as part of an UMTA-funded project, 80 percent of the vehicle's cost will be deemed to be financed with an UMTA grant and 20 percent will be deemed to be financed from non-Federal sources without regard to whether the UMTA funds or the non-Federal funds are traceable to any particular vehicle included within the project. For purposes of this subparagraph and paragraph (b)(3)(ii) of this section, amounts originating from non-Federal sources which are paid or incurred with respect to leased property by a State or political subdivision of the State (or political subdivision created by the joint authorization of two or more States) shall be taken into account in computing the lessee's adjusted basis in the leased property as if the lessee had paid or incurred such amounts.

(iv) If a vehicle is purchased pending approval of an UMTA grant, the lessor's unadjusted basis in the vehicle may equal the lessee's unadjusted basis unreduced by any subsequently approved UMTA grant; however, if an UMTA grant is later approved and the vehicle is included as part of an UMTA-funded project, except as provided hereinafter in this subparagraph, the lease shall terminate with respect to an undivided 80 percent interest in the vehicle. For the Federal income tax consequences of the termination of a lease, see § 5c.168(f)(8)–8. If such a subsequently approved UMTA grant is used to purchase additional qualified mass commuting vehicles, the portion of each vehicle deemed to be allocable to non-UMTA financing (*i.e.*, 20 percent) may be leased under section 168(f)(8). If a vehicle is purchased pending approval of an UMTA grant and leased under section 168(f)(8), the lease will not be deemed to have terminated with respect to 80 percent of the vehicle when the UMTA grant is later approved if the total interest leased before the grant is approved did not exceed 20 percent of the lessee's adjusted basis in the vehicle (unadjusted basis prior to March 1, 1982) unreduced by any subsequently approved UMTA grant. For purposes of this subparagraph and paragraph (b)(3)(iii) of this section, the allocation principles applicable to UMTA grants shall apply in the case of FAHA grants except that 85 percent and 15 percent shall be substituted for 80 percent and 20 percent, respectively. Similar allocation rules shall also apply to other Federal grants used to finance the acquisition of qualified mass commuting vehicles.

(v)(A) Notwithstanding the provisions of § 5c.168(f)(8)–2(a)(3)(iii), the lessee in a transaction to which this paragraph (b)(3) applies is not required to file an information return or a statement concerning its election under section 168(f)(8).

(B) Notwithstanding the provisions of § 5c.168(f)(8)–2(a)(5), if the transfer of a qualified mass commuting vehicle is not otherwise a disqualifying event, the transferee is not required to file the statement mentioned therein.

(C) The fact that a qualified mass commuting vehicle is not section 38 property because it is used by an exempt entity will not disqualify the lease under § 5c.168(f)(8)–8(b)(4); however, a disqualifying event will occur, and the agreement will cease to be characterized as a lease under section 168(f)(8), with respect to a vehicle which (*1*) ceases to be a qualified mass commuting vehicle or (*2*) would cease to be section 38 property if used by a taxable entity as, for example, a vehicle used predominantly outside the United States. For the Federal income tax consequences of a disqualifying event, see § 5c.168(f)(8)–8.

(vi) The lessor of a qualified vehicle will not be allowed an investment tax credit with respect to it under section 38.

(vii) The application of this paragraph (b)(3) may be illustrated by the following examples:

Example (1). On July 1, 1981, a unit of city X, X Transit Authority (XTA), purchases 100 buses after receiving an UMTA grant for 80 percent of their purchase price. Fifteen percent of the purchase price is financed with a combination of State and local

governmental grants and 5 percent is financed with proceeds from an issue of tax-exempt obligations described in section 103(b)(4)(I). Because UMTA financed an 80 percent interest in the 100 buses, XTA may lease under section 168(f)(8) only a 20 percent interest in each bus. If XTA were to lease 100 percent of 20 buses, only 20 percent of such buses would be deemed to be leased under a safe harbor lease.

Example (2). The facts are the same as in example (1) except that UMTA has not yet approved XTA's application in 1981. Pending the UMTA approval, XTA purchases and places in service 20 buses in July 1981. The 20 buses are financed with tax-exempt obligations described in section 103(b)(4)(I). On December 15, 1981, XTA sells a 100 percent interest in these 20 buses to Corporation M and leases them back under a lease in which the parties elect to have the provisions of section 168(f)(8) apply. M is a calendar-year taxpayer and claims an ACRS deduction with respect to the buses on its return for taxable year 1981. On July 1, 1982, UMTA approves XTA's grant application, thus enabling XTA to purchase an additional 80 buses. Because 80 percent of the original 20 buses are deemed to have been financed by UMTA beginning on July 1, 1982, the safe harbor lease terminates with respect to an undivided 80 percent interest in the 20 buses. If XTA would be considered the owner of the buses without regard to section 168(f)(8), the termination will result in a deemed sale of an undivided 80 percent interest in the 20 buses by M to XTA. The amount realized by M on the sale will include a proportionate part of the outstanding amount of M's debt plus the sum of any other consideration received by M. M will realize gain or loss, depending upon its basis, with applicable section 1245 recapture. However, XTA may lease the 20 percent interest in the 80 new buses it purchased in 1982 which is deemed to have been financed with non-Federal funds.

Example (3). The facts are the same as in example (2) except that the grant approved by UMTA is used to purchase and renovate a bus garage facility. Eighty percent of the original 20 buses are deemed to have been financed by UMTA beginning on July 1, 1982. The lease would still terminate with respect to an undivided 80 percent interest in the vehicles. XTA cannot lease the garage facility under 168(f)(8) because it does not constitute a qualified mass commuting vehicle.

Example (4). The facts are the same as in example (2) except that on December 15, 1981, XTA sells and leases back only a 20 percent interest in the 20 buses acquired in July 1981. When the UMTA grant is later approved, the lease will not terminate with respect to any portion of the 20 buses. In addition, XTA may lease the 20 percent interest in the 80 new buses purchased in 1982 and deemed to have been financed with non-Federal funds.

Example (5). On August 1, 1982, UMTA approves a grant for a major 5-year capital expenditure program to improve city Y's rapid rail transit system. None of the funds relating to this UMTA-funded project, provided either by UMTA or by city Y, will be used to purchase qualified mass commuting vehicles. Instead, a number of rapid rail cars and buses will be purchased entirely with funds provided with a combination of grants by the State and city governments and of proceeds from an issue of tax-exempt obligations described in section 103(a). Because none of the rapid rail cars and buses are included as part of the UMTA-funded project, no part of them is deemed to be financed by UMTA. If at least 5 percent of the cost of the qualified mass commuting vehicles is provided by tax exempt obligations under section 103(a), the vehicles will be qualified leased property in their entirety.

Example (6). City Z has a mass transit agency (ZTA) which purchases on July 1, 1982, 10 buses for which it pays $1,000,000, 95 percent of which is derived from grants from city Z and 5 percent from tax exempt obligations described in section 103(a). The buses have a useful life within the meaning of § 1.167(a)–1(b) of 10 years and their salvage value is zero. On July 1, 1983, ZTA sells these buses to corporation P and leases them back in a transaction which the parties elect to have treated as a lease under section 168(f)(8). At the time of the sale and leaseback, ZTA's adjusted basis in the 10 buses under section 1016(a)(3) and § 1.1016–4 is $900,000 ($1,000,000 cost less $100,000 of depreciation sustained, computed on a stright-line basis). Before the transaction will qualify under section 168(f)(8) and § 5c.168(f)(8)–6(b)(3)(ii), P's adjusted basis in the vehicles may not exceed ZTA's basis, or [redacted].

Assuming that the transaction qualifies under section 168(f)(8) and that corporation P is a calendar year taxpayer, P may claim ACRS deductions for 1982 of $135,000 (15 percent of $900,000).

Example (7). The facts are the same as in example (6) except that the sale and leaseback transaction is closed on December 31, 1982. P's adjusted basis in the vehicles may not exceed ZTA's basis, or $950,000 ($1,000,000 cost less $50,000 of depreciation sustained, computed on a straight-line basis).

Example (8). The facts are the same as in example (6) except that ZTA purchases the buses on June 1, 1981, and enters into the sale and leaseback transaction with corporation P on December 31, 1981. Under § 5c.168(f)(8)–6(b)(3)(ii), no adjustment is made to ZTA's basis in the buses for depreciation sustained. Therefore, P's basis in the buses may equal ZTA's cost of $1,000,000.

Example (9). On July 1, 1981, a unit of city W, W Transit Authority (WTA), purchases 100 buses with local grants derived entirely from a city W sales tax. The buses do not constitute qualified leased property under 5c.168(f)(8)–6 (b) (3) because no part of the financing for their purchase was derived from the proceeds of tax exempt obligations.

Example (10). The facts are the same as in example (9) except that on November 1, 1981, WTA borrows 5 percent of the cost of the buses and pledges them as security. The interest on WTA's obligation is excludable from income under section 103(a)(1). On December 31, 1981, WTA sells to T Corp. all 100 buses and leases them back. Under § 5c.168(f)(8)–6(b)(3)(i), each bus is deemed to be financed with the proceeds of tax exempt obligations. Therefore, if the vehicles otherwise meet the definition of qualified leased property, all the vehicles will be qualified leased property under this section.

* * * * *

Par. 4. Section 5c.168(f)(8)–6 (b) is amended by revising subparagraph (2) and by adding new subparagraphs (13) and (14). The revised and added provisions read as follows:

§ 5c.168(f)(8)–6 Loss of section 168(f)(8) protection; recapture.

* * * * *

(b) *Events which cause an agreement to cease to be characterized as a lease.*

* * *

(2) The failure by the lessor to file a copy of the information return (or applicable statement) with its income tax return as required in § 5c.168 (f) (8)–2 (a)(3)(iii). * * *

* * * * *

(13) The property is leased under the provisions of section 168(f)(8)(D)(iii) and § 5c.168(f)(8)–6(b)(3) and ceases to be a qualified mass commuting vehicle.

(14) The failure by the lessor to file the required information return described in § 5c.168(f)(8)–2 (a)(3)(ii) by January 31, 1982, unless the lessee files such return by January 31, 1982.

* * * * *

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Secs. 168(f)(8)(G) and 7805, Internal Revenue Code of 1954 (95 Stat. 216, 26 U.S.C. 168(f)(8)(G); and 68A Stat. 917, 26 U.S.C. 7805))

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: December 28, 1981.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 81-37276 Filed 12-28-81; 5:03 pm]

BILLING CODE 4830-01-M

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

28 CFR Part 31

Implementation of Formula Grants Program for Juvenile Justice

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Notice of final regulations.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is publishing final regulations for the implementation of the formula grant program authorized by Part B, Subpart I, of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, as amended. Formula grants are authorized to States which in turn make subgrants for use by State and local public and private agencies in carrying out juvenile justice and delinquency, improvement programs.

DATE: These regulations are effective December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Frank M. Porpotage, II, Formula Grants and Technical Assistance Division, 633 Indiana Avenue, NW., Room 742, Washington, D.C. 20531. Telephone: (202) 724–5911.

SUPPLEMENTARY INFORMATION: Draft regulations were originally published in the **Federal Register** on June 1, 1981 for public comment. Substantive changes were recommended and the draft regulations were again published for public comment on September 3, 1981. Written comments from some 66 national, regional, and local organizations were received. All comments have been considered by the OJJDP in this publication. These regulations, with the exception of § 31.303(i)(3), Valid Court Order, are final.

Discussion of Comments

Several respondents commented favorably upon the streamlining of the formula grant application requirements, an effort to simplify program administration.

The following is a summary of substantive comments and the response of the OJJDP:

1. *Comment:* The serious and violent juvenile offender emphasis of § 31.303(e) indicates that States should allocate a minimum of 30% of their formula grant funds to programs designed for these populations. Is this allocation mandatory?

Response: No. This provision in the regulations was designed to *encourage* States to address the problem of serious and violent crimes committed by juveniles. This is a major concern to the Congress, as reflected in the 1980 Amendments to the JJDP Act, and to the American public. The wording of this section attempts to focus State attention on a careful consideration of the need to allocate additional resources to this area of programming.

2. *Comment:* The serious and violent juvenile offender emphasis of § 31.303(e) should be redrafted to clarify that serious crime includes property crime. States have varying problems with juvenile violence and property crime and should be free to determine which to emphasize in programming.

Response: Agreed. A modification has been made in § 31.303(e) which serves to clarify this point.

3. *Comment:* The emphasis on serious and violent crime is inconsistent with the 66⅔% pass through to local government requirement of Section 223(a)(5) of the Act because programs for this segment of the juvenile offender population are generally organized at the State level.

Response: OJJDP will consider a waiver request from States where rehabilitation or other services for juveniles who commit serious and violent crimes are organized at the State level and to the extent justified by an increased State emphasis on this priority problem.

4. *Comment:* Specific reference to additional program areas, i.e., Project New Pride or Restitution, should be added to the serious and violent juvenile crime emphasis of the regulations.

Response: In drafting this section, OJJDP simply used the language of the legislation. Additional language specifying program options would be superfluous because States are free to select those program options which they determine have the best likelihood of success.

5. *Comment:* The jail removal requirement, Section 223(a)(14) of the JJDP Act, specifies two separate and distinct "exceptional circumstances" which are not reflected in the draft regulations.

Response: The regulations reflect the intent of the law. As Congressman Ike Andrews, Chairman of the House Subcommittee on Human Resources, stated in a letter to OJJDP on February 17, 1981, "You are completely correct that the exception language is intended to establish a single exception applying only to low population density areas. Only in such areas would the temporary detention in adult facilities of juveniles accused of serious crimes against persons be permitted should no acceptable alternative be available."

6. *Comment:* Will States be permitted, for the purpose of monitoring the Section 223(a)(14) jail removal requirement, a "grace period" in which a juvenile temporarily detained in an adult jail or lockup need not be reported as a monotoring violation? This would be similar to the 24-hour "grace period" currently permitted with respect to the Section 223(a)(12)(A) deinstitutionalization mandate.

Response: It is Congress' finding that juvenile offenders and nonoffenders should not be placed in an adult jail or lockup for any period of time. However, for the purpose of monitoring and reporting compliance with the jail removal requirement, the House Committee on Education and Labor stated, in its Committee Report on the 1980 Amendments, that it would be permissible for OJJDP to permit States to exclude, for monitoring purposes, those juveniles alleged to have committed an act which would be a crime if committed by an adult (criminal-type offenders) and who are held in an adult jail or lockup for *up to six hours*. This six-hour period would be limited to the temporary holding in an adult jail or lockup by police for the purpose of identification, processing, and transfer to juvenile court officials or to juvenile shelter or detention facilities. Any such holding of a juvenile criminal-type offender should be limited to the absolute minimum time necessary to complete this action, not to exceed six hours, but in no case overnight. Even where such a temporary holding is permitted, the Section 223(a)(13) separation requirement would operate to prohibit the accused juvenile criminal-type offender from being in sight or sound contact with an adult offender during this brief holding period. Under no circumstances does the allowance of a six hour "grace period" applicable to juvenile criminal-type offenders permit a juvenile status offender or nonoffender be detained, even temporarily, in an adult jail or lockup under Section 223(a)(14). In monitoring for compliance with Section 223(a)(14), the regulations require States to report the number of juvenile criminal-type offenders held in adult jails and lockups *in excess of six hours* (see § 31.303(i)(5)(iv)(G) and (H)).

7. *Comment:* The 48-hour limit on holding juveniles in adult jails or lockups under the Section 223(a)(14) "removal exception" is not sufficient to cover periods when court is not in session, such as weekends.

Response: Because this exception permits temporary incarceration in jails and lockups of juveniles *accused* of a serious crime against persons, a maximum 48-hour period is considered by OJJDP to be the outside limit and is intended to take into account weekends and other circumstances that would preclude the immediate transfer to an appropriate juvenile facility.

8. *Comment:* The guideline governing the "removal exception" to Section 223(a)(14), as promulgated in the draft regulations, § 31.303(i)(4), allows each

State to set specific criteria for determining "areas characterized by low population density" and to determine that "no alternative placement is available." These criteria should be established by OJJDP so that the criteria and standards are uniform for all States and can be reviewed by the public through the review and comment process of the **Federal Register.**

Response: The narrow "removal exception" of the law was designed to reflect "the special needs of areas characterized by low population density." OJJDP, in its rulemaking role, reviewed a number of possible criteria that could be imposed on States in defining the exception. However, we concluded that it was not feasible to establish uniform criteria applicable to all States that would be both fair and rational. OJJDP believes that the individual States are in a better position to determine the unique circumstances that warrant, subject to OJJDP's review and approval, the specific criteria to be applied in the States to implement the "removal exception" to the Section 223(a)(14) jail removal provision.

9. *Comment:* The regulations should define the term "not served by a local or regional juvenile detention facility" as used in the Section 223(a)(14) "removal exception."

Response: Agreed. A general definition of the term has now been added to regulations at § 31.303(i)(4)(iv). The definition provides that a county is not served by a local or regional juvenile detention facility when "there is no public or private juvenile detention facility operated within the county or there is no public or private juvenile facility which is in operation to provide secure detention for accused juvenile offenders from that county."

10 *Comment:* The 1980 Amendments to the JJDP Act allow an alternative State agency, other than the State Criminal Justice Council, to be designated by the Governor as the responsible agency to supervise the administration of the State's formula grant program. Any such designation is subject to approval by the OJJDP Administrator. One commentator recommended that operating agencies be specifically excluded from consideration as an acceptable alternative State agency.

Response: OJJDP is aware of the potential problems with having an operating agency serving as the administering agency for the formula grant program. The Fiscal Year 1982 Application Kit addresses this issue, requiring that in any instance where the Governor requests approval for the designation of an operating agency as the alternative State agency, it must be clearly demonstrated that the agency's supervisory board will have full policymaking authority *and* will be independent of the administrative structure of the operating agency.

11. *Comment:* The definition of "secure" as used in the terms "secure detention facility" and "secure correctional facility" has been substantially changed by removing the use of "staff security measures" in addition to other architectural means for restricting the movements and activities of residents. This change is not warranted.

Response: The change noted in the draft regulations (§ 31.304(b)) reflects the revised definitions of "secure detention facility" and "secure correctional facility" in Section 103(12) and (13) of the Act, as amended.

12. *Comment:* One third of the required 66⅔% pass through of funds to local government, § 31.301(b), should be required to be allocated to private nonprofit agencies.

Response: Such a requirement is beyond the authority of OJJDP as there is no statutory basis to support such a rule.

13. *Comment:* Because recent research has shown that there exists differential handling of minority youth in the juvenile justice system, it is recommended that a percentage of funds be set aside to further research this phenomenon and to generate specific proposals that may reduce the flow of minorities into the system.

Response: While OJJDP is aware of these research findings, the formula grant program is not the appropriate place for OJJDP to address funding for this purpose. Within the past six months, the National Institute for Juvenile Justice and Delinquency Prevention, the research arm of OJJDP, has awarded three research grants which address different aspects of this issue. It is expected that this research will provide the kinds of basic information needed to reduce the differential penetration of minority youth into the system.

Valid Court Order

There was substantial comment on and criticism of the revised valid court order guideline (§ 31.303(i)(3)). Fifteen of the commentators voiced the opinion that the revised provision failed to correctly reflect the Congressional intent underlying the valid court order amendment to Section 223(a)(12)(A) of the Juvenile Justice Act. These commentators generally favored retention of the initial implementing guideline published for comment in the **Federal Register** on June 1, 1981 (46 FR 29438, § 31.703(h)(3), at 29443). Specifically, they called for reinstatement of the following features of that guideline:

(1) *No secure detention under any circumstance* of a juvenile status offender or nonoffender *alleged* to have violated a valid court order;

(2) Reinstate the requirement that the judge presiding over the violation hearing, in entering a dispositional order directing or authorizing placement in a secure facility, *certify on the record* (rather than determine) *that all the elements of a valid court order have been met;* and

(3) Reinstate the requirement that the judge in (2) above also certify on the record (rather than make no certification or determination) that *there is no rational alternative to incarceration of the juvenile.*

In addition, a variety of suggestions were offered by commentators seeking to increase or clarify the protections afforded to juvenile status offenders and nonoffenders who may be subject to incarceration as a result of a court order violation. These suggestions are as follows:

(1) For a court order to be deemed valid the juvenile status offender or nonoffender should have had the *right to counsel* at the initial adjudication or other court proceeding in which the court order regulating future conduct was entered;

(2) For a court order to be deemed valid, the juvenile status offender or nonoffender should have received the *full range of due process rights* listed in § 31.303(i)(3)(v)(A)–(H) at the initial adjudication or other court proceeding in which the court order regulating future conduct was entered;

(3) The warning to the juvenile of the consequences of violating the court order (§ 31.303(i)(3)(iii)) should be provided to the juvenile *and to his attorney and/or to his parents or guardian;*

(4) The warning referenced in (3) above should be in writing *and* (rather than "or") be reflected in the court record and proceedings;

(5) The term "court of competent jurisdiction" (§ 31.303(i)(3)(iv)) should be defined so that a juvenile would only be subject to valid court order violation proceedings before the *same judge* in the *same court* in which the order was entered;

(6) The "24-hour grace period" referenced in § 31.303(i)(3)(iv) should clearly specify that this means 24 hours *exclusive of nonjudicial days* (i.e.,

holidays and weekends) consistent with OJJDP monitoring policy;

(7) The guideline should require that any judicial *determination of probable cause,* used as a basis for detaining a juvenile pending a violation hearing, must be held *within the 24-hour grace period;*

(8) There should be no *provision for a probable cause hearing.* Rather, the guideline should require that the violation hearing be held within the 24-hour grace period or the juvenile released to an appropriate nonsecure placement pending the violation hearing;

(9) A juvenile held in a secure detention facility, after a probable cause hearing pending a violation hearing, should be held for the minimum time necessary to schedule and hold a violation hearing, but in no event longer than:

(a) *3 calendar days;* or

(b) *72 hours;* or

(c) *72 hours exclusive of nonjudicial days;* or

(d) *5 calendar days;* or

(e) *10 calendar days or the number of days that an alleged delinquent offender* may be held under State law in secure detention prior to an adjudicatory hearing, whichever is less;

(10) Where a judicial determination is made that there is probable cause to believe that a status offender or nonoffender violated a valid court order, placement in a secure detention facility pending a violation hearing should require, at a minimum, a judicial finding that:

(a) There is a *probability that the juvenile will not appear for further proceedings;* or

(b) The *juvenile poses a danger to self or to community safety;*

(11) The authority to hold a juvenile status offender or nonoffender in a "secure detention facility" or a "secure correctional facility" should specify that such facilities include only those which are *exclusively for juvenile offenders;*

(12) The full due process rights enumerated in § 31.303(i)(3)(v) should include a *standard of proof beyond a reasonable doubt;* and

(13) OJJDP should establish *maximum numbers of juvenile status offenders and nonoffenders* who can be held for valid court order violations and establish a *maximum length of secure incarceration* for juveniles who violate valid court orders.

A lesser number of respondents believed that the guideline, rather than failing to provide adequate due process protection to juveniles, failed to provide sufficient judicial flexibility, offering the following suggestions to increase judicial discretion:

(1) The determination of probable cause to believe a juvenile status offender or nonoffender violated a valid court order should be made by a judge *or any duly authorized officer of the court acting on behalf of the judge;* and

(2) OJJDP should *defer to State law* in determining the maximum length of time a status offender or nonoffender alleged to have violated a valid court order may be held in secure detention pending a violation hearing.

As can be seen, there is a wide divergence of views on valid court order amendment implementation. This stems in part from a legislative history that is inconclusive on certain points, differences in various State laws, policies and practices, and the complex legal issues that underlie the treatment of juvenile status offenders and nonoffenders who violate valid court orders. It is OJJDP's conclusion that publication of a final regulation governing implementation of the valid court order amendment at this time, given the expressed concerns and information available, would not further the proper implementation of the amendment.

Consequently, OJJDP believes that further exploration and consideration of the issues raised above (and other relevant valid court order considerations) are desirable before a final rule is promulgated. Therefore, OJJDP plans to schedule at least two hearings to receive oral testimony and to give interested parties the opportunity to submit further written input on valid court order implementation. A notice will be placed in the **Federal Register** regarding the date and time for such hearings and providing for the receipt of written submissions. OJJDP anticipates that this notice will be published within 30 days. The notice will explain the rationale of the various positions and options presented in response to the **Federal Register** drafts. OJJDP's primary objective is to fully implement the congressional intent, considering the input and experience of practitioners, and to provide for a workable regulation that does not create unrealistic policies, and does not, by implication, undermine State procedural law.

OJJDP will reserve § 31.303(i)(3) of the final regulations. Pending the publication of a final regulation, States should continue to follow applicable State law and Constitutional principles of due process in their implementation and monitoring of the valid court order amendment. OJJDP urges States not to consider modification of existing State law or policy regarding the secure incarceration of juvenile status and nonoffenders who violate the lawful orders of the court until a final regulation is published.

This annoucement does not constitute a "major" rule as defined by Executive Order 12291 because it does not result in: (a) An effect on the economy of $100 million or more; (b) a major increase in any costs of prices; or (c) adverse effects on competition, employment, investment, productivity, or innovation among American enterprises.

Finally, because this regulation will not have significant economic impact on a substantial number of small entities, no analyses of the impact of these rules on such entities is required by the Regulatory Flexibility Act, U.S.C. 601, et seq., 28 CFR part 31 is accordingly revised to read as follows:

PART 31—FORMULA GRANTS

Subpart A—General Provisions

Sec.

31.1 General.
31.2 Statutory authority.
31.3 Submission date.

Subpart B—Eligible Applicants

31.100 Eligibility.
31.101 Establishment of State Criminal Justice Council.
31.102 Membership.

Subpart C—General

31.200 General.
31.201 Audit.
31.202 Civil rights.
31.203 Open meetings and public access to records.

Subpart D—Juvenile Justice Act Requirements

31.300 General.
31.301 Funding.
31.302 Applicant State Agency.
31.303 Substantive requirements.
31.304 Definitions.

Subpart E—General Conditions and Assurances

31.400 Compliance with statute.
31.401 Compliance with other Federal laws, orders, circulars.
31.402 Application on file.
31.403 Non-discrimination.

Authority: Juvenile Justice and Delinquency Prevention Act of 1974, as amended, (42 U.S.C. 5601 et seq.)

Subpart A—General Provisions

§ 31.1 General.

This Part defines eligibility and sets forth requirements for application for and administration of formula grants to State governments authorized by Part B, Subpart I, of the Juvenile Justice and Delinquency Prevention Act.

§ 31.2 Statutory authority.

The statute establishing the Office of Juvenile Justice and Delinquency Prevention and giving authority to make grants for juvenile justice and delinquency prevention improvement programs is the *Junvenile Justice and Delinquency Prevention Act of 1974,* as amended (42 U.S.C. 5601 et seq.).

§ 31.3 Submission date.

Juvenile Justice Plans for Fiscal Year 1982 shall be submitted to the OJJDP within 60 days after States are notified of fiscal year 1982 Formula Grant allocations.

Subpart B—Eligible Applicants

§ 31.100 Eligibility.

All States as defined by Section 103(7) of the JJDP Act.

§ 31.101 Establishment of State Criminal Justice Council.

Each state which chooses to apply for a formula grant shall establish or designate by law a State Criminal Justice Council unless an alternative State agency is designated by the Chief Executive and approved by the OJJDP Administrator pursuant to Section 261(c) of the JJDP Act. States must assure they have available for review a copy of the State law establishing the Council, and a current list of Council membership.

§ 31.102 Membership of Council.

Pursuant to Section 1301(i) of the Justice System Improvement Act (JSIA) of 1979, States participating in the formula grant program of the Juvenile Justice and Delinquency Prevention Act, in addition to statutory membership requirements, must include on the State Criminal Justice Council the chairperson and at least two additional citizen members of that Act. For purposes of this requirement a citizen member is defined as any person who is not a full-time government employee or elected official. Any executive committee of the Council must include the same proportion of juvenile justice advisory group members as are included in the total Council membership.

Subpart C—General Requirements

§ 31.200 General.

This subpart sets forth general requirements applicable to formula grant recipients under the JJDP Act of 1974, as amended. Applicants must assure compliance or submit necessary information on these requirements.

§ 31.201 Audit.

The State must assure that it adheres to the audit requirements enumerated in the "Financial and Administrative Guide for Grants" OJARS Guideline Manual 7100.1B, October 20, 1980. Chapter 8 of the Manual contains a comprehensive statement of audit policies and requirements relative to grantees and subgrantees.

§ 31.202 Civil rights.

(a) To carry out the State's Federal civil rights responsibilities the plan must:

(1) Designate a civil rights contact person who has lead responsibility in insuring that all applicable civil rights requirements, assurances, and conditions are met and who shall act as liaison in all civil rights matters with OJJDP and the OJARS' Office of Civil Rights Compliance (OCRC).

(2) Contain the Council's Equal Employment Opportunity Program (EEOP), if required to maintain one under 28 CFR 42.301, et seq., where the application is for $500,000 or more.

(b) The application must provide assurance that the State will:

(1) Require that every applicant required to formulate an EEOP in accordance with 28 CFR 42.301 et seq., submit a certification to the State that it has a current EEOP on file, which meets the requirement therein.

(2) Require that every criminal or juvenile justice agency applying for a grant of $500,000 or more submit a copy of its EEOP (if required to maintain one under 28 CFR 42.301, et seq.) to OCRC at the time it submits its application to the State;

(3) Inform the public and subgrantees of affected persons' rights to file a complaint of discrimination with OCRC for investigation;

(4) Cooperate with OCRC during compliance reviews of recipients located within the State; and

(5) Comply, and that its subgrantees and contractors will comply with the requirement that, in the event that a Federal or State court or administration agency makes a finding of discrimination on the basis of race, color, religion, national origin, or sex (after a due process hearing) against a State or a subgrantee or contractor, the affected recipient or contractor will forward a copy of the finding to OCRC.

§ 31.203 Open meetings and public access to records.

The State must assure that it will comply with the requirements of Section 402(c)(2) of the Justice System Improvement Act.

Subpart D—Juvenile Justice Act Requirements

§ 31.300 General.

This subpart set forth specific JJDP Act requirements for application and receipt of formula grants.

§ 31.301 Funding.

(a) *Allocation to States.* Each State receives a base allotment of $225,000 except for the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands and the Commonwealth of the Northern Mariana Islands where the base amount is $56,250. Funds are allocated among the States on the basis of relative population under 18 years of age,

(b) *Funds for Local Use.* At least two-thirds of the formula grant allocation to the State must be used for programs by local government, or local private agencies unless the State applies for and is granted a waiver by the Office of Juvenile Justice and Delinquency Prevention.

(c) *Match.* Formula grants under the JJDP Act shall be 100% of approved costs, with the exception of planning and administration funds, which require a 100% cash match (dollar for dollar), and construction projects funded under Section 227(a)(2) which require a 50% cash match.

(d) *Funds for Administration.* Not more than 7.5% of the total annual formula grant award may be utilized to develop the annual juvenile justice plan and pay for administrative expenses, including project monitoring evaluation. These funds are to be matched on a dollar for dollar basis. The State shall make available needed funds for planning and administration to units of local government or combinations on an equitable basis. Each annual application must identify uses of such funds.

§ 31.302 Applicant State Agency.

(a) Pursuant to Section 223(a)(2) and Section 261(c) of the JJDP Act, the State assures that a State Criminal Justice Council or other State agency approved under Section 261(c) has been designated as the sole agency for supervising the preparation and administration of the plan and has the authority to implement the plan.

(b) The Chief Executive shall establish a Juvenile Advisory Group pursuant to Section 223(a)(3) of the JJDP Act. The State shall provide a list of all current advisory group members, indicating their respective dates of appointment and how each member meets the membership requirements specified in this Section of the Act.

(c) The State shall assure that it complies with the Advisory Group Financial support requirement of Section 222(d) and the composition and function requirements of Section 223(a)(3) of the JJDP Act.

§ 31.303 Substantive requirements.

(a) *Consultation with and Participation of Units of General Local Government.* The State shall assure that it has complied with Sections 223(a) (4) and (6) of the Act.

(b) *Participation of Private Agencies.* The State shall assure that it has complied with Section 223(a)(9) of the Act.

(c) *Pass-Through Requirement.* The State shall assure that it complies with Section 223(a)(5) of the Act. For purposes of the pass-through requirement, a *local private agency* is defined as a private non-profit agency or organization that provides program services within an identifiable unit or a combination of units of general local government.

(d) *Rights of Privacy of Recipients of Services.* Pursuant to Sections 223(a)(17) and 229 of the JJDP Act, the State shall assure that it has established procedures to meet this requirement.

(e) *Serious Juvenile Offender Emphasis.* Pursuant to Sections 101(a)(8), 223(a)(10) and 224(a)(12) of the JJDP Act, the Office encourages States that have identified serious and violent juvenile offenders as a priority problem, to allocate a minimum of 30% of the formula grant award to programs designed for serious and violent juvenile offenders. Particular attention should be given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation. In accord with Administration policy direction, the Office will attempt to assist States to reach this goal.

(f) *Deinstitutionalization of Status Offenders and Non-Offenders.* Pursuant to Section 223(a)(12)(A) of the JJDP Act, the State shall:

(1) Describe its plan, procedure, and timetable covering the three-year planning cycle, for assuring that the requirements of this section are met. Refer to § 31.303(i)(3) for the rules related to the valid court order exception to this Act requirement.

(2) Describe the barriers the State faces in achieving full compliance with the provisions of this requirement.

(3) For those States that have achieved "substantial compliance" as outlined in Section 223(c) of the Act, indicate the unequivocal commitment to achieving full compliance. Attach documentation.

(4) Those States which, based upon the most recently submitted monitoring report, have been found to be in full compliance with Section 223(a)(12)(A) may, in lieu of addressing paragraphs (f)(1), (2), and (3) of this section, provide an assurance that adequate plans and resources are available to maintain full compliance.

(5) Submit the report required under Section 223(a)(12)(B) of the Act as part of the annual monitoring report required by Section 223(a)(15) of the Act.

(g) *Contact with Incarcerated Adults.* (1) Pursuant to Section 223(a)(13) of the JJDP Act the State shall:

(i) Describe its plan and procedure, covering the three-year planning cycle, for assuring that the requirements of this section are met. The term *regular contact* is defined as sight and sound contact with incarcerated adults, including inmate trustees. This prohibition seeks as complete a separation as possible and permits no more than haphazard or accidental contact between juveniles and incarcerated adults. In addition, include a timetable for compliance and justify any deviation from a previously approved timetable.

(ii) In those isolated instances where juvenile criminal-type offenders remain confined in adult facilities or facilities in which adults are confined, the State must set forth the procedures for assuring no regular sight and sound contact between such juveniles and adults.

(iii) Describe the barriers which may hinder the separation of alleged or adjudicated criminal-type offenders, status offenders and non-offenders from incarcerated adults in any particular jail, lockup, detention or correctional facility.

(iv) Those States which, based upon the most recently submitted monitoring report, have been found to be in compliance with Section 223(a)(13) may, in lieu of addressing paragraphs (g)(1)(i), (ii), and (iii) of this section, provide an assurance that adequate plans and resources are available to maintain compliance.

(v) Assure that adjudicated offenders are not reclassified administratively and transferred to an adult (criminal) correctional authority to avoid the intent of segregating adults and juveniles in correctional facilities. This does not prohibit or restrict waiver of juveniles to criminal court for prosecution, according to State law. It does, however, preclude a State from administratively transferring a juvenile offender to an adult correctional authority or a transfer within a mixed juvenile and adult facility for placement with adult criminals either before or after a juvenile reaches the statutory age of majority. It also precludes a State from transferring adult offenders to a juvenile correctional authority for placement.

(2) *Implementation.* The requirement of this provision is to be planned and implemented immediately by each state in light of identified constraints on immediate implementation. Immediate compliance is required where no constraints exist. Where constraints exist, the designated date of compliance in the latest approved plan is the compliance deadline. Those states not in compliance must show annual progress toward achieving compliance until compliance is reached.

(h) *Removal of Juveniles from Adult Jails and Lock-ups.* Pursuant to Section 223(a)(14) of the JJDP Act, the State shall:

(1) Describe its plan, procedure, and timetable for assuring that requirements of this section will be met by December 8, 1985. Refer to § 31.303(i)(4) to determine the "exceptional circumstances" which have to exist to permit, in areas characterized by low population density with respect to the detention of juveniles and where no existing acceptable alternative placement is available, the temporary detention of juveniles accused of serious crimes against persons.

(2) Describe the barriers which the State faces in removing all juveniles from adult jails and lock-ups. This requirement excepts only those juveniles formally waived or transferred to criminal court and criminal charges have been filed, or juveniles over whom a criminal court has original or concurrent jurisdiction and such court's jurisdiction has been involved through the filing of criminal charges.

(3) For those States that have achieved "substantial compliance" with Section 223(a)(14) as specified in Section 223(c) of the Act, indicate the unequivocal commitment to achieving full compliance. Attach documentation.

(4) Those States which, based upon the most recently submitted monitoring report, have been found to be in full compliance with Section 223(a)(14) may, in lieu of addressing paragraphs (b)(1), (2), and (3) of this section, provide an assurance that adequate plans and resources are available to maintain full compliance.

(i) *Monitoring of Jails, Detention Facilities and Correctional Facilities.* (1) Pursuant to Section 223(a)(15) of the JJDP Act, and except as provided by paragraph (i)(7) of this section, the State shall:

(i) Indicate how it will annually identify and survey all secure detention or correctional facilities, jails, lock-ups, and other facilities usable for the detention and confinement of juveniles.

(ii) Provide a plan for an annual on-site inspection of all such facilities identified in paragraph (i)(1)(i) of this section. Such plan shall include a procedure for reporting and investigating compliance complaints in accordance with Section 223(a)(12)(A), (13), and (14).

(iii) Include a description of the barriers which the State faces in developing a monitoring system to establish and report the level of compliance with Sections 223(a)(12), (13), and (14).

(2) For the purpose of monitoring for compliance with Section 223(a)(12)(A) of the Act a secure detention or correctional facility is:

(i) Any secure public or private facility used for the lawful custody of *accused* or adjudicated juvenile offenders or non-offenders; or

(ii) Any secure public or private facility, which is also used for the lawful custody of accused or convicted adult criminal offenders.

(3) *Valid Court Order* [Reserved].

(4) *Removal Exception (Section 223(a)(14))*. The following conditions must be met in order for an accused juvenile criminal-type offender to be temporarily detained (for up to 48 hours) in an adult jail or lock-up:

(i) The geographic area which has jurisdiction over the juvenile has been certified as having a low population density, based upon specific criteria developed by the State and approved by OJJDP. The criteria developed must take into account total county population per square mile. The State must provide rationale for the criteria proposed.

(ii) The juvenile must be accused of a serious crime against persons to include: Criminal homicide, forcible rape, mayhem, kidnapping, aggravated assault, robbery, and extortion accompanied by threats of violence.

(iii) A determination must be made that there is no existing acceptable alternative placement available for the juvenile pursuant to criteria developed by the State and approved by OJJDP.

(iv) The county is not served by a local or regional juvenile detention facility. Generally, this phrase means that there is no public or private juvenile detention facility operated within the county or there is no public or private juvenile facility which is in operation to provide secure detention for accused juvenile offenders from that county.

(5) *Reporting Requirement*. The State shall report annually to the Administrator of OJJDP on the results of monitoring for Sections 223(a)(12), (13), and (14) of the JJDP Act. Three copies of the report shall be submitted to the Administrator of OJJDP no later than December 31 of each year.

(i) To demonstrate the extent of compliance with Section 223(a)(12)(A) of the JJDP Act, the report must at least include the following information for both the baseline and the current reporting periods.

(A) Dates of baseline and current reporting period.

(B) Total number of public and private juvenile detention and correctional facilities AND the number inspected on-site.

(C) Total number of accused status offenders and non-offenders held in any secure detention or correctional facility as defined in § 31.303(i)(2) for longer than 24 hours exclusive of non-judicial days, excluding those held pursuant to a judicial determination that the juvenile violated a valid court order.

(D) Total number of adjudicated status offenders and non-offenders held in any secure detention or correctional facility as defined in § 31.303(i)(2), excluding those held pursuant to a judicial determination that the juvenile violated a valid court order.

(E) Total number of status offenders held in any secure detention or correctional facilities pursuant to a judicial determination that the juvenile violated a valid court order.

(ii) To demonstrate the extent to which the provisions of Section 223(a)(12)(B) of the JJDP Act are being met, the report must include the total number of accused and adjudicated status offenders and non-offenders placed in facilities that are:

(A) Not near their home community;

(B) Not the least restrictive appropriate alternative; and

(C) Not community-based.

(iii) To demonstrate the progress toward and extent of compliance with Section 223(a)(13) of the JJDP Act, the report must at least include the following information for both the baseline and the current reporting periods.

(A) Designated date for achieving full compliance.

(B) The total number of facilities that can be used for the secure detention and confinement of both juvenile offenders and adult criminal offenders.

(C) The total number of facilities used for the secure detention and confinement of both juvenile offenders and adult criminal offenders during the past 12 months AND the number inspected on-site.

(D) The total number of facilities used for secure detention and confinement of both juvenile offenders and adult criminal offenders which did not provide adequate separation.

(E) The total number of juvenile offenders and non-offenders NOT adequately separated in facilities used for the secure detention and confinement of both juveniles and adults.

(iv) To demonstrate the progress toward and extent of compliance with Section 223(a)(14) of the JJDP Act the report must at least include the following information for the baseline and current reporting periods:

(A) Dates of baseline and current reporting period.

(B) Total number of adult jails in the State AND the number inspected on-site.

(C) Total number of adult lock-ups in the State AND the number inspected on-site.

(D) Total number of adult jails holding juveniles during the past twelve months.

(E) Total number of adult lock-ups holding juveniles during the past twelve months.

(F) Total number of adult jails and lock-ups in areas meeting the "removal exceptions" as noted in subparagraph 4 above, including a list of such counties.

(G) Total number of juvenile-criminal-type offenders held in adult jails in excess of six hours.

(H) Total number of juvenile-criminal-type offenders held in adult lock-ups in excess of six hours.

(I) Total number of accused and adjudicated status offenders and non-offenders held in any adult jail or lock-up as defined in Section 31.304.

(J) Total number of juveniles accused of a serious crime against persons held less than 48 hours in adult jails and lock-ups in areas meeting the "removal exception" as noted in subparagraph 4 above.

(6) *Compliance*. The State must demonstrate the extent to which the requirements of Section 223(a)(12)(A), (13), and (14) of the Act are met. Should the State fail to demonstrate compliance with the requirements of these Sections within designated time frames, eligibility for formula grant funding shall terminate. The compliance levels are:

(i) *Substantial compliance* with Section 223(a)(12)(A) requires within three years of initial plan submission achievement of a 75% reduction in the aggregrate number of status offenders and non-offenders held in secure detention or correctional facilities or removal of 100% of such offenders from secure correctional facilities only. In

addition, the State must make an unequivocal commitment, through appropriate executive and legislative action, to achieving full compliance within two additional years. *Full compliance* is achieved when a State has removed 100% of such juveniles from secure detention and correctional facilities or can demonstrate full compliance with *de minimis* exceptions pursuant to the policy criteria contained in the **Federal Register** of January 9, 1981 (46 FR 2566–2569).

(ii) *Compliance* with Section 223(a)(13) has been achieved when a State can demonstrate that:

(A) The last submitted monitoring report, covering a full 12 months of data, demonstrates that no juveniles were incarcerated in circumstances that were in violation of Section 223(a)(13); or

(B)(*1*) State law, regulation, court rule, or other established executive or judicial policy clearly prohibits the incarceration of all juvenile offenders in circumstances that would be in violation of Section 223(a)(13);

(*2*) All instances of noncompliance reported in the last submitted monitoring report were in violation of, or departures from, the State law, rule, or policy referred to in paragraph (i)(6)(ii)(B)(*1*) of this section;

(*3*) The instances of noncompliance do not indicate a pattern or practice but rather constitute isolated instances; and

(*4*) Existing mechanisms for the enforcement of the State law, rule, or policy referred to in paragraph (i)(6)(ii)(B)(*1*) of this section are such that the instances of noncompliance are unlikely to recur in the future.

(iii) *Substantial compliance* with Section 223(a)(14) requires the achievement of a 75% reduction in the number of juveniles held in adult jails and lock-ups by December 8, 1985 and that the State has made an unequivocal commitment, through appropriate executive or legislative action, to achieving full compliance within two additional years.

(7) *Monitoring Report Exceptions.* States which have been determined by the OJJDP Administrator to have achieved full compliance with Section 223(a)(12)(A) and compliance with Section 223(a)(13) of the Juvenile Justice Act and which wish to be exempted from the annual monitoring report requirements must submit a written request to the OJJDP Administrator which demonstrates that:

(i) The State provides for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to enable an annual determination of State compliance with Sections 223(a)(12)(A), (13), and (14) of the JJDP Act;

(ii) State legislation has been enacted which conforms to the requirements of Sections 223(a)(12)(A) and (13) of the Juvenile Justice Act; and

(iii) The enforcement of the legislation is statutorily or administratively prescribed, specifically providing that:

(A) Authority for enforcement of the statute is assigned;

(B) Timeframes for monitoring compliance with the statute are specified; and

(C) Adequate sanctions and penalties that will result in enforcement of the statute and procedures for remedying violations are set forth.

(j) *Juvenile Crime Analysis.* Pursuant to Section 223(a)(8)(A) and (B) the State shall conduct an analysis of juvenile crime problems and juvenile justice and delinquency prevention needs.

(1) *Analysis.* The analysis must be provided in the multi-year application. A suggested format for the analysis is provided in the Formula Grant Application Kit.

(2) *Product.* The product of the analysis is a series of brief written problem statements set forth in the application that define and describe the priority problems.

(3) *Programs.* Applications are to include descriptions of programs to be supported with Juvenile Justice Act formula grant funds. A suggested format for these programs is included in the application kit.

(4) *Performance Indicators.* A list of performance indicators must be developed and set forth for each program. These indicators show what data will be collected at the program level to measure whether objectives and performance goals have been achieved and should relate to the measures used in the problem statement and statement of program objectives.

(k) *Concentration of State Effort.* Pursuant to Section 223(a)(8)(C) the State shall assure that it has on file a plan for the concentration of State efforts as they relate to the coordination of all State juvenile delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile delinquency programs and activities.

(l) *Annual Performance Report.* Pursuant to Section 223(a) and Section 223(a)(21) the State Plan shall provide for submission of an annual performance report. The State shall report on its progress in the implementation of the approved programs, described in the three-year plan. The performance indicators will serve as the objective criteria for a meaningful assessment of progress toward achievement of measurable goals.

(m) *Equitable Distribution of Juvenile Justice Funds and Assistance to Disadvantaged Youth.* The State shall assure that it complies with Sections 223(a)(7) and (16) of the JJDP Act.

(n) *Advanced Techniques.* The State shall assure that it complies with Section 223(a)(10) of the JJDP Act.

(o) *Analytical and Training Capacity.* The State shall assure that it complies with Sections 223(a)(11) and (12) of the JJDP Act.

(p) *Equitable Arrangements for Employees Affected by Assistance Under the Act.* Pursuant to Section 223(a)(18) the State shall assure that fair and equitable arrangements are made to protect the interests of employees affected by assistance under the Act.

(q) *Non-Supplantation.* The State shall assure that it complies with Section 223(a)(20) of the JJDP Act.

(r) *Technical Assistance.* States shall include, within their plan, a description of technical assistance needs. Specific direction regarding the development and inclusion of all Technical Assistance needs and priorities will be provided in the "Application Kit for Formula Grants under the JJDPA."

(s) *Other Terms and Conditions.* Pursuant to Section 223(a)(22) of the JJDP Act, States shall agree to other terms and conditions as the Administrator may reasonably prescribe to assure the effectiveness of programs assisted under the formula grant.

§ 31.304 Definitions.

(a) *Private agency.* A private non-profit agency, organization or institution is:

(1) Any corporation, foundation, trust, association, cooperative, or accredited institution of higher education not under public supervision or control; and

(2) Any other agency, organization or institution which operates primarily for scientific, educational, service, charitable, or similar public purposes, but which is not under public supervision or control, and not part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held by IRS to be tax-exempt under the provisions of Section 501(c)(3) of the 1954 Internal Revenue Code.

(b) *Secure.* As used to define a detention or correctional facility this term includes residential facilities which have fixtures designated to physically restrict the movements and activities of persons in custody such as locked rooms

and buildings, fences, or other physical structures.

(c) *Facility.* A place, an institution, a building or part thereof, set of buildings or an area whether or not enclosing a building or set of buildings which is used for the lawful custody and treatment of juveniles and may be owned and/or operated by public and private agencies.

(d) *Juvenile who is accused of having committed an offense.* A juvenile with respect to whom a petition has been filed in the juvenile court or other action has occurred alleging that such juvenile is a juvenile offender, i.e., a criminal-type offender or a status offender, and no final adjudication has been made by the juvenile court.

(e) *Juvenile who has been adjudicated as having committed an offense.* A juvenile with respect to whom the juvenile court has determined that such juvenile is a juvenile offender, i.e., a criminal-type offender or a status offender.

(f) *Juvenile offender.* An individual subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations as defined by State law, i.e., a criminal-type offender or a status offender.

(g) *Criminal-type offender.* A juvenile offender who has been charged with or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

(h) *Status offender.* A juvenile offender who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

(i) *Non-offender.* A juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes for reasons other than legally prohibited conduct of the juvenile.

(j) *Lawful custody.* The exercise of care, supervision and control over a juvenile offender or non-offender pursuant to the provisions of the law or of a judicial order or decree.

(k) *Other individual accused of having committed a criminal offense.* An individual, adult or juvenile, who has been charged with committing a criminal offense in a court exercising criminal jurisdiction.

(l) *Other individual convicted of a criminal offense.* An individual, adult or juvenile, who has been convicted of a criminal offense in a court exercising criminal jurisdiction.

(m) *Adult jail.* A locked facility, administered by State, county, or local law enforcement and correctional agencies, the purpose of which is to detain adults charged with violating criminal law, pending trial. Also considered as adult jails are those facilities used to hold convicted adult criminal offenders sentenced for less than one year.

(n) *Adult Lockup.* Similar to an adult jail except that an adult lock-up is generally a municipal or police facility of a temporary nature which does not hold persons after they have been formally charged.

Subpart E—General Conditions and Assurances

§ 31.400 Compliance with statute.

The applicant State must assure and certify that the State and its subgrantees and contractors will comply with applicable provisions of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90–351, as amended, and with the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. 93–415, as amended, and the provisions of the OJARS Financial and Administrative Guide for Grants, M 7100.1B.

§ 31.401 Compliance with other Federal laws, orders, circulars.

The applicant State must further assure and certify that the State and its subgrantees and contractors will adhere to regulations of the Department and other applicable Federal laws, orders and circulars. These general Federal laws and regulations are described in greater detail in the "Fiscal Year 1982 Application Kit for Formula Grants under the JJDP Act."

§ 31.402 Application on file.

Any Federal funds awarded pursuant to an application must be distributed and expended pursuant to and in accordance with the programs contained in the applicant State's current approved application and any advance funds will not be awarded for any program not specifically approved and clearly set forth in the current comprehensive application. Any departures therefrom, other than to the extent permitted by current program and fiscal regulations and guidelines, must be submitted for advance approval by the Administration or of OJJDP.

§ 31.403 Non-discrimination.

The State assures that it will comply, and that subgrantees and contractors will comply, with all applicable Federal nondiscrimination requirements, including:

(a) Section 815(c)(1) of the Justice System Improvement Act of 1979, as made applicable by Section 262(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended;

(b) Title VI of the Civil Rights Act of 1964;

(c) Section 504 of the Rehabilitation Act of 1973, as amended;

(d) Title IX of the Education Amendments of 1972;

(e) The Age Discrimination Act of 1975; and

(f) The Department of Justice Nondiscrimination Regulations, 28 CFR Part 42, Subparts C, D, E, and G.

Charles A. Lauer,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 81–37250 Filed 12–30–81; 8:45 am]

BILLING CODE 4410–18–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Parts 1602, 1607, 1620 and 1627

Display of OMB Control Numbers For Recordkeeping Requirements

AGENCY: Equal Employment Opportunity Commission.

ACTION: Technical amendments.

SUMMARY: This document amends the Equal Employment Opportunity Commission's regulations to include Office of Management and Budget control numbers at the places in the regulations where current information collection requirements are described. It also removes obsolete references to previous Government Accounting Office or Office of Management and Budget approvals of information collection requirements.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Anthony J. De Marco, Supervisory Attorney, Office of General Counsel, Legal Counsel Division, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506, telephone number (202) 634–6595.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The information collection requirements contained in the regulatory sections listed below have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and assigned the control numbers contained in the listing.

Text of the Amendments

Following the text of each paragraph of Title 29 cited in the first column of the table, add parenthetically the corresponding Office of Management and Budget number listed in the second column:

CFR citation	OMB control No.
1602.39, 1602.40	3046-0003
1602.27, 1602.28	3046-0004
1602.12, 1602.14	3046-0007
1602.30, 1602.31	3046-0008
1602.48, 1602.49	3046-0009
1607.4, 1607.15	3046-0017
1627.3, 1627.4, 1627.5, 1627.6, 1627.7	3046-0018
1620.21	3046-0019

Signed at Washington, D.C. this 28th day of December 1981.

For the Commission.

J. Clay Smith, Jr.,

Acting Chairman, Equal Employment Opportunity Commission.

[FR Doc. 81-37246 Filed 12-30-81; 8:45 am]

BILLING CODE 6570-06-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 2610, 2615, 2616, 2617, 2622, 2643, 2671, and 2673

List of Existing Recordkeeping Requirements

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Technical amendments.

SUMMARY: This notice lists recordkeeping requirements which have been established by the Pension Benefit Guaranty Corporation. This notice is being published to inform the public of agency compliance with Section 3512, the public protection clause, of the Paperwork Reduction Act of 1980.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Nina R. Hawes, Attorney, Office of the General Counsel, Suite 7200, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, 202-254-3010.

SUPPLEMENTARY INFORMATION: On November 23, 1981, the Administrator for Information and Regulatory Affairs of the Office of Management and Budget (OMB) issued a memorandum requesting agencies to develop and publish in the **Federal Register**, lists of existing agency recordkeeping requirements, showing the regulatory citation and the current control number assigned by OMB.

The recordkeeping and reporting requirements of the Pension Benefit Guaranty Corporation, under their respective OMB control numbers, are listed below.

Following the text of each of the following cited sections in Title 29 CFR, add parenthetically the OMB Control numbers listed for that section.

1. Report title: Annual Premium Filing. Citation: 29 CFR 2610.3, (formerly 29 CFR 2602.3) OMB Control Number: 1212-0009

2. Report title: Notice of Intent to Terminate. Citation: 29 CFR 2616.3 (formerly 29 CFR 2604.3) OMB Control Number: 1212-0012

3. Report title: Reporting and Notification Requirements for Reportable Events. Citation: 29 CFR 2615.3 (formerly 29 CFR 2617.3) OMB Control Number: 1212-0013

4. Report title: Submission of net worth information. Citation: 29 CFR 2622.3 (formerly 29 CFR 2613.3) OMB Control Number: 1212-0017

5. Report title: Demonstration of sufficiency; Submission of distribution information. Citation: 29 CFR 2617.12 (formerly 29 CFR 2615.12), 29 CFR 2617.23, (formerly 29 CFR 2615.23) OMB Control Number: 1212-0018

6. Report title: Election of single employer status. Citation: 29 CFR 2671.3 OMB Control Number: 1212-0019

7. Report title: Notice of termination for multiemployer plans. Citation: 29 CFR 2673.2 OMB Control Number: 1212-0020

8. Report title: Variances for sale of assets. Citation: 29 CFR 2643.2, 46 FR 46129 OMB Control Number: 1212-0021

Henry Rose,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-37287 Filed 12-30-81; 8:45 am]

BILLING CODE 7708-01-M

29 CFR Part 2619

Valuation of Plan Benefits in Non-Multiemployer Plans; Amendment Adopting Additional Table

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Interim rule; amendment.

SUMMARY: This publication sets forth an amendment to Appendix D of Part 2619, Valuation of Plan Benefits in Non-Multiemployer Plans. The amendment adds a new table, Table I-82, to Appendix D for plans which terminate in 1982. This table is to be used to determine an expected retirement age for certain plan participants in terminating pension plans covered under Title IV of the Employee Retirement Income Security Act of 1974. The expected retirement age is needed to calculate the value of an early retirement benefit and thus the total value of benefits under the plan.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Nina R. Hawes, Staff Attorney, Office of General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, D.C. 20006, 202-254-3010.

SUPPLEMENTARY INFORMATION: On January 20, 1981, an interim rule on expected retirement age was published in the **Federal Register** at 46 FR 9504 as Subpart D of Part 2610, Valuation of Plan Benefits in Non-Multiemployer Plans. Subpart D of Part 2610 provided methods of determining an expected retirement age to be used in conjunction with the rules contained in Subparts B and C of that Part to determine the value of an early retirement benefit. Part 2610 was redesignated Part 2619 in a notice published June 24, 1981 (46 FR 32574).

Appendix D was published concurrently with Subpart D at 46 FR 9514. Appendix D contains two sets of tables to be used to determine an expected retirement age. The first set of tables, Selection of Retirement Rate Category (I-79, I-80 and I-81), are used to determine whether a participant has a low, medium or high probability of retiring early. The second set of tables, Expected Retirement Ages for Individuals in the Low, Medium and High Categories (II-A, II-B and II-C), are used to determine the expected retirement age.

The first set of tables are based on the year the participant reaches normal retirement age and the participant's monthly retirement benefit. Under the second set of tables, the expected retirement age is based on the earliest age a participant could retire and the normal retirement age under the plan. Once a plan administrator has determined the category of a participant using the first set of tables, he or she uses the second set of tables published in Appendix D to determine an expected retirement age. This age is used to calculate the value of the early retirement benefit and thus, the total amount of employer liability owed to PBGC.

The Selection of Retirement Rate Category Table is revised annually and normally will only remain in effect for a calendar year. The Appendix sets forth one table for each year, which applies to plans terminating in that year. The addition of in Table I-82 is necessary to update the correlation between the amount of a participant's benefit and the

probability that he or she will elect early retirement.

The PBGC has determined that notice and public comment on the addition of Table I–82 to Appendix D to Part 2619 are impracticable and contrary to the public interest. This determination is based on the need to issue the table promptly, so the table will reflect, as accurately as possible, the relationship between a participant's benefit and his or her probability of retiring early. The PBGC has found that the public interest is best served by issuing this table without an opportunity for notice and comment so that plans may be able to calculate the value of plan benefits before submitting a notice of intent to terminate. Also, plans will be able to predict employer liability more accurately prior to plan termination. Moreover, because of the need to provide immediate guidance for the valuation of benefits under plans that will terminate on or after January 1, 1982, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making the rates set forth in this amendment to the final regulation effective less than 30 days after publication.

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291 of February 17, 1981 (46 FR 13193) because it will not result in an annual effect on the economy of $100 million or more, a major increase in costs for consumers or individual industries, or significant adverse effects on competition, employment, investment, productivity, innovation or competition.

PART 2619—VALUATION OF PLAN BENEFITS IN NON-MULTIEMPLOYER PLANS

In consideration of the foregoing, Part 2619 of Chapter XXVI of Title 29, Code of Federal Regulations is hereby promulgated as an interim rule as follows:

1. The authority citation for Part 2619 reads as follows:

Authority: Secs. 4002(b)(3), 4041, 4044, and 4062(b)(1)(A), Pub. L. 93–406, 88 Stat. 1004, 1020, 1025–27, 1029 (1974), as amended by Secs. 403(l), 403(d) and 402(a)(7), Pub. L. 96–364, 94 Stat. 1302, 1301, 1299 (1980) (29 U.S.C. 1302, 1341, 1344, and 1362)

2. Appendix D to Part 2619 is amended by the addition of Table I–82.

Appendix D—Tables Used To Determine Expected Retirement Age

* * * * *

TABLE I–82.—SELECTION OF RETIREMENT RATE CATEGORY

[For plans with a valuation date after Dec. 31, 1981 and before Jan. 1, 1983]

Participant reaches NRA in year—	Participant's retirement rate category is—			
	Low[1] if monthly benefit at NRA is less than—	Medium[2] if monthly benefit at NRA is		High[3] if monthly benefit at NRA is greater than—
		From—	To—	
1983	$261	$261	$1,098	$1,098
1984	282	282	1,188	1,188
1985	303	303	1,278	1,278
1986	323	323	1,363	1,363
1987	343	343	1,381	1,381
1988	363	363	1,381	1,381
1989	385	385	1,381	1,381
1990	408	408	1,381	1,381
1991	433	433	1,381	1,381
1992 or later	459	459	1,381	1,381

[1] Table II–A.
[2] Table II–B.
[3] Table II–C.

Henry Rose,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-37349 Filed 12-30-81; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD2 81-01]

Safety Zone; Upper Mississippi River, Mile 633.7 to 636.7

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment to the Coast Guard's Safety Zone Regulations removes the Safety Zone on the Upper Mississippi River between Mile 633.7 to Mile 636.7, including the Marquette-Joliet Highway 18 Bridge at Mile 634.7 near Prairie Du Chien, Wisconsin. The effect of this action is to eliminate all special operating requirements for certain vessels transiting the applicable waters of the Upper Mississippi River imposed by the Safety Zone, as amended.

EFFECTIVE DATE: The amendment became effective at 6:00 (cst) on November 27, 1981.

FOR FURTHER INFORMATION CONTACT: Commander L. Z. Katcharian, Project Officer, c/o Marine Safety Office, P.O. Box 3428, St. Paul, MN, telephone (612) 725–7452.

SUPPLEMENTARY INFORMATION: The Safety Zone was established between Mile 633.7 and Mile 636.7 Upper Mississippi River, by the Captain of the Port, Minneapolis/St. Paul, MN, under the authority of the Ports and Waterway Safety Act, as amended, on March 23, 1981 (published at 46 FR 26055, May 11, 1981). This initial action was taken due to the discovery of potential defects requiring repair efforts to the Marquette-Joliet Highway 18 bridge at Mile 634.7 near Prairie Du Chien, Wisconsin. In order to reduce the possibility of vessel or cargo damage or damage to life, property, or the marine environment, the Safety Zone was established imposing various navigational restrictions on certain vessels transiting the zone. As repairs have progressed the navigational restrictions have been modified in light of the changing conditions. Amendments were published at 46 FR 41494, August 17, 1981, and at 46 FR 48925, October 5, 1981. Due to the removal of obstructions from the channel which had been temporarily necessary to effect the repairs, the Captain of the Port, Minneapolis/St. Paul, MN, has determined that the restrictions are no longer necessary and has exercised his authority to terminate the Safety Zone.

This amendment is issued without publication of a notice of proposed rulemaking and is effective in less than 30 days from the date of publication. To continue the restrictions during a proposed rulemaking period when the conditions requiring the restrictions no longer exist would be an unnecessary burden on the affected maritime interests without any appreciable benefit to the public at large. This rulemaking has been reviewed under the provisions of Executive Order 12291 and has been determined not to be major. This amendment has been determined to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.5 of 5–77–80). As economic

evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1165), it is also certified that the rules will not have a significant economic impact on a substantial number of small entities.

Drafting Information

The principle persons involved in drafting this amendment are Commander Charles G. Hill, USCG, and Lieutenant Commander Richard A. Knee, USCG, Project Attorney, c/o Commander, Second Coast Guard District, 1430 Olive Street, St. Louis, Missouri 63103.

Comments

No written comments were received following the original creation of or amendments to the Safety Zone. Although this amendment gives notice of the termination of the Safety Zone, public comment is nevertheless desirable as part of the ongoing review of the conditions at this bridge. Accordingly, persons wishing to comment may do so by submitting written comments to Commander (m), Second Coast Guard District, 1430 Olive Street, St. Louis, Missouri 63103. Comments may be mailed or hand delivered. Commenters should include their names and addresses, identify the docket number, and give reasons for the comment. Based upon comments received and experience gained in evaluating the navigational needs of approaching and transiting the bridge span, the Safety Zone may be reestablished. Any person desiring acknowledgment of their written comments should include a self addressed stamped postcard or envelope.

Final Regulation

PART 165—SAFETY ZONES

§ 165.211 [Removed]

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by removing § 165.211.

(92 Stat. 1475 (33 U.S.C. 1225); 92 Stat. 1477 (33 U.S.C. 1231); 49 CFR 1.46 (n)(4))

Dated: December 15, 1981.

L. Z. Katcharian,

Commander, Coast Guard, Captain of the Port, Minneapolis/St. Paul, MN.

[FR Doc. 81-37084 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AEN-5 FRL 1991-8]

Interim Enforcement Policy for Sulfur Dioxide Emission Limitations in Indiana

AGENCY: Environmental Protection Agency.

ACTION: Policy concerning the enforcement for sulfur dioxide emissions limitations.

SUMMARY: The United States Environmental Protection Agency (U.S. EPA) is announcing a policy concerning enforcement of sulfur dioxide emission limitations contained in the State Implementation Plan for Indiana.

The promulgated sulfur dioxide implementation plan is APC–13, as approved by U.S. EPA on May 14, 1973 (38 FR 12698) and August 24, 1976 (41 FR 35676). These regulations require subject sources to achieve specific emission limitations and demonstrate compliance using test methods specified in 40 CFR Part 60. U.S. EPA has initiated a review of its policies and procedures for regulating sulfur dioxide emissions from coal-fired plants and has addressed the question of sulfur variability in that context. As part of this review, U.S. EPA has announced its intention to propose policy and regulatory changes which would permit states to analyze the air quality impact of variable sulfur emissions in their attainment demonstrations. Since changes to the rules and policies are required for the new evaluation technique, a final determination on its acceptability can only be made after public comments on the policies are reviewed and final decisions are published.

In the interim, while the sulfur variability issue is under review, the Agency will focus its enforcement resources on those plants which present the greatest environmental threat. While the State of Indiana is reevaluating the emission limitations in a manner consistent with U.S. EPA's proposed policy, U.S. EPA will give enforcement priority to those plants in Indiana which fail to meet the conditions which are listed below.

FOR FURTHER INFORMATION CONTACT: Louise C. Gross at (312) 886–6844.

SUPPLEMENTARY INFORMATION: The United States Environmental Protection Agency (U.S. EPA) is announcing a policy concerning enforcement of sulfur dioxide emission limitations contained in the State Implementation Plan for Indiana.

The promulgated sulfur dioxide implementation plan is APC–13, as approved by U.S. EPA on May 14, 1973 (38 FR 12698) and August 24, 1976 (41 FR 35676). These regulations require subject sources to achieve specific emission limitations and demonstrate compliance using test methods specified in 40 CFR Part 60. U.S. EPA has initiated a review of its policies and procedures for regulating sulfur dioxide emissions from coal-fired plants and has addressed the question of sulfur variability in that context. As part of this review, U.S. EPA has announced its intention to propose policy and regulatory changes which would permit states to analyze the air quality impact of variable sulfur emissions in their attainment demonstrations. Since changes to the rules and policies are required for the new evaluation technique, a final determination on its acceptability can only be made after public comments on the policies are reviewed and final decisions are published.

In the interim, while the sulfur variability issue is under review, the Agency will focus its enforcement resources on those plants which present the greatest environmental threat. While the State of Indiana is reevaluating the emission limitations in a manner consistent with U.S. EPA's proposed policy, U.S. EPA will give enforcement priority to those plants in Indiana which fail to meet the conditions which are listed below.

1. The facility is meeting the currently applicable, promulgated SO_2 emission limit applied as a 30-day rolling, weighted average.[1]

2. The facility obtains information on SO_2 emissions as follows and makes this information available to the State and U.S. EPA upon request:

a. Coal-fired facilities with greater than 1000 million BTU per hour of heat input capacity must conduct daily fuel sampling analysis for each boiler or install continuous SO_2 monitoring equipment.

b. Coal-fired facilities with greater than 100 million BTU per hour of heat input but less than 1000 million BTU per hour of heat input capacity perform monthly composite coal samples for each boiler.

c. Coal-fired facilities with less than 100 million BTU per hour of heat input capacity but greater than 10 million BTU

[1] Facility, as defined in this proposal, refers to the combined aggregate of all fossil fuel-fired sources under common ownership or operation within the plant boundaries. The 30-day period refers to 30 consecutive operating days.

per hour of heat input capacity, must obtain a monthly average coal analysis based on coal supplier analyses for all shipments received during the calendar month.

d. Coal-fired facilities with less than 10 million BTU per hour of heat input may obtain a monthly average coal analysis based on coal supplier analyses for all shipments received during the calendar month or utilize other appropriate procedures approved by the Indiana Air Pollution Control Division.

3. The facility must maintain records on the coal consumption for each boiler (daily for sources with a heat input capacity of 1000 million BTU or more, monthly for others). The facility must calculate its emission rates on an as-burned basis, in pounds of SO_2 per million BTU of heat input. These records should be retained for a minimum of two years. In addition, sources should submit quarterly reports to the State of Indiana in which the required daily or monthly fuel information is provided.

4. All coal sampling and analysis should be performed in conformance with 40 CFR Part 60, Appendix A, Method 19.

Whether sampling is done as a 30-day rolling weighted average, a monthly weighted composite or a vendor certification, the underlying policy will be to proceed with enforcement against any sources which exceed the SIP emission limitation on a 30-day rolling weighted average basis. Thus, U.S. EPA or the State of Indiana could do its own sampling to establish such a violation. It should also be emphasized that this policy is intended to serve solely as a screening process for the selection of the highest priority cases in need of Federal enforcement action. It does not modify the applicable State Implementation Plan limits for any source of sulfur dioxide emissions. Thus, any facility in violation of the policy's conditions would be subject to enforcement of the Plan as originally promulgated. Finally, this policy does not apply to facilities subject to emission limitations under the Clean Air Act's various new source requirements, e.g., the Federal rules for the Prevention of Significant Deterioration (40 CFR 52.21) or the New Source Performance Standards (40 CFR Part 60).

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this policy does not have a significant economic impact on a substantial number of small entities. The policy is merely an option for sources who wish to avail themselves of U.S. EPA's enforcement discretion priorities. The policy does not impose any additional requirements beyond those previously required by the SIP unless a source chooses to comply with the option.

The information collection requirements contained in this notice have been cleared by the Office of Management and Budget under the authority of the Paperwork Reduction Act.

Under Executive Order 12291, U.S. EPA must judge whether a regulation is "major" and therefore, subject to the requirement of a regulatory impact analysis. This determination is not "major" as defined by Executive Order 12291, because this action imposes no new requirements on any source. Any source may opt to continue compliance with the existing SIP requirements as approved.

This determination was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Dated: September 24, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-37280 Filed 12-30-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-5-FRL 1998-4]

Designation of Areas for Air Quality Planning Purposes; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: EPA announces the redesignation of Tippecanoe County, Indiana from unclassifiable to attainment for total suspended particulate (TSP). This change is based on nine recent, consecutive quarters of representative quality assured monitored data showing attainment of the TSP standards. This action will be effective on March 1, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

EFFECTIVE DATE: This final rulemaking is effective on March 1, 1982.

ADDRESSES: Copies of the redesignation request and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Susanne S. Karacki at 312-353-2211 before visiting the Region V Office).

Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460

Indiana Air Pollution Control Division, Indiana State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 46206

FOR FURTHER INFORMATION CONTACT: Susanne S. Karacki at 312-353-2211 or at the above Region V office.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962) and on October 5, 1978 (43 FR 45993), pursuant to the requirements of Section 107 of the Clean Air Act, EPA designated Tippecanoe County, Indiana unclassifiable for TSP. On August 20, 1981 the State petitioned EPA to revise the Tippecanoe County TSP designation from unclassifiable to attainment. Indiana's redesignation request was not accompanied by the correlated promulgation of changes in the Indiana Air Pollution Control Board Regulation 325 IAC 1.1-3 which designates the attainment status of geographical areas in Indiana.

Tippecanoe County was originally designated unclassifiable by EPA because of uncertainty in the validity of the air quality monitoring data. To support the redesignation request from unclassifiable to attainment, Indiana submitted nine recent, consecutive quarters (April 1, 1979 through June 30, 1981) of quality assured monitored data collected at one monitor in Lafayette, Indiana. The monitored data show no violations of the TSP standards. To demonstrate the representativeness of the data, the State provided information to show that all of the industrial TSP emission sources, and thus the highest industrial TSP emissions, are located in the vicinity of the Lafayette monitor.

EPA has determined that Indiana's submittal meets the criteria for a redesignation to attainment. Accordingly, EPA is redesignating Tippecanoe County from unclassifiable to attainment for TSP.

Because EPA considers today's action as noncontroversial and routine, EPA is approving it without prior proposal. The public is advised that this action will be effective March 1, 1982. However, if notice is received within 30 days at the Region V office listed above that someone wishes to submit adverse or critical comments, this action will be withdrawn and a subsequent notice will be published before the effective date. The notice will withdraw the final action and begin a new rulemaking by announcing a proposal of the action and a comment period.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached

rule will not have a significant economic impact on a substantial number of small entities. This action only approves State actions. It will impose no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it merely changes the air quality designation to attainment.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Sec. 107, Clean Air Act, as amended (42 U.S.C. 7407))

Dated: December 24, 1981.

Anne M. Gorsuch,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart C—Section 107 Attainment Status Designations

1. Section 81.315 is amended by removing all reference to Tippecanoe County under the TSP column as follows:

§ 81.315 Indiana.

INDIANA—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Indiana Counties:				
•	•	•	•	•
Sullivan County				
• • •				
Vanderburgh County • • •				
•	•	•	•	•

[FR Doc. 81-37208 Filed 12-30-81; 8:45 am]

BILLING CODE 6560-38-M

41 CFR Part 15

[AAA-FRL-2015-8]

Cost Sharing Contracts

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Executive Order 12291 dated February 17, 1981, called upon all agencies to review regulations with the objective of reducing the regulatory burden, minimizing duplication and conflict, and ensuring well-reasoned regulations. As a part of the effort to reduce government regulatory requirements, the Office of Management and Budget rescinded Federal Management Circular 73-3, "Cost Sharing on Federal Research," on June 23, 1981. The Environmental Protection Agency had issued guidelines for cost sharing contracts based on the Circular. This final rule abolishes the EPA guidelines. This revised regulation will grant greater flexibility in deciding when contract cost should be shared by a proposer and the Government.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Environmental Protection Agency, Procurement and Contracts Management Division (PM-214), Attention: Edward Murphy, 401 M Street SW., Washington, D.C. 20460, (202) 755-0030.

(40 U.S.C. 471)

Dated: December 3, 1981.

John P. Horton,

Assistant Administrator for Administration.

1. The table of contents for 41 CFR Subpart 15-3.4 is revised as follows:

PART 15-3—PROCUREMENT BY NEGOTIATIONS

* * * * *

Subpart 15-3.4—Types of Contracts

Sec.

15-3.405 Cost reimbursement type contracts.
15-3.405-3 Cost sharing contracts.
15-3.405-3-50 Basic guidelines.
15-3.405-3-51 Unsolicited proposals.
15-3.406 Letter contract.

* * * * *

2. 41 CFR 15-3.405-3 is revised as follows:

§ 15-3.405-3 Cost sharing contract.

This section prescribes the conditions under which cost sharing contracts are to be used. As defined in the Federal procurement regulations, a cost sharing contract is a cost-reimbursement type contract under which the contractor receives no fee but is reimbursed only for an agreed portion of its allowable costs. However, the principles set forth in this section are considered to apply equally to fixed-price contracts where the contractor agrees, or is required by statute, to bear a portion of the cost of performance.

3. 41 CFR 15-3.405-3-50 is revised as follows:

§ 15-3.405-3-50 Basic guidelines.

Cost sharing with non-Federal organizations shall be encouraged where the parties have considerable mutual interest in the basic or applied research subject matter of the contract. This mutual interest can occur, for example, when it is probable that the contractor will receive significant future benefits from the research such as increased technical knowledge useful in future operations, additional technical or scientific expertise or training for its personnel, opportunity to benefit through patent rights, and the use of background knowledge in future production contracts.

4. 41 CFR 15-3.405-3-51 is revised as follows:

§ 15-3.405-3-51 Unsolicited proposals.

The Department of Housing and Urban Development-Independent Agencies Appropriation Act contains a requirement that none of the funds provided in the Act may be used for payment through grants or contracts to recipients that do not share in the cost of conducting research resulting from proposals that are not specifically solicited by the Government. Accordingly, contracts which result from unsolicited proposals shall provide for the contractor to bear a portion of the cost of performance. However, where there is no measurable gain to the performing organization, there is no mutuality of interest, and therefore, no means by which the extent of cost sharing may reflect a mutuality of interest.

§ 15-3.405-3-52 [Removed]

5. 41 CFR 15-3.405-3-52 is removed.

[FR Doc. 81-37109 Filed 12-30-81; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

Medicare Program; Determination of Reasonable Charges

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Interim final rule with a comment period.

SUMMARY: This final rule implements section 946 of the Omnibus Reconciliation Act of 1980 by amending our regulations concerning the payment of reasonable charges for services furnished under Part B of the Medicare program.

Section 946 specifies that payment for medical or other health care services will be determined on the basis of the customary and prevailing charge screens in effect at the time the services are furnished. (Current regulations provide that payment will be determined on the basis of the screens in effect at the time a claim is submitted or a request for payment is made.)

The statute also requires that, when services are furnished more than twelve months before the fee screen year (July 1–June 30) in which the claim is submitted, payment will be based on the customary and prevailing charge screens in effect for the fee screen year immediately preceding the one in which the claim is submitted. Thus, we will not go back further than the immediately preceding fee screen year to determine reasonable charges for claims filed after long delays.

EFFECTIVE DATE: Effective for bills submitted or requests for payment made on or after July 1, 1981.

Comment date: Although we are issuing this as a final rule for reasons stated in the Supplementary Information, we will consider any comments mailed by: March 1, 1982.

ADDRESS: Address comments in writing to: Administrator, Department of Health and Human Services, Health Care Financing Administration, P.O. Box 17073, Baltimore, Maryland 21235.

If you prefer, you may deliver your comments to Room 309–G, Hubert H. Humphrey Building, 200 Independence Ave., S.W., Washington, D.C., or to Room 789, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to BPP–137–FC. Agencies and organizations are requested to submit comments in duplicate.

Comments will be available for public inspection, beginning approximately two weeks after publication, in Room 309–G of the Department's office at 200 Independence Ave., S.W., Washington, D.C., 20201 on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (202–245–7890).

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, if as a result of comments we believe that changes are needed in these regulations, we will publish the changes in the **Federal Register** and respond to the comments in the preamble of that document.

FOR FURTHER INFORMATION CONTACT: Paul Riesel (301) 597–1843.

SUPPLEMENTARY INFORMATION: The Supplementary Medical Insurance program, Part B of Medicare, pays for a variety of medical and related health services, such as physicians' services, certain types of outpatient services, and medical supplies and equipment.

Section 1842(b)(3) of the Social Security Act (42 U.S.C. 1395u(b)(3)) provides that, where payment for services furnished under Part B is on a charge basis (as opposed to cost), the charge will be reasonable (and not higher than the charge applicable for a comparable service and under comparable circumstances to the policyholders and subscribers of the carrier). The statute further specifies that the carrier, in determining reasonable charges, shall take into consideration the customary charges for similar services generally made by the physician or other person furnishing the services, and the prevailing charges for similar services in the locality. The law provides that (1) The carrier's prevailing charge calculations for a fee screen year (July 1–June 30 of each year) may not exceed the 75th percentile of the customary charges made for services in the preceding calendar year (for example, the carrier's calculations of prevailing charges for the period July 1, 1980–June 30, 1981 are based on charges made for services during calendar year 1979), and (2) increases above fiscal year 1973 levels in prevailing charges for physicians' services can be recognized for Medicare reimbursement purposes only to the extent they are justified by economic index data. The economic index is calculated on the basis of changes in physicians' costs of practice and in general earnings levels, and is published in the **Federal Register** usually by July 1 of each year.

In order to receive reimbursement, the statute (section 1842(b)(3)(B)) requires beneficiaries or physicians and suppliers to submit an itemized bill, or some other written request for payment that is permitted under the regulations. Currently, payment is determined on the basis of the customary and prevailing charge screens in effect at the time the bill is submitted or the request for payment is made, not when the service was actually furnished. This situation can result in an inequity, because bills received by carriers after the charge levels are updated are paid at a higher rate than those submitted before the updating, even if the services in both instances were performed on the same day.

To reduce this inequity, section 946 of Pub. L. 96–499 (Omnibus Reconciliation Act of 1980) was enacted (see Congressional Record, p. S8247, June 26, 1980, regarding section 567 of S. 2885, for discussion of Congressional concern). This new provision amended section 1842(b)(3) to provide that payment for services furnished under Part B will be determined on the basis of customary and prevailing charge screens in effect at the time the service is actually furnished, rather than being based on the date of submittal of the bill or request for payment. The amendment also provides, however, that, if the service was furnished more than 12 months before the fee screen year in which the bill or request is submitted, payment will be made on the basis of the customary and prevailing charge screens in effect during the fee screen year that ended just before the fee screen year in which the bill or request for payment was submitted. For example, if a service is furnished on October 1, 1981, (during the July 1, 1981–June 30, 1982 fee screen year) but a bill is not submitted until August 1983 (during the fee screen year July 1983–June 1984), payment would be based on charge screens in effect during the period July 1, 1982–June 30, 1983, rather than when the service was furnished.

By enacting this legislation, the Congress has removed a financial incentive for beneficiaries, physicians and suppliers to delay filing claims, but also avoided unduly penalizing those who, for various reasons, submit claims much later than the date when the service was furnished.

We are revising the regulations at 42 CFR 405.501 and 405.504 to conform them to the requirements contained in the statutory amendments.

Waiver of Notice of Proposed Rulemaking

We are issuing these amendments to the regulations in final, rather than as proposed, because the statute is so

specific as to leave no room for discretion and because it provided an effective date of July 1, 1981. In view of the statutory requirements, we find that it would be impractical, unnecessary and contrary to the public interest to delay publication of final rules in order to allow a period of public comment. For these reasons, we find that good cause exists to waive proposed rulemaking procedures. For the same reasons, we find good cause to make the regulations effective July 1, 1981, rather than to provide the usual 30-day delayed effective date.

Executive Order 12291

Executive Order 12291, "Federal Regulation", issued February 19, 1981, requires Federal agencies to prepare a Regulatory Impact Analysis for any rule that "is likely to result" in an annual effect on the economy of $100 million or more (or meets certain other criteria). Actuarial estimates prepared in connection with the pending legislation indicate that there will be savings of $173 million in Fiscal Year 1981 and greater amounts (ranging from $226 million to $279 million) in subsequent years, through 1985. This impact exceeds the benchmark figure specified in the Executive Order, and therefore would normally require an impact analysis describing alternative policy proposals. Since section 946(c) of Pub. L. 96-499 provides that the amendment "shall become effective with respect to bills submitted or requests for payment made on or after July 1, 1981", the Office of Management and Budget has granted a waiver from the requirement to conduct a regulatory impact analysis.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 requires Federal agencies to prepare a Regulatory Flexibility Analysis for regulations which will have a "significant economic impact on a substantial number of small entities". For the reasons given in the Executive Order certification, we certify that a Regulatory Flexibility Analysis is not required. In addition, even if these impacts were the result of this regulation, we do not have any discretion in implementing the provisions of the statute, and the overall impact will be spread over approximately 300,000 providers.

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

42 CFR Part 405, Subpart E is amended as follows:

1. The authority citation for Part 405, Subpart E reads as follows:

Authority: Sections 1102, 1814(b), 1833(a), 1842(b), and 1871, 49 Stat. 647, as amended, 79 Stat. 286; 79 Stat. 302, 79 Stat. 310, 79 Stat. 331; 42 U.S.C. 1302, 1395f(b), 1395l(a), 1395u(b), and 1395hh.

2. 42 CFR 405.501 is revised to read as follows:

§ 405.501 Determination of reasonable charges.

(a) Except as specified in paragraph (b) of this section, Medicare pays no more for Part B medical and other health services than the "reasonable charge" for such service. The reasonable charge is determined by the carriers (subject to any deductible and coinsurance amounts as specified in § 405.240 and § 405.245).

(b) Part B of Medicare pays on the basis of "reasonable cost" (see Subpart D of this part) for certain institutional services, certain services furnished under arrangements with institutions, and services furnished by entities that elect to be paid on a cost basis (including health maintenance organizations, rural health clinics, and end-stage renal disease facilities).

(c) Carriers will determine the reasonable charge on the basis of the criteria specified in § 405.502, and the customary and prevailing charge screens in effect when the service was furnished. (Also see §§ 405.480 through 405.488, which pertains to determination of reimbursement for services performed by hospital-based physicians.) However, when services are furnished more than 12 months before the beginning of the fee screen year (July 1 through June 30) in which a request for payment is made, payment will be based on the customary and prevailing charge screens in effect for the fee screen year that ends just before the fee screen year in which the claim or request for payment is made.

3. In § 405.504, paragraph (a)(2) is revised to read as follows:

§ 405.504 Determining prevailing charges.

(a) Range of charges.

* * * * *

(2) No charge for Part B medical or other health services may be considered to be reasonable if it exceeds the higher of:

(i) The prevailing charge for similar services in the same locality in effect on December 31, 1970, provided such prevailing charge had been found acceptable by HCFA; or

(ii) The prevailing charge that, on the basis of statistical data and methodology acceptable to HCFA, would cover:

(A) 75 percent of the customary charges made for similar services in the same locality during the calendar year preceding the fee screen year (July 1 through June 30) in which the service was furnished; or (B) In the case of services furnished more than 12 months before the beginning of the fee screen year in which the claim or request for payment is submitted, 75 percent of the customary charges made for similar services in the same locality during the calendar year preceding the fee screen year that ends just before the fee screen year in which the claim or request for payment is submitted.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 13.774, Medicare—Supplementary Medical Insurance)

Dated: October 3, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: December 14, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-37249 Filed 12-30-81; 8:45 am]

BILLING CODE 4120-03-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 151

[GGD 80-001]

Unmanned Barges Carrying Certain Bulk Dangerous Cargoes

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: In the interest of safety, the Coast Guard reviews all chemicals proposed for bulk shipment by water. All cargoes classified as dangerous are regulated. Since the original regulations were written, many cargoes have been accepted for bulk carriage under interim guidelines. This final rule updates Part 151 and incorporates modifications resulting from receiving additional information, experience, and public comments.

EFFECTIVE DATES: February 1, 1982. To alleviate hardship in those cases where more stringent carriage requirements are being imposed, the effective date is December 31, 1982 to permit a gradual phasing-in of the more stringent requirements.

FOR FURTHER INFORMATION CONTACT: Joseph J. Jakabcin, Office of Merchant Marine Safety (G-MHM-3), Room 1402, U.S. Coast Guard Headquarters, 2100

Second Street SW, Washington, D.C. 20593, (202–426–6260).

SUPPLEMENTARY INFORMATION: On July 3, 1980 (45 FR 45327), the Coast Guard published a notice of proposed rulemaking. Interested persons were given a deadline of August 18, 1980 for submission of written comments. A public hearing was to be scheduled if requested by anyone raising a genuine issue. No request for a public hearing has been received. However, we received three requests for an extension of the comment deadline. An extension until September 19, 1980 was granted on August 25, 1980 (45 FR 56376). Approximately thirty comments were submitted.

Two comments recommended that no changes be made in the minimum requirements. As discussed below in the explanation of individual changes, some changes are necessary.

Another comment suggests that Creosote, Perchloroethylene and Trichloroethylene should not be in Subchapter O. We base every classification on all the information available to us at the time of classification. However, if subsequent evidence indicates that a change is in order, such a change is made. Creosote, for example, is more toxic than realized when initially classified under Subchapter D. Creosote, already in Subchapter O for self-propelled vessels, 46 CFR Part 153, can produce severe neurological disturbances. Considerable evidence has been gathered by the U.S. Department of Health and Human Services and the Department of Labor indicating that both Perchloroethylene and Trichloroethylene are toxic and potential carcinogens. Therefore, these three chemicals have the same minimum requirements in this final rule as were given in the proposed rule.

The special requirements for Ethylidene Norbornene were inadvertently expanded to § 151.50–5; this is being corrected to § 151.50–5(g) and (h) by modifying 151.50–74.

Another comment indicates the need for a higher level of venting and gauging requirements for suspected carcinogens. We agree. Unfortunately, another legal document will be required since the indicated cargoes, except for Benzene Mixtures, are not included in this final rule. The gauging for Benzene Mixtures is being changed to restricted. The change to restricted gauging for Benzene itself will be made in the near future.

Several comments concern the original entry of Benzene-Hydrocarbon Mixtures (containing acetylenes). For purposes of clarification, this appears as two entries in the final rule: Benzene-Hydrocarbon Mixture and Benzene-Hydrocarbon Mixtures (containing acetylenes); and a new entry is added, as requested, of Benzene, Toluene, Xylene Mixtures.

One comment suggests that since Hexamethylenediamine is normally shipped with 10–15 percent water this fact should be reflected in the regulations. Accordingly, this cargo, as used in Chapter VI of IMCO, will be shown as Hexamethylenediamine Solutions.

Another comment recommends the addition of Propylene Dichloride. It should be noted that this cargo already appears in 46 CFR 151.05 as Dichloroprpane. The inclusion of other cargoes was recommended. Unfortunately, additional data are required for proper classification of the cargoes recommended. Minimum carriage requirements will be established for any cargo not already in 46 CFR 151.05 upon request with the submission of a completed CG–4355 form for that cargo. The CG–4355 form is entitled Characteristics of Liquid Chemicals Proposed for Bulk Water Shipment.

Relative to the proposed electrical hazard group of I–B for Spent Hydrochloric Acid, one comment states that there is definitely no need for electrical equipment on or above deck to be explosion proof. We agree. The group B requirement for Spent Hydrochloric Acid is rescinded pending comprehensive addressing of electrical requirements in a forthcoming rule-making. Meanwhile, however, the title for the electrical hazard column in Table 151.05 is being corrected when necessary from ELECT HAZARD GROUP CLASS to ELECT HAZARD CLASS GROUP.

In the Hydrochloric Acid, Spent (10% or less), one comment recommends an increase to 15 percent. A review of evidence provided reveals no chemical objection. Therefore, the recommendation is being adopted to increase the limitation to "(15% or less)."

One comment suggests the requirement for protection clothing under Cresylate Spent Caustic be limited to the immediate area of the transfer equipment. The suggestion is considered reasonable and is therefore incorporated.

Methyl-tertiary-Butyl Ether has been deleted, based on a reevaluation, and has been assigned to Subchapter D, 46 CFR 30–40 (45 FR 52386).

Section 151.50–72 was inadvertently omitted from the proposed rule and is therefore added in the final rule.

The following changes in the proposed rule appear in the final rule:

1. An entry of Benzene-Hydrocarbon Mixtures (having 10 percent benzene or more) is added to Tables 151.01–10(b) and 151.05.
2. In Table 151.05, the gauging requirements for Benzene-Hydrocarbon Mixtures (containing acetylenes) is restricted instead of open; (having 10 percent benzene or more) is added after Benzene-Hydrocarbon Mixtures (containing acetylenes). Table 151.01.10(b) is modified accordingly.
3. An entry of Benzene, Toluene, Xylene Mixtures (having 10 percent benzene or more) is added to Tables 151.01–10(b) and 151.05.
4. In the entry of Butadiene, Butene Mixture (inhibited) (containing acetylene) a correction is made in the Special Requirement Section.
5. The concentration of Hydrochloric Acid, Spent (10 percent or less) is increased to (15 percent or less).
6. The electrical hazard group is deleted for the following: Hydrochloric Acid, Spent (15 percent or less); Hydrofluorosilicic Acid (25 percent or less); and Nitric Acid (70 percent or less).
7. Methyl-tertiary-Butyl Ether is deleted.
8. Polyethyleneamine is changed to Polyethylenepolyamine.
9. The concentration of Sodium Chlorate Solution is increased from 45 percent to 50 percent.
10. Part 151.50–72 is added.
11. Part 151.50–73 is modified.
12. Part 151.50–74 is modified.
13. In 151.50–76, 10 percent is changed to 15 percent.

Several changes are made to correct errors of no substantive effect.

These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). Although section 605(b) of the regulatory Flexibility Act (94 Stat. 1164) does not apply because the NPRM was published before January 1, 1981, these rules have been reviewed and it has been determined that they will not have a significant economic impact on a substantial number of small entities.

This final rule has been evaluated in accordance with DOT "Regulatory Policies and Procedures," 44 FR 11033 (February 26, 1979), as amended by 44 FR 28126 (May 14, 1979). A copy of the final evaluation may be obtained from the Commandant (G–CMC), Room 2418,

U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593; telephone (202) 426–1477.

In consideration of the foregoing, the proposed amendments in the **Federal Register** of July 3, 1980 (45 FR 45327) are adopted with some modifications as set forth below.

December 9, 1981.

Clyde T. Lusk, Jr.,

Rear Admiral, Coast Guard, Chief, Office of Merchant Marine Safety.

PART 151—UNMANNED BARGES, CARRYING CERTAIN BULK DANGEROUS CARGOES

1. By revising Table 151.01–10(b) to read as follows:

§ 151.01–10 Application of vessel inspection regulations.

* * * * *

Table 151.01–10(b)—Cargoes Regulated by Subchapter O

Acetaldehyde.
Acetic Acid.
Acetic anhydride.
Acetone cyanohydrin.
Acetonitrile.
Acrylonitrile. Adiponitrile.
Allyl alcohol.
Allyl chloride.
Aminoethylethanolamine.
Ammonia, anhydrous.
Ammonium hydroxide (NH_4, 28% or less).
Aniline.
Benzene.
Benzene-Hydrocarbon mixtures (having 10% benzene or more).
Benzene-Hydrocarbon mixtures (containing acetylenes) (having 10% benzene or more).
Butadiene (inhibited).
Benzene, Toluene, Xylene mixture (having 10% benzene or more).
Butadiene, Butene mixtures (inhibited) (containing acetylenes).
Butyl acrylate (n-).
Butyl acrylate (iso-).
Butylamine.
Butymethacrylate (inhibited).
Butyraldehyde (crude).
Butyraldehyde (n-).
Butyraldehyde (iso-).
Camphor oil.
Carbolic oil.
Carbon dioxide (liquid).
Carbon disulfide.
Carbon tetrachloride.
Caustic potash solution.
Caustic soda solution.
Chemical wastes (mixture of chlorinated hydrocarbons and caustic materials).
Chlorine.
Chlorobenzene.
Chloroform.
Chlorohydrins (crude).
Chlorosulfonic acid.
Creosote.
Cresols.
Cresylate spent caustic.
Crotonaldehyde.
Diisopropanolamine.
Decyl acrylate (iso-) (inhibited).
Dichlorodifluoromethane.
2,2'-Dichloroethyl ether.
Dichloromethane.
Dichloropropane.
Dichloropropene.
Diethanolamine.
Diethylamine.
Diethylenetriamine.
Diisobutylamine.
Diisopropanolamine.
Diisopropylamine.
Dimethylamine.
Dimethylformamide.
Di-n-propylamine.
1,4-Doxane.
Epichlorohydrin.
Ethylacrylate.
Ethylamine (72% or less).
Ethyl chloride.
Ethyl cyclohexylamine.
Ethylene cyanohydrin.
Ethylenediamine.
Ethylene dibromide.
Ethylene dichloride.
Ethylene oxide
Ethyl ether.
2-Ethyl hexyl acrylate (inhibited).
Ethylidene norbornene (inhibited).
Ethyl n-butylamine.
2-Ethyl-3-propylacrolein.
Ferric chloride solutions.
Formaldehyde solution.
Formic acid.
Furfural.
Hexamethylenediamine solutions.
Hydrochloric acid.
Hydrochloric acid, spent (15% or less).
Hydrofluorosilicic acid (25 % or less).
Hydrogen chloride.
Hydrogen fluoride.
2-Hydroxyethyl acrylate (inhibited).
Industrial wastes (containing Dimethyldisulfide, Methyl mercaptan, and Methomyl).
Isoprene.
Methylacetylene-Propadiene mixture.
Methyacrylate.
Methylbromide.
Methylchloride.
2-Methyl-5-ethyl pyridine.
Methylmethacrylate.
2-Methyl pyridine.
alpha-Methyl styrene (inhibited).
Monochlorodifluoromethane.
Monoethanolamine.
Monoisopropanolamine.
Morpholine.
Motor fuel antiknock compounds (containing lead alkyls).
Nitric acid (70% or less).
Nitrobenzene.
1- or 2-Nitropropane.
Oleum.
1,3-Pentadiene (inhibited).
Perchloroethylene.
Phenol.
Phosphoric acid.
Phosphorus.
Phthalic anhydride.
Polyethylene polyamine.
Polymethylene-polyphenyl-isocyanate.
Polyvinylbenzyltrimethyl ammonium chloride solution.
Propionic acid.
Propylamine-(iso-).
Propylene oxide.
Pyridine.
Sodium chlorate solution (50% or less).
Sodium Sulfide, Hydrosulfide solutions (H_2S 15 ppm or less).
Sodium sulfide, Hydrosulfide solutions (H_2S greater than 15 ppm but less than 200 ppm).
Sodium sulfide, Hydrosulfide solutions (H_2S greater than 200 ppm).
Styrene.
Sulfur (liquid).
Sulfur dioxide.
Sulfuric acid.
Sulfuric acid spent.
Tetraethylene pentamine.
Toluene diisocyanate.
Trichloroethylene.
1,2,3-Trichloropropane.
Triethanolamine.
Triethylenetetramine.
Triisopropanolamine.
Triethylamine.
Vinyl acetate.
Vinyl chloride.
Vinylidene chloride (inhibited).

§§ 151.05–1 [Amended]

2. By adding the following items in alphabetical order to table 151.05–1:

TABLE 151.05.—Summary of Minimum Requirements

	Tanks	Cargo transfer	Environmental control

TABLE 151.05.—Summary of Minimum Requirements

Cargo identification name	Pressure	Temp	Hull type	Cargo segregation tank	Tanks			Cargo transfer		Environmental control		Fire protection required	Special req. section	Elect hazard class group	Temp. control install	Tank internal inspec.
					Type	Vent	Gaging	Piping class	Control	Cargo tanks	Cargo handling space					
Benzene-Hydrocarbon Mixtures (containing acetylenes) (having 10 pct benzene or more).	Atmos	Amb	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	151.50-71	I-D	NA	G.
Benzene-Hydrocarbon Mixtures (having 10 pct benzene or more).	Atmos	Amb	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	No	I-D	NA	G.
Benzene, Toluene, Xylene Mixtures (having 10 pct benzene or more).	Atmos	Amb	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	No	I-D	NA	G.
Butadiene, Butene Mixtures (inhibited) (containing acetylenes).	Press	Amb	II	1 NA 2i	Indep Press	SR	Restr	II	P-1	NR	Vent F	Yes	151.50-72	I-B	NA	8 Yr.
Butylamine	Atmos	Amb	II	1i 2i	Indep Grav	PV	Closed	II	G-1	NR	Vent F	Yes	151.55 1(c)	I-D	NA	G.
Butylmethacrylate (inhibited)	Atmos	Amb	III	2i	Grav	PV	Restr	II	G-1	NR	Vent F	Yes	No	I-D	NA	G.
Butyraldehydes (crude)	Atmos	Amb	III	1i 2i	Integ Grav	PV	Open	II	G-1	NR	Vent F	Yes	No	I-C	NA	G.
Carbon Dioxide, liquid	Press	Low	III	1 NA 2i	Indep Press	SR	Restr	I-L	P-1	NR	Vent F	No	151.50-38	NA	151.40-1[illegible](1)	G.
Chemical Wastes (mixture of chlorinated hydrocarbons and caustic materials).	Atmos	Amb	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	No	No	NA	NA	G.
Creosote	Atmos	Amb	III	1i 2i	Integ Grav	Open	Open	II	G-1	NR	Vent N	Yes	No	NA	NA	G.
Cresylate Spent Caustic	Atmos	Amb	III	1i 2i	Integ Grav	Open	Open	II	G-1	NR	Vent N	No	151.50-73	NA	NA	G.
Iso-Decyl Acrylate (inhibited)	Atmos	Amb	III	1i 2i	Integ Grav	Open	Open	II	G-1	NR	Vent N	Yes	151.55 1(c)	NA	NA	G.
2,2'-Dichloroethyl Ether	Atmos	Amb	II	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	151.55 1(c)	I-D	NA	G.
Dichloromethane	Atmos	Amb	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	No	No	NA	NA	G.
Diethylamine	Atmos	Amb	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	151.55 1(c)	I-C	NA	G.
Diisobutylamine	Atmos	Amb	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	151.55 1(c)	I-C	NA	G.
Diisopropylamine	Atmos	Amb	II	1i 2i	Integ Grav	PV	Closed	II	G-1	NR	Vent F	Yes	151.55 1(c)	I-C	NA	G.
Dimethylformamide	Atmos	Amb	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	151.55 1(e)	I-D	NA	G.
1,4-Dioxane	Atmos	Amb	II	1i 2i	Integ Grav	PV	Closed	II	G-1	Inerted	Vent F	Yes	No	I-C	NA	G.
Di-n-propylamine	Atmos	Amb	II	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	151.55 1(c)	I-C	NA	G.
Ethylamine (72 pct or less)	Atmos	Amb	II	1i 2i	Integ Grav	PV	Closed	II	G-1	NR	Vent F	Yes	151.55 1(b)	I-D	NA	G.
Ethyl Cyclohexylamine	Atmos	Amb	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	151.55 1(b)	I-C	NA	G.
Ethylene Dibromide	Atmos	Amb	II	1i 2i	Integ Grav	PV	Closed	II	G-1	NR	Vent F	No	No	NA	NA	G.
2-Ethyl Hexyl Acrylate (inhibited)	Atmos	Amb	III	1i 2i	Integ Grav	Open	Open	II	G-1	NR	Vent N	Yes	No	NA	NA	G.
Ethylidene Norbornene (inhibited)	Atmos	Amb	II	1i 2i	Integ Grav	PV	Closed	II	G-1	NR	Vent F	Yes	151.50-74	I-C	NA	G.
Ethyl n-Butylamine	Atmos	Amb	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	151.55 1(b)	I-C	NA	G.
Ferric Chloride Solutions	Atmos	Amb	III	1i 2i	Integ Grav	Open	Open	II	G-1	NR	Vent N	No	151.50-75	I-B	NA	4 yr.
Hexamethylenediamine Solutions	Atmos	Amb	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	151.55 1(c)	I-D	NA	G.
Hydrochloric Acid, Spent (15 pct or less)	Atmos	Amb	III	1i 2i	Indep Grav	Open	Open	II	G-1	NR	Vent F	No	151.50-76	I-	NA	4 yr.
Hydrofluorosilicic Acid (25 pct or less)	Atmos	Amb	III	1i 2i	Indep Grav	PV	Closed	II	G-1	NR	Vent F	No	151.50-77	I-	NA	4 yr.
2-Hydroxyethyl Acrylate (inhibited)	Atmos	Amb	I	1i 2i	Integ Grav	PV	Closed	I	G-1	NR	Vent F	Yes	151.50-6	NA	NA	G.

TABLE 151.05.—Summary of Minimum Requirements—Continued

Cargo identification name	Pressure	Temp	Hull type	Cargo segregation tank	Tanks: Type	Tanks: Vent	Tanks: Gaging	Cargo transfer: Piping class	Cargo transfer: Cbntrol	Environmental control: Cargo tanks	Environmental control: Cargo handling space	Fire protection required	Special req. section	Elect hazard class group	Temp. control install	Tank internal inspec.
Industrial Wastes containing Dimethyldisulfide, Methyl Mercaptan, and Methomyl.	Atmos	Amb	III	1I 2I	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	151.[illegible]-78	I-D	NA	G.
Methylacetylene Propadiene mixture	Press	Amb	III	1 NA 2I	Indep Press	SR	Restr	II	P-2	NR	Vent F	Yes	151.50-79	I-D	NA	G.
2-Methyl Pyridine	Atmos	Amb	III	1I 2I	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	151.55-1(c)	I-D	No	G
2-Methyl-5-Ethyl Pyridine	Atmos	Amb	III	1I 2I	Integ Grav	Open	Open	II	G-1	NR	Vent N	Yes	151.55-1(e)	NA	NA	G.
alpha-Methyl Styrene (inhibited)	Atmos	Amb	III	1I 2I	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	No	I-D	NA	G.
Nitric Acid (70 pct or less)	Atmos	Amb	III	1I 2I	Integ Grav	PV	Restr	II	G-1	NR	Vent F	No	151.50-60	I-	NA	4 yr.
Nitrobenzene	Atmos	Amb	I	1I 2I	Integ Grav	PV	Closed	I	G-1	NR	Vent F	Yes	151.50-5	I-D	NA	G.
1- or 2-Nitropropane	Atmos	Amb	III	1I 2I	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	151.500-61	I-C	NA	G.
1,3-Pentadiene (inhibited)	Atmos	Amb	III	1I 2I	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	No	I-D	NA	G.
Perchloroethylene	Atmos	Amb	III	1I 2I	Integ Grav	PV	Restr	II	G-1	NR	Vent F	No	No	NA	NA	G.
Phthalic Anhydride	Atmos	Elev	III	1I 2I	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	No	NA	NA	G.
Polyethlenepolyamine	Atmos	Amb	III	1I 2I	Integ Grav	Open	Open	II	G-1	NR	Vent N	Yes	151.55 1(e)	NA	NA	G.
Polymethylene-polyphenyl-isocyanate	Atmos	Amb	II	1I 2I	Integ Grav	PV	Closed	II	G-1	-	Vent F	Yes	151.55-1(e)	NA	NA	G.
Polyvinylbenzyltrimethly Ammonium Cholride Solution.	Atmos	Amb	II	1I 2I	Integ Grav	Open	Open	II	G-1	NR	Vent N	No	151.50-62	NA	NA	G.
Iso-Propylamine	Atmos	Amb	II	1I 2I	Integ Grav	PV	Closed	II	G-1	NR	Vent F	Yes	151.55-1(c)	I-D	NA	G.
Pyridine	Atmos	Amb	III	1I 2I	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	151.55-1(e)	I-D	NA	G.
Sodium Chlorate Solution (50 pct or less)	Atmos	Amb	III	1I 2I	Integ Grav	Open	Open	II	G-1	NR	Vent N	No	No	NR	NR	G.
Sodium Sulfide, Hydrosulfide Solutions (H_2S 15ppm or less).	Atmos	Amb	III	1I 2I	Integ Grav	Open	Open	II	G-1	NR	Vent N	No	151.50-63	NA	NA	G.
Sodium Sulfide, Hydrosulfide Solutions (H_2S greater than 15ppm but less than 200ppm).	Atmos	Amb	III	1I 2I	Integ Grav	PV	Restr	II	G-1	NR	Vent F	No	151.50-63	NA	NA	G
Sodium Sulfide, Hydrosulfide Solutions (H_2S greater than 200ppm).	Atmos	Amb	II	1I 2I	Integ Grav	PV	Closed	II	G-1	NR	Vent F	No	151.50-63	NA	NA	G.
Sulfur Dioxide	Press	Amb	I	1 NA 2I	Indep Press	SR	Closed	I	P-2	NR	Vent F	No	151.50-64	NA	NA	2 yr.
Tetraethylene Pentamine	Atmos	Amb	III	1I 2I	Integ Grav	Open	Open	II	G-1	NR	Vent N	Yes	151.56-1(c)	NA	NA	G.
Toluene Diisocyanate	Atmos	Amb	I	1I 2I	Integ Grav	PV	Closed	I	G-1	-	Vent F	Yes	151.50-5 151.55-1(e)	NA	NA	G
Trichloroethylene	Atmos	Amb	III	1I 2I	Integ Grav	PV	Restr	II	G-1	NR	Vent F	No	No	I-D	NA	G
1,2,3-Trichloropropane	Atmos	Amb	II	1I 2I	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	151.50-65	NA	NA	G.
Triisopropanolamine	Atmos	Amb	III	1I 2I	Integ Grav	Open	Open	II	G-1	NR	Vent N	Yes	151.56-1(c)	NA	NA	G.
Triethylamine	Atmos	Amb	II	1I 2I	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	151.55-1(e)	I-C	NA	G.

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§ 151.05 [Amended]

3. By inserting in the footnotes of Table 151.05–1 between "Gauging devices" and "General usage":

* Padded with dry nitrogen (100 ppm or less of water)

§ 151.50–20 [Amended]

4. By inserting the following in § 151.50–20(b)(1) between Hydrochloric Acid and Phosphoric Acid: Hydrofluorosilicic Acid—50 pounds per square inch gage.

5. By adding the following new sections to Subpart 151.50 after § 151.50–65:

§ 151.50–71 Benzene-hydrocarbon mixtures (containing acetylenes).

(a) Copper, silver, mercury, or other acetylide forming metals and their alloys must not be used as materials of construction for tanks, pipelines, valves, fittings, and other items of equipment that may come in contact with the cargo liquid or vapor.

§ 151.50–72 Butadiene, Butene mixture (inhibited).

When Table 151.05 refers to this section, the following requirements must be met:

(a) 151.50–30

(b) 151.50–71(a)

§ 151.50–73 Cresylate spent caustic.

Protective clothing (eye goggles, gloves, apron, and boots) must be worn in the vicinity of the cargo transfer equipment during cargo transfer and tank gauging operations.

§ 151.50–74 Ethylidene norbornene (inhibited).

When Table 151.05 refers to this section, the following apply:

(a) 151.50–5 (g) and (h)

(b) Rubber hoses or fittings may not be used in transfer operations.

§ 151.50–75 Ferric chloride solution.

(a) A containment system (cargo tank piping system, venting system, and gauging system) carrying this solution must be lined with rubber, corrosion resistant plastic, or a material approved by the Commandant (G–MHM).

(b) Protective clothing must be worn during cargo transfer and tank gauging operation.

§ 151.50–76 Hydrochloric acid, spent (NTE 15%).

(a) (1) Gravity type cargo tanks must be designed and tested to meet the rules of the American Bureau of Shipping for a head of water at least 8 feet above the tank top or the highest level the lading may rise, whichever is greater. The plate thickness of any part of the tank may not be less than three-eighths inch. A shell plating of a barge may not be on the boundary of any part of the cargo tank.

(2) Gravity tank vents must—

(i) Terminate above the weatherdeck, clear of all obstructions and away from any from any source of ignition; and

(ii) Be fitted with a single flame screen or two fitted flame screens as described in § 151.03–25. Neither a shut-off valve nor a frangible disk may be fitted in the vent lines.

(b) Openings in the tanks are prohibited below deck, except for access openings used for inspection and maintenance of tanks, or unless otherwise specifically approved by the Commandant (G–MHM). Openings must be fitted with bolted cover plates and acid-resistant gaskets.

(c) Where special arrangements are approved by the Commandant (G–MHM) to permit a pump suction to be led from the bottom of the tank, the filling and discharge lines must be fitted with shutoff valves located above the weatherdeck or operable from it.

(d) The outage may not be less than 1 percent.

(e) An enclosed compartment containing, or a compartment adjacent to, a cargo tank—

(1) May have no electrical equipment that does not meet or exceed class I–B electrical requirements; and

(2) Must have at least one gooseneck vent of 2.5 inch diameter or greater. The structural arrangement of the compartment must provide for the free passage of air and gases to the vent or vents.

(f) No lights may be used during the cargo transfer operations, except installed electric or portable battery lights. Smoking is prohibited and the person in charge of cargo transfer shall ensure that "No Smoking" signs are displayed during cargo transfer operations.

(g) Tanks approved for the transportation of acid cargoes subject to this section may not be used for the transportation of any other commodity, except upon authorization by the Commandant (MHM).

(h) Each cargo tank must be examined internally at least once in every 4 years. If the lining of the cargo tank has deteriorated in service or is not in place, the Marine Inspector may require the tank to be tested by such nondestructive means as he may consider necessary to determine its condition.

§ 151.50–77 Hydrofluorosilicic acid (25% or less).

(a) Hydrofluorosilicic acid must be carried in gravity or pressure type cargo tanks independent of the vessel's structure. The tanks must be lined with rubber or other equally suitable material approved by the Commandant (G–MHM). See § 151.15–3(f)(2).

(b) Notwithstanding the provisions of § 151.50–20(b)(3), no compressed air may be used to discharge hydrofluorosilicic acid from gravity type cargo tanks unless—

(1) The tanks are of cylindrical shape with dished heads, and

(2) The air pressure does not exceed—

(i) The design pressure of the tank, and

(ii) 10 pounds per square inch gage.

The tanks must be fitted with pressure relief devices.

(c) During cargo tansfer, a water hose must be connected to a water supply and be ready for immediate use. Any leakage or spillage of acid must be immediately washed down. This requirement can be met by facilities provided from shore.

§ 151.50–78 Industrial wastes (containing dimethyldisulfide, methyl mercaptan, and methomyl).

(a) Protective clothing must be worn during cargo transfer and tank gauging operations.

§ 151.50–79 Methyl acetylene-propadiene mixture.

(a) The composition of the methyl acetylene-propadiene mixture at loading must be within one of the following sets of composition limits:

(1) Composition 1 is—

(i) Maximum methyl acetylene to propadiene molar ratio of 3 to 1;

(ii) Maximum combined concentration of methyl acetylene and propadiene of 65 mole percent;

(ii) Minimum combined concentration of propane, butane, and isobutane of 24 mole percent, of which at least one-third (on a molar basis) must be butanes and one-third propane; and

(iv) Maximum combined concentration of propylene and butadiene of 10 mole percent.

(2) Composition 2 is—

(i) Maximum methyl acetylene and propadiene combined concentration of 30 mole percent;

(ii) Maximum methyl acetylene concentration of 20 mole percent;

(iii) Maximum propadiene concentration of 20 mole percent;

(iv) Maximum propylene concentration of 45 mole percent;

(v) Maximum butadiene and butylenes combined concentration of 2 mole percent;

(vi) Minimum saturated C_4 hydrocarbon concentration of 4 mole percent; and

(vii) Minimum propane concentration of 25 mole percent.

(b) A barge carrying a methyl acetylene-propadiene mixture must have a refrigeration system that does not compress the cargo vapor or have a refrigeration system with the following features:

(1) A vapor compressor that does not raise the temperature and pressure of the vapor above 60°C (140°F) and 1.72 MPa guage (250 psig) during its operations, and that does not allow vapor to stagnate in the compressor while it continues to run.

(2) At the discharge piping from each compressor stage or each cylinder in the same stage of a reciprocating compressor—

(i) Two temperature actuated shutdown switches set to operate at 60°C (140°F) or less;

(ii) A pressure actuated shutdown switch set to operate at 1.72 MPa gauge (250 psig) or less; and

(iii) A safety relief valve set to relieve at 1.77 MPa gauge (256 psig) or less anywhere except into the compressor suction line.

(c) The piping system, including the cargo refrigeration system, for tanks to be loaded with methyl acetylene-propadiene mixture must be completely separate from piping and refrigeration systems for other tanks. If the piping system for the tanks to be loaded with methyl acetylene-propadiene mixture is not independent, the required piping separation must be accomplished by the removal of spool pieces, valves or other pipe sections and the installation of blank flanges at these locations. The required separation applies to all liquid and vapor piping, liquid and vapor vent lines and any other possible connections, such as common inert gas supply lines.

§ 151.50–80 Nitric acid (70% or less).

(a) Tanks, cargo piping, valves, fittings, and flanges (where exposed to the acid) must be lined with nitric acid resistant rubber or fabricated from nitric acid resistant stainless steel.

(b) During cargo transfer, a water hose must be connected to a water supply, ready for immediate use. Any leakage or spillage of acid must be immediately washed down. This requirement can be met by facilities provided from shore.

(c) Nitric acid contaminated by other chemicals, oils, solvents, etc. may not be transported in bulk without an authorization from the Commandant (G–MHM).

§ 151.50–81 1- or 2-Nitropropane.

(a) Must not be carried in a tank equipped with heating coils unless the heating supply to the coils is disconnected.

(b) Must not be carried in a tank adjacent to another tank containing an elevated temperature cargo.

(c) Must not be carried in a deck tank.

§ 151.50–82 Polyvinylbenzyltrimethyl ammonium chloride solution.

(a) Persons involved with cargo transfer operations shall wear protective clothing.

§ 151.50–83 Sodium sulfide, hydrosulfide solutions.

(a) Protective clothing must be worn during cargo transfer operations.

§ 151.50–84 Sulfur dioxide.

(a) Sulfur dioxide that is transported under the provisions of this part may not contain more than 100 ppm of water.

(b) Cargo piping must be at least Schedule 40 pipe.

(c) Flanges must be 150 lb. A.N.S.I. Standard minimum with tongue and groove or raised face.

(d) A cargo tank must—

(1) Meet the requirements of a Class I welded pressure vessel;

(2) Be designed for a maximum allowable working pressure of at least 125 psig;

(3) Be hydrostatically tested every two years to at least 188 psig;

(4) Be provided with one or more manholes that are fitted with a cover sized not less than 15 inches by 23 inches or 13 inches nominal diameter, located above the maximum liquid level, and as close as possible to the top of the tank;

(5) Have no openings other than those required in paragraph (d)(4) of this section;

(6) Have no liquid level gauges other than closed or indirect gauges;

(7) Have all valves and the closed gauge that is required by Table 151.05 bolted to the cover or covers that are required in paragraph (d)(4) of this section;

(8) Have a metal housing that is fitted with a drain and vent connection protecting all valves and the closed gauge within this housing against mechanical damage;

(9) Have all safety relief valves discharging into the protective housing;

(10) Not be intercommected with another cargo tank by piping or manifold that carriers cargo liquid, except vapor lines connected to a common header, and

(11) Have an excess flow valve that is located on the inside of the tank for every liquid and vapor connection, except the safety relief valve;

(12) Have no bypss opening on any excess flow valve.

(e) Cargo transfer operations—

(1) May not be conducted with more than one cargo tank at a time unles each tank is filled from or discharged to shore tanks through separate lines;

(2) Must be conducted with connections between fixed barge piping and shore piping of either Schedule 40 pipe having flexible metallic joints that meet § 151.04–5(h) or of flexible metallic hose that is acceptable to the Commandant (G–MHM);

(3) From barge to shore must be by pressurization with an oil free, non-reactive gas that has a maximum of 100 ppm moisture;

(4) Must be conducted with vapor return to shore connections that ensure that all vapor is returned to shore; and

(5) Must be conducted with every person on the barge carrying a respiratory protective device that protects the wearer against sulfur dioxide vapors and provides respiratory protection for emergency escape from a contaminated area that results from cargo leakage.

(f) Respiratory protective equipment must be of a size and weight that allows unrestricted movement and wearing of a lifesaving device.

(g) After the completion of cargo transfer, all liquid sulfur dioxide in the cargo piping must be removed and cargo transfer piping must be disconnected at the cargo tanks. After the cargo piping is disconnected, both ends of the line must be plugged or fitted with blind flanges.

§ 151.50–85 1,2,3-Trichloropropane.

(a) Aluminum may not be used as a material of construction for tanks, pipelines, valves, fittings, and other items of equipment that may come in contact with the cargo liquid or vapor.

(b) Protective clothing (goggles, gloves, boots, and apron) must be worn by persons involvd in cargo transfer operations.

(46 U.S.C. 170, 370a; 49 CFR 1.46(n)(4) and (t))

[FR Doc. 81–37199 Filed 12–30–81; 8:45 am]

BILLING CODE 4910–14–M

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46 CFR Parts 160 and 163

[CGD 74–140]

Vessel Equipment Specifications; Pilot Hoist, Pilot Ladder, and Chain Ladder

AGENCY: Coast Guard, DOT.

ACTION: Final rules.

SUMMARY: These regulations contain a new Coast Guard specification for pilot hoists and revised specifications for pilot ladders and chain ladders. The pilot ladder specification incorporates the standards for pilot ladders contained in the International Convention for the Safety of Life at Sea, 1974, which came into force on May 25, 1980. The pilot hoist specification incorporates standards for pilot hoists adopted by the Inter-Governmental Maritime Consultative Organization in 1973. The chain ladder specification includes modifications that will allow manufacturers more flexibility in designing equipment. The principal effect of these regulations will be to provide for greater safety and security of pilots and other persons who board vessels away from a dock.

DATES: (a) *Effective date:* These amendments become effective on February 1, 1982.

(b) *Closing date for comments:* As explained more fully below, comments on these rules may be submitted on or before March 31, 1982.

ADDRESSES: (a) Comments should be mailed to the Commandant (G–CMC/24) (CGD 74–140), U.S. Coast Guard, Washington, DC 20593. Between 7 a.m. and 5 p.m., Monday through Thursday (except holidays), comments may be delivered to, and are available for inspection and copying at the Marine Safety Council (G–CMC/24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second St., SW, Washington, DC.

(b) Copies of ASTM D 1435 which is incorporated by reference into Subpart 163.003, can be obtained from the American Society for Testing and Materials, 1916 Race St., Philadelphia, PA 19103. It is also available for inspection at the Office of the Federal Register Information Center, Room 8301, 1100 L Street, NW, Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Markle, Office of Merchant Marine Safety (G–MMT–3/12), Department of Transportation, U.S. Coast Guard Headquarters, Washington, DC 20593, (202) 426–1444.

SUPPLEMENTARY INFORMATION: On July 23, 1979, the Coast Guard published a notice of proposed rulemaking (NPRM) in the **Federal Register** that proposed a new pilot hoist approval specification and revised specifications for pilot ladders and chain ladders (44 FR 43016). The comment period was extended to October 22, 1979, in response to a request by the American Pilots' Association. Notice of the extension was published in the **Federal Register** of September 13, 1979 (44 FR 53184).

A total of 136 comments were received from 20 parties on the NPRM before the comment period closed on October 22, 1979. Commenters included pilots and pilot organizations, vessel operators, and equipment manufacturers. These comments are discussed in subsequent paragraphs.

The final rules contain various changes that have been made in response to comments and on the basis of further analysis of the proposed rules within the Coast Guard. Commenters who recommended changes generally provided sufficient supporting rationale for the Coast Guard to reach informed decisions on whether the changes are needed and workable. None of the changes will significantly increase the cost of equipment or approval testing, and they will provide a greater measure of safety to users of the equipment.

Although a public comment period has already been provided in this rule making, an additional opportunity for comment, principally on the changes made, is being provided to assure that the rules as revised represent workable and reasonable procedures and requirements. Accordingly, persons wishing to comment may do so by submitting comments to the address listed in the ADDRESSES section. Commenters should include their names and addresses, identify this rule making (CGD 74–140) and the specific section of the regulations to which their comments apply, and give reasons for the comments. Persons desiring acknowledgment of their comments should enclose a self-addressed post card or envelope. Based upon comments received, the regulations may be further revised or additional regulations may be issued. All comments received before the expiration of the comment period will be considered.

Some comments have not been specifically addressed in the discussion of comments that follows. These comments generally fall into one of the following categories:

(a) Comments that resulted in minor revisions or clarifications to the final rules.

(b) Comments that were not relevant to the proposed regulations.

(c) Comments that recommended addition of requirements already in the proposed regulations.

(d) Comments that apply to the installation, maintenance and inspection of pilot ladders, accommodation ladders, chain ladders and pilot hoists on vessels. The Coast Guard is currently preparing proposed regulations governing these matters, and the comments will be considered in that rule making. Its docket number is CGD 79–032.

(e) Comments making recommendations that would result in overregulation. (For example, some commenters recommended requiring features of a specific manufacturer's equipment that would accomplish a purpose already accomplished by other regulations in this rule making.)

(f) Comments that recommended changes without providing supporting reasons, and for which no sound reasons could otherwise be established.

Summary of Final Evaluation

A Final Evaluation has been prepared for these regulations in accordance with the Department of Transportation's Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of May 22, 1980). That order requires that the evaluation quantify, to the maximum extent practicable, the estimated cost of the regulations to the private sector, consumers, and Federal, State and local governments, as well as the anticipated benefits and impact of the regulations.

This rule making is expected to result in an initial cost of about $165,750 to obtain approval of equipment, and a recurring annual cost of about $49,375 for production testing and increased equipment cost. These costs will be imposed directly on manufacturers of pilot hoists, pilot ladders, and chain ladders. The manufacturers, in all probability, will pass the costs through to the ultimate consumers of this equipment in the form of price increases.

There are seven pilot ladder and chain ladder manufacturers and eight known manufacturers of pilot hoists. Equipment approval cost per manufacturer of pilot ladders would be approximately $6,750, and approximately $17,590 for each pilot hoist manufacturer. Annual recurring costs per manufacturer would average between $2,000 and $2,500. No objections have been received in this rule making concerning the costs involved with the regulations and none of the regulations should hinder or restrict manufacturers in building equipment or obtaining certificates of approval.

The Coast Guard will administer the regulations within existing resources. Coast Guard inspectors are no longer performing the approval and production tests required for this equipment. A program to transfer this function to independent laboratories was established under a separate rule making published in the **Federal Register** on December 17, 1979 (44 FR 73038).

The primary benefit identified for this rule making is the increased safety for pilots and other users of the equipment.

The Final Evaluation has been included in the public docket for this rule making, and may be obtained from the Marine Safety Council at the address listed in the "ADDRESSES" section of this preamble.

On the basis of the information contained in the final evaluation, the Coast Guard has determined that these regulations are not major rules under Executive Order 12291 of February 17, 1981. Also, it is certified that these regulations will not have a significant impact on a substantial number of small entities for the purposes of the Regulatory Flexibility Act (Pub. L. 96-354).

Drafting Information

The principal persons involved in drafting these regulations are: Mr. Robert Markle, Office of Merchant Marine Safety, and Mr. William Register, Office of the Chief Counsel.

Discussion of the Regulations

a. *General.*

1. These regulations revise the existing specifications for pilot ladders and chain ladders and add a new specification for pilot hoists. Pilot hoists and pilot ladders are items of vessel equipment used in routine boarding of pilots and other personnel when the vessel is away from the dock. Chain ladders are items of lifesaving equipment that are intended for emergency use in boarding lifeboats and liferafts. The requirements for pilot ladders and chain ladders were in Subpart 160.017 of Title 46. However, in the amendments published here, the requirements for pilot ladders and the new requirements for pilot hoists have been placed in Subparts 163.003 and 163.002 respectively. The requirements for chain ladders have been retained in Subpart 160.017. A detailed description of the amendments was provided in the NPRM but is not repeated here in order to minimize publishing costs.

2. The specification for pilot ladders is based primarily on Chapter V, Regulation 17 of the Safety of Life at Sea Convention, 1974 (SOLAS 1974) and on the comments that were received on the notice of proposed rule making. Until SOLAS 1974 came into force on May 25, 1980, the requirements of Chapter V, Regulation 17 were Recommendation A.283 (VIII) of the Inter-Governmental Maritime Consultative Organization (IMCO). The specification for pilot hoists is based primarily on Resolution A.275 (VIII) adopted by IMCO in 1973. The Coast Guard actively participated in developing this resolution and Resolution A.283 (VIII).

3. The notice of proposed rule making contained detailed procedures for approval and production testing. These procedures have been deleted in the final rules and replaced with a cross reference to the approval procedures in 46 CFR Part 159. The procedures in Part 159 are essentially the same as corresponding procedures proposed in the NPRM. Part 159 was published in the Federal Register of December 17, 1979 (44 FR 73038).

4. A number of changes have been made in each of the specification regulations which are intended to remove unnecessary detail requirements in order to remove barriers to innovative design. New §§ 160.017-9(c) (chain ladder) and 160.003-9(c) (pilot ladder) contain a discussion on the approval of alternative designs. These sections are similar to § 163.002-9(c) (pilot hoists) which was in the NPRM. Other changes were made to replace design requirements with performance requirements. These are noted in the following discussion of changes to each of the specifications.

5. Section 163.003-3 of these regulations incorporates by reference the American Society for Testing and Materials' "Standard Recommended Practice for Outdoor Weathering of Plastics." The number of the standard is ASTM D 1435, published in 1975 and reapproved in 1979. The standard may be purchased from ASTM at the address listed under **ADDRESSES.** Approval to incorporate this standard by reference was obtained from the Director of the Federal Register on January 13, 1981. The standard is incorporated as it exists on the date of approval, and notice of any future changes that are incorporated will be published in the Federal Register.

Discussion of Changes to the Proposed Regulations

a. *Chain Ladders.*

1. *Section 160.017-11(a).* This paragraph required single-loop, weldless, lock-link pattern chain, trade number 7-0 or larger. This design requirement was replaced with a requirement for non-kinking chain with a minimum breaking strength of at least 16 kN (3,560 lb.) (the equivalent strength of trade 7-0 single-loop, weldless, lock-link chain). Although at the present time there is no other commonly available chain known to be suitable for this application, the change in the requirement does provide both ladder and chain manufacturers with a degree of design flexibility.

2. *Sections 160.017-11(b) and -13(h).* One commenter recommended that stainless steel bolts be required and that galvanized steel bolts be prohibited. The commenter pointed out that the bolts would have to be peened over the nuts and that this would lead to damage of the zinc coating on the end of the galvanized bolts, so that they would eventually rust. Section 160.017-11(b) has been revised to require that the peened over ends of galvanized bolts be given an additional corrosion resisting treatment after peening.

3. *Section 160.017-11(d).* The details on the type of water repellant wood preservative and method of application have been removed.

4. *Section 160.017-11(e)* The dimensional details of the lashing ring have been deleted (with the exception of the inside diameter) and have been replaced with a requirement that the lashing ring be of the same minimum strength as the chain.

5. *Section 160.017-13(a).* The figure that identified the detail parts of the ladder has been deleted.

6. *Sections 160.017-13(b) and 163.003-13(b)(5).*

(a) The requirement that the suspension member be a continuous length of chain has been deleted from § 160.017-13(b). The strength requirements in § 160.017-11(a), as well as the ladder strength tests, are sufficient to determine that there are no "weak links" in the ladder suspension members.

(b) One commenter recommended that a small line of considerable strength be interlaced through the chain for additional strength. This recommendation has not been adopted. The requirements for chain are the same as those in existing ladder designs currently approved by the Coast Guard. Existing ladders have been shown through use over many years to be of sufficient strength for their intended use.

(c) Another commenter made a recommendation for pilot ladders that was considered to be relevant for chain ladders as well. The comment was that a maximum distance between suspension members of 480 mm (19 in.) should be specified, because the 400 mm (16 in.) minimum spacing without a specified maximum would allow the production of steps that could be too wide to use safely. The 480 mm (19 in.) maximum distance is the same as that required on all chain ladders approved by the Coast Guard up to this time, and these ladders have been used satisfactorily in service. A wider distance could place the suspension members at a position wider than the

shoulders of most persons, which would make using the ladder awkward. A 480 mm (19 in.) maximum distance between suspension members has been added to § 160.017–13(b) and § 163.003–13(b)(5).

7. *Sections 160.017–13(c) and –13(d).* These paragraphs replace §§ 160.017–13(c), –13(d), –13(e), –13(f), and –13(g) in the NPRM that described the attachment of the lashing rings to the top and bottom of the suspension members in detail. Since these lashing rings are part of the suspension members which have an overall strength requirement, as well as a strength test, these details were found to be unnecessary.

8. *Section 160.017–13(e).* The reasons for the detail requirements in this paragraph have been added. The purpose of the addition is to provide ladder designers with a performance requirement which must be met if an alternate design is proposed.

9. *Section 160.017–13(f).* The reasons for the detail requirements for rungs have been added wherever detail requirements remain. The requirement for each edge of a rung to be rounded or chamfered has been deleted since this is adequately covered in § 160.017–13(i). The requirement for each rung to be attached to the spacer ear by a clip has been deleted since there are a number of ways that rungs could be successfully attached.

10. *Section 160.017–13(g).* The requirement for each spacer ear to have a smooth finish with rounded or chamfered edges has been deleted since this is adequately covered in § 160.017–13(i). Section 160.017–13(g)(4) has been revised to delete specific requirements for ribs, flanges, and stress relief holes, and instead the ear is required to be designed to prevent its tearing or bending. The details are listed as examples of the ways that this can be accomplished.

11. *Section 160.017–13(h).* The details in this paragraph have been replaced with a performance requirement for fastening devices to have a means to prevent their loosening.

12. *Sections 160.017–25 and –27.* To comply with § 160.017–25, each manufacturer of an approved chain ladder must begin marking ladder steps constructed after the effective date of these regulations. Each manufacturer will also have to make arrangements to have production tests conducted by or under supervision of an independent laboratory. This procedure is required under § 160.027–27.

b. *Pilot Hoist*

13. One commenter objected to the various sections of the proposed regulations that included provisions in addition to those in IMCO Resolution A.275 (VIII). The IMCO Resolution provides a good starting point for pilot hoist requirements, but additional provisions have also been included in the specification to provide an additional margin of safety for users. This possibility was forseen by the IMCO Lifesaving Appliances Subcommittee which developed the Resolution. At its sixth session in 1973, the Subcommittee declined to develop detailed regulations for pilot hoists to be incorporated into SOLAS 1974 because of continuing developments in mechanical pilot-hoists, the variety of designs available, and the desire not to inhibit further development.

14. *Section 163.002–11(a) and –11(d).* The reason for the material requirement has been added to each of these paragraphs. The purpose of the additions is to provide pilot hoist designers with a performance requirement which must be met if an alternate design is proposed.

15. *Section 163.002–11(b).* The requirement for each suspension cable to be at least 4.5 mm (3/16 in.) in diameter has been deleted. The strength tests make sure that these cables are of adequate size.

16. *Section 163.002–13(h).* One commenter recommended that air-powered portable pilot hoists be allowed to use a simple air disconnect instead of a deck interlock. This recommendation has not been adopted. A simple air disconnect would not pevent the hoist from operating when improperly installed. An interlock for an air-powered hoist does not have to be especially complex or costly. It simply requires an air valve that is always closed, except when held open by a part of the device that secures the pilot hoist to the deck.

17. *Sections 163.002–13(k) and –17(c).* One commenter noted that past problems with pilot hoists included insufficient air pressure and wet and frozen air lines. Section 163.002–13(k) in both the NPRM and the final rules requires pilot hoists to have a pressure gauge, air filter and regulator, oil lubricator, and water trap which should prevent these problems. In line with the commenter's concern, however, § 163.002–17(c) has been added in the final rules to require each gauge on a pilot hoist to be marked with normal operating ranges.

18. *Section 163.002–13(p).* One commenter questioned the need for the hand operated device to be operable from the standing position, rather than from a kneeling position, because of the cost required to redesign some existing hoists. Redesigning costs should not be expensive. In all probability, the only design change needed will be to reposition the shaft of the device so that the operator can stand rather than kneel to use it. The purpose of this requirement is to allow a person to operate the hand crank safely and efficiently. Operating the crank from a kneeling position would be difficult and would not allow the operator to concentrate attention on movement of the ladder or lift platform.

19. *Section 163.002–13(r).* This paragraph has been expanded so that the reason for requiring worm gears to operate in an oil bath is included. Sliding contact gears, such as worm gears, are subject to accelerated wear unless provided with ample lubrication. Alternate means of lubricating the gear teeth on each revolution are also permitted.

20. *Section 163.002–13(s).* Several unnecessary detail requirements on the design of inspection ports and provisions for drainage have been deleted from this paragraph.

21. *Section 163.002–13(t).* Two commenters stated that designing a hoist with two cables arranged so that the ladder or lift platform would remain level and stationary if one cable brakes is difficult to accomplish. At least one pilot hoist manufacturer has produced such a device. It has cables that lead from the winch drum down to the rigid ladder, through a sheave on either side, and back up to an anchor point on the hoist unit on deck.

22. *Section 163.002–13(u) and –21(c)(11).*

(a) Two commenters recommended that something be done to prevent hoist cables from jumping off sheaves and jamming. Section 163.002–13(u) has been revised in accordance with this recommendation to require a device on each sheave that prevents the cable from jumping out of the sheave groove.

(b) Two commenters recommended that a level winding mechanism be required for the winch drum of a hoist. Section 163.002–13(u), as proposed, required that winch drums be designed to accept one level wind of wrap and the test in proposed § 163.002–21(c)(11) required the cable to wind onto the drum in one level wind. This may be accomplished with or without a level winding device. Accordingly, this recommendation has not been adopted. However, the test in § 163.002–21(c)(11) has been revised in the final rules to provide a more thorough check for reliability of level wrap winding. As proposed, the test was run once with the full working load on the hoist, and again with the weight of only the rigid ladder or lift platform on the hoist. The test, as

revised, requires ten repetitions under both conditions. This should reveal any cable designs that, on occasion, will fail to wind in a level wrap.

23. *Section 163.002–13(w) and –21(c)(12).* Section 163.002–13(w) has been revised to prohibit the use of adhesive sheets as a means for providing the non-skid stepping surface required by that section. An example of how the requirement can be met has been added. Also, a test has been added in § 163.002–21(c)(12) to measure the surface friction of the step. These changes were made in response to a comment on pilot ladders and are more fully discussed in paragraph 40 below.

24. *Section 163.002–13(w) and –13(z)(1).* Three comments on the proposed pilot ladder requirements recommended that the distance from the top of one step to the top of the next should be 13⅛ in. instead of the range of 300 mm (12 in.) to 380 mm (15 in.). Section 163.002–13(w) has been revised in accordance with this comment to require a step spacing of between 300 mm (12 in.) and 350 mm (13¾ in.). This comment and the revisions are discussed in paragraph 25 below. Another commenter recommended that the distance from the top step of the pilot ladder under the pilot hoist ladder or lift platform to the top of the bottom step of the rigid ladder or the surface of the lift platform should be the same as the pilot ladder step spacing instead of the wide range of 225 mm (9 in.) to 400 mm (16 in.) permitted in proposed § 163.002–13(z)(1). This section has been changed in accordance with the commenter's recommendation to require the same spacing that is required between pilot ladder steps.

25. *Section 163.003–13(z).* One commenter recommended that a chain ladder be permitted at the bottom of a pilot hoist in place of a pilot ladder. This recommendation was not adopted since a rope pilot ladder provides a better hand grip than the chain ladder.

26. *Section 163.002–13(bb).* The details listing various fasteners and locking methods have been deleted. The remaining paragraph is a performance requirement for fasteners to have a means to prevent loosening.

27. *Section 163.002–21(c)(8).* One commenter objected to the speed requirement of 1.5 m (5 ft.) per minute for the hand operated device on the pilot hoist as being cost prohibitive since existing hoists would have to be redesigned to meet the requirement. This speed requirement was proposed as one which could be reasonably met by an operator in good physical condition and that would allow recovery of a stranded ladder or lift platform in a reasonable amount of time. In the case of some present designs, if the hoist becomes disabled 9 m (30 ft.) from the deck of the vessel, it can require as much as 20 minutes to recover it. This is an unacceptable risk for a person on the ladder or lift platform in cold temperatures or in heavy seas. At a speed of 1.5 m per minute, the ladder or lift platform can be recovered in about 6 minutes.

d. *Pilot Ladder.*

28. *Section 163.003–7.* One commenter objected to the introduction of independent laboratories as unnecessary and stated that a recent production test of pilot ladders by a Coast Guard inspector required only an hour. The conversion from Coast Guard testing to independent laboratory testing is proceeding since there are no longer enough inspectors available in the Coast Guard to conduct or observe testing of all present and potential manufacturers of Coast Guard approved equipment, even though each test, taken individually, would not appear to be a great burden.

29. *Section 163.003–11(a).* Six commenters recommended that dacron "safety core" rope be permitted or required in place of manila rope. This particular rope is white dacron with an orange polypropylene rope core. The advantage of this rope is supposed to be that it provides a better gripping surface than manila and has durability properties as good or better than manila. The core of a different color indicates that the rope is severly worn when the core shows through the outer strands of the rope. Synthetic ropes in general have not been favored for pilot ladder use in the past, since some types deteriorate rapidly when exposed to the weather, and other types such as nylon stretch so much that the pilot on the end of a long ladder tends to bounce. However, dacron rope is as durable as manila and, although it stretches more than manila rope, it does not stretch nearly as much as nylon rope. Accordingly, § 163.003–11(a) has been modified to permit the use of this rope as an alternative to manila.

30. *Section 163.003–11(b).* The list of different types of defects has been removed from this paragraph to eliminate unnecessary detail.

31. *Section 163.003–11(c).* The specific types of water-repellant wood preservatives and their methods of application have been deleted from this paragraph as unnecessary design details.

32. *Section 163.003–11(e).* Four commenters recommended that all of the metal parts of the ladder be a corrosion resistant metal and that galvanized steel be prohibited. Fasteners such as bolts and nuts may have to be removed in order to replace broken steps and a galvanized coating would probably be destroyed in such an operation. However, galvanizing can be successfully used for other metal parts if applied by the hot dip process after the part is formed. Accordingly, the section has been revised to require that metal fasteners be a corrosion resistant metal, but retains the provision allowing other metal parts to be of galvanized steel.

33. *Section 163.003–13(a).*

(a) The figures that were in the NPRM identifying the detailed parts of the ladder have been eliminated as unnecessary detail.

(b) One commenter recommended that a pilot ladder be required to float, presumably so that if the ladder falls from a vessel while in use, it can also be used for flotation. This comment has not been adopted. Persons climbing pilot ladders should be wearing personal flotation devices and should not have to depend on the ladder for flotation.

(c) Three commenters recommended weight limitations for the pilot ladder. One suggested drilling holes in the step to lighten it. Two others suggested upper weight limits of 6 kg per m (4 lb./ft.). The reason for limiting the weight would be to prevent the ladder from becoming too cumbersome to handle on the vessel. The weight limitation has not been adopted since it is not directly related to the safety of persons using the ladder. A heavier ladder means more material and a more expensive ladder in general. Therefore, there is an economic incentive for the manufacturer to keep the weight low. It is believed that market forces will prevent ladders from becoming too heavy to handle on deck, and that Federal regulation in this area is unnecessary.

34. *Section 163.003–13(b)(3).* The reference to tarred marline for use in serving the ends of the suspension members has been deleted as an unnecessary design detail.

35. *Section 163.003–13(b)(4).* Six commenters recommended that metal clamps be required in place of tarred marline for securing the steps, inserts, and suspension members in place. Reasons for opposing the use of tarred marline include its tendency to loosen once it has been wet and dries, and a lowering quality of marline being produced. Section 163.003–13(b)(4) has been revised in accordance with these comments to require the use of metal clamps in lieu of tarred marline.

36. *Section 163.003–13(b)(5).* As explained in paragraph 8(c) above, this requirement has been revised to include

an upper limit of 480 mm of clear space between suspension members.

37. *Section 163.003–13(b)(6).* One commenter recommended prohibiting shackles, thimbles, or similar fittings at the bottom of the ladder to discourage the attachment of additional ladder sections. This requirement has been changed as recommended. SOLAS 1974 requires that ladders used on vessels be of a single length, so there is no reason to have fittings at the bottom of the ladder.

38. *Section 163.003–13(c).*

(a) Section 163.003–13(c)(5) in the NPRM which required the top edges of the step to be rounded or chamfered has been deleted since it unnecessarily repeats the requirements of § 163.003–13(f).

(b) Section 163.003–13(c)(10) in the NPRM which required four inserts has been deleted since there are a number of ways that the suspension members can be secured to the steps besides inserts. Other paragraphs referring to inserts and providing detailed requirements for them have also been deleted. This includes all of what was § 163.003–13(d) in the NPRM.

39. *Section 163.003–13(c)(1) and* –21(c)(1).

(a) One commenter recommended that molded steps at the bottom of the ladder not be required since wood steps provide a better stepping surface than molded steps. This comment has not been adopted. The reason for requiring the molded steps at the bottom of the ladder is that they can withstand the abuse to which the lower steps of a pilot ladder are subjected better than wooden steps can. Furthermore, the requirement in § 163.003–13(c)(2) for a non-skid surface on the step will result in a step that is comparable in traction to the wood step, wet or dry. Section 163.003–13(c)(2) is discussed in more detail in paragraph 40 below.

(b) Five commenters recommended that molded steps be either required or permitted in lieu of wood steps in a ladder. Section 163.003–13(c)(1) has been changed to permit molded steps, and § 163.003–21(c)(1) has been changed to provide for appropriate testing which is discussed further in paragraph 48 below.

40. *Section 163.003–13(c)(2) and* –21(c)(6). Six commenters recommended that the required non-skid surface of ladder steps be provided by a permanently applied grit. Some of these commenters also recommended that (1) the steps should have grooving in a diamond pattern so that all of the grooves would lead to the edge of the step to promote drainage of water, (2) grooves should be either ⅛ in. or 3/16 in. deep, (3) non-skid surfaces should not be provided by adhesive sheets (presumably since they can peel off), and (4) the grit should be set back from the edge of the step so that it will not have a cutting abrasive edge. Section 163.003–13(c)(2) has been revised to prohibit the use of adhesive sheets. The other features have been added as an example of how the non-skid requirement can be met. An approval test has also been added in § 163.003–21(c)(6) to check for effectiveness of the non-skid surface. This test is similar to one developed by Underwriters Laboratories.

41. *Section 163.003–13(c)(5).* Two commenters recommended more positive requirements regarding the use of replacement steps. Special replacement steps will be approved under this subpart if they are necessary to permit steps to be replaced without unstringing the ladder. This section has been revised to make it clear that replacement steps are acceptable and that they must meet all of the other requirements for steps in the subpart.

42. *Section 163.003–13(c)(7).* Three commenters recommended that either 13⅜ in. or 13½ in. be specified as the distance from the top of one step to the top of the next. The NPRM specified a maximum distance of 380 mm (15 in.). This provision has been revised in accordance with these comments to require a maximum top-to-top step spacing of 350 mm (13¾ in.). (350 mm was selected as the closest round metric figure including 13⅜ in. and 13½ in.) As evidenced by the commenters' concern, spacing that is much larger than 350 mm, could result in making the ladder steps difficult to climb.

43. *Section 163.003–13(c)(8).* Seven commenters recommended that the steps be a highly visible color such as orange and that a hard epoxy paint be required for wooden steps so that the paint would stand up to hard use and be easier to keep clean. In support of this recommendation, the commenters stated that brightly colored steps, when contrasted against a dark ship hull, would make the ladder more visible to an approaching pilot boat. A requirement has been added to § 163.003–13(c)(8) of the final rules in accordance with this recommendation. Section 163.003–13(c)(8) does not require the non-skid step surface be brightly colored since it would be difficult to paint the grit and retain the required non-skid surface. An unpainted stepping surface, however, should not reduce the visibility of the ladder from an oncoming pilot boat since the stepping surfaces of the steps are not seen from this vantage point. One commenter's recommendation that the clamps used on the ladder also be orange was not adopted since the major factor in visibility will be the brightly colored step area.

44. *Section 163.003–13(c)(9).* The reason for requiring that devices attached to the top of the step not be higher than one-half the step width has been added. This provides a performance requirement for manufacturers that might propose an alternative design.

45. *Section 163.003–13(d).* One commenter recommended that spreaders be optional. This recommendation has not been adopted since spreaders are required by SOLAS 1974.

46. *Sections 163.003–13(e) and 163.002–13(bb).* One commenter recommended that self-locking nuts be required instead of peening over the ends of bolts as the means to secure them. Peening over the ends of bolts would discourage prompt and easy replacement of damaged steps. To correct this, § 163.003–13(e) has been revised to require fasteners to have lock washers or other locking devices to prevent the fasteners from loosening. The pilot hoist specification also includes this requirement in § 163.002–13(bb).

47. *Sections 163.003–21(a) and –27(b).* One commenter recommended that steps subjected to the 900 kg load not be used in any production ladders because of the heavy load to which they have been subjected. A step that passes the test may be distorted and should not be used in a ladder that is sold for use. However, a step that is not distorted as a result of the test should be satisfactory for use. The recommendation has been adopted for steps that have a permanent deflection as a result of testing.

48. *Sections 163.003–21(c)(1) and* –27(b). One commenter recommended that a flexibility test be required at a load of 150 kg (330 lb.) with a maximum deflection of 20 mm (¾ in.) permitted during testing. The purpose of the test is to prevent the use of steps that are too flexible for safe use. Although a 20 mm deflection at 150 kg is acceptable for the lowest four rungs that must withstand frequent impact from a pilot boat, this is too much flexibility for steps used in the rest of the ladder since it would be difficult to climb. The recommended test has been adopted, but a step that passes this test would be acceptable only for the bottom four molded steps. For steps used above the bottom four steps, a test at 320 kg (700 lb.) has been added. The approval tests for pilot ladders currently approved by the Coast Guard also include a test at 320 kg.

In consideration of the foregoing, the amendments to Subchapter Q of Title 46 of the Code of Federal Regulations as proposed in the **Federal Register** of July 23, 1979 (44 FR 43016) are adopted with changes set forth below.

Dated: December 22, 1981.

J. B. Hayes,

Admiral, Coast Guard Commandant.

PART 160—LIFESAVING EQUIPMENT

1. Subpart 160.017 is revised to read as follows:

Subpart 160.017—Chain Ladder

Sec.

160.017–1 Scope.
160.017–7 Independent laboratory.
160.017–9 Approval procedure.
160.017–11 Materials.
160.017–13 Construction.
160.017–15 Performance.
160.017–17 Strength.
160.017–21 Approval tests.
160.017–25 Marking.
160.017–27 Production tests and examination.

Authority: R.S. 4405 as amended (46 U.S.C. 375), R.S. 4417a as amended (46 U.S.C. 391a), R.S. 4482 as amended (46 U.S.C. 416), R.S. 4488 as amended (46 U.S.C. 481), sec. 6(b), 80 Stat. 937 (49 U.S.C. 1655(b)); 49 CFR 1.46.

Subpart 160.017—Chain Ladder

§ 160.017–1 Scope.

(a) This subpart contains standards and approval and production tests for chain ladders used on a merchant vessel to get on and off the vessel in an emergency.

(b) The requirements in this subpart apply to a chain ladder designed for use along a vertical portion of a vessel's hull.

§ 160.017–7 Independent laboratory.

The approval and production tests in this subpart must be conducted by or under the supervision of an independent laboratory accepted by the Coast Guard under Subpart 159.010 of this chapter.

§ 160.017–9 Approval procedure.

(a) *General.* A chain ladder is approved by the Coast Guard under the procedures in Subpart 159.005 of this chapter.

(b) *Approval testing.* Each approval test must be conducted in accordance with § 160.017–21.

(c) *Approval of alternatives.* A chain ladder that does not meet the materials, construction, or performance requirements of this subpart may be approved if the application and any approval tests prescribed by the Commandant in place of or in addition to the approval tests required by this subpart, show that the alternative materials, construction, or performance is at least as effective as that specified by the requirements of this subpart. The Commandant may also prescribe different production tests if the tests required by this subpart are not appropriate for the alternative ladder configuration.

§ 160.017–11 Materials.

(a) *Suspension members.* Each suspension member of a chain ladder must be a continuous length of non-kinking chain, such as single loop lock link coil chain, with a minimum breaking strength of at least 16 kN (3,560 lbs.).

(b) *Metal parts.* Each metal part of a ladder must be made of corrosion-resistant metal or of steel galvanized by the hot dip process after the part is formed. If the ends of galvanized fasteners are peened over to lock them in place, a corrosion resisting surface treatment must be applied to each peened surface.

(c) *Wooden parts.* Each wooden part of a ladder must be made of hardwood that is free of defects affecting its strength or durability.

(d) *Wood preservative.* After each wooden part is formed and finished, it must be treated with water-repellant wood preservative that is properly applied.

(e) *Lashing rings.* The inside diameter of each lashing ring must be at least 75 mm (3 in.). Each lashing ring must have a minimum breaking strength of at least 16 kN (3,560 lbs.).

§ 160.017–13 Construction.

(a) *General.* Each chain ladder must have two suspension members. Each step in the ladder must be supported at each end by a suspension member.

(b) *Suspension member.* The distance between the two suspension members must be at least 400 mm (16 in.), but not more than 480 mm (19 in.). The chain between each top lashing ring and the first step must be long enough so that the distance between the center of the lashing ring and the top of the first step is approximately 600 mm (24 in.).

(c) *Lashing rings.* A lashing ring must be securely attached to the top and bottom of each suspension member. The means of attachment must be at least as strong as the chain and the lashing ring.

(d) *Thimble or wear plate.* A thimble or wear plate must be attached to the chain where it can slide on its connections to the lashing rings.

(e) *Steps.* Each step of a ladder must have two rungs arranged to provide a suitable handhold and stepping surface. The distance between steps must be uniform. This distance must be between 300 mm (12 in.) and 380 mm (15 in.).

(f) *Rungs.* Step rungs must meet the following requirements:

(1) Each rung must be wooden, or a material of equivalent strength, durability, handhold, and step surface characteristics.

(2) In order to provide a suitable handhold and step surface, the width of each rung must be at least 40 mm (1½ in.) and the thickness must be at least 25 mm (1 in.), but not more than 40 mm (1½ in.).

(3) the distance between the rungs in each step must be uniform. This distance must be between 40 mm (1½ in.) and 65 mm (2½ in.).

(4) Each rung must be attached to a spacer ear by a method that prevents the rung from rotating and that supports it in a horizontal position when the ladder is hung vertically.

(g) *Spacer ears.* Spacer ears must meet the following requirements:

(1) All spacer ears on a ladder must be the same size and shape.

(2) The top and bottom of each spacer ear must be attached to a suspension member.

(3) The top point of attachment must be at least 100 mm (4 in.) above the top surfaces of the rungs attached to the spacer ear.

(4) Each spacer ear made of sheet metal must have features such as formed ribs, rolled flange edges, and stress relief holes at the ends of cuts, to prevent the ear from bending or tearing.

(h) *Fasteners.* Each fastening device must have a means to prevent the device from loosening.

(i) *Workmanship.* A ladder must not have splinters, burrs, sharp edges, corners, projections, or other defects that could injure a person using the ladder.

§ 160.017–15 Performance.

(a) Each chain ladder must be capable of being rolled up for storage.

(b) Each ladder when rolled up must be able to unroll freely and hang vertically.

§ 160.17–17 Strength.

(a) Each chain ladder must be designed to pass the approval tests in § 160.17–21.

§ 160.017–21 Approval tests.

(a) *General.* Each approval test must be conducted on a ladder of the longest length for which approval has been requested. If a ladder fails one of the tests in this section, the cause of the failure must be identified and any needed changes made. After a test failure and any design change, the failed test, and any other previously completed

tests affected by the design change, must be rerun.

(b) *Visual examination.* Before starting the tests described in this section, an assembled chain ladder is examined for evidence of noncompliance with the requirements in §§ 160.017.11, 160.017–13, and 160.017–15.

(c) The following approval tests must be conducted:

(1) *Strength test #1.* An assembled ladder is supported so that a static load, if placed on any of its steps, would exert a force both on the step and each suspension member. A static load of 315 kg (700 lb.) is then placed on one step for at least one minute. The load must be uniformly distributed over a contact surface that is approximately 100 mm (4 in.) wide. The center of the contact surface must be at the center of the step. This test is performed on six different steps. No step may break, crack, or incur any deformation that remains after the static load is removed. No attachment between any step and a suspension member may loosen or break during this test.

(2) *Strength test #2.* A ladder is suspended vertically to its full length from its top lashing rings. A static load of 900 kg (2000 lbs.) is then applied to the bottom lashing rings so that it is distributed equally between the suspension members. The suspension members, lashing rings, and spacer ears must not break, incur any elongation or deformation that remains after the test load is removed, or be damaged in any other way during this test.

(3) *Strength test #3.* A rolled-up ladder is attached by its top lashing rings to anchoring fixtures in a location away from any wall or structure that would prevent it from falling freely, and where it can hang to its full length vertically. The ladder when dropped must unroll freely. When unrolling the ladder, its steps and attachments must not become cracked, broken, or loosened. Other similar damage making the ladder unsafe to use must likewise not occur.

§ 160.017–25 Marking.

(a) Each chain ladder step manufactured under Coast Guard approval must be branded or otherwise permanently and legibly marked on the bottom with—

(1) The name of the manufacturer;

(2) The manufacturer's brand or model designation;

(3) The lot number and date of manufacture; and

(4) The Coast Guard approval number.

§ 160.017–27 Production tests and examination.

(a) *General.* Each ladder manufactured under Coast Guard approval must be tested in accordance with this section and subpart 159.007 of this chapter. Steps that fail testing may not be marked with the Coast Guard approval number and each assembled ladder that fails testing may not be sold as Coast Guard approved.

(b) *Test #1: Steps.* Steps must be separated into lots of 100 steps or less. One step from each lot must be selected at random and tested as described in § 106.017–21(c)(1), except that the step may be supported at the points where it would be attached to suspension members in an assembled ladder. If the step fails the test, ten more steps must be selected at random from the lot and tested. If one or more of the ten steps fails the test, each step in the lot must be tested.

(c) *Test #2: Ladders.* Assembled ladders must be separated into lots of 20 ladders or less One ladder must be selected at random from the ladders in the lot. The ladder selected must be at least 3 m (10 ft.) long or, if each ladder in the lot is less than 3 m long, a ladder of the longest length in the lot must be selected. The ladder must be tested as prescribed in § 160.017–21(c)(2), except that only a 3 m section of the ladder need be subjected to the static load. If the ladder fails the test each other ladder in the lot must be tested.

(d) *Independent laboratory.* Each production test must be conducted or supervised by an independent laboratory. However, if a test is performed more than 4 different times per year, laboratory participation is required only 4 times per year. If the laboratory does not participate in all tests, the times of laboratory participation must be as selected by the laboratory. The times selected must provide for effective monitoring throughout the production schedule.

(e) *Visual examination.* The visual examination described in § 160.017–21(b) must be conducted as a part of each production test.

PART 163—CONSTRUCTION

2. A new Subpart 163.002 is added to Part 163 to read as follows:

Subpart 163.002—Pilot Hoist

Sec.
163.002–1 Scope.
163.002–3 Applicable technical regulations.
163.002–5 Definitions.
163.002–7 Independent laboratory.
163.002–9 Approval procedure.
163.002–11 Materials.
163.002–13 Construction.
163.002–15 Performance.
163.002–17 Instructions and marking.
163.002–21 Approval tests.
163.002–25 Marking.
163.002–27 Production tests and examination.

Authority: R.S. 4405 as amended (46 U.S.C. 375), R.S. 4417a, as amended (46 U.S.C. 391a), R.S. 4462, as amended (46 U.S.C. 416), R.S. 4488, as amended (46 U.S.C. 481), Sec. 6(b), 80 Stat. 937 (49 U.S.C. 1655(b)); 49 CFR 1.46.

Subpart 163.002—Pilot Hoist

§ 163.002–1 Scope.

(a) This subpart contains standards and approval and production tests for pilot hoists used on merchant vessels.

(b) The requirements in this subpart apply to a pilot hoist designed for use along a vertical portion of a vessel's hull.

§ 163.002–3 Applicable technical regulations.

(a) This subpart makes reference to the following Coast Guard regulations in this chapter:

(1) Subpart 58.30 (Fluid Power and Control Systems).

(2) Section 94.33–10 (Description of Fleet Angle).

(3) Part 111 (Electrical System, General Requirements).

(4) Subpart 163.003 (Pilot Ladder).

163.002–5 Definitions.

(a) "Maximum persons capacity" means—

(1) If the hoist has a rigid ladder, one person; or

(2) If the hoist has a platform, one person per square meter (10.75 sq. ft.) or fraction thereof of platform area (including hatch area);

(b) "Working load" means the sum of the weights of—

(1) The rigid ladder or lift platform, the suspension cables (if any) and the pilot ladder on a pilot hoist; and

(2) 150 kilograms (330 pounds) times the maximum persons capacity of the hoist;

(c) "Lift height" means the distance from the lowest step of the pilot ladder on a pilot hoist to the deck of a vessel on which the hoist is designed for installation when—

(1) The suspension cables of the hoist are run out until only three turns of cable remain on each drum; or

(2) If the hoist does not have suspension cables, the ladder or lift platform is in its lowest position.

§ 163.002–7 Independent laboratory.

(a) The approval and production tests in this subpart must be conducted by, or under the supervision of, an independent laboratory accepted by the

Coast Guard under Subpart 159.010 of this chapter.

§ 163.002–9 Approval procedure.

(a) *General.* A pilot hoist is approved by the Coast Guard under the procedures in Subpart 159.005 of this chapter.

(b) *Approval testing.* Each approval test must be conducted in accordance with § 163.002–21.

(c) *Approval of alternative designs.* A pilot hoist that does not meet the materials, construction, or performance requirements of this subpart may be approved if the application and any approval tests prescribed by the Commandant in place of or in addition to the approval tests required by this subpart, show that the alternative materials, construction, or performance is at least as effective as that specified by the requirements of this subpart.

§ 163.002–11 Materials.

(a) *Gears.* Each gear in a pilot hoist must be made of machine cut steel or machine cut bronze, or must be of a design of equivalent strength, durability, reliability and accuracy.

(b) *Suspension cables.* Each suspension cable on a pilot hoist must be a corrosion-resistant wire rope other than galvanized wire rope.

(c) *Corrosion-resistant materials.* Materials of a pilot hoist that are not in watertight enclosures must be—

(1) Corrosion-resistant or must be treated to be corrosion-resistant; and

(2) Galvanically compatible with each other adjoining material.

(d) *Aluminum alloys.* Any aluminum alloy which is not resistant to stress corrosion in marine atmospheres (i.e., contains more than 0.6 percent copper), must not be used in a structural component or in any other hoist component subject to stress.

§ 163.002–13 Construction.

(a) *General.* Each hoist must have a rigid ladder or a lift platform on which a person being raised or lowered may stand.

(b) *Spreader.* Each hoist must have a spreader or other device to prevent twisting of its ladder or lift platform. If a spreader is provided, it must be at least 1800 millimeters (5 feet, 10 inches) long.

(c) *Rollers.* The rigid ladder or lift platform on a pilot hoist and the ends of its spreader (if a spreader is provided) must have rollers at each point of contact with the vessel that allow the ladder or platform to move smoothly over the side of the vessel.

(d) *Load carrying parts.* Each load carrying part of a pilot hoist must be designed to have a minimum breaking strength of at least six times the load imposed on the part by the working load during operation of the hoist.

(e) *Exposed moving parts.* Each exposed moving part of a pilot hoist that poses a hazard to personnel must have a screen or guard.

(f) *Nonfunctional sharp edges and projections of excessive length.* A pilot hoist must not have nonfunctional sharp edges and must not have fastening devices or other projections of excessive length.

(g) *Installation requirements.* Each pilot hoist must be designed to allow—

(1) Its installation along the edge of a deck at a vertical portion of the hull;

(2) Its installation on the deck in a manner that does not require use of the vessel's side rails for support; and

(3) Unobstructed passage between the ladder or lift platform of the hoist and the deck of a vessel.

(h) *Deck interlock for portable hoist.* A pilot hoist, if portable, must have a deck interlock that prevents movement of the ladder or lift platform when the hoist is not installed.

(i) *Power source.* Each hoist must be designed to operate on electric, pneumatic, or hydraulic power or a combination of these.

(j) *Electrical equipment.* Electrical equipment of a pilot hoist must meet the electrical engineering regulations in Part 111 of this chapter. The operating voltage of electrical equipment on the ladder or lift platform of a pilot hoist must not exceed 25 volts.

(k) *Pneumatic and hydraulic equipment.* Pneumatic and hydraulic equipment of a pilot hoist must comply with the marine engineering regulations of Subpart 58.30 of this chapter. Each pneumatically powered hoist must have a water trap, air filter, air regulator, pressure gauge, and oil lubricator in the air line between the vessel's compressed air source and the pneumatic motor.

(l) *Hoist control lever.* Each pilot hoist must have a control lever for raising and lowering its ladder or lift platform. Movement of the lever upward or toward the operator must result in upward movement of the ladder or lift platform. Movement of the control in the opposite direction must result in downward movement of the ladder or lift platform. The control must be designed so that when released by the operator the ladder or lift platform stops immediately.

(m) *Emergency disconnect device.* Each pilot hoist must have a switch or valve for disconnecting the main power source in an emergency.

(n) *Power indicator.* Each pilot hoist must have an indicator to show the operator when power is being supplied to the hoist.

(o) *Arrangement of controls and power indicator.* The hoist control lever, the emergency disconnect device, and the power indicator on a pilot hoist must be arranged so that the hoist operator, when standing, can view all movement of the ladder or lift platform while using this equipment.

(p) *Hand-operated device and interlock.* Each pilot hoist must have a hand-operated device for raising and lowering its ladder or lift platform. The device must be operable from a standing position. The hoist must have an interlock that prevents simultaneous operation of its hand-operated device and its power source. Any removable hand gear, crank, or wheel of the hand-operated device must be securely stowed on the hoist.

(q) *Upper position step.* Unless a hoist has a pneumatic motor that stalls at the end of cable travel without jarring, jerking, or damaging the hoist, it must have one or more limit switches or valves that stop the ladder or lift platform at its upper end of travel without jarring, jerking, or damaging the hoist.

(r) *Means of lubrication.* Each hoist must have a means to lubricate its bearings. Sliding-contact gearing, such as worm gears, must operate in an oil bath, or have another means of lubricating the gear teeth on each revolution. Each lubricant enclosure must be designed so that it can be readily filled, drained, and checked for lubricant level.

(5) *Machinery housing.* Each machinery housing on a pilot hoist except gear boxes and other enclosures that retain lubricants, must have means that permit examination of all internal moving parts using common tools or without tools. Each machinery housing, except gear boxes and other enclosures that retain lubricants, must be designed to prevent moisture accumulation.

(t) *Suspension cable.* If a hoist has suspension cables, at least 2 cables must be provided and they must be arranged so that the ladder or lift platform remains level and stationary if one of the cables breaks. Each cable must be arranged to lead fair in a 15 degree vessel list toward the side of the vessel on which the hoist is installed. The devices for attaching the cables to their winch drums must be capable of supporting 2.2 times the workig load with the cables run all the way out.

(u) *Sheaves and drums.* Each sheave and each winch drum for a suspension cable on a pilot hoist must be of a size recommended by the cable supplier for

the diameter and construction of the cable. Each sheave must have a device that prevents the cable from jumping out of the sheave groove. Each drum must be designed to accept one level wind of wrap. The fleet angle of a grooved drum must not exceed 8 degrees, and the fleet angle of a non-grooved drum must not exceed 4 degrees.

Note—The term "fleet angle" is defined in § 94.33–10 of this chapter.

(v) *Rigid ladder.* A rigid ladder on a pilot hoist must have thermally insulated handholds and a padded backrest so that the person being raised or lowered may firmly brace himself or herself between the ladder and the backrest. The ladder must be at least 2.5 m (100 in.) long from the bottom rung to the top of the handholds.

(w) *Ladder rungs.* Each rigid ladder must have at least six rungs, each with a non-skid surface that does not retain water. Adhesive non-skid sheets may not be used. (For example, a suitable surface for a wooden rung is one that has grooves at least 3 mm (⅛ in.) deep cut in a diamond pattern so that water runs off the edge of the step. Non-skid grit is applied directly to the step surface.) The stepping surface of each rung must be not less than 115 mm (4½ in.) wide and not less than 400 mm (16 in.) long. The distance from the top of one rung to the top of the next must be uniform, between 300 mm (12 in.) and 350 mm (13¾ in.).

(x) *Platform railing.* A lift platform on a pilot hoist must be enclosed by a guardrail that has a diameter of between 30 millimeters (1¼ inches) and 75 millimeters (3 inches). The center of the guardrail must be at least 900 millimeters (3 feet) above the platform. At least one intermediate rail must be provided between the guardrail and the platform. Each rail must be set back from the edge of the platform at least 50 millimeters (2 inches). Each gate in the rails must have a latch that can keep the gate securely closed.

(y) *Platform floor.* The platform floor of a pilot hoist must have a non-skid surface and must be at least 750 millimeters (30 inches) by 750 millimeters, exclusive of the surface area of any hatch. Each hatch in the platform floor must be at least 750 millimeters (30 inches) by 750 millimeters. Each hatch must have a means to keep it securely positioned both when opened and closed.

(z) *Pilot ladder fittings.* The bottom of the rigid ladder or lift platform on a pilot hoist must have fittings to attach a pilot ladder of the type that meets the requirements of Subpart 163.003 of this chapter. The fittings must be arranged so that—

(1) The distance between the top of the highest step on the pilot ladder and the surface of the lift platform or top of the bottom rung on the rigid ladder is between 300 and 350 millimeters (12 and 13¾ inches);

(2) The steps of the pilot ladder are directly below and in line with the steps of the rigid ladder or edge of the lift platform; and

(3) The pilot ladder can bear on the side of the vessel when in use.

(aa) *Emergency stop switch.* Each pilot hoist must have an emergency stop switch that can be operated by a person on the ladder or lift platform.

(bb) *Fasteners.* Each fastening device securing a part of a pilot hoist must have a means to prevent the device from loosening.

(cc) *Gears.* Each gear must be keyed to its shaft.

(dd) *Welding.* Each weld must be made using automatic welding equipment or be made by a welder who is qualified by the U.S. Coast Guard, U.S. Navy, American Bureau of Shipping, American Welding Society, American Society of Mechanical Engineers, or other organization that has similar procedures for welder qualifications that are acceptable to the Commandant.

§ 163.002–15 Performance.

(a) Each pilot hoist must have sufficient performance capability to pass the approval tests in § 163.002–21.

§ 163.002–17 Instructions and markings.

(a) *Instruction plates or placards.* Each pilot hoist must have instructions that show its method of operation and lubrication of its working parts. The instructions must be on one or more corrosion-resistant plates, or must be weatherproof placards. The instructions must be attached to the hoist. Each instruction must be in English or must have understandable symbols or pictograms. The operator of the hoist must be able to see and read the operating instructions when operating the hoist control lever. The lubricating instructions must state the recommended lubricants for the temperature range in which the hoist is designed to operate. The temperature range must be stated in both degrees Celsius and Fahrenheit.

(b) *Marking of controls.* Each control on a pilot hoist and each position of the control must be identified by a marking on the hoist.

(c) *Marking of gauges.* Each gauge on a pilot hoist must be marked with its normal operating range.

(d) *Manual.* Each pilot hoist must have a manual of installation instructions, operating instructions, maintenance and repair instructions, a lubrication chart, a parts list, a list of sources of repair parts, and a log for keeping maintenance records. Each manual must be in English.

§ 163.002–21 Approval tests.

(a) *General.* If a pilot hoist fails one of the tests in this section the cause of the failure must be identified and any needed design changes made. After a test failure and any design change, the failed test, and any other previously completed tests affected by the change, must be rerun.

(b) *Visual examination.* Before starting the tests described in this section an assembled pilot hoist is examined for evidence of noncompliance with the requirements in §§ 163.002–11 and 163.002–13.

(c) The following approval tests must be conducted:

(1) *Rung strength.* If the pilot hoist has a rigid ladder a static load of 900 kilograms (2000 pounds) is applied to the center of a ladder rung for one minute. The load must be uniformly distributed over a 100 millimeter (4 inch) wide contact surface. The test must be repeated using a second ladder rung. The rungs must not break or crack during these tests.

(2) *Platform strength.* If the pilot hoist has a lift platform, the platform is lifted to a level where it is supported only by its suspension components. A static load of 900 kilograms (2000 pounds) is then applied to the center of the platform for one minute. The load must be uniformly distributed over a 100 millimeter (4 inch) square contact surface. The test must be repeated enough additional times so that the load is placed in the center of each hatch cover when in its closed position, and in the center of each area of the platform located between floor supports. The platform must not break or crack during these tests.

(3) *Deck interlock.* If the pilot hoist is portable, it is placed in an uninstalled position. Its hoist control lever is then activated. The deck interlock must prevent movement of the ladder or lift platform when the lever is activated.

(4) *Lifting and lowering speed and level wind.* The hoist is installed in a level operating position and a weight equal to the weight of the pilot ladder plus 150 kg (330 lb.) times the maximum persons capacity of the hoist is placed on its ladder or lift platform. The ladder or lift platform is repeatedly raised and lowered under power operation until a total distance of at least 150 meters (500

feet) has been traversed. The ladder or lift platform is raised and lowered each time through a distance of at least 5 meters (16 feet). The average speed of raising the ladder or lift platform and the average lowering speed during this test must both be between 15 and 21 meters per minute (50 and 70 feet per minute). During the test, each suspension cable must have one level wind of wrap each time it is rewound onto its drum.

(5) *Upper position stop.* The hoist is installed in a level operating position and a weight equal to the weight of the pilot ladder plus 150 kg (330 lb.) times the maximum persons capacity is attached to the hoist. The hoist must be able to raise the weight to the upper limit of travel of the ladder or lift platform and must be able to stop at the upper limit without jarring, jerking, or damage. The test is repeated with no weight on the ladder or lift platform.

(6) *Cable securing device.* If the hoist has suspension cables, it is installed in a level operating position and the cables are run all the way out. A weight equal to 2.2 times the working load is then attached to the cables. The cables must remain securely attached to the drums for at least one minute after the weight has been attached.

(7) *Controls and power indicator.* The hoist is installed in a level operating position and a weight equal to the working load is attached to the hoist. The hoist control lever is then operated with the power both on and off. The lever, when operated, must meet the requirements in § 163.002–13(l). The power indicator must meet the requirements in § 163.002–13(n) during the test. When the power is turned off, the ladder or lift platform must stop immediately and remain stationary until power is turned on. The emergency stop switch on the ladder or lift platform is activated at some point when the ladder or lift platform is being raised or lowered. Upon activation, the ladder or lift platform must stop and remain stationary.

(8) *Hand operation and interlock.* The hoist is installed in a level operating position and a weight equal to the working load is attached to the hoist. The hand operated device is then engaged. One person, when using the hand operated device, must be able to raise and lower the weight through a distance of at least 5 meters (16 ft.) in each direction and must be able to raise and lower it at a speed of at least 1.5 meters per minute (5 ft. per minute). When raising or lowering the hoist with the hand operated device, the power source for the hoist is turned on, or an attempt is made to turn it on. Then, with power source turned off, the hand operated device is disengaged. The power source is then turned on and an attempt made to engage the hand operated device. The interlock must prevent simultaneous operation of the power source and the hand operated device.

(9) *2.2x overload.* The hoist is installed in a level operating position. Each roller on the ladder or lift platform is placed in contact with a vertical surface. A weight equal to the difference between 2.2 times the working load and the weight of the ladder or lift platform is placed on the ladder or lift platform. The ladder or lift platform is raised through a distance of at least 5 meters (16 feet) and the hoist control lever is then released. The ladder or lift platform must stop without jarring or damage and must hold the weight for at least one minute. The weight is then lowered through a distance of not less than 5 meters (16 feet) and the control lever is then released. The ladder or lift platform must stop within 600 millimeters (2 ft.) of where the hoist was when the lever was released and the ladder or lift platform must remain stationary for at least one minute thereafter. Each roller must move smoothly over the vertical surface without jamming or sliding during the test.

(10) *6x overload.* The hoist is installed in a level operating position. A load of six times the working load is attached to the hoist. (If the hoist has suspension cables, the cables must be run out at least one meter (3 ft.) before adding the load to the hoist). The weight must remain stationary for at least one minute without damage to any part of the hoist. The test is repeated simulating a vessel list of 15 degrees toward the side on which the hoist is installed.

(11) *Level wind suspension cable.* If the hoist has suspension cables, it is installed in a level operating position with the cables wound onto the drums. A weight equal to the working load is attached to the hoist. The cables are run all the way out and then rewound back onto the drums at least ten times. Each drum and cable is observed for level winding as the cable is wound onto the drum. The test must be repeated with a weight equal to the weight of the rigid ladder or lift platform. In each test, each cable must always rewind onto the drum in one level wind of wrap.

(12) *Rung friction test.* One rung of each type used on a rigid ladder must be subjected to this test. This test compares the dry and wet surface friction characteristics of ladder rungs with those of a standard oak step.

(i) The standard step must have a surface of clean oak that meets S/163.003–11(b) of this chapter and that is 115 mm (4½ in.) wide by 400 mm (16 in.) long. The stepping surface must have grooves that are 3 mm (⅛ in.) deep and 3 mm wide. The grooves must run in two different directions at right angles to each other, and at 45 degree angles with each edge of the stepping surface, so that the grooves form a diamond pattern covering the stepping surface. The centers of all parallel grooves must be 13 mm (½ in.) apart.

(ii) The standard step must be set in a level position. A metal block must be placed on one end of the step so that the block is in contact with the stepping surface. The metal block must weigh between 1.5 kg (3.3 lb.) and 3.0 kg (6.6 lb.) and must not be more than 100 mm (4 in.) wide by 135 mm (5⅜ in.) long. The surface of the block in contact with the step must have leather or composition shoe sole material attached to it.

(iii) The end of the step that has the metal block on it must be slowly raised until the block starts to slide. The angle of the step in this position must be measured and recorded. The step and block must then be placed under water and the procedure repeated.

(iv) The procedure in paragraph (c)(12)(iii) of this section must be repeated using a rigid ladder rung in place of the standard step.

(v) The ladder rung must then be secured in a horizontal position with a block resting on its stepping surface. The block must be of a size similar to the one used in the previous tests and have the same shoe sole surface used in the previous tests. The block must be arranged to apply a vertical load of 40 kg (88 lb.) to the rung. The block must be then moved back and forth in the same line from one end of the stepping surface to the other. This must be done for a total of 1,500 cycles.

(vi) The rung must again be tested as described in paragraph (c)(12)(iii) of this section, except that the initial position of the block must be on a part of the stepping surface that was subjected to the 1,500 cycles of rubbing.

(vii) The angles at which the block starts to slide on a wet and dry ladder rung when tested under paragraphs (c)(12)(iv) and (c)(12)(vi) of this section must be equal to or greater than the corresponding angles measured for the standard step when tested under paragraph (c)(12)(iii) of this section.

§ 163.002–25 Marking.

(a) Each pilot hoist manufactured under Coast Guard approval must have a corrosion-resistant nameplate. The nameplate must contain the—

(1) Name of the manufacturer;

(2) Manufacturer's brand or model designation;
(3) Working load;
(4) Lift height;
(5) Maximum persons capacity;
(6) Hoist serial number;
(7) Date of manufacture; and
(8) Coast Guard approval number.
(b) The hoist must be permanently and legibly marked with the name of the laboratory that conducted the production tests.

§ 163.002–27 Production tests and examination.

Each pilot hoist manufactured under Coast Guard approval must be tested as prescribed in § 163.002–21(c)(9) and Subpart 159.007 of this chapter. The tests must be conducted by an independent laboratory. If the hoist fails the tests its defects must be corrected and retested until it passes. The laboratory must also conduct the visual examination described in § 163.002–21(b). The hoist may not be sold as Coast Guard approved unless it passes testing and unless each defect discovered in the visual examination is corrected.

3. A new Subpart 163.003 is added to Part 163 as follows:

Subpart 163.003—Pilot Ladder

Sec.
163.003–1 Scope.
163.003–3 ASTM standard.
163.003–7 Independent laboratory.
163.003–9 Approval procedure.
163.003–11 Materials.
163.003–13 Construction.
163.003–15 Performance.
163.003–17 Strength.
163.003–21 Approval tests.
163.003–25 Marking.
163.003–27 Production tests and examination.
163.003–29 Effective date and status of prior approval.

Authority: R.S. 4405 as amended (46 U.S.C. 375), R.S. 4417a as amended (46 U.S.C. 391a), R.S. 4482 as amended (46 U.S.C. 416), R.S. 4488 as amended (46 U.S.C. 481), sec. 6(b), 80 Stat. 937 (49 U.S.C. 1655(b); E.O. 12234, 45 FR 58801; and 49 CFR 1.46.

Subpart 163.003—Pilot Ladder

§ 163.003–1 Scope.

(a) This subpart contains standards and approval and production tests for a pilot ladder used on a merchant vessel to embark and disembark pilots and other persons when away from the dock.
(b) The requirements in this subpart apply to a pilot ladder designed for use along a vertical portion of a vessel's hull.

§ 163.003–3 ASTM standard.

The following standard of the American Society of Testing and Materials is incorporated by reference into this subpart: ASTM D 1435 entitled "Standard Recommended Practice for Outdoor Weathering of Plastics."

§ 163.003–7 Independent laboratory.

The approval and production tests in this subpart must be conducted by or under the supervision of an independent laboratory accepted by the Coast Guard under Subpart 159.010 of this chapter.

§ 163.003–9 Approval procedure.

(a) *General.* A pilot ladder is approved by the Coast Guard under the procedures in Subpart 159.005 of this chapter.
(b) *Approval testing.* Each approval test must be conducted in accordance with § 163.003–21.
(c) *Approval of alternatives.* A pilot ladder that does not meet the materials, construction, or performance requirements of this subpart may be approved if the application and any approval tests prescribed by the Commandant in place of or in addition to the approval tests required by this subpart, show that the alternative materials, construction, or performance is at least as effective as that specified by the requirements of this subpart. The Commandant may also prescribe different production tests if the tests required by this subpart are not appropriate for the alternative ladder configuration.

§ 163.003–11 Materials.

(a) *Suspension members.* Each suspension member must be mildew-resistant manila rope or a dacron polyester rope with a polypropylene core of a color that contrasts with the dacron. Each suspension member must have a breaking strength of not less than 24 kN (5,400 lb.) and a nominal circumference of not less than 60 mm (2¼ in.).
(b) *Wooden parts.* Each wooden part of a pilot ladder must be hardwood that is free from knots and any other defects affecting its strength or durability.
(c) *Wood preservative.* After each wooden part is formed and finished, it must be treated with water-repellant wood preservative that is properly applied.
(d) *Molded steps.* Each step made of molded construction must be rubber or resilient plastic.
(e) *Metal parts.* Each metal fastener must be made of a corrosion resistant metal. Each other metal part must be made of corrosion-resistant metal or of steel galvanized by the hot dip process after the part is formed.
(f) *Plastics.* Each plastic material must be of a type that retains at least 30 percent of its original tensile strength and at least 80 percent of its original impact strength when subjected to the one year outdoor weathering test described in ASTM D 1435.

§ 163.003–13 Construction.

(a) *General.* Each pilot ladder must have two suspension members on each side. Each step in the ladder must be supported by each suspension member.
(b) *Suspension member.* The suspension members of a pilot ladder must meet the following requirements:
(1) Each suspension member must be continuous from the top of the ladder to the bottom and must not be painted or otherwise coated or covered.
(2) Except as provided in paragraph (g) of this section—
(i) The top end of one suspension member on each side of the ladder must extend at least 3 m (10 ft.) beyond the top ladder step; and
(ii) The top ends of the other suspension members must be just above the top step and must have an eye splice or thimble large enough to fit two passes of a suspension member.
(3) The top end of each suspension member that does not have an eye splice or thimble must be served or treated to prevent fraying.
(4) Each pair of suspension members must be clamped together both above and below each step. Marline seizing may not be used.
(5) The clear space between the suspension members on one side of a ladder and those on the other side must be at least 400 mm (16 in.), but not more than 480 mm (19 in.).
(6) The suspension members must not have fittings at the bottom of the ladder that can be used for attaching additional ladder sections.
(c) *Steps.* Pilot ladder steps must meet the following requirements:
(1) The four lowest steps must be molded steps and the rest of the steps must be either wooden or molded steps.
(2) The top face of each step must have a rectangular surface that is at least 115 mm (4½ in.) wide with a non-skid surface that does not retain water. Adhesive non-skid sheets may not be used. (For example, a suitable surface for a step is one that has grooves at least 3 mm (⅛ in.) deep cut in a diamond pattern so that water runs off the edge of the step. Non-skid grit is applied directly to the step surface extending to almost the full width of the step.)
(3) Each step at its thinnest point must be at least 25 mm (1 in.) thick and in determining this thickness, the depth of the grooves in the non-skid surface and

the diameter of any hole extending from one side of the step to the other must not be counted.

(4) Each step must be at least 400 mm (19 in.) long.

(5) Each step must be designed so that it can be removed and replaced without unstringing the ladder. If special replacement steps are made to meet this requirement, the replacement steps must meet the requirements of this section.

(6) If a step has grooves for its suspension members, the grooves must be in the sides of the steps.

(7) The spacing from the top of one step to the top of the next step must be uniform and this spacing must be between 300 mm (12 in.) and 350 mm (13¾ in.).

(8) Each step must be a bright orange color, except that this color is not required for the non-skid surface. If a step is painted, it must be painted with a two-part epoxy paint intended for marine use, or a paint of equivalent durability.

(9) The height of each device attached to the step for securing the suspension members must not be more than one-half the width of the step so that the step is not prevented from rolling if the ladder is caught between a pilot boat and the hull of the vessel.

(d) *Spreaders.* Each pilot ladder with 9 or more steps must have one or more spreaders that meet the following requirements:

(1) Each spreader must be at least 1.8 m (70 in.) long.

(2) The spreaders must be positioned at intervals of not more than 9 steps.

(3) The lowest spreader on a ladder must be on the fifth step from the bottom.

(e) *Fasteners.* Each fastening device securing a part of a pilot ladder must have a means to prevent the device from loosening.

(f) *Workmanship.* A pilot ladder must not have splinters, burrs, sharp edges, corners, projections, or other defects that could injure a person using the ladder.

(g) *Special arrangements for pilot hoists.* Each pilot ladder produced for use with an approved pilot hoist must have at least 8 steps. The top ends of its suspension members need not have an eye splice or thimble or be arranged as required in paragraph (b) of this section if necessary to permit attaching the ladder to fittings of a particular pilot hoist.

§ 163.003–15 Performance.

(a) Each pilot ladder must be capable of being rolled up for storage.

(b) Each ladder when rolled up must be able to unroll freely and hang vertically.

(c) Each suspension member must be arranged so that, when the ladder is in use on a vessel, the suspension member cannot come in contact with the vessel's side.

(d) Each step must be arranged so that it can bear on the side of the vessel when the ladder is in use.

§ 163.003–17 Strength.

(a) Each pilot ladder must be designed to pass the approval tests in § 163.003–21.

§ 163.003–21 Approval tests.

(a) *General.* Each approval test must be conducted on a ladder of the longest length for which approval has been requested. If the ladder fails one of the tests, the cause of the failure must be identified and any needed design changes made. After a test failure and any design change, the failed test, and any other previously completed tests affected by the change, must be rerun. Any ladder step that has a residual deflection after testing under this section may not be used thereafter in any ladder represented as Coast Guard approved.

(b) *Visual examination.* Before starting the approval tests, an assembled pilot ladder is examined for evidence of noncompliance with the requirements in §§ 163.003–11, 163.003–13, and 163.003–15.

(c) The following approval tests must be conducted:

(1) *Step flexibility test.* This test is performed on six different steps, one of which must be a molded step and one of which must be a replacement step if special replacement steps are made by the manufacturer. Each step is placed on a pair of supports located at the points where the step would ordinarily be attached to the suspension members. A static load must be applied uniformly for a period of at least one minute over a contact surface that is at the center of the step and is approximately 100 mm (4 in.) wide. The load must be 150 kg (330 lb.) for each molded step that is used only as one of the four bottom steps in the ladder. The load must be 320 kg (700 lb.) for each other step. The deflection of the step is measured while the step is under load and after the load is removed. The step must not deflect more than 20 mm (¾ in.) under the load, and there must be no residual deflection after the load is removed.

(2) *Strength test #1.* An assembled ladder is supported so that a static load, if placed on any of its steps, would exert a force on both the step and each suspension member. A static load of 900 kg (2,000 lb.) is then placed on one step for at least one minute. The load must be uniformly distributed over a contact surface that is approximately 100 mm (4 in.) wide. The center of the contact surface must be at the center of the step. This test is performed on six different steps, one of which must be a molded step. None of the steps may break or crack. No attachment between any step and a suspension member may loosen or break during this test.

(3) *Strength test #2.* An assembled ladder is suspended vertically to its full length. A static load of 900 kg (2,000 lb.) is then applied to the bottom step of the ladder so that it is distributed equally between the suspension members. The suspension members, and inserts must not break, incur any elongation or deformation that remains after the test load is removed, or be damaged in any other way during this test.

(4) *Strength test #3.* A rolled up ladder is attached to anchoring fixtures in a location away from any wall or structure that would prevent it from falling freely, and where it can hang to its full length vertically. The ladder when dropped must unroll freely. When unrolling the ladder, its steps and attachments must not become cracked, broken, or loosened. Other similar damage making the ladder unsafe to use must likewise not occur.

(5) *Step friction test.* One step of each type used on a pilot ladder must be subjected to this test. This test compares the dry and wet surface friction characteristics of ladder steps with those of a standard oak step.

(i) The standard step must have a surface of clean oak that meets S/163.003–11(b) and that is 115 mm (4½ in.) wide by 400 mm (16 in.) long. The stepping surface must have grooves that are 3 mm (⅛ in.) deep and 3 mm wide. The grooves must run in two different directions at right angles to each other, and at 45 degree angles with each edge of the stepping surface, so that the grooves form a diamond pattern covering the stepping surface. The centers of all parallel grooves must be 13 mm (½ in.) apart.

(ii) The standard step must be set in a level position. A metal block must be placed on one end of the step so that the block is in contact with the stepping surface. The metal block must weigh between 1.5 kg (3.3 lb.) and 3.0 kg (6.6 lb.) and must not be more than 100 mm (4 in.) wide by 135 mm (5⅜ in.) long. The surface of the block in contact with the step must have leather or composition shoe sole material attached to it.

(iii) The end of the step that has the metal block on it must be slowly raised until the block starts to slide. The angle of the step in this position must be measured and recorded. The step and block must then be placed under water and the procedure repeated.

(iv) The procedure in paragraph (c)(6)(iii) of this section must be repeated using a pilot ladder step in place of the standard step.

(v) The ladder step must then be secured in a horizontal position with a block resting on its stepping surface. The block must be of a size similar to the one used in the previous tests and have the same shoe sole surface used in the previous tests. The block must be arranged to apply a vertical load of 40 kg (88 lb.) to the step. The block must be then moved back and forth in the same line from one end of the stepping surface to the other. This must be done for a total of 1,500 cycles.

(vi) The step must again be tested as described in paragraph (c)(6)(iii) of this section, except that the initial position of the block must be on a part of the stepping surface that was subjected to the 1,500 cycles of rubbing.

(vii) The angles at which the block starts to slide on a wet and dry ladder step when tested under paragraphs (c)(6)(iv) and (c)(6)(vi) of this section must be equal to or greater than the corresponding angles measured for the standard step when tested under paragraph (c)(6)(iii) of this section.

§ 163.003–25 Marking.

(a) Each pilot ladder step manufactured under Coast Guard approval must be branded or otherwise permanently and legibly marked on the bottom with—

(1) The name of the manufacturer;

(2) The manufacturer's brand or model designation;

(3) The lot number or date of manufacture; and

(4) The Coast Guard approval number.

§ 163.003–27 Production tests and examination.

(a) *General.* Each ladder produced under Coast Guard approval must be tested in accordance with this section and Subpart 159.007 of this chapter. Steps that fail testing may not be marked with the Coast Guard approval number and each assembled ladder that fails testing may not be sold as Coast Guard approved.

(b) *Test No. 1: Steps.* Steps must be separated into lots of 100 steps or less. Steps of different types must be placed in separate lots. One step from each lot must be selected at random and tested as described in § 163.003–21(c)(2) except that supports are placed under the step at the points where it would be attached to suspension members in an assembled ladder. If the step fails the test, ten more steps must be selected at random from the lot and tested. If one or more of the ten steps fails the test, each step in the lot must be tested. No step that has any residual deflection after the test may be used in a ladder represented by the manufacturer as Coast Guard approved.

(c) *Test No. 2: Ladders.* Assembled ladders must be separated into lots of 20 ladders or less. One ladder must be selected at random from the ladders in each lot. The ladder selected must be at least 3 m (10 ft.) long or, if each ladder in the lot is less then 3 m long, a ladder of the longest length in the lot must be selected. The ladder must be tested as prescribed in § 163.003–21(c)(3) except that only a 3 m section of the ladder need be subjected to the static load. If the ladder fails the test, each other ladder in the lot must be tested.

(d) *Independent laboratory.* Each production test must be conducted or supervised by an independent laboratory. However, if a test is performed more than 4 different times per year, laboratory participation is required only 4 times per year. If the laboratory does not participate in all tests, the times of laboratory participation must be as selected by the laboratory. The times selected must provide for effective monitoring throughout the production schedule.

(e) *Visual examination.* The visual examination described in § 163.003–21(b) must be conducted as a part of each production test.

§ 163.003–29 Effective date and status of prior approval.

(a) Approval certificates for pilot ladders issued under Subpart 160.017 terminate on March 31, 1982.

(b) Applications for approval of pilot ladders under this subpart will be accepted on and after December 31, 1982.

(c) In previous regulations, pilot ladders were referred to as Type I—Rope Suspension Ladders.

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Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1–166]

Organization and Delegation of Powers and Duties; Superfund

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Final rule.

SUMMARY: DOT delegates to appropriate Departmental officials functions vested in the Secretary by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and by Executive Order 12316, Response to Environmental Damage.

DATE: This amendment becomes effective December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, (202) 426–4723.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective in fewer than thirty days after publication in the **Federal Register.**

Executive Order 12316 of August 14, 1981 (46 FR 42237; August 20, 1981) delegates to various officials of the Executive Branch functions vested in the President by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (94 Stat. 2796; 42 U.S.C. 9615) ("Superfund"). A number of the functions are delegated to the Secretary of Transportation specifically and a number are delegated to the Secretary of the department in which the Coast Guard is operating (currently, DOT; in case of war or order of the President, Coast Guard transfers to the Navy under 14 U.S.C. 3). This document delegates to the Commandant of the Coast Guard the second type of functions and to other appropriate DOT officials the first type.

Not all functions of the second type are being delegated to the Coast Guard. Pursuant to section 8(f) of the Executive Order, a number of these functions have been delegated to the Administrator of the Environmental Protection Agency (EPA). A copy of the agreement between DOT and EPA on those functions appears below and the delegation to Coast Guard reflects this agreement.

Finally, one section of Superfund itself vests authority directly in the Secretary: § 108(a)(3), concerning denial of entry and detention of vessels not evidencing the financial responsibility required by § 108(c)(1); that is also delegated to the Coast Guard.

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

1. Section 1.46 is amended by adding at the end thereof the following new

paragraphs (ff) and (gg), to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

The Commandant of the Coast Guard is delegated authority to—

* * * * *

(ff) Carry out the functions vested in the Secretary by section 108(a)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (94 Stat. 2798; 42 U.S.C. 9615).

(gg) Carry out the functions vested in the Secretary by sections 2(d) (f), and (g); 3(a); and 4(b) of Executive Order 12316 insofar as they relate to—

(1) Responses to releases or threats of releases from vessels,

(2) Immediate removal action concerning releases or threats of releases at facilities other than active or inactive "hazardous waste management facilities" (as defined in 40 CFR 122.3), and

(3) Immediate removal action concerning releases or threats of releases at active or inactive "hazardous waste management facilities" only when the Coast Guard On-Scene Coordinator determines that such action must be taken pending the arrival on scene of an Environmental Protection Agency On-Scene Coordinator. Unless otherwise agreed upon by EPA and Coast Guard, this authority will not be exercised unless the EPA OSC is scheduled to arrive on scene within 48 hours of notification of the release or threat.

As used in this paragraph, "immediate removal action" includes any removal action which, in the view of the Coast Guard On-Scene Coordinator, must be taken immediately to prevent or mitigate immediate and significant harm to human life or health, to the environment, or to real or personal off-site property. Situations in which such actions may be taken include, but are not limited to, fire, explosions, and other sudden releases; human, animal, or food chain exposure to acutely toxic substances; and the contamination of a drinking water supply. All functions listed in this paragraph include the authority to contract for, obligate monies for, and otherwise arrange for and coordinate the responses included within such functions.

2. Section 1.47 is amended by adding at the end thereof a new paragraph (m), to read as follows:

§ 1.47 Delegations to Federal Aviation Administrator.

The Federal Aviation Administrator is delegated authority to—

* * * * *

(m) Carry out the functions vested in the Secretary by sections 4(a) and 5(c) of Executive Order 12316 of August 14, 1981 (46 FR 42237; August 20, 1981) (delegating sections 107(c)(1)(c) and 108(b), respectively, of the Comprehensive Environmental Response, Compensation, and Liability Act of 1981, Pub. L. 96–510), insofar as they relate to aircraft.

3. Section 1.48 is amended by adding at the end thereof a new paragraph (w), to read as follows:

§ 1.48 Delegations to Federal Highway Administrator.

The Federal Highway Administrator is delegated authority to—

* * * * *

(w) Carry out the functions vested in the Secretary by sections 4(a) and 5(c) of Executive Order 12316 of August 14, 1981 (46 FR 42237; August 20, 1981) (delegating sections 107(c)(1)(c) and 108(b), respectively, of the Comprehensive Environmental Response, Compensation, and Liability Act of 1981, Pub. L. 96–510), insofar as they relate to motor carriers.

4. Section 1.49 is amended by adding at the end thereof a new paragraph (x), to read as follows:

§ 1.49 Delegations to Federal Railroad Administrator.

The Federal Railroad Administrator is delegated authority to—

* * * * *

(x) Carry out the functions vested in the Secretary by sections 4(a) and 5(c) of Executive Order 12316 of August 14, 1981 (46 FR 42237; August 20, 1981) (delegating sections 107(c)(1)(c) and 108(b), respectively, of the Comprehensive Environmental Response, Compensation, and Liability Act of 1981, Pub. L. 96–510), insofar as they relate to rolling stock.

5. Section 1.53 is amended by adding at the end of paragraph (a) a new subparagraph (7), to read as follows:

§ 1.53 Delegations to the Administrator of the research and special programs.

Administration. The Administrator of the Research and Special Programs Administration is delegated authority to exercise powers and perform duties, including duties under the specified statutes as follows:

(a) *Pipelines.* * * *

(7) Sections 4(a) and 5(c) of Executive Order 12316 of August 14, 1981 (46 FR 42237; August 20, 1981) (delegating sections 107(c)(1)(c) and 108(b), respectively, of the Comprehensive Environmental Response, Compensation, and Liability Act of 1981, Pub. L. 96–510), insofar as they relate to pipelines.

* * * * *

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e))

Issued in Washington, D.C., on December 16, 1981.

Andrew L. Lewis, Jr.,

Secretary of Transportation.

Instrument of Redelegation

In accordance with Section 8(f) of Executive Order 12316 of August 14, 1981, the Secretary of the Department in which the Coast Guard is operating hereby redelegates to the Administrator, Environmental Protection Agency, subject to the Administrator's consent, all functions specified in sections 2(d), 2(f), 2(g), 3(a), and 4(b) of that Executive Order with the exception of the following:

a. Functions related to responses to releases or threats of releases from vessels;

b. Functions related to immediate removal action concerning releases or threats of releases at facilities other than active or inactive "hazardous waste management facilities" (as defined in 40 CFR 122.3); and

c. Functions related to immediate removal action concerning releases or threats of releases at active or inactive "hazardous waste management facilities" when the Coast Guard On-Scene Coordinator determines that such action must be taken pending the arrival on scene of an Environmental Protection Agency On-Scene Coordinator. Unless otherwise agreed upon by EPA and Coast Guard, this authority will not be exercised unless the EPA OSC is scheduled to arrive on scene within 48 hours of notification of the release or threat.

For purposes of this instrument: the term "immediate removal action" includes any removal action which, in the view of the Coast Guard on-Scene Coordinator, must be taken immediately to prevent or mitigate immediate and significant harm to human life or health, to the environment, or to real or personal offsite property. Situations in which such action may be taken include, but are not limited to, fire, explosions, and other sudden releases; human, animal, or food chain exposure to acutely toxic sutstances; and the contamination of a drinking water supply.

All functions described in this instrument, whether redelegated or retained, include the authority to contract for, obligate monies for, and otherwise arrange for and coordinate the responses included within such functions.

Andrew L. Lewis, Jr.,

Secretary of Transportation.

October 2, 1981.

I hereby consent to the redelegation as set forth in this instrument.

Anne M. Gorsuch,

Administrator

October 9, 1981.

[FR Doc. 81-36946 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Kangaroos; Effect of Final Decision To Permit Commercial Importation

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of interpretation.

SUMMARY: On April 29, 1981, the Service published in the **Federal Register** (46 FR 23929) a notice of final agency action authorizing the importation for commercial purposes of hides and parts of the red kangaroo (*Megaleia rufa*), the eastern gray kangaroo (*Marcropus giganteus*) and the western gray kangaroo (*Macropus fuliginosus*), species listed as threatened pursuant to the Endangered Species Act of 1973, 50 CFR 17.12. By this notice the Service notifies the public of the effect of the April 29, 1981 action in terms of interstate commerce in red, eastern gray, and western gray kangaroo hides and parts.

ADDRESSES: Questions concerning this notice may be addressed to Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240 (703–235–2771).

SUPPLEMENTARY INFORMATION: The red, eastern gray, and western gray kangaroos were listed as threatened pursuant to the Endangered Species Act of 1973 on December 16, 1974 (39 FR 44990). This listing prohibited the commercial importation of these kangaroos [50 CFR 17.40(a)(1)(i)], and also prohibited interstate commerce in unlawfully imported kangaroo [50 CFR 17.40(a)(1)(iii)]. Since the red, eastern gray, and western gray kangaroo are foreign species, the effect of the regulation was to make unlawful both importation of, and interstate commerce in, these species.

At the time of the listing, however, it was stated [50 CFR 17.40(a)(1)(i)(B)] that:

> Upon receiving from the Australian Government a certificate that (1) a particular Australian state has developed an effective sustained-yield program for such wildlife and (2) the taking of such wildlife in that state will not be detrimental to the survival of the species or subspecies of which such wildlife is a part, the Director may, consistent with the purposes of the Act, permit by publication in the **Federal Register** the commercial importation of any such wildlife originating from the state. . . .

In an April 29, 1981 **Federal Register** notice (46 FR 23929), the Service announced that the Australian States had met the conditions of 50 CFR 17.40(a)(1)(i)(B) for resuming commercial trade with the United States in the three kangaroo species. Commercial importation of kangaroo from these states was therefore permitted provided certain conditions relating to point of entry were met. Since the prohibition against interstate commerce applies only to unlawfully imported kangaroo and importation is now lawful, interstate commerce in these species is now also lawful. *See* 50 CFR 17.40(a)(1)(a)(1)(iii).

The Service thus interprets its April 29, 1981 action as authorizing, pursuant to an exemption provided for by regulation, [50 CFR 17.40(a)], the importation of, and interstate commerce in, the red, eastern gray, and western gray kangaroo.

G. Ray Arnett,

Assistant Secretary of the Interior.

[FR Doc. 81-37230 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 675

Foreign Fishing; Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NOAA issues a final rule implementing the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP). The FMP governs fishing for groundfish by United States and foreign fishing vessels in those parts of the Bering Sea and Aleutian Islands area that are subject to Federal fishery management jurisdiction under the Magnuson Fishery Conservation and Management Act. This action is necessary to assure optimum utilization while preventing overfishing of groundfish resources, and to ensure the regular collection of reliable information concerning the developing United States groundfish fishery. It is expected that this action will accomplish these objectives and that experience gained in applying the rule will provide insights concerning ways in which the efficiency and effectiveness of this fishery's management can be improved.

EFFECTIVE DATE: January 1, 1982, for all sections except §§ 611.93(d), 675.4, and 675.5(a). Section 675.4, Federal permits, and § 675.5(a), domestic reporting requirements, are not effective until February 1, 1982. Notice of the effective date of § 611.93(d) will be published later in the **Federal Register.**

ADDRESSES: Communication concerning this rule may be addressed to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey, (907) 586–7221.

SUPPLEMENTARY INFORMATION:

Introduction

On October 19, 1979, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator) preliminarily approved the fishery management plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP), under section 304 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, 90 Stat. 331, as amended, 16 U.S.C. 1801 *et seq.*, (Magnuson Act)). The FMP had been prepared by the North Pacific Fishery Management Council (Council) under Magnuson Act sections 302 and 303 to govern fishing for groundfish by United States and foreign vessels in the fishery conservation zone (FCZ) of the Bering Sea and of that part of the North Pacific Ocean adjacent to Alaska west of 170° W. longitude. The FCZ, over which the Magnuson Act extends the exclusive fishery management authority of the United States, includes ocean areas lying between the seaward boundary of the State of Alaska (the "three-mile limit") and a line each point of which lies two hundred miles from the baseline used to measure the territorial sea, except for those areas lying west of the United States-Russia Convention line of 1867. The Assistant Administrator, acting under a delegation of authority from the Secretary of Commerce, has primary authority under the Magnuson Act for regulating fisheries carried out in the FCZ by all United States and foreign vessels. In addition, a State may enforce regulations consistent with those of the Assistant Administrator governing fishing in the FCZ by vessels "registered under the laws" of that State.

Pursuant to Magnuson Act section 305(a), the Assistant Administrator published the FMP and proposed regulations to implement the FMP in the

Federal Register on November 19, 1979, inviting public comments on both the FMP and the proposed regulations for 45 days ending January 18, 1980 (44 FR 66356). In light of the comments received and other information obtained following publication of the FMP and proposed regulations, the Assistant Administrator decided that a revised draft environmental impact statement (EIS) should be prepared on the proposed implementation of the FMP under the National Environmental Policy Act. The revised draft EIS was released for public review and filed with the Environmental Protection Agency on September 19, 1980. A final EIS, based upon the draft, the public comments received on the draft, and other information obtained since the release of the draft, was released and filed on November 20, 1981.

In addition to the original FMP, the EIS deals with certain amendments to the FMP that have been adopted or considered by the Council. These include Amendments 1a and 2, discussed further below. Public comments on these amendments to the FMP and proposed implementing regulations were published for a 45 day comment period on October 29, 1981 (46 FR 53475).

A draft regulatory analysis (RA) on implementation of the FMP was prepared in accordance with Executive Order 12044, 43 FR 12261 (March 24, 1978). Subsequently, Executive Order 12044 was superseded by Executive Order 12291, 46 FR 13193, February 19, 1981, requiring the preparation and submission to the Office of Management and Budget (OMB) of a regulatory impact analysis (RIA) on any "major rule." In addition, the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1165, 5 U.S.C. 601 *et seq.*), requiring the preparation of a regulatory flexibility analysis (RFA) on any rule which has been determined by the Administrator of NOAA "have a significant economic impact on a substantial number of small entities" took effect on January 1, 1981.

Under interim procedures required by the National Marine Fisheries Service (NOAA) to implement Executive Order 12291 and the Regulatory Flexibility Act, a regulatory impact review (RIR) was prepared that analyzed the extent to which this final rule may be burdensome or would significantly impact a number of small business entities. On the basis of this analysis, the Administrator has determined that the final rule is not major under Executive Order 12291 and is not significant within the meaning of the Regulatory Flexibility Act.

The Assistant Administrator, upon consideration of the comments received on the notice of proposed rulemaking:

(1) Finds that the FMP is consistent with the National Standards of Magnuson Act section 301, with other provisions of the Magnuson Act, and with other applicable law; and

(2) Promulgates this final rule to implement the FMP.

The Assistant Administrator takes this action under Magnuson Act section 305(c).

The final rule includes certain reporting requirements, which have been approved by the Director, Office of Management and Budget, under the Paperwork Reduction Act of 1980. The OMB control numbers are as follows:

Federal Permit application, OMB 648-0097; domestic reporting requirements, OMB 648-0016; domestic intent to process form, OMB 648-0114. Domestic fishermen should note that the Federal requirement that a State of Alaska fish ticket be submitted for each sale or delivery of groundfish within the State of Alaska, proposed at § 675.5 (a), has been eliminated. These final regulations do not duplicate valid State of Alaska reporting requirements, which remain in effect with respect to fishing for groundfish in the Bering Sea and Aleutian Islands area. The recordkeeping provisions at § 611.93(d) have been submitted to OMB. They are not effective until OMB approval has been obtained. A notice will be published in the Federal Register at that time.

A number of specific points were raised in the comments on the notice of proposed rulemaking, and these are responded to below. Comments on the draft EIS are responded to in the final EIS. In addition, several issues were raised repeatedly in the sources of information enumerated above. These sources draw heavily upon experience gained in the actual management of the foreign fishery during the past five years under the Preliminary Fishery Management Plan for the Trawl Fisheries and Herring Gillnet Fishery of the Bering Sea and Northeast Pacific (PMP). During this time, the PMP and its implementing rules have prescribed management measures for the foreign fishery that are substantially identical to those of the FMP. These general issues, which received detailed treatment in the sources mentioned above, will now be discussed in turn.

General Issues Concerning Approval and Implementation of the FMP

1. *Treatment of "Prohibited Species" Under the FMP*

The most controversial issue that was considered by the Council and the Assistant Administrator during the development and review of the FMP was whether and what kinds of restrictions should be imposed on foreign groundfish operations for the protection of "prohibited species," in addition to the restrictions imposed for that purpose by current regulations on foreign fishing operations in the FCZ generally.

The groundfish species of the Bering Sea and Aleutians that are the primary targets of the fishery governed by the FMP are commingled throughout their range, and particularly in the eastern Bering Sea, with salmon, halibut, king crab, and Tanner crab, as well as with a wide variety of other marine life. The trawl gear that currently provides the most efficient means of exploiting most groundfish in the area, particularly the vast pollock stocks, is unselective, catching all forms of marine life that it encounters, whether or not it is a target groundfish species. Because of the close association of the target groundfish species with other forms of marine life, the Council and Assistant Administrator could have included the "incidental catch" of all those other marine life forms, except for marine mammals, in the fishery covered by the FMP under the wide discretion granted them by Magnuson Act section 306, which defines the term "fishery" as one or more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of "geographic, scientific, technical, recreational, and economic characteristics," and "any fishing for such stocks." Once the incidental catch of these other marine life forms was included as part of the "fishery," it would have constituted part of the "optimum yield" (OY) of the fishery, to be allocated between United States and foreign vessels in a manner related to their respective expected harvests of the target groundfish species. In fact, the FMP treats the great majority of the marine life that is caught incidentally to the target groundfish species in just this way. It divides them into "other species," which have some commercial value, to which a single OY figure applies, and "nonspecified species," a residual category of creatures having little or no current commercial value, the OY for which is defined as the amount actually taken

incidentally to the harvest of the "target" and "other" groundfish species. Both types of species, like the target groundfish species, may be retained when caught.

While the Magnuson Act would have permitted similar treatment of salmon, halibut, king crab, and Tanner crab, both the Council and the Assistant Administrator have determined as a matter of policy that they should be treated more stringently. Unlike most of the other species that are caught incidentally to the groundfish fishery, each of these four types of fish is the target in its own right of one or more other fisheries which are extemely lucrative to the United States fishermen. In addition, they are so valuable in comparison to the target groundfish species that there is strong reason to believe that vessels ostensibly fishing for groundfish would begin to target on the salmon, halibut, or crabs if they were allowed to be retained. In recognition of this situation, which also exists for other species in other regions of regulation, 50 CFR 611.13 designates a category of "prohibited species" which may not be targeted upon, the incidental harvest of which must be minimized, and which may not be retained.

A species may be declared "prohibited" to foreign vessels by excluding it from the "fishery" to which a FMP applies, so that its incidental harvest in that fishery does not form a component of that fishery's OY. Because no OY figure is recognized for the species in that fishery, none of it can be allocated as part of the total allowable level of foreign fishing (TALFF) for that fishery, and it is a prohibited species to that fishery.

Until 1981, salmon, halibut, Tanner crab and king crab, as well as several fish of lesser importance, were treated as prohibited species and made subject to the requirements of 50 CFR 611.13 without any additional limitations. Foreign vessels in the groundfish fishery were therefore required only to minimize their incidental catch of these species and to return them to the seas with a minimum of injury regardless of condition. In addition, certain time and area closures, such as those of the Bristol Bay Pot Sanctuary and the Winter Halibut Savings Area, were imposed partly to reduce incidental catches of crab and halibut.

During 1979 and 1980, however, it appeared that the incidental catch of chinook salmon in the groundfish fishery had risen sharply. This gave rise to concern by residents of western Alaska, who harvest these salmon for commercial and subsistence purposes when they return to spawn in the Yukon and Kuskokwim river systems that continuation of the foreign groundfish fishery in the Bering Sea without further restrictions would endanger the Alaskans' livelihood. Through administrative and judicial means, they sought unsuccessfully to have the eastern Bering Sea closed to foreign groundfish trawling between October and March, the period when the concentration of Alaska salmon in that area is highest. Subsequently, they entered into negotiations with representatives of the Japanese groundfish trawl industry to arrive at mutually agreeable measures for further limitation and reduction of the incidential chinook salmon catch. They agreed upon a system by which an area of the central Bering Sea would be closed for the winter to trawling after a certain annual amount of salmon had been caught incidentially by the foreign groundfish fishery. This amount was 65,000 fish for calendar year 1981 and 55,250 fish for 1982. The Council adopted this agreement as Amendment 1a to the FMP. Proposed rules to implement the amendment were published on October 9, 1981 (46 FR 53475).

Concurrently with the controversy and negotiated settlement concerning the incidental catch of salmon, the Council has been considering more comprehensive and permanent proposals for the long term reduction of prohibited species incidental catches. At its meeting of September 24–25, 1981, the Council adopted Amendment 3 to the FMP, prescribing management standards and procedures designed for this purpose, and treating halibut, king crab, and Tanner crab, as well as salmon.

2. Treatment of Herring Under the FMP

Pacific herring is an unavoidable incidental catch in the groundfish trawl fishery of the Bering Sea and Aleutian Islands Area, particularly in the eastern Bering Sea. From 1977 through 1979, foreign vessels were allowed to catch and retain Pacific herring under the PMP's herring regulations. However, the U.S. District Court in Alaska nullified the PMP's herring regulations, and there has been no foreign fishery for herring in 1980 or 1981. Instead, herring have been treated as a prohibited species.

The Assistant Administrator has determined that the herring provisions of the PMP will remain in effect when this Bering Sea and Aleutian Islands Area groundfish FMP is implemented. Because data on the herring stock are scanty when the herring are offshore, the special reporting requirements under the PMP are retained in § 611.93(d) of these final regulations, and expanded to include the reporting of retained "non-specified species." This section requires foreigners to notify the U.S. Coast Guard when they enter or leave the geographic area in which herring congregate during September through April, and to provide weekly reports of the herring catch, even though herring must be discarded.

The Council is preparing an FMP for herring. It probably will limit offshore harvest to the true incidental catch rate. A limited foreign fishery on herring may be allowed in special circumstances.

3. The Effects of the Fishery Under the FMP on Marine Mammals and Birds and Endangered Species

In a biological opinion issued under section 7 of the Endangered Species Act of 1973, the Assistant Administrator concluded that implementation of the FMP would not jeopardize the continued existence of endangered whales in the Bering Sea and Aleutians, or their critical habitat. This opinion is included as part of the final EIS. The fishery, as it would be carried out under the FMP would, however, have significant effects on other marine mammal species in the area, including pinnipeds and sea otters, which occur in great numbers. (Many of the marine mammals are relied upon for subsistence by Alaska Natives.) These effects are of two major kinds: direct injury of marine mammals by groundfish trawl gear, and food competition by the fishery with marine mammals. Like the other forms of marine life discussed above, marine mammals caught in groundfish trawl gear are unlikely to survive. Marine mammals feed on the target groundfish species, and there is evidence that their numbers in recent years have been lower than they would have been in the absence of the groundfish fishery. Both of the effects of the fishery appear to have had the greatest impact on the northern sea lion and the northern fur seal. The OY specifications for groundfish prescribed in the FMP have been depressed in order to reduce the level of food competition with marine mammals. In addition, the Assistant Administrator has determined, on the basis of information presented in the FMP and the final EIS, that all marine mammals that are likely to be affected significantly by the fishery are at their optimum sustainable population (OSP) levels, and are not likely to be reduced to levels below OSP by the fishery as it would be conducted under the FMP. Fishery operations that are likely to result in the direct taking of marine mammals must be conducted under a certificate of inclusion issued by the Assistant Administrator under a general permit for the taking of marine mammals

incidental to commercial fishing operations. The Assistant Administrator has therefore concluded that implementation of the FMP will comply with both the spirit and the letter of the Marine Mammal Protection Act of 1972.

The fishery also has the same kinds of effects, though probably to a lesser extent, on the many marine birds that inhabit the Bering Sea and Aleutians, including some species that are protected under the Migratory Bird Treaty Act (MBTA). Birds protected under the MBTA tend to congregate in the area of groundfish trawling operations, and are occasionally captured in the trawl gear. Any such capture that was intended or negligently caused by those conducting the trawling operations would be a "taking" in violation of the MBTA.

The question has been raised whether food competition between the fishery and marine birds might not constitute a "taking" of such birds under the MBTA. The Assistant Administrator's analysis of judicial interpretation of the MBTA reveals that the courts have extended the MBTA's concept of "taking" beyond its longstanding reference to hunting or other direct killing or wounding of birds to include certain limited circumstances in which birds are directly poisoned by toxic pollutants released into the environment in ways that give rise to liability for negligence or to strict liability at common law. *United States* v. *Corbin Farm Service*, 44 F. Supp. 510 (E.D. Cal.), *affirmed in part*, 578 F.2d 259 (9th Cir. 1978); *United States* v. *FMC Corporation*, 428 F. Supp. 615 (W.D.N.Y. 1977), *affirmed* 572 F.2d 902 (2nd Cir. 1978). Thus, the fact that fishing operations under the FMP may compete to some extent with migratory birds for food does not appear to render these operations in violation of the MBTA.

4. Whether Additional Restrictions Should Be Imposed on the Use of Bottom Trawls

It is believed that the use of trawl gear that is deployed several feet from the ocean floor would substantially reduce the adverse effects of groundfish trawling on the benthic environment and would reduce incidental catches of crab and halibut. Almost all trawl gear currently in use in the Bering Sea and Aleutians remains in contact with the bottom during fishing operations. Despite the benefits of off-bottom trawl gear, the Assistant Administrator has determined that a requirement that it be used should not be included in the FMP at this time. Because flounders and other flatfish that are heavily relied upon by both the foreign and the United States groundfish fisheries cannot be caught with off-bottom trawl gear, it is highly likely that any off-bottom requirement extensive enough to have significant benefits would cause great economic distress to current participants in the fishery, and would leave flatfish resources largely unutilized. If an off-bottom requirement is found to be particularly helpful in limited areas, it might be imposed in such areas through later amendment of the FMP. The Assistant Administrator considers it more realistic to expect longline harvest of flatfish to substitute economically for trawling in such limited areas rather than in the entire fishery area. When more limited areas are subjected to an off-bottom requirement, foreign trawl vessels already in the fishery can shift to other areas and foreign longline vessels already available to the fishery can intensify their efforts in the more limited areas without a massive dislocation of capital investment. An off-bottom requirement throughout the fishery imposed on United States fishing vessels would also seriously cripple United States efforts to establish a viable groundfish fishery. This would be contrary to the purposes of the Magnuson Act. Even if imposed in limited areas, an off-bottom trawl requirement would be difficult to enforce without greatly increased enforcement resources.

5. Limitations on Fishing by United States Vessels in the Bristol Bay Pot Sanctuary and the Winter Halibut Savings Area

The FMP as adopted by the Council imposes certain restrictions on groundfish fishing by United States vessels in the Bristol Bay Pot Sanctuary and the Winter Halibut Savings Area, which lie just north of the Alaska Peninsula and northern Aleutians. The FMP would allow United States vessels to trawl in the Pot Sanctuary only during open seasons for United States crab fisheries. It would allow United States trawling in the Savings Area between December 1 and May 31 only until the United States trawl catch of groundfish equaled 2,000 metric tons (mt); and would permit United States longlining landward of the 500 meter isobath only until the United States longline catch of groundfish, excluding halibut, equaled 2,000 mt. More stringent restrictions in foreign fishing would be imposed in each area.

Following adoption of the FMP by the Council, representatives of United States groundfish fishing interests protested against the proposed restrictions on United States fishing in the Pot Sanctuary and Savings Area. Following publication of the notice of proposed rulemaking, the Council voted to decrease the size of the Savings Area by eliminating the "Misty Moon" grounds south of the Pribilof Islands, and also voted to allow a closely monitored United States groundfish fishery in both the Pot Sanctuary and the Savings Area on a year-round basis. These changes to the FMP have been incorporated into Amendment 1, which is now under review by the Assistant Administrator. Even though Amendment 1 has not yet been approved, the Assistant Administrator has decided to accommodate the concern of the United States groundfish industry, and the Council's intent by deleting from this final rule any provisions that would implement the current restrictions in the FMP on United States fishing in both the Pot Sanctuary and Savings Area. Restrictions on foreign fishing in the "Misty Moon" grounds also are deleted.

6. Implementation of the FMP Before Amendments 1 and 3 Are Approved and Implemented

Four amendments to the FMP have thus far been adopted by the Council and submitted to the Secretary for approval. Amendment 1 puts the OY specification for target and "other" groundfish species on a multispecies basis, with provision for fluctuation from year to year in the total OY and the allowable catch of each species group. Amendment 1 also increases the authority of the Secretary to impose in-season time and area closures; revises the estimates of DAH; changes the restrictions on United States fishing in the Pot Sanctuary and Savings Area, as described above, as well as reducing the size of the Savings Area; and specifies that the fishing year under the plan is the same as the calendar year.

Amendment 1a incorporates into the FMP the measures for reducing the salmon incidental catch, described above. Amendment 2 changes certain allowable catch specifications for Pacific cod and yellowfin sole, reflecting recent increases in the United States harvest of those species. Amendment 3 introduces to the FMP the comprehensive management measures for conservation of prohibited species discussed above.

The Assistant Administrator has not yet completely evaluated Amendments 1 and 3, or the scientific information on which they are based. He has concluded, however, that there is nothing in the information upon which these amendments were based that would render the FMP, as implemented by this final rule, inconsistent with the Magnuson Act or other applicable law,

even if that information is eventually accepted by the Assistant Administrator as the best available scientific information. Except for Pacific cod and yellowfin sole, the data on stock condition upon which Amendment 1 is based would support the OY level currently specified in the FMP. The DAH figures set forth in Amendment 1 can, with the exception of the figures for these two species, be effected through the FMP's current flexible system of reserve releases, a fact that has been demonstrated by practice under the PMP. As was discussed above, the incidental catches of halibut, king crab, and Tanner crab have not presented the same problems as those of salmon in recent years, so that the FMP can be implemented before the approval and implementation of Amendment 3 without the serious risk of harm to these species.

In contrast with Amendments 1 and 3, Amendments 1a and 2 respond to significant changes in relevant information about the fishery that have occurred since the FMP was adopted by the Council. While opinions on the urgency of the two amendments, particularly Amendment 1a, have differed, the Assistant Administrator considers both of them, in light of the new information, to be highly desirable additions to the FMP that should be implemented as soon as possible. The Assistant Administrator has evaluated the new information upon which these two amendments are based in his consideration of similar amendments to the PMP, which he has implemented, and has found that information to be the best scientific information available. Amendments 1a and 2, published as proposed rules on October 29, 1981 (46 FR 53475) will be implemented early in 1982.

More detailed discussion of these general issues, as well as others that were raised in the course of the FMP's development and consideration, can be found in the final EIS and the RIR, as well as in the FMP itself and its amendments. All of these documents are available free of charge upon request from the Regional Director at the address listed above.

Responses to Specific Comments on the Notice of Proposed Rulemaking

In response to the notice of proposed rulemaking, the Assistant Administrator received comments on the FMP and proposed rules from ten interested persons, agencies, and organizations. The substantive points raised in these comments will now be addressed. The names of those submitting each comment appear after the comment, in parentheses.

(1) *Comment:* The eastern Bering Sea should be closed to foreign trawling from November 1 through March 1 to reduce the incidential catch of salmon. (Nunam Kitlutsisti)

Response: Amendment 1a to the FMP responds to this concern as was discussed above. Nunam Kitlutsisti is a party to the agreement with the Japanese trawl industry upon which Amendment 1a is based.

(2) *Comment:* The original FMP's restrictions on fishing by United States vessels in the Pot Sanctuary and Halibut Savings Area are so stringent as to threaten the development of United States groundfish fisheries, and should be relaxed. (Steuart Fisheries, Marine Resources Company, Daniel E. Webster, Marine Construction and Design Company)

Response: The Council has voted to relax the original FMP's restrictions on United States fishing in the Pot Sanctuary and Savings Area, as was discussed above, and the new measures are part of Amendment 1. Pending approval and implementation of Amendment 1, the restrictions currently contained in the FMP will not be implemented by this final rule.

(3) *Comment:* The OY for Pacific cod should be raised in light of a recent increase in abundance. (Japanese fishing industry)

Response: Amendment 2 raises the Pacific cod OY.

(4) *Comment:* The OY for the fishery, and particularly the pollock component of the OY, should be increased. (Government of Japan; North Pacific Fisheries Development Association of Korea)

Response: Given the best available scientific information, as determined by the Council and the Assistant Administrator, and the objectives of rebuilding depleted stocks and minimizing the impact of the groundfish fishery on other components of the ecosystem, the OY specifications of the FMP as modified by Amendment 2 are appropriate.

(5) *Comment:* A separate pollock OY should not be specified for the Aleutians. (Government of Japan)

Response: The Assistant Administrator has concluded that there is good evidence supporting the contention that the deep-water pollock resource found in the Aleutians is a separate stock. Therefore, a separate OY for this stock should be specified for the time being.

(6) *Comment:* The DAH specifications contained in the FMP are too high. (Government of Japan, North Pacific Longline-Gillnet Association)

Response: While the DAH specifications are generally much higher than the amounts of fish actually taken by United States fishermen in previous years, the erratic situation of the United States fishery and the sudden spurts of growth that have occurred in the past due to joint ventures or other markets make initial high DAH specifications reasonable. If, in the course, of the year, these amounts are not taken by United States vessels, the unused portions may be reassigned to TALFF.

(7) *Comment:* Because the DAH specifications are too high, there should be no reserves if DAH is left at the current level. (Government of Japan)

Response: See response to the immediately preceding comment. It has already proved necessary to supplement DAH for yellowfin sole, pollock, Atka mackerel, and "other species" with reserves under the identical provisions of the PMP.

(8) *Comment:* The FMP's provisions for transferring unused DAH and reserves to TALFF are desirable. (Government of Japan, North Pacific Longline-Gillnet Association)

Response: Comment noted.

(9) *Comment:* The introduction of the "nonspecified species" component of OY is desirable. (Government of Japan, North Pacific Longline-Gillnet Association)

Response: Comment noted.

(10) *Comment:* The FMP's establishment of a longline sanctuary is desirable. (North Pacific Longline-Gillnet Association)

Response: Comment noted.

(11) *Comment:* The foreign longlining restrictions in the Savings Area are unduly severe, because longlining results in a lower incidental catch of halibut than other fishing methods and most of them are returned to the sea alive and in good condition. (North Pacific Longline-Gillnet Association)

Response: The council and the Assistant Administrator regard protection of halibut in the Savings Area to be so important as to make even the limited foreign longline incidental catch undesirable. This is particularly so in light of the poor condition of the halibut resource in the Bering Sea and the relaxation of the restrictions on United States trawling originally contained in the FMP.

(12) *Comment:* A foreign nation's longline fishery should not be closed when that nation's allocation of "other species" is taken, because longline fisheries do not take any of the "other species" except for sculpins. This

provision fails to reflect the transfer rattails to the "nonspecified species" category. (North Pacific Longline-Gillnet Association)

Response: Comment accepted. The reference to "other species" in the FMP and regulatory provisions on fishery closure should have been changed as part of the introduction of the "nonspecified species" category, and appropriate changes are made in these final rules.

(13) *Comment:* The 500 meter isobath, which the FMP specifies as a boundary between open and closed fishing areas, is difficult to comply with and enforce, as there is no corresponding contour depicted on nautical charts. It should be replaced with specified distances from shore or geographically defined zones. (U.S. Coast Guard)

Response: This problem will be brought to the attention of the Council. While the Assistant Administrator cannot unilaterally make the suggested changes, and while the problem does not appear to warrant further delay in the FMP's implementation, this difficulty is worthy of prompt investigation.

(14) *Comment:* Prohibited species mortality would be reduced if the FMP either imposed a time limit within which catcher vessels must deliver cod ends to mother ships, or required that each catcher vessel sort its own catch for prohibited species before delivering it to a mother ship. (U.S. Coast Guard)

Response: The Assistant Administrator has considered such measures both for this and other fisheries. He has concluded both that such requirements would be extremely difficult to enforce and that the additional costs they would impose on foreign fisheries would be far out of proportion to any reduction in prohibited species mortality. Most salmon and halibut mortality seems to occur soon aftef the cod end is brought aboard the catcher vessel as a result of crushing, and could not be prevented even by prompt sorting of the catch.

(15) *Comment:* The FMP should require that foreign vessels provide a certified hold plan to enforcement personnel; and that they contain more prominent identifying markings. (U.S. Coast Guard)

Response: Both of these requirements are desirable. They are, however, relevant to enforcement needs nationwide and will be addressed by the Assistant Administrator on a more comprehensive basis.

(16) *Comment:* The rule's definition of "vessel of the United States" should be changed to include any vessel documented under the laws of the United States; any vessel numbered by a State or the Federal government under the Federal Boat Safety Act of 1971; and any non-powered vessel owned by a United States national and operated from a United States port. (U.S. Coast Guard)

Response: The rule's definition of "vessel of the United States" includes any vessel documented or numbered by the Coast Guard and any vessel which is "registered under the laws of any State." The comment appears to reflect an erroneous assumption that "registration" under State law is limited to vessel numbering by States under the Boat Safety Act. This is not the case, and the Assistant Administrator, as well as certain courts that have addressed the matter, have treated State "registration" under the Magnuson Act to include a broader range of the State fishing vessel licensing. One change that will be made to conform the rule to the definition of this term in the foreign fishing regulations is to clarify that registration under the laws of a State alone will make a vessel a "vessel of the United States" only if it weighs less than five net tons, and is therefore not subject to Federal registration.

(17) *Comment:* Both United States fishermen and enforcement personnel would benefit if fishermen were advised to monitor Channel 16, VHF–FM, or 2182 KHz for instructions; and if it were made clear that visual signals might also be used. (U.S. Coast Guard)

Response: Comment accepted. The suggested changes have been made.

(18) *Comment:* Formal constraints should be placed upon the discretion of the Regional Director to delegate his authority under the rule. (Steuart Fisheries)

Response: Since ultimate responsibility lies with the Secretary of Commerce, the proposed provision has been deleted from the final regulations.

(19) *Comment:* It is unclear whether the permit for a United States vessel to take part in the fishery remains valid if there is a change of ownership or gear, or if the vessel is chartered. (Steuart Fisheries)

Response: United States vessel permits for the fishery do not specify or restrict the kind of gear to be employed. A charterer of a permitted vessel does not require a new permit. The Regional Director must be notified within thirty days of a change of ownership, or of any other fact set forth in the permit application, but the permit will remain in effect unless the Regional Director takes affirmative action to revoke it.

(20) *Comment:* The Magnuson Act authorizes only the revocation of foreign vessel permits. To allow the revocation or suspension of a United States vessel permit for use of the vessel in the commission of a violation of the Magnuson Act would allow the government to impose a drastic penalty for minor violations or violations based on honest differences in interpretation. (Steuart Fisheries)

Response: 50 CFR Part 621, Subpart D, governs the imposition of permit sanctions under the Magnuson Act. Section 621.51(c) specifically provides that sanctions may be imposed on United States vessel permits. Neither section 303(b)(1) nor any other provision of the Magnuson Act limits the agency's authority to impose such sanctions on United States vessels. An entire section of the Magnuson Act, section 204, is devoted to foreign vessel permits, and this section provides for many details, including imposition of permit sanctions, that are left to the agency's discretion under the very general provisions of section 303(b)(1). United States participants in this fishery who commit serious violations of the Magnuson Act and this rule will be subject to permit sanctions, seizure and civil forfeiture, civil penalties, and criminal prosecution to the same extent as serious foreign violators. Each type of sanction is imposed only through administrative and judicial procedures, including opportunities for formal hearings, designed to ensure, among other things, that the penalty is proportionate to the seriousness of the violation.

(21) *Comment:* Because the State of Alaska might change the information required on its fish tickets, the rule should specify exactly what information fishermen must report for Federal purposes, rather than simply requiring submission of a State of Alaska fish ticket or equivalent document. (Steuart Fisheries)

Response: Because of the State of Alaska's expertise in collection of fishery data, the Assistant Administrator considers it advisable to retain the flexibility to implement improvements in the fish ticket form without amendment of the rule. Such changes would, however, be subject to the safeguards of the Paperwork Reduction Act of 1980.

(22) *Comment:* The requirements that United States fishermen submit catch reports within one week after sale or delivery and that United States processors submit reports on fish handled by them are excessively burdensome and unnecessary. (Steuart Fisheries)

Response: The Assistant Administrator disagrees with these assertions. The lack of data on the groundfish stocks subject to this fishery

represents the greatest obstacle to its sound conservation and full utilization. In season management measures and decisions on allocation among United States and foreign fishermen require that the progress of the fishery be closely monitored. It is imperative, therefore, that timely, accurate information on their catches be provided by United States fishermen. Most businesses maintain weekly records and therefore should be able to provide catch information within one week, if not sooner. Failure of United States fishermen to report their catches fully will merely increase the size of the allocations to the foreign fishery, for lack of evidence that the resource is being used by United States fishermen. Reports by United States fish processors on the amount of fish utilized by them is necessary for a determination of the amount of United States-harvested fish, if any, that can be made available to foreign processing vessels through joint ventures.

(23) *Comment:* The rule should clearly state that information required to be submitted under it is subject to the Magnuson Act's confidentiality requirements and that such information will not be used for enforcement purposes. (Steuart Fisheries)

Response: Information required to be submitted under this rule is subject to the confidentiality provisions of Magnuson Act section 303(d) and of 50 CFR Part 603. Nothing in these provisions forbids the use of such information by NOAA for enforcement purposes, and it will be so used to the extent consistent with other law.

(24) *Comment:* The rule's requirement that prohibited species be avoided and that the catch be sorted as soon as possible is unrealistic. In addition, the rebuttable presumption that any prohibited species on board was caught and retained in violation of the rule could result in penalties for a species that was on board only a short time after a catch was retrieved. The only rebuttable presumption authorized by the Magnuson Act is that of section 310(3) relating to civil forfeiture of vessels or catch. (Steuart Fisheries)

Response: The requirements on avoidance and sorting of prohibited species contained in the rule have been applied successfully in the foreign fishery for several years and are the backbone of the effort to minimize the impact of the groundfish fishery on these species. If anything, more stringent measures can be expected to be imposed on both foreign and United States participants in the groundfish fishery in future years. The rebuttable presumption that prohibited species found on board were taken and retained in violation of the rule is in addition to and distinct from the statutory presumption of Magnuson Act section 310(3) that all fish on board a seized fishing vessel were taken or retained in violation of that act. It should be apparent that the presumption would be rebutted if the prohibited species in question had just been brought on board with a groundfish catch before a reasonable time for sorting the catch had passed.

(25) *Comment:* It is indefensible to halt all fishing for groundfish when the OY for any single species group has been attained. (Steuart Fisheries)

Response: Because of the nonselective nature of most groundfish fishing gear, especially trawl gear, this measure is necessary for adequate conservation of the fishery. It has applied for years to foreign operations in this fishery and to both foreign and United States groundfish fisheries in the Gulf of Alaska.

(26) *Comment:* It is unfair to allow longlining to continue even after the OY for certain species has been attained when trawling must stop. (Steuart Fisheries)

Response: This difference in the treatment of longline and trawl gear is based on the facts that longline gear is more selective than trawl gear and that a much higher percentage of the fish caught on longline gear can be returned to the sea in viable condition.

(27) *Comment:* The rule should specify the procedures other than publication in the **Federal Register** to be used to publicize field orders. The 48-hour notice currently provided for in the State procedures, which are referred to in the rule, is insufficient. Closures without full opportunity for prior public comment should be allowed only in cases of true emergency. (Steuart Fisheries)

Response: The State of Alaska procedures for publicizing field orders have proven to be effective over a long period of time, and 48-hour notice of closures is sufficient to ensure that participants are adequately informed. The risk of closures on short notice is one that participants in any fishery, no matter how large, must be prepared to accept, due to the fluctuating characteristics of fishery resources. There is no reason to specify the State's procedures in detail in the rule, and this would simply make it more difficult for improvements in the procedure to be made. Closures by field order without prior public comment will be imposed only when there is "good cause" within the meaning of the Federal Administrative Procedure Act for not providing prior public notice and opportunity for comment.

Classification

As was discussed above, the NOAA Administrator has determined that this rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291, because it will not result (1) in an annual effect on the economy of $100 million or more; (2) in a major increase in costs or prices to consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (3) in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign based enterprises in domestic or export markets. By enhancing the long-term productivity of the groundfish fishery resources and thus increasing the long-term availability of this resource to U.S. and/or foreign fishermen and to consumers, this rule can be expected to enhance investment in, and the productivity of, the United States fishing industry. The Administrator has also certified that this rule will not have a significant economic impact on a substantial number of small entities, and thus does not require preparation of a regulatory flexibility analysis under 5 U.S.C. 603 and 604 of the Regulatory Flexibility Act.

The Administrator finds for good cause that it is impracticable, unnecessary, and contrary to the public interest to delay effectiveness of this rule for 30 days. That finding is based on the following:

1. A delay in the effective date of this rule would delay collection of information on amounts of fish being harvested by domestic fishermen, and would make impracticable timely reserve apportionments based on the best available information. Timely receipt of catch information from domestic fishermen is essential to the mission of NMFS, which must make a determination as early as February 2 concerning the need to supplement DAH with reserves. Without knowledge of the domestic harvest levels, amounts of fish may be declared surplus to domestic needs and allocated to TALFF. This could be harmful to the public if amounts of fish available to domestic fishermen prove inadequate and certain segments of the domestic fishery are prematurely closed.

2. The affected public has advance notice of this action, is generally familiar with it, and was afforded ample opportunity to participate in

development of the FMP—at public hearings and meetings of the North Pacific Fishery Management Council, and during the 45-day comment periods on the draft EIS and the proposed rulemaking. Domestic fishermen will be informed through news releases of the effective date of the final rule.

3. The affected public expects the implementation of the FMP through regulations effective January 1, 1982. Implementation on that date will greatly reduce uncertainty, will allow better planning by user groups, and will facilitate improved monitoring of the fishery. The regulations will be amended to reduce the incidental catch of Chinook Salmon.

Paperwork Reduction Act of 1980

This rule contains a number of collection of information requirements that are subject to comment and approval by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (Pub. L. 96–511, 44 U.S.C. 3501–3520). These requirements and the corresponding information collection request forms have either been approved or are being reviewed by the Office of Management and Budget under that Act.

National Environmental Policy Act

The final EIS discussed above, which was filed with the Environmental Protection Agency on November 20, 1981, treats the implementation of the original FMP and of all four amendments to it that have thus far been developed. As a result, it is not expected that further environmental analyses will be required when Amendments 1, 1a, 2 and 3 to the FMP are implemented.

Dated: December 23, 1981.

E. Craig Felber,

Acting Executive Director, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR Part 611 is amended and a new 50 CFR Part 675 is added, as follows:

PART 611—FOREIGN FISHING

1. The authority citation of Part 611 reads as follows:

Authority: 16 U.S.C. 1821 and 1855.

2. In Part 611, § 611.9, Appendix II, Figure 2 is revised as follows:

§ 611.9 Reports and recordkeeping.

* * * * *

Appendix II—Area Codes

* * * * *

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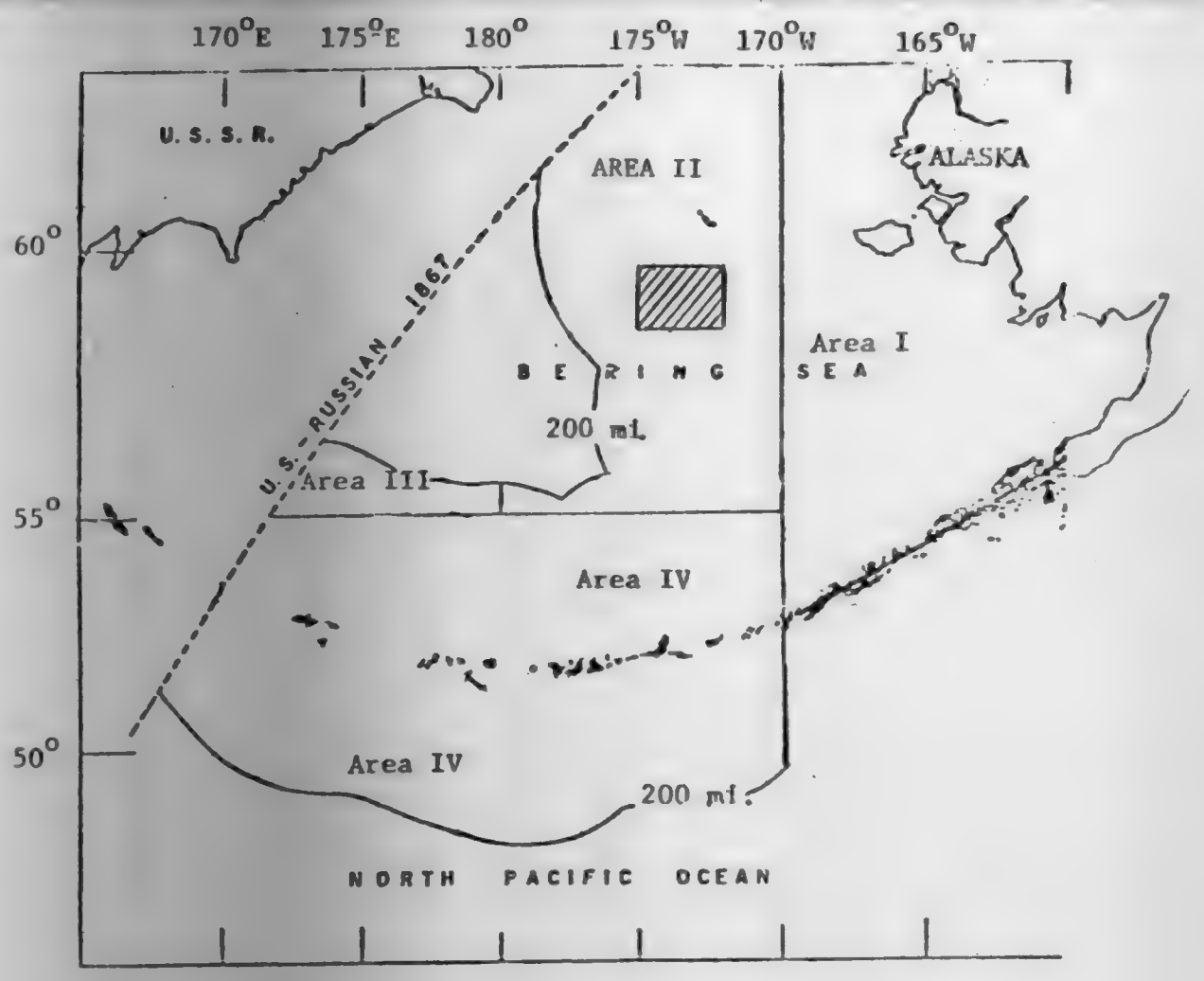


Figure 2. Fishing areas of the Bering Sea and Aleutian Islands. 1/

1/ For the purposes of §611.4 only, and for the period September 1 through April 30, the term "fishing area" shall, for all foreign trawl vessels subject to the requirements of §611.93, also mean the area described in §611.93(d)(1). This area is represented by the cross-hatched portion of Fishing Area III, above.

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3. In Part 611, § 611.20, Appendix I is amended by revising the appendix heading and entry 4A to read as follows:

§ 611.20 Total allowable level of foreign fishing.

* * * * *

APPENDIX 1.—OPTIMUM YIELD (OY), DOMESTIC ANNUAL HARVEST (DAH), DOMESTIC ANNUAL PROCESSING (DAP), JOINT VENTURE PROCESSING (JVP), DOMESTIC NONPROCESSED FISH (DNP), RESERVE, AND TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING (TALFF), ALL IN METRIC TONS. OY = DAH + RESERVE + TALFF.

Species	Species code	Area	OY	DAH [4]	DAP	JVP	DNP	Reserve	TALFF
4. Alaska Fisheries:									
A. Bering Sea and Aleutian Islands Groundfish Fishery:									
Pollock	701	Bering Sea [1]	1,000,000	19,550	10,500	9,050		50,000	930,450
		Aleutians [2]	100,000	0	0	0		0	100,000
Yellowfin sole	720		117,000	2,050	1,200	25,000		5,850	109,150
Turbots	721,118		80,000	1,075	1,000	75		4,500	84,425
Other flatfish	129		61,000	1,300	1,200	3,000		3,050	56,650
Pacific ocean perch [5]	760	Bering Sea [1]	1,270	1,270	800	630		162	1,708
		Aleutians [2]	7,500	1,380	800	630		375	5,745
Other rockfish	849		7,727	1,550	1,100	450		500	5,677
Sablefish	703	Bering Sea [1]	2,800	700	800	800		350	2,450
		Aleutians [2]	1,500	700	500	200		150	650
Pacific cod	702		58,700	24,265	35,000	17,065	200	2,935	31,500
Atka mackerel	207		24,800	100	0	100		1,240	23,460
Squid	794		10,000	50	0	50		500	9,450
Other species [3]	499		74,249	2,000	1,800	200		3,712	68,537

[4] DAH = DAP + JVP + DNP.
[1] Bering Sea means fishing areas I, II, and III in Figure 2, Appendix II of 50 CFR 611.9.
[2] Aleutian means fishing area IV in Figure 2, Appendix II of 50 CFR 611.9.
[3] The category "other species" includes sculpins, sharks, skates, eulachon, smelts, capelin, and octopus.
[5] The category "Pacific ocean perch" includes *Sebastes* species *S. aleutus*, (Pacific ocean perch), *S. polyspinus* (northern rockfish), *S. aleutianus*, (rougheye rockfish), *S. borealis* (shortraker rockfish), and *S. zacentrus* (sharpchin rockfish).

4. In Part 611, § 611.93 is revised to read as follows:

§ 611.93 Bering Sea and Aleutian Islands groundfish fishery.

(a) *Purpose.* (1) This section regulates foreign fishing for squid, octopus, and all species of finfishes except salmon, Pacific halibut, herring, and steelhead, within that portion of the Bering Sea, and that portion of the North Pacific Ocean adjacent to the Aleutian Islands west of 170° W. longitude, over which the United States exercises exclusive fishery management authority under the Act (hereinafter referred to in this section as the "management area"). See § 611.9, Appendix II, Figure 2.

(2) For regulations governing fishing in the Bering Sea and Aleutian Islands groundfish fishery by vessels of the United States, see 50 CFR Part 675. Regulations governing foreign fishing for Tanner crab and snails are set forth in 50 CFR 611.91 and 611.94, respectively.

(3) The specifications of optimum yield (OY), domestic annual harvest (DAH), total allowable level of foreign fishing (TALFF), and reserves in Appendix I to § 611.20 shall apply to each calendar year.

(b) *Authorized fishery.*—(1) *TALFFs and reserves.* (i) The OY, DAH, TALFF, and reserve for target species and other species taken in the fishery are specified in § 611.20, Appendix 1, Entry 4A. The TALFF for nonspecified species shall be any amount of such species taken incidentally to the harvest of the TALFF specified in § 611.20, Appendix 1, Entry 4A, and of such amounts of the reserve and DAH specified therein as may be apportioned to TALFF.

(ii) *Categories of species.* Five categories of species are recognized for regulatory purposes in this fishery. They are set forth in Table 1.

TABLE 1.—CATEGORIES OF SPECIES INVOLVED IN THE BERING SEA AND ALEUTIAN ISLANDS FISHERY

Unallocated species [1]	Target species [2]	Other species [2]	Non-specified species [4]	Groundfish
Salmonids, Halibut, Herring, King Crab, Tanner Crab, Coral, Shrimp, Horsehair Crab, Lyre Crab, Scallops, Snails, Dungeness Crab, Surf Clams.	Pollock, Cod, Other flat fishes, Atka Mackerel, Sablefish, Turbots, Squid, Pacific Ocean perch, other rockfish, Yellowfin sole.	Sculpins, Sharks, Skates, Eulachon, Smelts, Capelin, Octopus.	All species not included in previous categories.	Target, "other", and non-specified species.

[1] Records must be maintained as required by § 611.9.
[2] Records must be maintained.
[3] Records must be maintained of the aggregate catches.
[4] If non-specified species are retained, records must be maintained of the aggregate retained catches.

(A) The term "unallocated species" means for purposes of this section: shrimps (Pandalidae); scallops (Pactinidae); snails (Gastropoda), Pacific herring (*Clupea harengus pallasi*); salmonids (Salmonidae), Pacific halibut (*Hippoglossus stenolepis*); king crab (*Paralithodes* spp.), Tanner crab (*Chionoecetes opilio, C. bairdi*); Dungeness crab (*Cancer magister*); corals (Coelenterata); surf clam (*Spisula solidissima*); horsehair crab (*Erimacrus isenbeckii*); and lyre crab (*Hyas lyratus*). Foreign allocations for these species exists, if at all, only under other fishery management plans.

(B) The term "other species" means: sculpins, sharks, skates; eulachon; smelts, capelin; and octopus.

(C) The term "nonspecified species" means all fish other than those specifically listed in paragraphs (b)(1)(ii) (A), (B), and (D) of this section.

(D) The term "target species" means pollock, Pacific cod, all flatfishes, Atka mackerel, sablefish, all rockfishes, and squids.

(E) "Groundfish" includes all fish listed in paragraphs (b)(1)(ii) (B), (C), and (D) of this section.

(2) *Apportionment to TALFF of reserves and initial DAH.*—(i) *Apportionment of reserves.* As soon as practicable after each of the following dates, and after consultation with the North Pacific Fishery Management Council, the Secretary shall apportion to TALFF up to one-fourth (¼) of each reserve amount set forth at § 611.20, Appendix I, Entry 4A, in accordance with paragraph (b)(2)(iii) of this section: February 2, April 2, June 2, and August 2.

(ii) *Apportionment of initial DAH.* As soon as practicable after each of the following dates, and after consultation with the North Pacific Fishery Management Council, the Secretary shall reassess each DAH amount set forth at § 611.20, Appendix I, Entry 4A, and shall apportion to TALFF such parts thereof as he or she determines to be appropriate in accordance with paragraph (b)(2)(iii) of this section: June 2 and August 2.

(iii) *Standards and Procedure for Apportionment.*—(A) *General.* The Secretary shall apportion under paragraphs (b)(2)(i) and (b)(2)(ii) of this section such amounts as the Regional Director determines will not be harvested by vessels of the United States during the remainder of the calendar year. The amount of reserve which the Regional Director determines will be harvested by vessels of the United States may, at the discretion of the Secretary, be either apportioned to the estimate of domestic annual harvest (DAH) or retained in the reserve as eligible for later apportionment under paragraph (b)(2)(iii)(F) of this section.

(B) *Factors.* In determining whether or not amounts proposed to be apportioned under paragraphs (b)(2)(i) and (b)(2)(ii) of this section will be harvested by vessels of the United States during the remainder of the fishing year, the Regional Director shall consider the following factors, although he or she shall not be limited to these factors:

(*1*) Reported United States catch and effort by species and area compared to previously projected United States harvesting capacity;

(*2*) Projected United States catch and effort by species and area for the remainder of the fishing year;

(*3*) Amounts of fish, particularly United States harvested fish, already purchased or processed by United States fish processors during the fishing year, compared to the previously projected processing capacity of United States fish processors;

(*4*) Projected processing capacity, and utilization of that capacity for the processing of United States harvested fish, by United States fish processors for the remainder of the fishing year; and

(*5*) Amounts of United States harvested fish already purchased or processed by foreign fishing vessels, compared to previously projected levels of such purchasing or processing.

(C) *Allocation of increases and decreases in DAH among DAP, JVP, and DNP.* The Secretary shall allocate any increases or decreases in DAH amounts resulting from apportionments under paragraphs (b)(2)(i) and (b)(2)(ii) of this section among the three components of DAH: the estimates of domestic annual processing (DAP); joint venture processing (JVP); and domestic non-processed fish (DNP).

(D) *Public comment.* (*1*) Comments may be submitted to the Regional Director concerning:

(*i*) Whether, and the extent to which, vessels of the United States will harvest reserve or DAH amounts during the remainder of the fishing year; and

(*ii*) Whether and the extent to which United States harvested groundfish can or will be processed by United States fish processors or by foreign processing vessels.

Comments should be addressed to Director, Alaska Region, NMFS, P.O. Box 1668, Juneau, Alaska 99802, and must be received by the Regional Director no later than 5 days before the relevant date specified in paragraph (b)(2)(i) or (b)(2)(ii) of this section.

(*2*) The Secretary shall consider any timely comments submitted in accordance with this paragraph in determining whether, and to what extent, vessels of the United States will harvest reserve or DAH amounts during the remainder of the fishing year, and whether any part of such amounts will be allocated to TALFF under paragraphs (b)(2)(i) and (b)(2)(ii) of this section.

(*3*) The Regional Director shall compile, in aggregate form, the most recent available reports on (*i*) level of catch and effort by vessels of the United States fishing for groundfish in the Bering Sea and Aleutian Islands fishery; and (*ii*) amounts of United States-harvested groundfish taken in the Bering Sea and Aleutian Islands fishery and processed by United States fish processors or delivered at sea to foreign fishing vessels. These data shall be available for public inspection during business hours (8:00 a.m.–4:30 p.m., Monday–Friday) at the National Marine Fisheries Service Alaska Regional Office, Federal Building, Room 453, 709 West Ninth Street, Juneau, Alaska 99802, during the last 15 days of each comment period.

(E) *Procedure.* As soon as practicable after each of the dates specified in paragraphs (b)(2)(i) and (b)(2)(ii) of this section, the Secretary shall publish in the **Federal Register**:

(*1*) Any reserve amounts to be apportioned to TALFF or DAH;

(*2*) Any DAH amounts to be apportioned to TALFF;

(*3*) The distribution of amounts apportioned to or from DAH among DAP, JVP, and DNP;

(*4*) The reasons for any apportionments and their distribution; and

(*5*) Responses to any comments received.

(F) *Add-on.* If, following any of the first three of the four dates specified in paragraph (b)(2)(i) of this section, the Secretary apportions less than 25 percent of any reserve amount to TALFF and DAH, the nonapportioned part of that 25 percent shall be added to the reserve amounts available for apportionment on the next date specified in paragraph (b)(2)(i) of this section.

(3) *Fishing permitted.* (i) The catching in the management area and retention of any groundfish for which a nation has an allocation is permitted, except as provided in this section.

(ii) Under the procedures of § 611.15(c), the Regional Director shall notify the foreign nation(s) involved and the designated representative for any affected fishing vessel of a closure prohibiting fishing with specified gear types for any species or species group. The closure may be for all or part of the management area.

(A) *Optimum yield.* If the optimum yield (OY) for any species or species group except sablefish, turbots, or Pacific cod will be reached, the Regional Director shall prohibit fishing using trawl gear until January 1. If the optimum yield for sablefish, turbots, or Pacific cod will be reached, the Regional Director shall prohibit all fishing for groundfish until January 1.

(B) *Total allowable level of foreign fishing.* If the total allowable level of foreign fishing (TALFF) for any species or species group except sablefish, turbots, or Pacific cod will be reached, the Regional Director shall prohibit fishing using trawl gear by foreign vessels. If the TALFF for sablefish, Pacific cod, or turbots will be reached, the Regional Director shall prohibit fishing for groundfish by foreign vessels.

(C) *Allocation of a nation.* If the allocation of a nation for any species or species group except sablefish, turbots, or Pacific cod will be reached, the Regional Director shall prohibit fishing

using trawl gear by that nation. If the nation's allocation of sablefish, Pacific cod, or turbots will be reached, the Regional Director shall prohibit fishing for groundfish by all vessels of that nation.

(iii) On the effective date of a notice of closure from the Regional Director under the procedures of § 611.15(c), fishing by vessels of that nation is prohibited for the groundfish species or species groups, in the areas and during the periods stated in the notice. A notice of closure issued pursuant to paragraph (b)(3) of this section shall not apply to any receipt or processing by foreign vessels of United States-harvested fish which is authorized by permit issued by the Department of Commerce under the Act. Foreign receipt and processing of U.S. harvested fish may continue until specifically prohibited under the restrictions prescribed in the applicable permit.

(iv) A notification pursuant to paragraph (b)(3)(ii) of this section shall expire: (A) On the effective date of a notification issued pursuant to § 611.15(c) rescinding that previous notice; (B) when the time period stated in that notice expires; or (C) at midnight, Alaska Standard Time, or the following December 31, whichever is earlier.

(4) *Fishing prohibited.* Whether or not a nation receives a notice under paragraph (b)(3) of this section, fishing for groundfish by trawl vessels of a nation is prohibited when that nation's national allocation for any groundfish species is reached; and fishing for groundfish by all vessels of a nation is prohibited when that nation's national allocation for sablefish, Pacific cod, or turbots is reached.

(c) *Open and closed areas.*—(1) *General.* Foreign fishing for groundfish may be conducted beyond 12 nautical miles from the baseline used to measure the territorial sea in the entire management area, except as prohibited in this paragraph. No foreign vessels may engage in fishing within 12 nautical miles of the baseline used to measure the territorial sea, unless authorized in this paragraph.

(2) *Trawling.* (i) Trawling by foreign vessels between 3 and 12 nautical miles from the baseline used to measure the territorial sea is allowed west of 178°30′ W. longitude, from May 1 through December 31, except in the area known as Petrel Bank, described in paragraph (c)(2)(ii)(E) of this section.

(ii) Trawling is prohibited in the areas and during the periods which follow:

(A) At all times in the Bristol Bay "Pot Sanctuary" which is the area enclosed by straight lines from Cape Sarichef light at 54°36′ N. latitude, 164°55′42″ W. longitude; to 55°16′ N. latitude, 166°10′ W. longitude; to 56°20′ N. latitude, 163°00′ W. longitude; to 57°10′ N. latitude, 163°00′ W. longitude; to 58°10′ N. latitude, 160°00′ W. longitude; then due south along 160°00′ W. longitude to the Alaska Peninsula.

(B) At all times in the area between 172° W. longitude and 178°30′ W. longitude and south of a line connecting the following coordinates in the order listed: 53°14′ N. latitude, 172°00′ W. longitude; 52°13′ N. latitude, 176°00′ W. longitude; 52°00′ N. latitude, 178°00′ W. longitude; and 52°00′ N. latitude, 178°30′ W. longitude.

(C) From December 1 through May 31 in the area bounded by straight lines connecting the following coordinates in the order listed: 54°36′ N. latitude, 164°55′42″ W. longitude (Cape Sarichef light); 52°40′ N. latitude, 170°00′ W. longitude; 55°30′ N. latitude, 170°00′ W. longitude; 55°30′ N. latitude, 166°47′ W. longitude, 56°00′ N. latitude, 167°45′ W. longitude; 56°00′ N. latitude, 166°00′ W. longitude; 56°30′ N. latitude, 166°00′ W. longitude; 56°30′ N. latitude, 163°00′ W. longitude; 56°20′ N. latitude, 163°00′ W. longitude; 55°16′ N. latitude, 166°10′ W. longitude; 54°36′ N. latitude, 164°55′42″ W. longitude (Cape Sarichef light).

(D) From January 1 through April 30 in the area west of 178°30′ W. longitude and south of 55°00′ N. latitude.

(E) From May 1 through June 30 between 3 and 12 nautical miles from the baseline from which the United States territorial sea is measured in the area known as Petrel Bank, bordered by straight lines connecting the following coordinates in the order listed: 52°51′ N. latitude, 178°30′ W. longitude; 52°51′ N. latitude, 179°00′ E. longitude; 51°15′ N. latitude, 179°00′ E. longitude; 51°15′ N. latitude, 178°30′ W. longitude; 52°51′ N. latitude, 178°30′ W. longitude.

(F) *Limitation of salmon catch.* [Reserved]

(3) *Longlining.* (i) Longlining by foreign vessels between 3 and 12 nautical miles of the baseline used to measure the territorial sea is allowed west of 172°00′ W. longitude.

(ii) Longlining by foreign vessels is prohibited from December 1 through May 31 in water less than 500 meters deep in the area bounded by straight lines connecting the following coordinates in the order listed: 54°36′ N. latitude, 164°55′42″ W. longitude (Cape Sarichef light); 52°40′ N. latitude, 170°00′ W. longitude; 55°30′ N. latitude, 170°00′ W. longitude; 55°30′ N. latitude, 166°47′ W. longitude; 56°00′ N. latitude, 167°45′ W. longitude; 56°00′ N. latitude, 166°00′ W. longitude; 56°30′ N. latitude, 166°00′ W. longitude; 56°30′ N. latitude, 163°00′ W. longitude; 56°20′ N. latitude, 163°00′ W. longitude; 55°16′ N. latitude, 166°10′ W. longitude; 54°36′ N. latitude, 164°55′42″ W. longitude (Cape Sarichef light).

(4) *Receipts of fish at sea.* Foreign fishing vessels holding permits to receive U.S.-harvested fish may receive those fish in the management area between 3 and 12 nautical miles from the baseline from which the United States territorial sea is measured. Receiving foreign-harvested fish in the 3 to 12 mile area is prohibited, except: (i) When the foreign vessel delivering the foreign-caught fish is authorized to harvest fish in the 3 to 12 mile area, or (ii) in the support operations areas designated in § 611.90(c)(2).

(d) *Additional reporting requirements.*—(1) *Vessel reporting.* During the period from September 1 through April 30, and for the purposes of the requirements of 50 CFR 611.4 only, the area bounded by the following coordinates is a "fishing area" for all foreign trawl vessels fishing for groundfish under this § 611.93: 58° N. latitude, 175° W. longitude; 58° N. latitude, 172° W. longitude, 59°30′ N. latitude, 172° W. longitude, 59°30′ N. latitude, 175° W. longitude. (See § 611.9, Appendix II, Figure 2).

(2) *Reports and recordkeeping.* (i) In addition to the requirements of 50 CFR 611.9, the operator of each foreign fishing vessel fishing for groundfish in the management area and each nation whose vessels fish for groundfish in the management area shall also comply with all the requirements of § 611.9 for the prohibited species herring (code 209), even though discarded, and for non-specified species which are retained, by weight of fish to the nearest 1/10 (tenth) of a metric ton.

(ii)(A) During the period September 1 through April 30, and in addition to the requirements of § 611.9, each foreign nation shall submit, through the designated representative, a weekly report stating any catch of herring by trawl vessels in the area described in § 611.9(d)(1).

(B) The weekly report shall contain the following information:

(*1*) Name of vessel;

(*2*) Permit number;

(*3*) Effort in hours trawled, by each weekly reporting period, by vessel, by ½° (latitude) × 1° (longitude) of area fished;

(*4*) Catch of herring (code 209) to the nearest ⅒ (one-tenth) of a metric ton, by vessel, by each weekly reporting period, by ½° (latitude) × 1° (longitude) of area fished.

(C) The weekly report shall be received from the designated

representative by the Director, Alaska Region (National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99801, Telex No. 009945–377), at the times specified in § 611.9, Appendix IV, D, and in the format specified by the Director, Alaska Region.

(3) *Annual report.* Each nation whose vessels fish for groundfish in the management area shall report, by May 30 of the following year, annual catch and effort statistics as follows:

(i) Effort in hours trawled, number of longline units (300 fathoms of longline or groundline per unit) and number of hooks per unit, number of pots, duration of soaking time for longlines and pots, and number of days fished, by vessel class, by gear type, by month, by ½° latitude and 1° longitude statistical area; and (ii) catch in metric tons, by vessel class, by gear type, by month, by ½° latitude and 1° longitude statistical area, by the following species categories: yellowfin sole; rock sole; flathead sole; arrowtooth flounder; greenland halibut; other flounders; Pacific Ocean perch; Pacific cod, sablefish (blackcod); walleye (Alaska) pollock; Atka mackerel; any other species taken in excess of 1,000 metric tons; "other species," and retained "non-specified species."

5. Part 675 is added to 50 CFR Chapter VI, to read as follows:

Part 675—Groundfish of the Bering Sea and Aleutian Islands Area

Subpart A—General

Sec.

675.1 Purpose and scope.
675.2 Definitions.
675.3 Relation to other laws.
675.4 Permits.
675.5 Reporting requirements.
675.6 [Reserved].
675.7 General prohibitions.
675.8 Enforcement.
675.9 Penalties.

Subpart B—Management Measures

675.20 General limitations.
675.21 [Reserved].
675.22 [Reserved].
675.23 [Reserved].
675.24 [Reserved].
675.25 [Reserved].

Authority: 16 U.S.C. 1855, Section 305, Pub. L. 94–265, 90 Stat. 354–55.

Subpart A—General

§ 675.1 Purpose and scope.

(a) Regulations in this part govern fishing for groundfish by vessels of the United States within that portion of: (1) the Bering Sea, and (2) the North Pacific Ocean adjacent to the Aleutian Islands west of 170°00′ W. longitude, over which the United States exercises exclusive fishery management authority under the Act.

(b) For regulations governing fishing in the Bering Sea and Aleutian Islands groundfish fishery by fishing vessels other than vessels of the United States, see 50 CFR § 611.93.

(c) These regulations implement the Bering Sea and Aleutian Islands groundfish fishery management plan developed by the North Pacific Fishery Management Council.

§ 675.2 Definitions.

In addition to the definitions in the Act, and unless the context requires otherwise, the terms used in this part shall have the following meanings (some definitions in the Act have been repeated here to aid understanding of the regulations):

Act means the Magnuson Fishery Conservation and Management Act, Pub. L. 94–265, as amended, 16 U.S.C. 1801–1882.

ADF&G means the Alaska Department of Fish and Game.

Assistant Administrator means the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, United States Department of Commerce, or an individual to whom the Assistant Administrator for Fisheries has delegated appropriate authority.

Authorized Officer means:

(a) Any commissioned, warrant, or petty officer of the United States Coast Guard;

(b) Any certified enforcement or special agent of the National Marine Fisheries Service;

(c) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary and the Commandant of the Coast Guard to enforce the provisions of the Act; or

(d) Any Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (a) of this definition.

Bering Sea and Aleutian Islands management area means the fishery conservation zone (FCZ) in the Bering Sea, and that portion of the FCZ in the North Pacific Ocean that is adjacent to the Aleutian Islands and west of 170°00′ W. longitude.

(a) The Bering Sea sub-area of the management area means that portion of the FCZ contained in areas I, II, and III of Figure 1.

(b) The Aleutian Islands sub-area of the mangement area means that portion of the FCZ contained in area IV of Figure 1.

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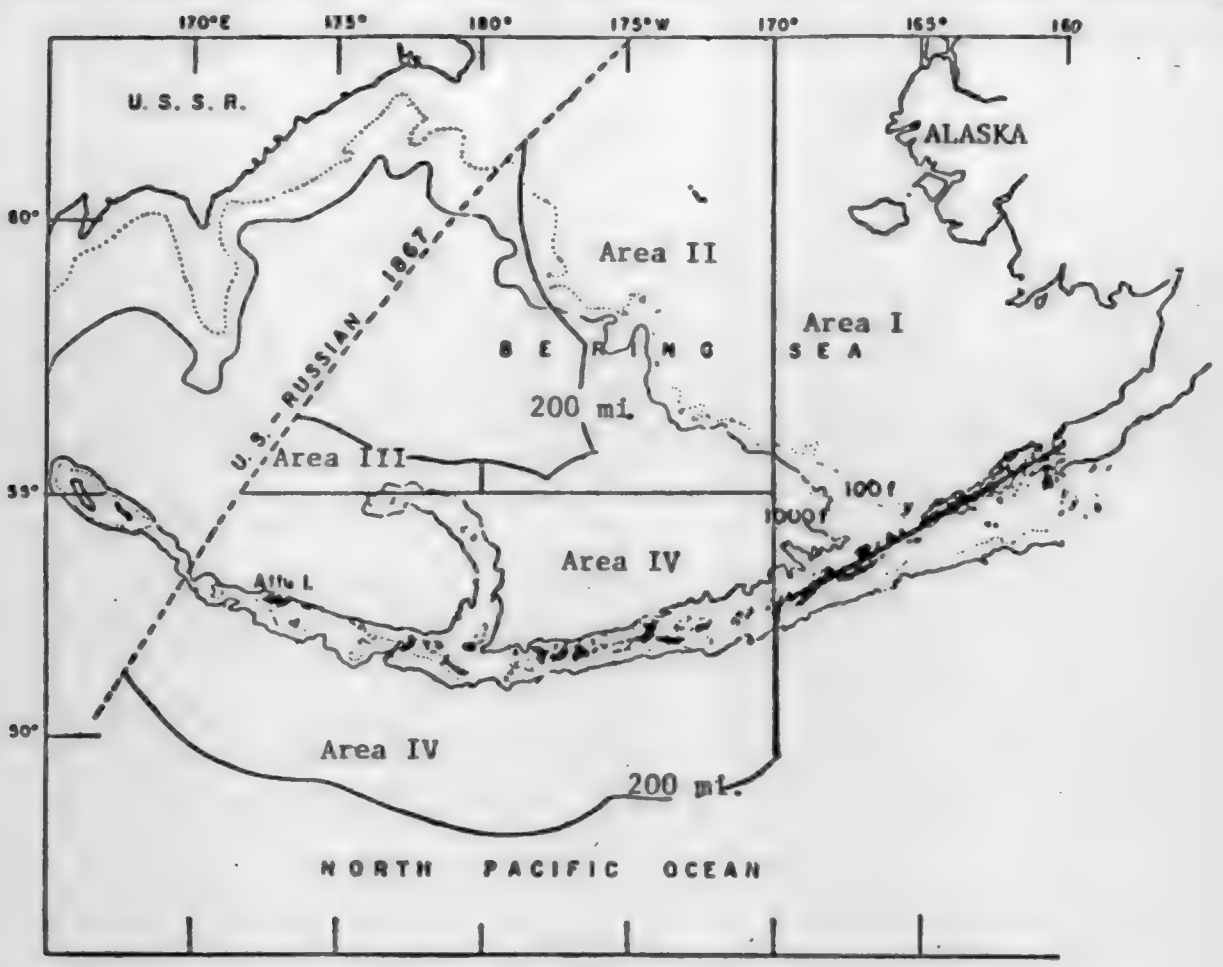


Figure 1. Bering Sea and Aleutian Islands Management Area

(a) Bering Sea sub-area are areas I, II, and III.
(b) Aleutian Islands sub-area is area IV.

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Fishery, for the purposes of this part, means all fishing for groundfish which is conducted in the Bering Sea and Aleutian Islands management area and adjacent territorial waters.

(a) The Bering Sea sub-area of the fishery means areas I, II, and III of Figure 1.

(b) The Aleutian Islands sub-area of the fishery means area IV of Figure 1.

Fishery Conservation Zone (FCZ) means that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

Fishing means any activity, other than scientific research activity conducted by a scientific research vessel, which involves:

(a) The catching, taking, or harvesting of fish;

(b) The attempted catching, taking or harvesting of fish;

(c) Any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish; or

(d) Any operations at sea in support of, or in preparation for, any activity described in paragraphs (a), (b), or (c) of this definition.

Fishing vessel means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for: (a) fishing; or (b) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

Groundfish means pollock, cod, any species of flatfish, Pacific ocean perch, other rockfish, sablefish, Atka mackerel, squid, octopus; all other marine invertebrates except shrimp, scallops, snails, king crab, Tanner crab, Dungeness crab, horsehair crab, lyre crab, coral, and clams; and all other finfish except salmonids, Pacific herring, and Pacific halibut. The scientific names of these species are as follows:

Pollock means *Theragra chalcogramma;*

Cod means *Gadus macrocephalus;*

Arrowtooth flounder means *Atheresthes stomias;*

Other flatfish means Pleuronectiformes (order) not specifically defined;

Yellowfin sole means *Limanda aspera;*

Rock sole means *Lepidopsetta bilineata;*

Flathead sole means *Hippoglossoides elassodon;*

Greenland halibut means *Reinhardtius hippoglossoides;*

Pacific ocean perch means *Sebastes alutus, S. polyspinus, S. aleutianus, S. borealis,* and *S. Zacentrus;*

Atka mackerel means *Pleurogrammus monopterygius;*

Other rockfish means Scorpaenidae (family) not specifically defined;

Sablefish means *Anoplopoma fimbria;*

Squid means sepioid and teuthoid squid;

Octopus means Octopoda, not specifically defined;

Salmonids means of the family Salmonidae;

Pacific halibut means *Hippoglossus stenolepis;*

Pacific herring means *Clupea harengus pallasi.*

Landing means off-loading fish.

Longline means a stationary, buoyed, and anchored line with hooks or pots (other than king or Tanner crab pots) attached, or the taking of fish by means of such a device.

Operator, with respect to any vessel, means the master of other individual on board and in charge of that vessel.

Owner, with respect to any vessel,

[illegible]

(a) Any person who owns that vessel in whole or in part;

(b) Any charterer of the vessel, whether bareboat, time, or voyage;

(c) Any person who acts in the capacity of a charterer, including but not limited to parties to a management agreement, operating agreement, or any similar agreement that bestows control over the destination, function or operation of the vessel; or

(d) Any agent designated as such by any person in paragraphs (a), (b), or (c) of this definition.

Person means any individual (whether or not a citizen or national of the United States), corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of such government.

Regional Director means Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, or an individual to whom the Regional Director has delegated appropriate authority.

Secretary means the Secretary of Commerce, or his or her designee.

Trawl means a bag-shaped net dragged through the water to capture fish.

Vessel of the United States means

(a) A vessel documented or numbered by the Coast Guard under United States law; or

(b) A vessel weighing less than five net tons which is registered under the laws of any state.

United States fish processors means facilities located within the United States for, and vessels of the United States used or equipped for, the processing of fish for commercial use or consumption.

United States-harvested fish means fish caught, taken, or harvested by vessels of the United States within any fishery regulated by a fishery management plan or preliminary fishery management plan implemented under the Act.

§ 675.3 Relation to other laws.

(a) *Federal law.* For regulations governing fishing by vessels of the United States for halibut, see the regulations of the International Pacific Halibut Commission. For regulations governing fishing for Tanner crab, see 50 CFR Part 671; for those governing fishing for groundfish in the Gulf of Alaska, see 50 CFR Part 672; for those governing salmon fishing off Alaska, see 50 CFR Part 674; for those governing permits and certificates of inclusion for the taking of marine mammals, see 50 CFR 216.24.

(b) *State law.* Certain responsibilities relating to the issuance of permits, data collection, and enforcement may be performed by personnel of the State of Alaska under an agreement with NOAA/NMFS and the United States Coast Guard.

§ 675.4 Permits.

(a) *General.* No vessel of the United States may fish for groundfish in the Bering Sea and Aleutian Islands management area without first obtaining a permit issued under this Part. Such permits shall be issued without charge.

(b) *Application.* A vessel owner may obtain a permit required under the preceding subsection by submitting to the Regional Director a written application containing the following information:

(1) The applicant's name, mailing address, and telephone number;

(2) The name of the vessel;

(3) The vessel's U.S. Coast Guard documentation number or state registration number;

(4) The home port of the vessel;

(5) The length of the vessel;

(6) The type of fishing gear to be used; and

(7) The The signature of the applicant.

The Regional Director may accept a completed State of Alaska commercial

fishing license application in satisfaction of the requirements of this subsection.

(c) *Issuance.* (1) Upon receipt of a properly completed application, the Regional Director shall issue a permit required by paragraph (a) of this section.

(2) Upon receipt of an incomplete or improperly completed application, the Regional Director shall notify the applicant of the deficiency in the application. If the applicant fails to correct the deficiency within 30 days following the date of notification, the application shall be considered abandoned.

(d) *Notification of change.* Any person who has applied for and received a permit under this section shall give written notification of any change in the information provided uder paragraph (b) of this section to the Regional Director within 30 days of the date of that change.

(e) *Duration.* A permit issued under this section shall authorize the permitted vessel to fish for groundfish in the Bering Sea and Aleutian Islands management area during a single specified year, and shall continue in full force and effect through December 31 of the year for which it was issued, or until it is revoked, suspended, or modified pursuant to 50 CFR Part 621 (Civil procedures).

(f) *Alteration.* No person shall alter, erase, or mutilate any permit issued under this section. Any such permit that has been intentionally altered, erased, or mutilated shall be invalid.

(g) *Transfer.* Permits issued under this section are not transferable or assignable. Each such permit shall be valid only for the vessel for which it is issued. The Regional Director must be notified of a change in ownership, pursuant to paragraph (d) of this section.

(h) *Inspection.* Any permit issued under this section must be carried aboard the vessel whenever the vessel is fishing for groundfish in the Bering Sea and Aleutian Islands management area. The permit shall be presented for inspection upon request of any authorized officer.

(i) *Sanctions.* Subpart D of 50 CFR 621 (Civil procedures) shall govern the imposition of permit sanctions against a permit issued under this section. As specified in that subpart D, a permit may be revoked, modified, or suspended if the permitted vessel is used in the commission of an offense prohibited by the Act or these regulations; and such a permit shall be revoked if a civil penalty or criminal fine imposed under the Act and pertaining to a permitted vessel is not paid.

§ 675.5 Reporting requirements.

(a) *Fishing vessel reporting requirements.*—(1) *Port of Landing outside Alaska.* The operator of any fishing vessel regulated under this part whose port of landing is outside the State of Alaska shall submit a completed State of Alaska fish ticket, or an equivalent document containing all of the information required on an Alaska fish ticket. This information must be submitted to ADF&G within one week after the date of each sale or delivery not at sea of any groundfish taken in the Bering Sea and Aleutian Islands management area. The address to which these documents must be sent is: Director, Commercial Fish Division, Alaska Department of Fish and Game Headquarters, Subport Building, Juneau, Alaska 99801.

(2) *Sale, delivery, or consumption at sea.* (i) For each consumption or sale or delivery to a United States fish processor at sea of unlanded groundfish taken in the Bering Sea and Aleutian Islands management area, the operator of any fishing vessel regulated under this part shall submit the following information to ADF&G:

(A) A completed State of Alaska fish ticket, or an equivalent document containing all of the information required on an Alaska fish ticket; and

(B) A statement indicating whether or not the vessel to which any sale or delivery was made was a vessel of the United States.

(ii) The information required by paragraph (a)(2)(i) of this section shall be submitted to ADF&G within one week of the first return of that vessel to port following such sale, delivery, or consumption. Such information may be submitted by the United States fish processor to which the sale or delivery at sea was made, acting as the agent of the fishing vessel operator.

(b) *Processor reporting requirements.* When requested by the Regional Director, but not more than four times a year, each United States fish processor who intends to process United States harvested groundfish taken in the Bering Sea and Aleutian Islands management area shall complete a written survey received from the Regional Director to include the following information:

(1) The quantity of groundfish that the processor has the capacity to process during the following six-month period; and

(2) The quantity of United States-harvested groundfish from the Bering Sea and Aleutian Islands management area that the processor expects to process during the following six-month period.

§ 675.6 [Reserved]

§ 675.7 General prohibitions.

It shall be unlawful for any person to:

(a) Fish for groundfish in the Bering Sea and Aleutian Islands management area with a vessel of the United States which does not have aboard a valid permit issued pursuant to this part;

(b) Possess, have custody or control of, ship, transport, import, export, offer for sale, sell, or purchase any fish taken or retained in violation of the Act, this part, or any other regulation or permit issued under the Act;

(c) Refuse to permit an authorized officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Act, this part, or any other regulation or permit issued under the Act;

(d) Forcibly assault, resist, oppose, impede, intimidate, or interfere with any authorized officer in the conduct of any search or inspection described in paragraph (c) of this section;

(e) Resist a lawful arrest for any act prohibited by this part;

(f) Interfere with, delay, or prevent, by any means, the apprehension or arrest of another person knowing that such person has committed any act prohibited by this part;

(g) Violate any other provision of this part, the Act, or any other regulation or permit issued under the Act.

§ 675.8 Enforcement.

(a) *General.* The owner or operator of any fishing vessel regulated under this part shall immediately comply with instructions issued by an authorized officer to facilitate safe boarding and inspection of the fishing vessel, its gear, equipment, and catch for purposes of enforcing the Act and this part.

(b) *Signals.* Upon being approached by a Coast Guard cutter or aircraft, or other vessel or aircraft authorized to enforce the Act, the operator of a fishing vessel shall be alert for signals conveying enforcement instructions. The vessel may guard Channel 16, VHF–FM, or 2182 KH2, if equipped with suitable radios, to receive verbal instructions. The following visual signals extracted from the International Code of Signals are among those which may be used:

(1) "L" meaning "You should stop your vessel instantly,"

(2) "SQ3" meaning "You should stop or heave to; I am going to board you,"

(3) "RY CY" meaning "You should proceed at slow speed, a boat is coming to you," and

(4) "AA AA AA etc." is the call to an unknown station.

(c) *Boarding.* A vessel signaled to stop or heave to for boarding shall:

(1) Stop immediately and lay to or maneuver in such a way as to permit the authorized officer and his or her party to come aboard;

(2) If requested, provide a safe ladder for the authorized officer and his or her party;

(3) When necessary to facilitate the boarding, provide a man rope, safety line, and illumination for any ladder; and

(4) Take such other actions as necessary to ensure the safety of the authorized officer and his or her party and to facilitate the boarding.

§ 675.9 Penalties.

Any person or fishing vessel found to be in violation of this part will be subject to the civil and criminal penalty provisions and forfeiture provisions prescribed in the Act, in 50 CFR Parts 620 (Citations) and 621 (Civil Procedures), and in other applicable law.

Subpart B—Management Measures

§ 675.20 General limitations.

(a) *Optimum yield.* The optimum yield (OY), initial estimates of domestic annual harvest (DAH), initial estimates for total allowable level of foreign fishing (TALFF), and reserves for the fishery are set forth in Table 1 of this section. These specifications are for a fishing year beginning on January 1 and ending on December 31. If the combined catch by foreign and United States vessels in all or part of the management area equals the OY for any species or species group except sablefish, turbots, or Pacific cod, the Secretary shall prohibit fishing using trawl gear through December 31. If the OY for sablefish, turbots, or Pacific cod has been caught, the Secretary shall prohibit fishing by United States vessels using longline gear. Except when prohibited under this paragraph, fishing for groundfish by vessels of the United States is permitted at all times in the Bering Sea and Aleutian Islands management area.

TABLE 1.—BERING SEA AND ALEUTIAN ISLANDS FISHERY OPTIMUM YIELDS, TALFF'S, AND RESERVES (IN METRIC TONS)

Reference: Species group	Sub-area[1]	ABC=OY	Reserve	Initial DAH	Initial TALFF
Pollock	Bering Sea	1,000,000	50,000	19,550	930,450
Pollock	Aleutians	100,000			100,000
Yellowfin sole		117,000	5,850	2,050	109,100
Turbots		90,000	4,500	1,075	84,425
Other flatfishes[2]		61,000	3,050	1,300	56,650
Pacific cod		58,700	2,935	24,265	31,500
Pacific ocean perch	Bering Sea	3,250	162	1,380	1,708
Pacific ocean perch	Aleutians	7,500	375	1,380	5,745
Other rockfish		7,727	500	1,550	5,677
Sablefish	Bering Sea	3,300	350	700	2,450
Sablefish	Aleutians	1,500	150	700	650
Atka mackerel		24,900	1,240	100	23,460
Squid		10,000	500	50	9,450
Others		74,249	3,712	2,000	68,537
Total		1,559,226	73,324	56,100	1,429,802

[1] Bering Sea (Statistical areas I, II, III combined). Aleutians (Statistical area IV). Includes Territorial waters.
[2] Excluding Pacific halibut.

(b) *Apportionment to TALFF of reserves and initial DAH.*—(1) *Apportionment of reserves.* As soon as practicable after each of the following dates, and after consultation with the North Pacific Fishery Management Council, the Secretary shall apportion to TALFF up to one fourth (¼) of each reserve amount set forth in Table 1, in accordance with paragraph (b)(3) of this section: February 2, April 2, June 2, and August 2.

(2) *Apportionment of initial DAH.* As soon as practicable after each of the following dates and after consultation with the North Pacific Fishery Management Council, the Secretary shall reassess each DAH amount set forth in Table 1 and shall apportion to TALFF such parts thereof as he determines to be appropriate in accordance with paragraph (b)(3) of this section: June 2 and August 2.

(3) *Standards and procedure for apportionment.*—(i) *General.* The Secretary shall apportion under paragraphs (b)(1) and (b)(2) of this section such amounts as the Regional Director determines will not be harvested by vessels of the United States during the remainder of the fishing year. The amount of reserve which the Regional Director determines will be harvested by vessels of the United States may, in the discretion of the Secretary, be either apportioned to the estimate of domestic annual harvest (DAH) or retained in the reserve as eligible for later apportionment under paragraph (b)(3)(vi) of this section.

(ii) *Factors.* In determining whether or not amounts proposed to be apportioned under paragraphs (b)(1) and (b)(2) of this section will be harvested by vessels of the United States during the remainder of the fishing year, the Regional Director shall consider the following factors, although he shall not be limited to these factors:

(A) Reported United States catch and effort by species and area compared to previously projected United States harvesting capacity;

(B) Projected United States catch and effort by species and area for the remainder of the fishing year;

(C) Amounts of fish, particularly United States harvested fish, already purchased or processed by United States fish processors during the fishing year, compared to previously projected processing capacity of United States fish processors;

(D) Projected processing capacity, and utilization of that capacity for the processing of United States fish processors for the remainder of the fishing year;

(E) Amounts of United States harvested fish already purchased or processed by foreign fishing vessels, compared to previously projected levels of such purchase or processing.

(iii) *Allocation of increases and decreases in DAH among DAP, JVP, and DNP.* The Secretary shall allocate any increases or decreases in DAH amounts resulting from apportionments under paragraphs (b)(1) and (b)(2) of this section among the three components of DAH: the estimates of domestic annual processing (DAP); joint venture processing (JVP); and domestic non-processed fish (DNP).

(iv) *Public Comments:* (A) Comments may be submitted to the Regional Director concerning:

(*1*) Whether, and the extent to which, vessels of the United States will harvest reserve or DAH amounts during the remainder of the fishing year; and

(*2*) Whether, and the extent to which, United States harvested groundfish can or will be processed by United States fish processors or by foreign processing vessels.

Comments should be addressed to Director, Alaska Region, NMFS, P.O. Box 1668, Juneau, Alaska 99802, and must be received by the Regional Director no later than 5 days before the relevant date specified in paragraph (b)(1) or (b)(2) of this section.

(B) The Regional Director shall consider any timely comments submitted in accordance with this paragraph in determining whether and to what extent vessels of the United

States will harvest reserve or DAH amounts during the remainder of the fishing year, and whether any part of such amounts will be allocated to TALFF under paragraphs (b)(1) or (b)(2) of this section.

(C) The Regional Director shall compile, in aggregate form, the most recent available reports on (*1*) level of catch and effort by vessels of the United States fishing for groundfish in the Bering Sea and Aleutian Islands fishery; and (*2*) amounts of United States harvested groundfish taken in the Bering Sea and Aleutian Islands fishery and processed by United States fish processors or delivered at sea to foreign fishing vessels. These data shall be available for public inspection during business hours (8:00 a.m.–4:30 p.m., Monday–Friday) at the National Marine Fisheries Service Alaska Regional Office, Federal Building, Room 453, 709 West Ninth Street, Juneau, Alaska 99802, during the last 15 days of each comment period.

(v) *Procedure.* As soon as practicable after each of the dates specified in paragraphs (b)(1) and (b)(2) of this section, the Secretary shall publish in the **Federal Register:**

(A) Any reserve amounts to be apportioned to TALFF or DAH;

(B) Any DAH amounts to be apportioned to TALFF;

(C) The distribution of amounts apportioned to or from DAH among DAP, JVP, and DNP;

(D) The reasons for any apportionments and their distribution; and

(E) Responses to any comments received.

(vi) *Add-on.* If, following any of the first three of the four dates specified in paragraph (b)(1) of this section, the Secretary apportions less than 25 percent of any reserve amount to TALFF and DAH, the nonapportioned part of that 25 percent shall be added to the reserve amounts available for apportionment on the next date specified in paragraph (b)(1) of this section.

(c) *Prohibited species.* (1) Prohibited species, for the purpose of this part, means any species of fish caught while fishing for groundfish in the Bering Sea and Aleutian Islands management area, the retention of which is prohibited by other applicable law. Any catch of Pacific halibut by fishing vessels regulated under this part is a catch of a prohibited species, unless retention is authorized by regulations of the International Pacific Halibut Commission. Any catch of Tanner crab or salmon by vessels regulated under this part is catch of a prohibited species.

(2) The operator of each vessel regulated under this part shall minimize its catch of prohibited species.

(3) The operator of each vessel regulated under this part shall sort its catch as soon as possible after retrieval of the catch and, after allowing for sampling by an observer (if any), shall return any catch of prohibited species or parts thereof to the sea immediately with a minimum of injury regardless of its condition.

(4) It shall be a rebuttable presumption that any prohibited species found onboard a fishing vessel regulated under this part was caught and retained in violation of this subsection.

§ 675.21 [Reserved]

§ 675.22 [Reserved]

§ 675.23 [Reserved]

§ 675.24 [Reserved]

§ 675.25 [Reserved]

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Proposed Rules

Federal Register
Vol. 46, No. 251
Thursday, December 31, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 958

Onions Grown in Certain Designated Counties in Idaho and Malheur County, Oregon; Decision on Proposed Amendment of Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision proposes an amendment to the marketing agreement and order regulating onions grown in Idaho and Malheur County, Oregon. The proposed amendment would add a public member to the marketing order administrative committee and authorize the prohibition of overloading railcars. The primary intent of the proposal is to improve the program's administration and usefulness.

DATES: Referendum Period January 11–January 20, 1982.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–2615.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing—Issued April 13, 1981, and published April 17, 1981 (46 FR 22382). Notice of Recommended Decision—Issued September 23, 1981, and published September 29, 1981 (46 FR 47585).

This action is subject to the formal rulemaking requirements of the Administrative Procedure Act, and therefore is not subject to the requirements of Executive Order 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a have a significant economic impact on a substanital number of small entities because it would not measurably affect costs for the regulated handlers.

This proposed amendment was formulated on the record of a public hearing held in Ontario, Oregon, on May 13, 1981. Notice of the hearing was published in the April 17, 1981, issue of the **Federal Register**. The notice set forth a proposed amendment submitted by the Idaho-Eastern Oregon Onion Committee on behalf of onion producers and handlers in the production area.

On the basis of the evidence introduced at the hearing and placed in the record, on September 23, 1981, the Deputy Administrator filed a recommended decision with the U.S. Department of Agriculture Hearing Clerk. Notice of such recommended decision was published in the September 29, 1981 issue of the **Federal Register** (46 FR 47585). In the recommended decision notice was given of the opportunity to file comments by October 29, 1981. One exception was filed by M. J. Glen, Market Manager, Exempt Agricultural Products, Union Pacific Railroad Company.

Findings and Conclusions. The material issues, findings and conclusions, rulings and general findings of the recommended decision are hereby incorporated by reference and made part of this decision, subject to the following modifications and corrections.

In Material Issue (2), seven new paragraphs are added after the thirteenth paragraph as follows:

"The exceptor opposed adding authority to establish maximum limits on railcar loading for three reasons: (1) The evidence does not show that the arrival condition of onions is directly related to the quantity loaded in a railcar; (2) This authority would have detrimental effects on the competitive positions of the Idaho-Eastern Oregon onion industry and of the Union Pacific Railroad Co.; and (3) The proposal is beyond the authority of the act."

"In support of his first point, the exceptor questions conclusions drawn from the results to a sruvey conducted by the Idaho-Eastern Oregon Fruit and Vegetable Association, an organization whose membership includes all area onion shippers. The association requested the 21 area onion shippers to indicate damage claims experienced during the 1979–80 season which were related to overloaded railcars, and eight responses were received. Results appearing in the hearing record show total dollar amounts of claims for different ranges of loading levels, with larger dollar amounts appearing for cars loaded more heavily. The exceptor contends that these total amounts are meaningless and that it is necessary to take into consideration the number of cars in each weight category and calculate the average claim per sack. Using Union Pacific records, these figures were calculated. The relationship between the number of sacks per car and the claim per sack was not linear; that is, there was not an increase in the claim per sack figure for each increase in the number of sacks per car. The exceptor concludes that damage is therefore not related to heavier loading."

"However, the claim per bag figures for cars loaded with less than 1,800 sacks are substantially below those for cars more heavily loaded. This fact, in conjunction with other information on the record, supports the conclusion that heavier loading and increased damage to onions are related."

"In relation to his second point, the exceptor contends that a loading limitation would increase transportation costs. This increase would be reflected in higher delivered prices, and therefore onions from Idaho-Eastern Oregon would be less competitive with those from other areas."

"The marketing order program is used to improve the quality of onions shipped from the production area and to promote that quality, thereby improving the position of the area's onions in the marketplace. It is financed by assessments levied on handlers and voluntary contributions from industry members. Investments in the program are believed to be offset by benefits derived from offering a higher quality product. Limiting loads on railcars is necessary for the success of this program, and any increase in cost should be offset by gains in consumer acceptance resulting from offering higher quality."

"The exceptor believes the increased transportation cost will also make Union Pacific less competitive in relation to trucks. Over 80 percent of the onions from Idaho-Eastern Oregon that are transported by rail are shipped to eastern markets. This is primarily due to cost savings relative to trucks in shipping onions this distance. As

previously discussed, it recently cost $3.25 per sack to haul a load to New York City by truck, $2.07 to haul a railcar loaded with 2,200 sacks, and $2.84 to haul a railcar loaded with 1,600 sacks. Even if the loading limit were established at 1,600 sacks per car, rail transportation would still provide a savings of $0.41 per sack. It is unlikely that the committee would recommend a limit so low that it would erase the economic benefits of using the railroad, especially since about one-third of total shipments are transported by rail."

"Finally, the exceptor states that adding the authority to prohibit overloading railcars would subject the railroad to regulation. Although regulations which may be issued under this authority may indirectly affect the railroad, they would only apply to, and be legally binding on, onion handlers."

In addition, the following revisions correcting the recommended decision are made:

On page 47585, third column, third paragraph, line 23, change "pubic" to "public."

On page 47587, first column, fourth paragraph, line 8, change "very" to "vary."

Rulings on exceptions. In arriving at the findings and conclusions of this decision, the exception to the recommended decision was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions of this decision are at variance with the exception, such exception is hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed and made a part of this decision are two documents entitled "Marketing Agreement, as Further Amended, Regulating the Handling of Onions Grown in Certain Designated Counties in Idaho and Malheur County, Oregon," and "Order Amending the Order, Regulating the Handling of Onions Grown in Certain Designated Counties in Idaho and Malheur County, Oregon," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the annexed marketing agreement,[1] be published in the **Federal Register**. The regulatory provisions of the marketing agreement are identical to those contained in the order which is published with this decision.

Referendum order. It is hereby directed that a referendum be conducted in accordance with the procedure for the conduct of referenda (7 CFR 900.400 *et seq.*), to determine whether the issuance of the annexed order amending the order regulating the handling of onions grown in Idaho and Malheur County, Oregon, is approved or favored by producers, as defined under the terms of the order, who during the representative period were engaged in the production of the regulated commodity for market.

The representative period for the conduct of such referendum is hereby determined to be July 1, 1980, through June 30, 1981.

The agents of the Secretary to conduct such referendum are hereby designated to be Joseph C. Perrin, Gary D. Olson, and Anne M. Dec.

Copies of this decision are being mailed to known interested persons. Others may obtain copies from Mr. Charles W. Porter, Chief, Vegetable Branch, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, Phone (202) 447–2615, or from Joseph C. Perrin, Northwest Marketing Field Office, AMS–USDA, Boise-Cascade Building, Suite 805, 1600 SW., 4th Avenue, Portland, Oregon 97201, Phone (503) 221–2724.

Signed at Washington, D.C., on December 23, 1981.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

Order[1] amending the order regulating the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendment of Marketing Order No. 958 (7 CFR Part 958), regulating the handling of onions grown in Idaho and Malheur County, Oregon.

Upon the basis of the record, it is found that:

(1) The order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as hereby amended, regulates the handling of onions grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing order upon which hearings have been held;

(3) The order, as hereby amended, is limited in its application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The order, as hereby amended, prescribes, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of onions grown in the production area; and

(5) All handling of onions grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of onions grown in Idaho and Malheur County, Oregon, shall be in conformity to and in compliance with the terms and conditions of the said order, as hereby amended.

The provisions of the proposed marketing order, amending the order, contained in the recommended decision issued by the Deputy Administrator on September 23, 1981, and published in the **Federal Register** on September 29, 1981 (46 FR 47585), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREGON

1. Revise paragraph (a) of § 958.20 to read:

§ 958.20 Establishment and membership.

(a) The Idaho-Eastern Oregon Onion Committee, consisting of six producer

[1] The marketing agreement is filed as part of the original document.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

members, four handler members, and one public member is hereby established. Each shall have an alternate who shall have the same qualifications as the member.

* * * * *

2. Revise the introductory text and add paragraph (e) to § 958.22 to read:

§ 958.22 Selection.

The Secretary shall select committee members and alternates from the nominee lists submitted pursuant to this part or from among other eligible persons.

* * * * *

(e) The public member shall be a resident of the production area and have no direct financial interest in the commercial production, financing, buying, packing or marketing of onions except as a consumer nor be a director, officer or employee of any firm so engaged.

§ 958.25 [Amended]

3. Add a new paragraph (k) to § 958.25 to read:

* * * * *

(k) To recommend nominees for the public member and alternate.

4. Add a new paragraph (g) to § 958.28 to read:

§ 958.28 Nominations.

* * * * *

(g) The producer and handler members of the committee shall nominate the public member and alternate. The committee shall prescribe such additional qualifications, administrative rules and procedures for selection and voting for each candidate as it deems necessary and as the Secretary approves.

5. Add a new paragraph (a)(6) to § 958.52 to read:

§ 958.52 Issuance of regulations.

* * * * *

(a) * * *

(6) Regulate the handling of onions by establishing, in terms of total weight or total number of layers of containers of onions, the maximum load in railcars, taking into account types of containers and sizes of railcars used, potential resulting damage, and other relevant factors.

[FR Doc. 81-37284 Filed 12-30-81; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Emergency Planning and Preparedness for Research and Test Reactors: Extension of Submittal Dates

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its regulations in order to extend: (1) For four months after effective date of rule the present November 3, 1981 date by which each licensee authorized to possess and/or operate a research or test reactor facility at a power level greater than or equal to 2 MW thermal must submit emergency plans complying with 10 CFR Part 50, Appendix E, and (2) for one year the present November 3, 1981 date by which each licensee must submit emergency plans for research and test reactors with authorized power levels between 500 KW and 2 MW thermal.

DATES: Comment period expires February 1, 1982. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given as to comments received on or before this date.

ADDRESSES: Interested persons are invited to submit written comments and suggestions on the *proposed amendment* to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received by the Commission may be examined in the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Steve L. Ramos, Chief, Emergency Preparedness Development Branch, Division of Emergency Preparedness, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Telephone: 301-492-9602).

SUPPLEMENTARY INFORMATION: On August 19, 1980, the Nuclear Regulatory Commission published in the **Federal Register** (45 FR 55402) amendments to its regulations concerning the upgrading of emergency planning and preparedness. The effective date for these regulations was November 3, 1980.

Among other things, the revised regulations required each licensee authorized to possess and/or operate a research or test reactor facility with power levels greater than or equal to 500 KW thermal, under licenses of the type specified in 10 CFR 50.21(c), to submit emergency plans to the Director of Nuclear Reactor Regulation for approval within one year from the effective date of the rule, *i.e.* by November 3, 1981. A similar requirement for such reactors with power levels less than 500 KW thermal requires emergency plan submittals by November 3, 1982.

The NRC staff has evaluated the capabilities of the 24 licensees operating at 500 KW thermal or above to submit revised emergency plans by November 3, 1981 which will meet all of the requirements in the emergency planning and preparedness regulations. *See* 10 CFR 50.47, 50.54, and Appendix E to Part 50.

These 24 licensees will not be able to submit emergency plans fully complying with 10 CFR Part 50 requirements by November 3, 1981. This inability to meet the November 3, 1981 date for submitting emergency plans is attributed to the delay in development of revised guidance criteria for the preparation of emergency plans for research and test reactors that are consistent with the amended regulations. If the extensions of time in the proposed rule are not finally adopted enforcement action on this requirement will not be initiated until a reasonable time after a Commission decision not to adopt the rule. A copy of this notice will be sent to all affected licensees.

While compliance by affected licensees with the November 3, 1981 date for submittal of emergency plans will be delayed, the Commission considers that the state of emergency preparedness has significantly improved within the last year at research and test reactor facilities. This improvement has been confirmed by licensee participation and exchange of information in the development of guidance criteria on planning standards for preparation and evaluation of radiological emergency response plans for research and test reactors. In addition, all research and test reactor licensees (65 total) presently have emergency plans prepared pursuant to 10 CFR Part 50 prior to the upgrade of the emergency planning regulations in 1980.

The other proposed change offered for public consideration is in the thermal power level threshold-from 500 KW to MW-which governs the applicable date for submittal of emergency plans. The NRC believes this upward revision more accurately reflects the power level at which core degradation, and therefore, the potential for offsite consequences

could occur from a loss of coolant accident.

A loss of coolant accident for research and test reactors is where the reactor pool or tank could be drained through a break of an experimental beam port, crack of a primary coolant line, or other means, thus removing the liquid coolant medium from the reactor. This has the possibility, for reactors operating at above 2 MW thermal, of causing fuel melt with the possible consequences of releasing fission products. A heat transfer analysis of plate-type fuel with aluminum cladding shows that these fuel elements do not melt until they reach a temperature of 923°K. The University of Michigan's 2 MW pool reactor has shown by analysis and simulation experiments for MTR plate-type fuel that if the pool was drained (water cooling removed) over a period of 10 minutes, the fuel would not melt. Some types of research reactors, operating at power levels up to 0.1 MW, routinely dump water from the core on scram to further assure a rapid decrease in reactivity. In light of the credible accidents postulated for research and test reactors resulting in core degradation, the 2 MW thermal power level is a more realistic power level threshold governing the dates for submittal of emergency plans for these facilities. Specifying that the few higher power research and test reactors must submit emergency plans first will assure that priority attention will be given to those reactors which have the most potential to present an offsite hazard.

Based on the above information, the Commission finds that there exists sufficient reason to believe that appropriate protective measures can and will be taken for the protection of the health and safety of the public in the event of a radiological emergency if the date to submit emergency plans for 2 MW and above licensees is deferred from November 3, 1981 to four months after effective date of rule, and if the authorized power level threshold governing those licensees subject to the new submittal date is changed from 500 KW thermal to 2 MW thermal. For licensees under 2 MW thermal, the submittal date of November 3, 1982 would remain unchanged. The results of this proposed amendment would be that 10 facilities having power levels of 2 MW and above would be required to make submittals by four months after effective date of rule and the remaining 55 facilities by November 3, 1982.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the NRC certifies that this rule will not have a significant economic impact on a substantial number of small entities. The proposed rule concerns an extension of the date for research and test reactors licensed under 10 CFR Parts 50 and 70 to submit emergency plans complying with 10 CFR Part 50, Appendix E, to the Director of Nuclear Reactor Regulation for approval. Accordingly, there is no significant economic impact on a substantial number of small entities, under the Regulatory Flexibility Act of 1980.

Paperwork Reduction Act Statement

Pursuant to the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511), the NRC has made a preliminary determination that this proposed rule does not impose new recordkeeping, information collection, or reporting requirements.

Accordingly, notice is hereby given that, pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, adoption of the following amendments to 10 CFR Part 50 is contemplated.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 reads ad follows:

Authority: Sections, 103, 104, 161, 182, 183, 189, 68 Stat. 936, 937, 948, 953 954, 955, 956, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239); secs. 201, 202, 206, 88 Stat. 1243, 1244, 1246 (42 U.S.C. 5841, 5842, 5846), unless otherwise noted. Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 50 100–50.102 issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236). For the purpose of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273, § 50.54(i) issued under sec. 161i, 68 Stat. 949 (42 U.S.C. 2201(i)); §§ 50.70, 50.71, and 50.78 issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)), and the laws referred to in Appendices.

2. Paragraph (r) of 10 CFR 50.54 is revised to read as follows:

§ 50.54 Conditions of licenses.

* * * * *

(r) Each licensee who is authorized to possess and/or operate a research or test reactor facility with an authorized power level greater than or equal to 2 MW thermal, under a license of the type specified in § 50.21(c), shall submit emergency plans complying with 10 CFR Part 50, Appendix E, to the Director of the Nuclear Reactor Regulation for approval within four months after effective date of rule. Each licensee who is authorized to possess and/or operate a research or test reactor facility with an authorized power level less than 2 MW thermal, under a license of the type specified in § 50.21(c), shall submit emergency plans complying with 10 CFR Part 50 Appendix E, to the Director of the Nuclear Reactor Regulation for approval by November 3, 1982.

* * * * *

Dated at Washington, D.C. this 28th day of December, 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81–37291 Filed 12–30–81; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81–EA–33]

Proposed Alteration of Transition Area: Oneonta, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Oneonta, N.Y., Transition Area over Oneonta Municipal Airport, Oneonta, N.Y. A new instrument approach has been developed for the airport and will require protection for aircraft executing the new instrument approach. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATES: Comments must be received on or before February 8, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA–530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430. The docket may be examined at the following locations: FAA, Office of Regional Counsel, AEA–7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT:

Al Reale, Airspace and Procedures Branch, AEA–530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995–3391.

Comments Invited

Interested parties may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

All communications received on or before February 8, 1982, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, AEA–530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York, 11430, or by calling (212) 995–3391.

Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Oneonta, N.Y., Transition Area. The area will be altered by adding an extension to the northeast approximately 7 miles wide and 11.5 miles long.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposed to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by altering the description of the Oneonta, New York, 700-foot floor transition area by deleting, "extending from the 7-mile radius area to the VORTAC." and by substituting therefor, "extending from the 7-mile radius area to the VORTAC; and within 3.5 miles each side of the Oneonta Municipal Airport localizer course extending from the 7-mile radius area to 11.5 miles northeast of the outer marker."

Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348(a)] and of Section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and CFR 11.65.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York, on December 1, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 81-36838 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-68]

Proposed Alteration of Transition Area: Leeville, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes the alteration of a transition area at Leeville, LA. The intended effect of the proposed action is to provide additional controlled airspace for aircraft executing new instrument approach procedure to the Caillou Island Seaplane Base. This action is necessary since new instrument operations will be conducted arriving/departing the seaplane base. The standard instrument approach procedure (SIAP) will utilize the Leeville VORTAC. Coincident with this action, the seaplane base is changed from visual flight rules (VFR) to instrument flight rules (IFR).

DATES: Comments must be received on or before February 1, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Forth Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT:

Kenneth L. Stephenson, Airspace and Procedures Branch, ASW–535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101; telephone: (817) 624–4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G § 71.181 as republished in the **Federal Register** on January 2, 1981 (46 FR 540), contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the transition area at Leeville, LA, will necessitate an amendment to this subpart. This amendment will be required at Leeville, LA, since there are proposed IFR procedures to the Caillou Island Seaplane Base.

Comments Invited

Interested persons may participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81–ASW–68." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available

for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following:

Leesville, LA

* * * and within a 5-mile radius of the Caillou Island Seaplane Base (latitude 29°06'20" N., longitude 90°28'40" W.) and within 2.5 miles each side of the 258° radial of the Leesville VORTAC extending from the 5-mile radius area to 16 miles west of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on December 21, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-37231 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 71 and 73

[Airspace Docket No. 81-AWP-22]

Proposed Temporary Restricted Area, Calif.; GALLANT EAGLE 82

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to designate temporary Restricted Area GALLANT EAGLE 82 in the vicinity of Death Valley, CA, to contain a major military exercise. Those segments of restricted areas that penetrate the Continental Control Area would be designated as controlled airspace. This action would permit military exercises, both ground and air, to be conducted in a safe and secure environment.

DATES: Comments must be received on or before February 1, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western Pacific Region, Attention: Chief, Air Traffic Division, Docket No. 81-AWP-22, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal.

Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AWP-22." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.151 and § 73.25 of Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to designate temporary Restricted Areas R-2538 A through H to contain a major joint military exercise called GALLANT EAGLE 82. This exercise would provide training for several military commands operating under the sponsorship of the United States Readiness Command. The air activities associated with the exercise will be such that flights of nonparticipating aircraft cannot be safely conducted within the proposed temporary restricted airspace when the airspace is in use by the military.

Approximately 115 aircraft would be utilized to conduct about 160 daily sorties. Communications equipment would be installed and maintained between the appropriate military and FAA facilities to coordinate the operations of nonparticipating aircraft

through the temporary restricted area whenever military activity permits. Additionally, a reverse charge telephone number would be established and published for pilots of nonparticipating aircraft to coordinate directly with the military if desired. The proposed restricted area would be designated as a joint use to permit authorization by the controlling agency (FAA) for access/egress by VFR and IFR traffic whenever military activity permits. All airports within the proposed temporary restricted area would be given relief by excluding the airspace 1,200 feet AGL and below within 3 nautical miles (NM) radius of the airport. Exercise aircraft will remain clear of VFR nonparticipating aircraft outside restricted airspace. Appropriate altitude separation will be used to provide separation from IFR nonparticipating aircraft.

Provision will be made to accommodate civil aircraft through the exercise area, except for the permanent restricted airspace, on a noninterference basis.

The Tactical Air Command/DEEV will serve as lead agency for purposes of compliance with the National Environmental Policy Act (NEPA). The certification of NEPA compliance has been forwarded to the FAA Western Region, Attention: Mr. Thomas Binczak, telephone number (213) 966–6182. Sections 71.151 and 73.25 of Parts 71 and 73 were republished on January 2, 1981 (46 FR 446 and 787).

Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.151 and § 73.25 of Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as republished (46 FR 446 and 787) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

§ 71.151 [Amended]

By adding the following temporary restricted areas:

R–2538A, GALLANT EAGLE 82
R–2538B, GALLANT EAGLE 82
R–2538C, GALLANT EAGLE 82
R–2538D, GALLANT EAGLE 82
R–2538E, GALLANT EAGLE 82
R–2538F, GALLANT EAGLE 82
R–2538G, GALLANT EAGLE 82
R–2538H, GALLANT EAGLE 82

PART 73—SPECIAL USE AIRSPACE

§ 73.25 [Amended]

By adding the following temporary restricted areas:

R–2538A, GALLANT EAGLE 82 [New]

Boundaries. Beginning at lat. 34°59′N., long. 116°53′W.; to lat. 35°01′N., long. 116°41′W.; to lat. 35°39′N., long. 115°53′W.; to lat. 37°12′N., long. 117°20′W.; to lat. 37°12′N., long. 118°10′W.; to lat. 36°39′N., long. 117°57′W.; to lat. 36°20′N., long. 117°23′W.; to lat. 35°48′N., long. 117°16′W.; to lat. 35°36′N., long. 117°16′W.; to lat. 35°36′N., long. 117°26′W.; to lat. 35°16′N., long. 117°26′W.; to lat. 35°16′N., long. 117°05′W.; to point of beginning.

Designated altitudes. 100 feet AGL to FL 500 (3,000 feet AGL minimum altitude over Death Valley National Monument).

Time of designation. 0100 to 2300 local time, March 30–April 6, 1982.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED) Langley AFB, VA 23665.

R–2538B, GALLANT EAGLE 82 [New]

Boundaries. Beginning at lat. 34°59′N., long. 116°53′W.; to lat. 35°01′N., long. 116°41′W.; to lat. 35°39′N., long. 115°53′W.; to lat. 34°43′N., long. 115°27′W.; to lat. 34°43′N., long. 116°26′W.; to lat. 34°34′N., long. 116°35′W.; to point of beginning.

Designated altitudes. FL 350 to FL 500.

Time of designation. 0100 to 2300 local time, March 30–April 6, 1982.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED) Langley AFB, VA 23665.

R–2538C, GALLANT EAGLE 82 [New]

Boundaries. Beginning at lat. 34°41′N., long. 116°30′W.; to lat. 34°43′N., long. 116°30′W.; to lat. 34°43′N., long. 116°02′W.; to lat. 35°22′N., long. 116°14′W.; to lat. 35°01′N., long. 116°41′W.; to point of beginning.

Designated altitudes. 100 feet AGL to 7,500 feet MSL.

Time of designation. 0100 to 2300 local time, March 30–April 6, 1982.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED) Langley AFB, VA 23665.

R–2538D, GALLANT EAGLE 82 [New]

Boundaries. Beginning at lat. 34°14′N., long. 115°44′W.; to lat. 34°17′N., long. 115°40′W.; to lat. 34°22′N., long. 115°35′W.; to lat. 34°43′N., long. 115°27′W.; to lat. 34°43′N., long. 116°26′W.; to lat. 34°34′N., long. 116°35′W.; to lat. 34°14′N., long. 116°19′W.; to point of beginning.

Designated altitudes. 500 feet AGL to FL 500.

Time of designation. 0100 to 2300 local time, March 30–April 6, 1982.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED) Langley AFB, VA 23665.

R–2538E, GALLANT EAGLE 82 [New]

Boundaries. Beginning at lat. 34°03′N., long. 116°11′W.; to lat. 34°08′N., long. 115°53′W.; to lat. 34°14′N., long. 115°44′W.; to lat. 34°14′N., long. 116°19′W.; to point of beginning.

Designated altitudes. 2,000 feet AGL to 17,000 feet MSL.

Time of designation. 0100 to 2300 local time, March 30–April 6, 1982.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED) Langley AFB, VA 23665.

R–2538F, GALLANT EAGLE 82 [New]

Boundaries. Beginning at lat. 36°01′N., long. 116°13′W.; to lat. 36°28′N., long. 115°26′W.; hence NW along boundary of R–4806; to lat. 36°41′N., long. 115°55′W.; to lat. 36°21′N., long. 116°32′W.; to point of beginning.

Designated altitudes. 14,000 feet MSL to 15,000 feet MSL.

Time of designation. 0100 to 2300 local time, March 30–April 6, 1982.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED) Langley AFB, VA 23665.

R–2538G, GALLANT EAGLE 82 [New]

Boundaries. Beginning at lat. 36°53′N., long. 117°01′W.; to lat. 37°03′N., long. 116°43′W.; to lat. 37°20′N., long. 116°59′W.; to lat. 37°12′N., long. 117°20′W.; to point of beginning.

Designated altitudes. FL 210 to 220.

Time of designation. 0100 to 2300 local time, March 30–April 6, 1982.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED) Langley AFB, VA 23665.

R–2538H, GALLANT EAGLE 82 [New]

Boundaries. Beginning at lat. 36°53′N., long. 117°01′W.; to lat. 37°03′N., long. 116°43′W.; to lat. 37°20′N., long. 116°59′W.; to lat. 37°12′N., long. 117°20′W.; to point of beginning.

Designated altitudes. 100 feet AGL to 2,000 feet AGL.

Time of designation. 0100 to 2300 local time, March 30–April 6, 1982.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED) Langley AFB, VA 23665.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory

Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, DC, on December 23, 1981.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-37147 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Ch. II

Regulatory Flexibility Act Review List

AGENCY: Civil Aeronautics Board.

ACTION: Publication of annual Regulatory Flexibility Act review list.

SUMMARY: The CAB invites comments on several of its rules in accordance with the review provisions of the Regulatory Flexibility Act.

DATES: Adopted: December 23, 1981.

ADDRESSES: Twenty copies of comments should be sent to Docket 39932, 40336, or 40337 (see below). Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Mark Schwimmer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, Pub. L. 96-354, requires each agency to publish in the **Federal Register** a plan for the periodic review of the agency's rules that "have or will have a significant economic impact on a substantial number of small entities." The plan must provide for review of all such rules within 10 years. In addition, the agency must publish annually in the **Federal Register** a list of those rules to be reviewed during the following 12 months, with an invitation for public comments on them. The purpose of the review is to determine,

whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant economic impact of the rules upon a substantial number of such small entities. (5 U.S.C. 610)

The Board publish its review plan at 46 FR 33353, June 29, 1981. The Board explained that, in connection with the impending sunset of the agency, it was reviewing all its rules, not merely those that met the impact criterion of the Regulatory Flexibility Act. The Board also listed seven rules that were already under review, and announced that in December 1981 it would publish a list of the most important rules that it had not already begun to review in individual proceedings.

This notice updates the status of the rules listed in June, and invites comments on three of them. The rules are as follows:

Denied boarding compensation. (14 CFR Part 250). In ER-1237, 46 FR 42442, August 21, 1981, the Board amended its rules governing oversales and denied boarding compensation to exclude entirely operations with 60-seat and smaller aircraft. Further review of these rules is discussed below under the invitation for comments.

Smoking on airplanes. (14 CFR Part 252). In ER-1245, 46 FR 45934, September 16, 1981, the Board revised its smoking rule after a general review of the smoking issue. The rule now applies to certificated and commuter airlines in their operations with larger than 30-seat aircraft. It requires these airlines to separate smokers and nonsmokers and to provide a seat in the no-smoking section for all nonsmokers who arrive by the airline's check-in deadline. The Board is now considering a petition from the Regional Airline Association in Docket 29044 to limit the applicability of this rule to larger than 60-seat aircraft.

Rules tariffs and notice to passengers of conditions of carriage (14 CFR Part 221). Earlier notices of proposed rulemaking on this subject were EDR-396, Docket 38021, 45 FR 25817, April 16, 1980, and EDR-404, Docket 38348, 45 FR 42629, June 25, 1980. These proceedings were consolidated by supplemental notice of proposed rulemaking EDR-404B, Docket 38348, 46 FR 35936, July 13, 1981. Comments were due August 26 and reply comments were due September 14, 1981.

Charters (14 CFR Parts 207, 208, 212, 380). (See invitation for comments below.)

Baggage liability in domestic air transportation. (See invitation for comments below.)

Registration procedures for Canadian charter air taxi operators. In ER-1257, Docket 39000, 46 FR 52590, October 27, 1981, the Board eliminated the requirement that Canadian charter air taxi operators obtain foreign air carrier permits under section 402 of the Federal Aviation Act. Instead of the extensive information normally required by 14 CFR Part 211, these small carriers now merely have to register with the Board, a quicker and easier process.

Registration of foreign charters operators. In SPR-179, Docket 38023, 46 FR 56605, November 18, 1981, the Board substituted a simple registration procedure for the previous requirement that foreign charter operators obtain a foreign air carrier permit.

Request for Comments

1. *Denied boarding compensation.* (14 CFR Part 250). By notice of proposed rulemaking EDR-436, Docket 39932, 46 FR 62285, December 23, 1981, the Board has recently begun a comprehensive review of its rules on oversales and denied boarding compensation. Comments are due February 22, 1982 and reply comments are due March 9, 1982.

2. *Charters.* (14 CFR Parts 207, 208, 212, 380). The Board's current charter rules are based on sections 204, 401, 402, 403, 404, 407, 408, 409, 411, and 416 of the Federal Aviation Act of 1958. They specify the types of charters that may be performed, and prohibit all others. For those that are authorized, the requirements can be divided into four areas: (1) protection for public charter participants' funds, in the form of requirements for both carriers and charter operators to post bonds and set up depository accounts, (2) protection of participants' expectations, in the form mainly of detailed rules concerning the contents of operator-participant contracts, such as price changes, cancellations, and itinerary changes, (3) a body of rules dealing with non-public charters, such as "affinity group" and "single-entity" charters, and (4) the remainder, a miscellaneous collection of rules dealing mainly with the relations between the direct air carrier and the charterer. The Board is reconsidering all these rules on charters in light of deregulation, and plans to issue a notice of proposed rulemaking on this subject in Docket 40336 in the near future. Interested persons are invited to file comments on charters in this docket, and need not await publication of the proposal.

3. *Baggage liability in domestic air transportation.* The Board's domestic baggage liability rules are based on sections 204, 403, 404, and 411 of the Federal Aviation Act of 1958. The rules govern air carriers' liability limits for

lost, damaged, or delayed baggage. They also affect disclaimers of liability for fragile or perishable items and carriers' baggage claim procedures. The Board is reconsidering these rules in light of deregulation, and plans to issue a notice of proposed rulemaking on baggage liability in Docket 40337 in the near future. Interested persons are invited to file comments on baggage liability in this docket, and need not await publication of the proposal.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-37344 Filed 12-30-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Wyoming-8)]

High-Cost Gas Produced From Tight Formations; Wyoming

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulations contains the recommendation of the State of Wyoming that the Frontier Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on January 22, 1982.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on January 7, 1982.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street NE,. Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8317, or Victor Zabel, (202) 357-8616.

SUPPLEMENTARY INFORMATION:

I. Background

On December 14, 1981, the State of Wyoming Oil and Gas Conservation Commission (Wyoming) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Frontier Formation located in Lincoln, Sublette, and Sweetwater Counties, Wyoming, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Wyoming's recommendation that the Frontier Formation be designated a tight formation should be adopted. The United States Geological Survey concurs with Wyoming's recommendation. Wyoming's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended formation is located north and east of the La Barge platform area in southwest Wyoming. The area contains about 222,720 acres and is in Lincoln, Sublette, and Sweetwater Counties, Wyoming. It encompasses all or part of Townships 25 and 26 North, Range 109 West; Township 29 North, Range 111 West; Townships 26 through 31 North, Range 112 West; and Townships 28 through 31 North, Range 113 West.

The vertical limits of the Frontier Formation are defined by the Baxter Shale Formation above and the Mowry Shale Formation below. The depth to the top of the formation averages 7,700 feet and gross thickness varies from 50 to 150 feet.

III. Discussion of Recommendation

Wyoming claims in its submission that evidence gathered through information and testimony presented at a public hearing in Case No. 1, Order No. 1, Docket No. 53-81(A) convened by Wyoming on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Wyoming further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Wyoming that the Frontier Formation, as described and delineated in Wyoming's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C., 20426, on or before January 22, 1982. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (Wyoming-8), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than January 7, 1982.

(Natural Gas Policy Act of 1978, (15 U.S.C. 3301-3342))

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations as set

forth below, in the event Wyoming's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (84) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(60) through (83) [Reserved]

(84) *Frontier Formation in Wyoming. RM79-76 (Wyoming-8)*—(i) *Delineation of formation.* The Frontier Formation is found in Lincoln, Sublette, and Sweetwater Counties, Wyoming, encompassing all or parts of Townships 25 and 26 North, Range 109 West; Township 29 North, Range 111 West; Townships 26 through 31 North, Range 112 West; and Townships 28 through 31 North, Range 113 West.

(ii) *Depth.* The Frontier Formation's vertical limits are defined by the Baxter Shale Formation above and the Mowry Shale Formation below. The gross thickness of the formation varies from 50 to 150 feet. The average depth to the top of the Frontier Formation is 7,700 feet.

[FR Doc. 81-37213 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

INTERNATIONAL COMMUNICATION AGENCY

22 CFR Part 514

Exchange-Visitor Program

AGENCY: International Communication Agency.

ACTION: Proposed rule.

SUMMARY: The International Communication Agency proposes to establish criteria for the use of the J-1 Visa for the following: (a) Practical Trainees; (b) Summer Student Travel/Work Programs; and (c) International Camp Counselor Programs.

These categories under the J-1 Visa are described by this regulation to ensure proper adherence to the law by program sponsors who are designated to sponsor aliens classified as exchange visitors.

DATE: Comments are due by March 1, 1982.

ADDRESS: Comments should be sent to: James Kelman, Deputy Chief, Exchange Visitor Program, Designation Branch (ECA/PE), International Communication Agency, Room 849, 1776 Pennsylvania Avenue, NW., Washington, D.C. 20547.

FOR FURTHER INFORMATION CONTACT: James Kelman (202) 724-9896.

SUPPLEMENTARY INFORMATION: The International Communication Agency (USICA) assumed from the Department of State overall responsibility for the Exchange-Visitor Program and all related procedures effective April 1, 1978, by Reorganization Plan No. 2 of 1977 and by Executive Order 12048 of March 27, 1978. The Exchange-Visitor Program serves as the accrediting authority for both U.S. Government agencies and private organizations to bring students, teachers, scholars, and trainees to the United States. The Exchange-Visitor Program monitors the host organization's performance to ensure that established criteria are met. The proposed amendment to the present regulations is expected to provide organizations with effective guidelines and criteria with which to administer practical training use of the J-1 Visa.

PART 514—EXCHANGE-VISITOR PROGRAM

22 CFR Part 514 is amended by adding three new paragraphs (c), (d), and (e) to § 514.13 to read as follows:

§ 514.13 Sponsor obligations—specific.

* * * * *

(c) *Practical trainees.* These criteria govern the designation and monitoring by the International Communication Agency (USICA) of Exchange-Visitor Programs under which foreign nationals are provided with opportunities for on-the-job, practical training in the United States for periods of up to 18 months. These criteria apply to Exchange-Visitor Programs having practical training as the primary purpose and do not apply to practical training opportunities which may, under certain conditions, be authorized for foreign students who have completed the requirements for degrees or certificates at educational institutions in the United States. The primary purpose of practical training programs is to improve the participant's knowledge of American techniques, methodology, and philosophy of the individual's own field of endeavor and to enhance the participant's skills through active participation in the day to day operations at the training location. It is also designed to enable the exchange visitor to observe and participate in American life and, if applicable, to improve his or her English language competency. Another prime purpose is to improve American knowledge of a foreign culture by providing the opportunity for an open interchange of ideas between the trainees and their American counterparts.

(1) *Selection.* The Exchange-Visitor Program sponsor must assume ultimate responsibility for the selection of trainees, regardless of the extent to which cooperating organizations in other countries may be involved. Professional recruiters, as well as employment or travel agencies, either in the United States or abroad, shall not be used for the recruitment, screening, or selection of trainees or prospective trainees. The sponsor shall secure sufficiently detailed background data on the individual's education and previous practical training and/or work experience to be able to ensure that the practical training experience in the United States is suitable and appropriate for the individual's level of career development. Trainees must have sufficient knowledge of English to enable them to function in the English speaking environment, both during the normal work period and non-working hours. Selection procedures should ensure that the trainee is medically qualified to perform the specific duties to be assigned.

(2) *Content of training assignments and related activities.* Practical training is intended to provide the individual with a "real life" experience in the conduct of his or her field of endeavor as normally practiced in the United States. As such, the normal or standard number of working hours per week for the particular business or industry must be observed. Suitable training may include one or more of the following: (i) Rotation through several departments; (ii) concentration in a single department; (iii) special projects; (iv) rotation followed by projects; (v) participation in an employer's regularly scheduled training program; or (vi) a special program determined after the trainee's arrival. Related activities which support the practical training experience such as attendance at conferences or conventions, participation in short courses, or enrollment in English language improvement courses may be appropriate in specific individual cases. Such related activities must be clearly secondary to and supportive of the practical training experience. The

content of the practical training assignment and any realted activities must be suitable and appropriate to the individual's level of educational attainment and previous practical training and/or work experience. The future employment and career development of the individual should also be considered in designing the practical training experience.

(3) *Orientation.* The sponsor shall be responsible for providing each participant (and each employer, if appropriate) with orientation which is suitable to the nature and length of the training assignment. This orientation should clearly indicate: (i) The purposes of the program; (ii) the role of the sponsor; (iii) the explanation that the participant is being admitted on a temporary nonimmigrant visa and that he or she must depart from the United States at the conclusion of the training assignment; (iv) the procedures to be followed in the event of an emergency; and (v) the details, to the extent they apply, on matters such as the individual's tax liability, procedures for securing of a Social Security Number, securing of a driver's license, etc. Where possible, orientation for individual participants should also include basic information about the United States, the city or state in which the participant will be assigned, the practice of the individual's field of endeavor in the United States, and any other information which would help to make the individual's experience while in the United States professionally rewarding and personally enriching.

(4) *Interaction with Americans.* The sponsor shall assist and encourage trainees to seek maximum interaction with American citizens during the training period. Subject to limitations imposed by geographic location, length and/or nature of the training assignment, interaction should be encouraged with groups such as families, professional societies, trade unions, educational institutions, service clubs, etc.

(5) *Financial responsibility.* All materials provided to program participants must clearly state the amount(s) to be paid to the trainess by the employer, and additional amount(s) to be paid by the designated program sponsor, and the costs which the trainee is expected to cover personally. Such information should include estimated cost of living in the area where the participant will work. The amount paid to the participant by the employer should be comparable to that paid to other individuals having similar education and previous work experience. In all cases, at least the prevailing minimum wage as determined by the United States Department of Labor must be paid to the participant by the employer. Payment in kind (housing, meals, etc.) may be used to supplement the prevailing minimum wage, but may not be used in lieu of payment of the minimum wage. Payment on the basis of commissions and similar forms of variable amount wages may be used only to the extent that such payments exceed the prevailing minimum wage. If payments are to be made by third parties (i.e., parents, schools, sponsors, government or international organization agencies, etc.) in lieu of payment by the employer, the Exchange-Visitor Program Designation Branch (ECA/PE), International Communication Agency, Washington, D.C. 20547 must be notified in writing to enable the Agency to determine the suitability of such payments.

(6) *Insurance.* The sponsor should be responsible for determining that each participant and any accompanying dependents are adequately covered by health and accident insurance, including provision for repatriation in the event of death or disability, for the entire duration of their stay in the United States in Exchange-Visitor status. A Certificate of Eligibility for Exchange-Visitor Status (IAP–66) should not be issued to a participant and/or dependents unless the sponsor can verify that they are adequately protected.

(7) *Evaluation.* To assure quality control of the training experience, the sponsor shall develop procedures for the on-going evaluation of each training assignment. Such evaluation should include, as a minimum, evaluation reports from the trainee and the immediate supervisor at the end of the training period. Mid-point reports (verbal or written) should also be used for training assignments of one year or more.

(8) *Dependents.* As a general rule, trainees shall be permitted to have their spouse and dependent children accompany them to the United States and the sponsor may document such dependents for J–2 status. All such dependents must be covered by health and accident insurance.

(9) *Limitation on duration of stay.* As specified in § 514.23(a)(1)(vii) of these regulations, the maximum length of stay for practical training employment shall not exceed 18 months total for any one individual, except as specifically approved by USICA under highly unusual circumstances. Such limitation shall apply regardless of the number of Exchange-Visitor Programs in which the individual participates.

(10) *Reciprocity.* As a general principle, each program sponsor shall be expected to seek, as feasible, reciprocal practical training or work experience in other countries for American citizens, either directly or through cooperating agencies, organizations, or institutions abroad. Ideally, the number of placement opportunities for Americans in other countries should be approximately equal to the number of foreign trainees placed in the United States. The Exchange-Visitor Program Designation Branch, International Communication Agency, will review the sponsor's program annually to assure good faith compliance with this objective.

(11) *Reports.* Designated sponsors shall furnish the Exchange-Visitor Designation Branch, International Communication Agency, with an annual report at the end of each calendar year or the close of such other yearly reporting period as may be mutually agreed upon. The annual report shall include: (i) Statistical data on foreign trainees placed in the United States and, where applicable, on American trainees placed in other countries; (ii) A brief evaluation report of the effectiveness of the program for the year including a description of standards and methods used in the evaluation process; and (iii) Specific examples of program accomplishments over a long-range period. Copies on descriptions of program materials such as information folders, orientation data, general publications, evaluation forms, etc. may be appended to the report to varify compliance with criteria stated above. Organizations which have been granted tax-exempt status under the provisions of section 501(c)(3) of the Internal Revenue Code shall also submit a copy of the Form 990 report most recently filed with the Internal Revenue Service.

(12) *Suspension or revocation of Exchange-Visitor Program designation.* Designated sponsors found to be in violation of the above criteria are subject to having program designations suspended or revoked in accordance with § 514.17 of these regulations.

(d) *Summer Student Travel/Work Programs.* The following criteria apply to United States organizations which have been designated by the International Communication Agency (USICA) to administer Summer Student Travel/Work Programs. These programs are designed to achieve the educational objectives of international exchange by involving students during their summer vacations directly in the daily life of the

host country through temporary employment opportunities. The criteria require program sponsors to promote the exchange of United States and foreign students on a reciprocal basis thereby assuring that the operation of such programs will not have an adverse impact on labor opportunities for United States youth in the 18–23 year age bracket.

(1) *Selection.* The selection will be limited to *bona fide* university students screened for maturity and ability to get maximum benefit from Summer Travel/Work Programs. These programs are designed to give foreign university students an opportunity to travel to the United States during their summer vacations with permission to accept employment to help defray their travel and living expenses while here. Priority consideration will be given to students who do not live in close proximity to the United States who would not be able to visit this country if temporary work permission were not authorized to help defray their travel expenses.

(2) *Orientation.* All students should be provided with orientation, both pre-departure and upon arrival in the United States. The orientation should be designed to give the students a good basic knowledge of our country and its people. Students should be fully informed of the nature of the program in which they are participating. They should be provided with some type of identification card which includes the name and phone number of an official of the sponsoring organization as well as the number of the Exchange-Visitor Programs in which they are participating. In addition, orientation should cover proper methods of obtaining and holding a job and the customary practices of giving employers adequate advance notice of resignation. Students should be fully briefed on the employment situation in the United States and admonished not to seek jobs in areas where a high unemployment situation exists.

(3) *Supervision.* Sponsors must be prepared to help their students at any time they have a medical, personal, employment, or other type of problem.

(4) *Jobs.* Each student sponsored on such a program must either have a pre-arranged job before he or she comes to the United States, or firm appointments with prospective employers, or have sufficient personal funds so as not to be financially embarrassed if not employed.

(5) *United States employment.* Sponsors are required to check in advance with the Department of Labor to obtain information regarding areas or cities which have a high unemployment rate. Students should be advised to avoid such areas in seeking employment.

(6) *Financial responsibility.* Sponsors are reuired to ensure that all participants return home at no charge to the United States Government.

(7) *Health and accident insurance.* Sponsors are required to ensure that all students are adequately covered with health and accident insurance.

(8) *Geographical distribution.* Sponsors should develop plans to ensure that groups of students, especially those of the same nationality, are not "clustered" in certain areas or cities. Every effort should be made to have the students widely dispersed throughout the country.

(9) *Arrival time.* Students for whom the sponsors have arranged "preplacement" for jobs can begin their programs at any time. Travel for students who have not been "pre-placed" should be delayed by the sponsors as late as possible, preferably after June 15. Such delayed travel will give American students who are interested in obtaining summer jobs from two to four weeks in an uncompetitive market.

(10) *Reciprocity.* Sponsors are required to administer Student Travel/Work Programs on a reciprocal basis. The number of foreign students a sponsor brings to the United States under this program shall not exceed, in any calendar year, the number of American students who were sent abroad by the sponsor on a Travel/Work Program. Should a sponsor fail in the realization of reciprocity in any given calendar year, the Agency may restrict the number of foreign students that the sponsor brings to the United States in the next calendar year to the number sent abroad by the sponsor in the preceding calendar year.

(11) *Report requirement.* Sponsors are required to submit an annual report, not later than July 31, on the United States students who were sent abroad the previous calendar year under Travel/Work Programs. The report should contain the following information: name and United States address of the student, the country where the student was employed, name of employer and type of business, and the type and length of employment (dates). The report should also include an ongoing evaluation of both the incoming program for foreign students and the outgoing program for American students. Major problems encountered in the administration of the program should also be listed. Failure to submit the report by July 31 will result in the automatic suspension of the program. The program will not be reactivated until the report is received by USICA and the sponsor notified that suspension has been lifted.

(12) *Unauthorized activities.* Employment as servants, mother's helpers, au pair or other jobs of a domestic nature in private homes are not authorized. Employment must be of a commercial or industrial capacity. Also, employment as a Camp Counselor is not authorized under the Travel/Work Program. Special programs with guidelines and criteria have been prepared for both Camp Counselor and Family Placement Programs. All such unauthorized placements will be removed from the count of United States placements abroad which could reduce the number of foreign students which the sponsor will be permitted to bring into the United States during the following year.

(e) *International Camp Counselor Program.* These criteria apply to the designation and monitoring by the International Communication Agency (USICA) of Exchange-Visitor Programs which are designed to give carefully selectd International Camp Counselors an opportunity to spend approximately eight (8) weeks at an American camp imparting appropriate skills to American youth concluding with an optional one to three week period to tour the United States. The principal purpose of these programs bringing International Counselors to serve in American summer camps is to improve American knowledge of a foreign culture and to allow the youth at camps throughout the United States to experience international understanding on a personal basis. A secondary purpose is to improve the foreign camp counselor's knowledge of American culture and language skills though active participation in every facet of camping life.

(1) *Selection.* The designated sponsoring organization must assume responsibility for the selection of international counselors to participate in these programs. As a general rule, individuals who have already served once as a Camp Counselor should not be selected again. The intent of this program is principally one of cultural exchange and is intended to give as many foreign camp counselors as possible an opportunity to visit the United States. Sponsoring organizations must have strong supporting documentation justifying the necessity for reselecting an individual who has already once served as counselor. Prospective participants should be individually interviewed by a

representative of the sponsoring organization. The interviewer's report should be provided for the camp director's review. Each participant should submit a confidential reference from a teacher or employer to the sponsoring organization, a copy of which should be made available to the Camp Director. All participants must be fluent in English and be at least 18 years of age upon departure from their home country. The sponsor is responsible for handling the arrival of the counselors, completing transportation arrangements and directing them to their assigned camp.

(2) *Orientation.* Orientation, both pre-departure and upon arrival in the United States, should be provided to all Counselors. The orientation should be designed to give the counselors a good basic knowledge of the United States, its people, and a description of the varieties of American camps. It should provide clear descriptions of the roles and responsibilities of camp counselors and camp specialists, as well as the contractual obligations between the sponsoring organization, camp, and counselor. Counselors should be fully informed of the nature of the programs in which they are participating. Each should be given a general orientation manual by the sponsor and descriptive information about their assigned camps. They should participate in a training session conducted by the sponsoring organization and a precamp training session sponsored by the cooperating camp. The camp or the sponsor must provide the counselors a detailed job description and a copy of these guidelines at the beginning of this pre-camp training session. Counselors should be provided with some type of identification card which includes the name and phone number of an official of the sponsoring organization as well as the name and number of the Exchange-Visitor Program in which they are participating. It should contain the counselor's name and home address as well as the cooperating camp's name, address, telephone number and name of the camp director.

(3) *Health and accident insurance.* It is the responsibility of the program sponsor to make certain that each participant is adequately covered with health and accident coverage. This may be done in any of the following ways: (i) by health and accident coverage arranged for by the counselors themselves, (ii) by health and accident insurance coverage arranged for by the sponsor or (iii) by the sponsor assuming all financial responsibilities for a counselor's illnesses and accidents from the time they leave their home country until they return to their home country.

(4) *Geographical distribution.* Sponsors should develop plans to ensure that groups of counselors, especially those of the same nationality, are not "clustered" in the same camps in certain areas. Every effort should be made to have the international counselors widely dispersed throughout the country. As a general rule, not more than 10 percent of the total number of counselors at a camp should be international counselors, nor should there be more than two international counselors of the same nationality at one camp. An exception to this requirement will be made by USICA for camps which have specific ethnic, language or nationality programming as a prime or principal programming concept.

(5) *Supervision.* The sponsor must assume the responsibility of resolving problems including, if necessary, finding a replacement camp position for counselors whose original assignment does not work out, and the early return home of the counselors because of personal or family difficulties. The sponsor must provide both the cooperating camp and the counselor with the names and telephone numbers of officials of the sponsoring organization who can be contacted at any time in case of an emergency or other problems. The sponsoring organization should have offices or personnel available both in the United States and abroad for this purpose. All counselors should have a prearranged camp assignment before their departure for the United States. Participants may be placed only in counseling positions. The intent of this program is principally one of cultural exchange and not one intended for staffing purposes or to provide an inexpensive labor pool. Therefore, participants may not be placed in office or kitchen or custodial jobs or other jobs which are basically menial labor. Sponsors must make every effort to assure that individual counselors are placed with the particular camp which seems to promise the greatest compatibility for the counselor and the camp. Such arrangements should be made well in advance so that the prospective counselors and camp directors will have ample time for correspondence before the counselors leave their home country. Sponsoring organizations should notify participants of their camp placement at least five weeks prior to their departure for the United States. Cooperating camps should be given the background data and arrival information of the participants at least five weeks prior to their arrival in the United States. The sponsoring organization should have a representative visit and inspect as many camps as possible where their exchange visitors are placed. It is important that the cooperating camps guarantee that when an international counselor drives a motor vehicle in connection with asigned duties that the state laws are being met and that there is sufficient insurance coverage. International counselors should be allowed at least 24 hours off each two weeks (with at least 12 hours continuous). International counselors must be able to leave camp on day(s) off and the camp should assist the counselors with accessible, affordable transportation to and from the nearest town.

(6) *Financial responsibility.* Sponsors must ensure that all participants will return home at no charge to the U.S. Government. Sponsors are required to have available for review by USICA an audited annual financial statement of its operations. The financial statement should include an itemized list of the salaries of the officers of the organization.

(7) *Evaluation reports.* Sponsors will furnish USICA an evaluation report of their programs at the end of each camping year (no later than November 1). Reports should include but not be limited to: (i) Number of participants and countries of origin; (ii) georgraphic distributioin of counselors within the United States, by State; (iii) noteworthy achievements or major problems or difficulties encountered; (iv) details regarding the extent to which the sponsor has evaluated the success of the program including specific examples of how counselors enhance the knowledge of Americans about other lands and other people and vice versa; and (v) names and addresses of persons and organizations in the United States and abroad assisting in the administration of the program. The annual evaluation report shold also include copies of the program materials (forms, instruction sheets, publications, information folders. etc.) and a copy of the health and accident insurance policy provided for the counselor. The copy of the health and accident insurance policy must be included every year. Other materials once provided need not be duplicated. Only new or updated materials need be included in the annual report in ensuing years.

(8) *Post camp cultural experience.* Every international counselor should be given an opportunity to participate in at least a two week cultural experience at the end of his or her camp assignment. This experience can be accomplished

either (i) by a group tour arranged by the sponsoring organization or (ii) by independent travel preferably with a small group of fellow international counselors or American friends. The international counselor who plans independent travel should send a proposed itinerary to the sponsoring organization so that the counselor can be contacted in case of an emergency.

(9) *Departure.* Program sponsors are required to take all necessary action to ensure the departure of the participants at the conclusion of their authorized stay. The Immigration and Naturalization Service must be notified of any Camp Counselor who fails to depart the United States on schedule.

(Sec. 4, 63 Stat. 111; secs. 102, 109 (a), (b), (d), 75 Stat. 527, 534, 535; secs. 101(a)(15)(J), 104(a), 212(e), 66 Stat. 166, 174, 182, 184; sec. 2, 84 Stat. 116, 117 (22 U.S.C. 2056, 2452; (8 U.S.C. 1101(a)(15)(J), 1104(a), 1182(e), 1258); Reorg. Plan No. 2 of 1977; E.O. 12040 of March 27, 1978).

E.O. 12291 Federal Regulation

USICA has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dated: December 11, 1981.

Charles Z. Wick,

Director, International Communication.

[FR Doc. 81-37122 Filed 12-30-81; 8:45 am]

BILLING CODE 8230-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-192-81]

Tax-Exempt Financing for Qualified Mass Commuting Vehicles

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the issuance of tax-exempt bonds for the acquisition of qualified mass commuting vehicles. Changes to the tax law were made by the Economic Recovery Tax Act of 1981. The regulations would provide guidance to issuers and holders of obligations used for the acquisition of such vehicles.

DATES: Written comments and requests for a public hearing must be delivered or mailed by March 1, 1982. The amendments are proposed to be effective with respect to obligations issued after August 13, 1981, and before January 1, 1985.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, 1111 Constitution Avenue NW., Attention: CC:LR:T, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Susan K. Thompson of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3294).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 103(b)(4)(I) and (9) of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to section 811 of the Economic Recovery Tax Act of 1981 (95 Stat. 340) and are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Explanation of New Provisions

Under section 103, interest on State and local government obligations is generally exempt from Federal income tax. However, tax exemption is denied to State and local government issues of industrial development bonds with certain exceptions. Certain industrial development bonds qualify for the exemption where the proceeds of the bonds are used to provide exempt facilities. Included among these facilities are mass commuting facilities, but not, under prior law, the vehicles used for mass commuting purposes.

The Economic Recovery Tax Act of 1981 provides that interest on obligations or a State or local government are exempt from Federal income tax if substantially all of the proceeds of the obligations are used to provide qualified mass commuting vehicles. This term is defined to mean a bus, subway car, rail car, or similar equipment leased to a mass transit system that is wholly owned by one or more governmental units and that is used by the mass transit system in providing mass commuting services.

Comments and Requests for a Public Hearing

Before the adoption of these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the Federal Register.

Regulatory Flexibility Act

Although this is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed are interpretative and that the notice and public procedure requirements of U.S.C. 553 do not apply. Accordingly, these proposed amendments do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

Drafting Information

The principal author of these proposed regulations is Susan K. Thompson of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Section 1.103-8 is amended by redesignating paragraph (i) as paragraph (k) and by adding new paragraphs (i) and (j) immediately following paragraph (h). These added paragraphs read as follows:

§ 1.103-8 Interest on bonds to finance certain exempt facilities.

* * * * *

(i) *Qualified hydroelectric generating facilities.* [Reserved]

(j) *Qualified mass commuting vehicles*—(1) *General rule.* Section 103(b)(4)(I) provides that section 103(b)(1) shall not apply to obligations

issued by a State or local governmental unit which are part of an issue substantially all the proceeds of which are to be used to provide qualified mass commuting vehicles. The term "qualified mass commuting vehicle" is defined in section 103(b)(9) and paragraph (j)(2) of this section. Section 103(b)(4)(I) and (9) and this paragraph (j) apply only to obligations issued after August 13, 1981, and before January 1, 1985.

(2) *Qualified mass commuting vehicle defined.* For purposes of section 103(b)(4)(I) and (9) and this paragraph, the term "qualified mass commuting vehicle" means any bus, subway car, rail car or similar equipment—

(i) That is leased to a mass transit system wholly owned by one or more governmental units, or agencies or instrumentalities or a governmental unit, and

(ii) That is used by the mass transit system in providing mass commuting services.

(3) *Similar equipment.* For purposes of paragraph (j)(2) of this section, the term "similar equipment" means a vehicle for the transportation of passengers. Thus, for example, the term "similar equipment" includes a streetcar, cable car, van, hydroplane, or ferry vessel. It also includes a vehicle used to power a vehicle that transports passengers, such as the engine car of a subway train. The term "similar equipment" does not include machinery, furniture, or other equipment or parts not attached to, located in, or otherwise made an integral part of a vehicle. Machinery, furniture, or other non-vehicular equipment not made a part of a vehicle as described in the preceding sentence may qualify as a part of, or as functionally related and subordinate to, a mass commuting facility under section 103(b)(4)(D) and § 1.103–8(a)(3). For other rules relating to mass commuting facilities, see § 1.103–8(e)(2)(iv).

(4) *Mass commuting services.* A transportation service is a mass commuting service within the meaning of section 103(b)(9) and this paragraph (j) if it is used predominantly by business commuters on a day-to-day basis. Thus, for example, a sightseeing service is not a mass commuting service because it is not used predominantly by business commuters. Likewise, the transportation of children to and from school is not a mass commuting service.

(5) *Public use requirement.* To qualify under section 103(b)(4) and paragraph (a)(2) of this section as a mass commuting vehicle, the vehicle must serve or be available on a regular basis for general public use. A vehicle will not qualify under this section if more than an insubstantial portion of its use is reserved for the exclusive benefit of particular individuals or private groups. For example, a van used by employees of a specific employer or employers will not qualify as a mass commuting vehicle.

(6) *Wholly owned by governmental unit.* Section 103(b)(9) and paragraph (j)(2) of this section require that a qualified mass commuting vehicle be leased to a mass transit system wholly owned by one or more governmental units (or agencies or instrumentalities of a governmental unit). In determining whether an entity qualifies as a governmental unit or agency or instrumentality of a governmental unit, the rules of section 103(a)(1) and § 1.103–1 apply.

* * * * *

Approved: December 24, 1981.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 81–37277 Filed 12–28–81; 5:03 pm]

BILLING CODE 4830–01–M

VETERANS ADMINISTRATION

38 CFR Part 17

Health Professional Scholarship Program

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: The "Veterans Administration Health Care Amendments of 1980" established the Veterans Administration Health Professional Scholarship Program. The purpose of the Scholarship Program is to assist in providing an adequate supply of trained physicians and nurses for the Veterans Administration and for the Nation and, if needed by the Veterans Administration, certain other health-care professionals. Under this program, medical, osteopathic and nursing students could receive up to four years of financial assistance during their training. This assistance would include payment of tuition, other educational expenses and a monthly stipend, all of which would be exempt from taxation. In return for this financial assistance, a scholarship participant would be obligated to serve as a full-time employee in the VA's Department of Medicine and Surgery for a period of time equal to the period of support or two years, whichever is greater. Medical or osteopathic students may request a deferment of obligated service to complete a residency or other advanced clinical training. Such a deferment may, however, obligate the student to an additional period of service.

It is intended that the proposed regulations will set forth the requirements for the award of scholarships under the VA Professional Health Scholarship Program to students receiving academic training in medicine, osteopathy, nursing and, if needed by the Veterans Administration, certain other health-care professionals. However, for the 1982–83 school year, scholarships will be awarded only to students pursuing academic training leading to a degree in nursing.

DATES: Comments must be received on or before February 1, 1982. It is proposed to make these regulations effective the date of final approval.

ADDRESSES: Interested persons are invited to send written comments to: Administrator of Veterans Affairs (271A), 810 Vermont Avenue, NW, Washington, D.C. 20420. All written comments received will be available for public inspection in the Veterans Services Unit, room 132, at the address shown above only between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays) until February 16, 1982. Records are available for inspection only at VA Central Office.

FOR FURTHER INFORMATION CONTACT: Ms. Dorothy E. Reese, Associate Director, Affiliated Education Programs Services, Office of Academic Affairs, Department of Medicine and Surgery, Veterans Administration, 810 Vermont Avenue, NW, Washington, D.C. 20420, Phone (202) 389–3829.

SUPPLEMENTARY INFORMATION: The proposed regulations for the Veterans Administration Health Professional Scholarship Program have been designated as non-major by the Administrator under Executive Order 12291. The regulations will apply to individuals seeking benefits of the program. The regulations will not result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment investment, productivity, innovation, or on the ability of United States-based enterprise to compete with foreign-based enterprises in domestic or export markets.

The Administrator hereby certifies that this proposed rule will not, if promulgated, have a significant economic impact on a substanital number of small entities as they are

defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), this proposed rule is therefore exempt from the initial and final regulatory flexibility analyses requirement of sections 603 and 604. The reason for this certification is that this rule will, almost exclusively, be directed to individuals who wish to apply for assistance from the VA Professional Nurse Scholarship Program. It will, therefore, have no significant direct impact on small entities (i.e., small business, small private and non-profit organizations, and small governmental jurisdictions.)

The Catalog of Federal Domestic Assistance number for this program is 84.023.

Approved: December 16, 1981.

Robert P. Nimmo,

Administrator.

PART 17—MEDICAL

It is proposed to amend 38 CFR Part 17 by adding §§ 17.600 through 17.612 to read as follows:

* * * * *

VA Health Professional Scholarship Program

Sec.

17.600 Purpose.
17.601 Definitions.
17.602 Eligibility.
17.603 Availability of scholarships.
17.604 Application for the scholarship program.
17.605 Selection of participants.
17.606 Award procedures.
17.607 Obligated service.
17.608 Deferment of obligated service.
17.609 Pay during period of obligated service.
17.610 Failure to comply with terms and conditions of participation.
17.611 Bankruptcy.
17.612 Cancellation, waiver or suspension of obligation.

Authority: 38 U.S.C. 4141–4146.

VA Health Professional Scholarship Program

§ 17.600 Purpose.

The purpose of §§ 17.600 through 612 is to set forth the requirements for the award of scholarships under the Veterans Administration Health Professional Scholarship Program (Pub. L. 96–330; 38 U.S.C. 4141–4146) to students receiving academic training in medicine, osteopathy or nursing to assure an adequate supply of such health professionals for the Veterans Administration and for the Nation.

§ 17.601 Definitions.

For the purpose of these regulations:

(a) "Acceptable level of academic standing" means the level at which a full-time student retains eligibility to continue in attendance in school under the school's standards and practices.

(b) "Act" means the Veterans Administration Health-Care Amendments of 1980, Pub. L. 96–330, (38 U.S.C. 4141–4146.)

(c) "Affiliation agreement" means a Memorandum of Affiliation between a Veterans Administration health care facility and a school of medicine or osteopathy.

(d) "Approved graduate training" means those programs of graduate training in medicine including osteopathy which (1) lead to eligibility for board certification or which provide other evidence of completion, and (2) have been approved by the appropriate body as determined by the Administrator.

(e) "Administrator" means the Administrator of Veterans Affairs.

(f) "Chief Medical Director" means the Chief Medical Director of the Department of Medicine and Surgery (DM&S), Veterans Administration.

(g) "Citizen of the United States" means any person born, or lawfully naturalized in the United States, subject to its jurisdiction and protection, and owing allegiance thereto.

(h) "Degree in nursing" means a course of study leading to a baccalaureate degree or a master's degree in a clinical specialty, excluding maternal-child health, pediatrics, midwifery and related fields for which the Veterans Administration has no employment needs.

(i) "Full-time student" means an individual pursuing a course of study leading to a degree in medicine, osteopathy or nursing who is enrolled for a sufficient number of credit hours in any academic term to complete the course of study within not more than the number of academic terms normally required by the school, college or university.

(j) "Required educational equipment" means educational equipment which must be rented or purchased by all students pursuing a similar curriculum in the school.

(k) "Required fees" means those fees which are charged by the school to all students pursuing a similar curriculum.

(l) "Scholarship Program" means the Veterans Administration Health Professional Scholarship Program authorized by Section 201 of the Act.

(m) "Participant" means an individual whose application to the Scholarship Program has been approved and whose contract has been accepted by the Administrator.

(n) "School" means a school of medicine, osteopathy or nursing which (1) provides training leading to a degree of doctor of medicine, doctor of osteopathy or degree in nursing and (2) which is accredited by a body or bodies recognized for accreditation by the Administrator.

(o) "School year" means all or part of the 12-month period from July 1 through June 30 during which an applicant is enrolled in the school as a full-time student.

(p) "State" means one of the several States, Territories and possessions of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

§ 17.602 Eligibility.

(a) To be eligible for a scholarship under this program an applicant must—

(1) Be accepted for enrollment or be enrolled as a full-time student in an accredited school located in a State;

(2) Be pursuing a course of study or program offered by a school of nursing leading to a degree in medicine, osteopathy or a degree in nursing;

(3) Be a citizen of the United States; and

(4) Submit an application to participate in the Scholarship Program together with a signed contract. (38 U.S.C. 4142(a))

(b) Any applicant who, at the time of application, owes a service obligation to another Federal program to perform service after completion of the course of study is ineligible to receive a scholarship under the Veterans Administration Scholarship Program. (38 U.S.C. 4142(a)(4)).

§ 17.603 Availability of scholarships.

Scholarships will be awarded only when necessary to assist the Veterans Administration in alleviating shortages or anticipated shortages of personnel in particular health professions. The existence of a shortage of personnel will be determined in accordance with specific criteria for each health profession, promulgated by the Chief Medical Director. If it becomes necessary for the Veterans Administration to award scholarships in any health profession other than medicine, osteopathy or nursing, the Administrator may publish a list of those professions in the **Federal Register**. (38 U.S.C. 4142(c)(2))

§ 17.604 Application for the scholarship program.

Each individual desiring a scholarship under this program must submit an application in the form and at the time prescribed by the Administrator. Included with the application will be a

signed written contract to accept payment of a scholarship and to serve "a period of obligated service" (as defined in § 17.607) if the application is approved and if the contract is accepted by the Administrator. (38 U.S.C. 4142(e)(1)(B)(iv))

§ 17.605 Selection of participants.

(a) *General.* In deciding which Scholarship Program applications will be approved by the Administrator, priority will be given to applicants who previously received scholarship awards and who meet the conditions of paragraph (d) of this section. Except for continuation awards (see paragraph (d)), applicants will be evaluated under the criteria specified in paragraph (b) of this section. (38 U.S.C. 4142(c)(1))

(b) *Selection.* In evaluating and selecting participants, the Administrator will take into consideration those factors determined necessary to assure effective participation in the Scholarship Program. The factors may include, but not be limited to—

(1) Work experience, including prior medically related employment and Veterans Administration employment;

(2) Faculty and employer recommendations;

(3) Academic performance; and

(4) Related experience gained in college and community activities. (38 U.S.C. 4142(i))

(c) *Duration of scholarship award.* Subject to the availability of funds for the Scholarship Program, the Administrator will award a participant a scholarship under §§ 17.600–17.612 for a period of 1 school year. (38 U.S.C. 4142(e)(1)(A); 4146)

(d) *Continuation awards.* Subject to the availability of funds for the Scholarship Program and selection, the Administrator will award a continuation scholarship if—

(1) The participant request a continuation;

(2) The award will not extend the total period of Scholarship Program support beyond 4 years; and

(3) The participant remains eligible for continued participation in the Scholarship Program. (38 U.S.C. 4142(c)(1), (i))

§ 17.606 Award procedures.

(a) *Amount of scholarship.* (1) A scholarship award for each school year will consist of (i) tuition, (ii) reasonable educational expenses, including required fees, books, laboratory equipment, and (iii) a monthly stipend for the 12-month period beginning with the first month of each school year in which the participant is enrolled in the course of study. All such payments to scholarship participants are exempt from taxation. (38 U.S.C. 4145)

(2) The Administrator may make arrangements with the school in which the participant is enrolled for the direct payment of the amount of tuition and/or reasonable educational expenses on the participant's behalf. (38 U.S.C. 4142(f)(1) and (2); 4145)

(b) *Leave-of-absence, repeated course work.* The Administrator will suspend scholarship payments to or on behalf of a participant if the school (1) approves a leave-of-absence for the participant for health, personal, or other reasons, or (2) requires the participant to repeat course work for which the Administrator previously has made payments under the Scholarship Program. Only if the repeated course work does not delay the participant's graduation date, will scholarship payments continue; however, additional costs relating to the repeated course work will not be paid under this program. Any scholarship payments suspended under this section will be resumed by the Administrator upon notification by the school that the participant has returned from the leave-of-absence or has completed the repeated course work and is pursuing as a full-time student the course of study for which the scholarship was awarded. (38 U.S.C. 4142(i)).

§ 17.607 Obligated service.

(a) *General.* Except as provided in paragraph (d) of this section, each participant is obligated to provide service as a Veterans Administration employee in full-time clinical practice in his or her clinical specialty or discipline in an assignment or location determined by the Administrator. (38 U.S.C. 4143(a))

(b) *Beginning of service.* The period of obligated service will begin with the participant is appointed under title 38 as a full-time employee of the Department of Medicine and Surgery, Veterans Administration in the clinical field or discipline in which the individual was trained. Except for those participants who receive a deferral under § 17.608, the assignment will be made by the Administrator within 60 days of (1) the completion of the participant's course of study leading to a degree in medicine, osteopathy or nursing or (2) the date upon which the participant becomes licensed to practice medicine, osteopathy, or nursing. (38 U.S.C. 4143(b), (c))

(c) *Duration of service.* Except as provided in paragraph (d) of this section, the period for which the participant is obligated on a full-time basis in the clinical field or discipline in which the individual was trained to serve is equal to 1 year for each school year for which the participant receives a scholarship award under these regulations, or 2 years, whichever is greater. (38 U.S.C. 4142(e)(1)(B)(iv))

(d) *Service by detail.* The Administrator, in cooperation with and with the consent of the heads of other relevant Federal departments and agencies and with the consent of the participant involved, may permit—

(1) Any period of required obligated service to be performed in another Federal department or agency or in the Armed Forces; and

(2) Any period of obligated service required to be performed in another Federal department or agency or in the Armed Forces under another Federal health personnel scholarship program to be performed in the Department of Medicine and Surgery, Veterans Administration. (38 U.S.C. 4144(e))

(e) *Creditability of approved graduate medical training.* No period of approved graduate training will be credited toward satisfying the period of obligated service incurred under the Scholarship Program. (38 U.S.C. 4143(b)(3)(A)(ii))

§ 17.608 Deferment of obligated service.

(a) *Request for deferment.* A participant receiving a degree from a school of medicine or osteopathy may request deferment of obligated service to complete approved graduate medical training. The Administrator will generally defer the beginning date of the obligated service to allow the participant to complete the approved graduate training program. The period of this deferment will be the time designated for the specialty training in which the physician is enrolled as defined by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association. (38 U.S.C. 4142(i); 4143(b)(3)(A)(i))

(b) *Deferment requirements.* Any participant whose period of obligated service is deferred shall be required to take all or part of the approved graduate medical training in an accredited program in an educational institution affiliated with a Veterans Administration health care facility. (38 U.S.C. 4143(b)(4)(A))

(c) *Additional service obligation.* A participant who has requested and received deferment of approved graduate medical training may, at the time of approval of such deferment and at the discretion of the administrator and upon the recommendation of the Chief Medical Director, incur an additional period of obligated service—

(1) At the rate of one-half of a calendar year for each year of approved graduate training (or a proportionate

ratio thereof) if the training is in a medical specialty determined to be necessary to meet health care requirements of the Department of Medicine and Surgery, Veterans Administration; or

(2) At the rate of three-quarters of a calendar year for each year of approved graduate training (or a proportionate ratio thereof) if the training is in a medical specialty determined not to be necessary to meet the health care requirements of the Department of Medicine and Surgery. Specialties necessary to meet the health care requirements of the Department of Medicine and Surgery will be prescribed periodically by the Administrator when, and if, this provision for an additional period of obligated service is to be used. (38 U.S.C. 4143(b)(4)(B))

(b) *Altering deferment.* Before altering the length or type of approved graduate medical training for which the period of obligated service has deferred under paragraphs (a) or (b) of this section, the participant must request and obtain the Administrator's written approval of the alteration. (38 U.S.C. 4142(i))

(e) *Additional terms of deferment.* The Administrator may prescribe additional terms and conditions for deferment under paragraphs (a), (b), (c) and (d) of this section as necessary to carry out the purposes of the Scholarship Program. (38 U.S.C. 4142(i))

(f) *Beginning of service after deferment.* Any participant whose period of obligated service has been deferred under paragraph (a) or (b) of this section must begin the obligated service effective on the date of appointment under title 38 in full-time clinical practice in an assignment or location in a Veterans Administration health care facility as determined by the Administrator. The assignment will be made by the Administrator within 120 days prior to or no later than 30 days following the completion of the requested graduate training for which the deferment was granted. Travel and relocation regulations will apply. (38 U.S.C. 4143(b)(2))

§ 17.609 Pay during period of obligated service.

The initial appointment of physicians for obligated service will be made in a grade commensurate with qualifications as determined in section 4107(b)(1) of title 38, United States Code. A physician serving a period of obligated service is not eligible for incentive special pay during the first three years of such obligated service. He or she may be paid primary special pay at the discretion of the Administrator upon the recommendation of the Chief Medical Director. (Pub. L. 96-330, Sec. 202; 38 U.S.C. 4118(h))

§ 17.610 Failure to comply with terms and conditions of participation.

(a) If a participant, other than one described in paragraph (b) of this section fails to accept payment or instructs the school not to accept payment of the scholarship provided by the Administrator, the participant must, in addition to any service or other obligation incurred under the contract, pay to the United States the amount of $1,500 liquidated damages. Payment of this amount must be made within 90 days of the date on which the participant fails to accept payment of the scholarship award or instructs the school not to accept payment. (38 U.S.C. 4144(a))

(b) When a participant fails to maintain an acceptable level of academic standing, is dismissed from the school for disciplinary reasons, voluntarily terminates the course of study or program for which the scholarship was awarded before completing the course of study or program, or fails to become licensed to practice medicine or osteopathy in a State or fails to become licensed as a graduate nurse in a State within 2 years from the date such person becomes eligible to appy for state licensure, the participant must, instead of performing any service obligation, pay to the United States an amount equal to all scholarship funds awarded under the written contract executed in accordance with § 17.602. Payment of this amount must be made within 3 years from the date academic training terminates. (38 U.S.C. 4144(b))

(c) Participants who breach their contracts by failing to begin or complete their service obligation (for any reason) are liable to repay the amount of all scholarship funds paid to them and to the school on their behalf, plus interest, as determined by the following formula:

$$A = 30\,\frac{(t-s)}{t}$$

in which:

'A' is the amount the United States is entitled to recover;

'0' is the sum of the amounts paid to or on behalf of the applicant and the interest on such amounts which would be payable if, at the time the amounts were paid, they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States;

't' is the total number of months in the applicant's period of obligated service; and

's' is the number of months of the period of obligated service served by the participant.

The amount which the United States is entitled to recover shall be paid within 1 year of the date on which the applicant failed to begin or complete the period of obligated service, as determined by the Administrator. (38 U.S.C. 4144(c))

§ 17.611 Bankruptcy.

Any payment obligation incurred may not be discharged in bankruptcy under title 11 of the United States Code until 5 years after the date on which the payment obligation is due. (38 U.S.C. 4144(d)(3))

§ 17.612 Cancellation, waiver, or suspension of obligation.

(a) Any obligation of a participant for service or payment will be canceled upon the death of the participant. (38 U.S.C. 4144(d)(1))

(b)(1) A participant may seek a waiver or suspension of the service or payment obligations incurred under this program by written request to the Administrator setting forth the basis, circumstances, and causes which support the requested action. The Administrator may approve an initial request for a suspension for a period of up to 1 year. A renewal of this suspension may also be granted.

(2) The Administrator may waive or suspend any service or payment obligation incurred by a participant whenever compliance by the participant (i) is impossible, due to circumstances beyond the control of the participant or (ii) whenever the Administrator concludes that a waiver or suspension of compliance would be in the best interest of the Veterans Administration. (38 U.S.C. 4144(d)(2))

(c) Compliance by a participant with a service or payment obligation will be considered impossible due to circumstances beyond the control of the participant if the Administrator determines, on the basis of information and documentation as may be required, that the participant suffers from a physical or mental disability resulting in permanent inability to perform the service or other activities which would be necessary to comply with the obligation. (38 U.S.C. 4144(d)(2))

(d) Waivers or suspensions of service or payment obligations, when not related to paragraph (c) of this section, and when considered in the best interest of the Veterans Administration, will be

determined by the Administrator on an individual basis. (38 U.S.C. 4144(d)(2))

[FR Doc. 81-37229 Filed 12-30-81; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

43 CFR Part 426

Acreage Limitation: Reclamation Rules and Regulations and Draft Environmental Impact Statement

AGENCY: Bureau of Reclamation, Interior.

ACTION: Extension of comment periods and scheduling of public hearings on proposed rules and draft environmental impact statement on acreage limitation.

SUMMARY: This notice extends the comment periods on the acreage limitation proposed rules (46 FR 37528, July 21, 1981) and draft environmental impact statement (46 FR 37529, July 21, 1981) from December 31, 1981, to March 5, 1982. The extension will allow the Bureau of Reclamation time to conduct 10 public hearings. The information gathered at these hearings will be considered before making any revisions to the published proposed rules and regulations (46 FR 3350–3358) for administering the acreage limitation provisions of Reclamation law and in writing the final environmental impact statement on those rules.

DATES: Comments are due on or before March 5, 1982. The hearings will be held on the dates shown below. All hearings will begin at 9:00 a.m. and will continue until all comments have been heard.

ADDRESSES: The hearings will be held at the locations shown below.

FOR FURTHER INFORMATION CONTACT: Vernon S. Cooper, (202) 343–2148.

SUPPLEMENTARY INFORMATION: The hearings will be held on the dates and at the locations shown below.

Feb. 16—Red Lion Inn, Pasco, Washington
Feb. 17—Federal Building, Room 3421, Salt Lake City, Utah
Feb. 18—Fresno Convention Center, Fresno, California
Feb. 19—Albuquerque Convention Center, Sandia-Santa Anna Room, Albuquerque, New Mexico
Feb. 23—Sacramento Convention Center, Sacramento, California
Feb. 24—Holiday Inn West, Billings, Montana
Feb. 25—Red Lion Downtowner, Boise, Idaho Phoenix Civic Plaza, Room S–10, Phoenix, Arizona
Feb. 26—Department of the Interior, Auditorium, Washington, DC

Oral statements will be limited to minutes. Speakers will not be permitted to trade their time to obtain a longer oral presentation; however, the hearings officer may allow any person additional time after all other comments have been heard. Speakers will be scheduled according to the time preference mentioned in their letter or telephone request, whenever possible. Any scheduled speaker not present when called will lose his or her privilege in the scheduled order, but will be recalled after all the scheduled speakers have been heard. Speaker requests will be scheduled up to two working days preceding the hearings and any subsequent request will be handled on a first-come-first-served basis following the scheduled presentations.

Individuals or organizations wishing to speak at the hearings or who desire additional information should contact the appropriate office listed below:

Hearing: Pasco, Washington and Boise, Idaho.

Contact: Regional Director, Pacific-Northwest Region, Bureau of Reclamation, 550, West Fort Street, P.O. Box 043, Boise, Idaho 83724, (208) 334–1900.

Hearing: Sacramento and Fresno, California.

Contact: Regional Director, Mid-Pacific Region, Bureau of Reclamation, Federal Office Building, 280 Cottage Way, Sacramento, California 95825, (916) 484–4680.

Hearing: Phoenix, Arizona.

Contact: Regional Director, Lower Colorado Region, Bureau of Reclamation, Nevada Highway and Park Street, P.O. Box 427, Boulder City, Nevada 89005, (702) 293–7652.

Hearing: Salt Lake City, Utah.

Contact: Regional Director, Upper Colorado Region, Bureau of Reclamamtion, 125 South State Street, P.O. Box 11568, Salt Lake City, Utah 84147, (801) 524–5457.

Hearing: Albuquerque, New Mexico.

Contact: Regional Director, Southwest Region, Bureau of Reclamation, 714 South Tyler, Amarillo, Texas 79101, (806) 378–5400.

Hearing: Billings, Montana.

Contact: Regional Director, Upper Missouri Region, Bureau of Reclamation, 316 North 26th Street, P.O. Box 2553, Billings, Montana 59103, (406) 657–6412.

Hearing: Denver, Colorado.

Contact: Regional Director, Lower Missouri Region, Bureau of Reclamation, Building 20, Denver, Federal Center, P.O. Box 25247, Denver, Colorado 80225 (303) 234–3327.

Hearing: Washington, DC.

Contact: Commissioner, Bureau of Reclamation, Attention: Code 410, 18th and C Streets NW., Washington, DC 20240, (202) 343–2148.

Those wishing to supplement their testimony with a written statement or those who would prefer to submit only a written statement for the public hearing testimony should address them to: Mr. Phillip T. Doe, Bureau of Reclamation, E&R Center, Code D–700, P.O. Box 25007, Denver, Colorado 80225.

Public hearing testimony will be summarized and responded to in the final environmental impact statement. Written statements will be processed in a like manner.

Dated: December 23, 1981.

R. N. Broadbent,

Commissioner, Bureau of Reclamation.

[FR Doc. 81-37360 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-09-M

Bureau of Land Management

43 CFR Part 3500

Federal Oil Shale Management Program

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to propose rules; prepare an Environmental Impact Statement and hold scoping meetings.

SUMMARY: This document serves as public notice of intent to publish proposed regulations for Federal oil shale management, prepare an Environmental Impact Statement (EIS) pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, hold scoping meetings on the EIS, and to hold a Regional Oil Shale Team (ROST) meeting.

DATES: The meetings will be held on February 1–5, 1982.

ADDRESSES: The meeting locations are listed in Supplementary Information below.

FOR FURTHER INFORMATION CONTACT: On the EIS: Jack D. Edwards, Environmental Statement Office, Bureau of Land Management, 555 Zang Street, Denver, Colorado 80025, Telephone: Commercial—303–234–6737, FTS—234–6737.

On the Rulemaking: Donald W. Brabson, Branch of Tar Sands and Oil Shale, Bureau of Land Management, Washington, D.C. 20240, Telephone: Commercial—202–343–4537, FTS—343–4537.

SUPPLEMENTARY INFORMATION: The regulations will cover such things as lands subject to leasing, acreage or lease size limitation, diligent

development requirements, and rentals and royalties. Additionally, the regulations may include requirements to guide tract selection, lease management procedures, and surface management and protection standards.

The EIS will consider alternative methods of leasing oil shale, alternative production levels, and alternative energy sources. Regional and cumulative impacts of oil shale development, particularly in Colorado, Utah, and Wyoming, will be assessed. The cumulative analysis will include other development in those areas (i.e., coal, oil and gas, power plants, recreation projects, other oil shale projects, etc.). The Department intends to publish proposed rules and the draft programmatic EIS in July 1982, the final EIS in December 1982, and the final rules in January 1983.

A series of scoping meetings for the programmatic EIS will be held during the first week of February 1982. These meetings are open to the public. Interested persons are invited to attend the meetings, and to submit oral and written comments on the scoping of the EIS and the program. In addition, oral and written comments may be submitted until February 19, 1982, to either of the parties listed under the section of this notice entitled, "For Further Information Contact."

Specifically, the meetings are scheduled for:

Monday, February 1, 1982—1 p.m., Room 269, Main Post Office Building Auditorium, 18th and Stout, Denver, Colorado

Tuesday, February 2, 1982—1 p.m., Room 128, Salt Palace, Salt Lake City, Utah

Wednesday, February 3, 1982—7 p.m., Golden Age Center, 155 South 100 West, Vernal, Utah

Wednesday, February 3, 1982—7 p.m., Signal Room, Holiday Inn, 16755 Sunset Drive, Rock Springs, Wyoming

Thursday, February 4, 1982—7 p.m., Fairfield Center, 200 Main Street, Meeker, Colorado

Friday, February 5, 1982—7 p.m., Grand Junction City Auditorium, Road Avenue between 5th and 6th Streets, Grand Junction, Colorado

The February 1, 1982, scoping meeting will be part of a Regional Oil Shale Team (ROST) meeting scheduled for the same day. The purpose of the ROST meeting is to announce and scope the proposed Federal Oil Shale Management Program and associated programmatic EIS.

The scoping process will involve contact with agencies and individuals, in addition to formal contact with other Federal, State, and local agencies and groups.

In accordance with the final regulations of the Council on Environmental Quality for Implementation of Procedural Provisions of the National Environmental Policy Act (40 CFR Part 1500) the scoping meetings will:

a. Inform affected Federal, State and local agencies, and other interested groups or individuals about the EIS and the regulations.

b. Define the scope and significant issues to be analyzed in the EIS. This includes identification of and elimination from detailed study those issues which are not significant.

c. Identify environmental reports which may be related to the proposal or may contain relevant data.

d. Identify related consultation and review requirements which will be addressed in the EIS, including identification of mandated documentation.

e. Identify subject areas which may be relevant to proposed regulations for leasing.

Dated: December 28, 1981.

James M. Parker,

Acting Director.

[FR Doc. 81-37347 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6224]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below and proposed changes to base flood elevations for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program, (202) 287-0230, Washington, D.C., 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 and Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4.

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW)
Alabama	Unincorporated areas of Shelby County	Cahaba River	Approximately 1,000 feet upstream from Tuscaloosa Road Bridge.	*353
			Approximately 500 feet downstream from Southern Railway Bridge.	*369
			Approximately 1,200 feet upstream from County Road 52 bridge.	*403
			Approximately 800 feet downstream from confluence of Patton Creek.	*423
			Approximately 120 feet downstream from centerline of southbound lane of U.S. Highway 31.	*425
			Approximately 900 feet downstream from confluence of Acton Creek.	*426
			Approximately 1,000 feet downstream from County Road 29 (Caldwell Mild Road) bridge.	*435
		Buck Creek	Approximately 110 feet downstream from centerline of southbound lane of Interstate Highway 65.	*515
			Just upstream from U.S. Highway 31	*530
		Bishop Creek	Approximately 100 feet upstream from centerline of northbound lane of Interstate 65.	*462
			Approximately 200 feet downstream from Alabama Highway 119.	*493
			Just downstream from County Road 14	*516
		Yellowleaf Creek	Just downstream from Alabama Highway 25	*407
			Approximately 550 feet upstream from confluence of Muddy Prong.	*433
			Just upstream from County Road 51	*448
			Just downstream from County Road 55	*456
			Approximately 300 feet downstream from confluence of North Fork Yellowleaf Creek and South Fork Yellowleaf Creek.	*460
		Four Mile Creek	Approximately 100 feet downstream from County Road 81.	*423
			Just upstream from County Road 55	*459
			Just upstream from County Road 49	*476
		Muddy Prong	Just upstream from County Road 450	*446
			Just downstream from Seaboard Coast Line Railroad (upstream crossing).	*463
			Just downstream from new U.S. Highway 280	*462
			Approximately 650 feet downstream from County Road 55.	*473
		South Fork Yellowleaf Creek	Approximately 200 feet upstream from County Road 48.	*462
			Just downstream from County Road 47	*479
			Just downstream from County Road 69	*488
		Bolivar Creek	Just upstream from County Road 39	*510
		North Fork Yellowleaf Creek	Just downstream from County Road 432	*465
			Approximately 1,200 feet downstream from confluence of Spencer Creek.	*473
			Approximately 150 feet downstream from County Road 439.	*483
			Approximately 130 feet downstream from U.S. Highway 280.	*501
			Approximately 130 feet upstream from County Road 53.	*502
		Little Creek	Just upstream from Seaboard Coast Line Railroad	*478
			Just upstream from U.S. Highway 280	*484
			Just downstream from Alabama Highway 38	*493
		Hargis Retreat Creek	Approximately 150 feet upstream from U.S. Highway 280.	*501
			Approximately 200 feet upstream from Alabama Highway 38.	*507
		Spencer Creek	Just upstream from Breeched Dam	*474
			Just downstream from County Road 39	*517
			Just downstream from County Road 38	*549
		Yellow Creek	3,500 feet upstream from confluence with North Fork Yellowleaf Creek.	*526
		Waxahatchee-Big Creek	Approximately 300 feet downstream from County Road 42.	*434
			Approximately 300 feet upstream of Montevallo Road	*469
			Approximately 200 feet downstream from Tuscaloosa Road.	*479
			Approximately 250 feet downstream from confluence of Wolf Creek.	*483
		Camp Branch	Approximately 300 feet upstream from County Road 42.	*434
			Approximately 430 feet upstream from Alabama Highway 25.	*482
			Just upstream from Southern Railway	*484
			Approximately 200 feet upstream from County Road 42.	*501
			Just downstream from County Road 70	*537
		Wolf Creek	Approximately 750 feet upstream from County Road	*484
		Wildwood Creek	Just upstream from County Road 26	*521

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW)
		Kelley Creek	Just upstream from U.S. Highway 231	*433
			Just upstream from County Road 57	*442
		[illegible]	Just upstream from County Road 61	*407
			Just upstream from County Road 30	*434
		Tributary to Beeswax Creek	Approximately 1,350 feet upstream from confluence with Beeswax Creek.	*[illegible]
		Little Beeswax Creek	Just upstream from County Road 28	*[illegible]
			Approximately 150 feet downstream from County Road 77.	*[illegible]
			Just downstream from County Road 61	*430
		Tributary to Little Beeswax Creek	Just upstream from Alabama Highway 76	*[illegible]
		Walthall Branch	Just upstream from County Road 449	*419
			Just downstream from Harpersville Corporate Limits	*443
		Locust Creek	Approximately 250 feet downstream from Southern Railway.	*414

Maps available for inspection at Shelby County Planning Office, County Courthouse, Columbiana, Alabama 35051.

Send comments to Mr. Thomas A. Snowden, Jr., Chairman of Shelby County Commission or Mr. Paul Owens, Shelby County Planner, County Courthouse, P.O. Box 467, Columbiana, Alabama 35051.

Alaska	Delta Junction (city), Southeast Fairbanks Division	[illegible] Creek	700 feet southwest from intersection of Donnely Street and Shaw Avenue.	**1,168

Maps available for inspection at City Hall, Mile 265.5, Richardson Highway, Delta Junction, Alaska.

Send comments to the Honorable Jerold Berger, Box 229, Delta Junction, Alaska 99737.

Alaska	Dillingham (city), Bristol Bay Division	Nushagak Bay	100 feet southeast from the center of the intersection of State Hill Road and Dillingham Aleknagik Road.	**32
			700 feet south of the center of the intersection of C Street and Main Street.	**42

Maps available for inspection at City Hall, Dillingham, Alaska.

Send comments to the Honorable Nellie Robertson, Box 1092, Dillingham, Alaska 99576.

Arizona	Apache Junction (city), Pinal County	Weekes Wash	50 feet downstream from the center of East Superstition Boulevard.	*1,796
		Shallow Flooding Along U.S. Highway 60 and 88	Center of East 4th Avenue, 230 feet west from its intersection with South Winchester Road.	*1,723
			Center of North Delaware Drive 100 feet north from its intersection with the center of U.S. Highway 60 and 88 (West Apache Trail).	*1,660

Maps available for inspection at Department of Public Works, 1001 North Idaho Road, Apache Junction, Arizona.

Send comments to the Honorable Wendell Clarke, 1001 North Idaho Road, Apache Junction, Arizona 85220.

Arizona	Pinal County	Gila River (at Florence)	200 feet upstream from the center of U.S. Highway 80 and 89.	*1,483
		Gila River (at Riverside)	Intersection of South Kelvin Road and Apache Way	*1,798
		Gila River (at Kearny)	Center of Hartford Road at approximately 1,100 feet west of its intersection with State Highway 177.	*1,839
		Gila River (at Hayden and Winkleman).	40 feet upstream from the center of State Highway 77	*1,936
		San Pedro River (at Dudleyville)	Intersection of Eskiminzin Wash and State Highway 77	*2,002
		San Pedro River (at Mammoth)	180 feet upstream from the center of State Highway 77.	*2,327
		Queen Creek	25 feet upstream from the center of Burr Drive	*2,010
		West Branch	100 feet downstream from the center of Queen Valley Drive.	*2,082
		North Branch Santa Cruz Wash	40 feet upstream from the center of Thornton Road	*1,371
		Weekes Wash	50 feet upstream from the center of North Apache Trail (State Highway 88).	*1,916
		Santa Cruz Wash	Intersection of Candlestick Drive and State Highway 84.	#2
		Green Wash	Intersection of Anderson Road and State Highway 84	#2

Maps available for inspection at Department of Planning, 1301 Pinal, Florence, Arizona.

Send comments to the Honorable James Kasem, P.O. Box 67, Florence, Arizona 85232.

Colorado	Olathe (town), Montrose County	Uncompahgre River	25 feet upstream of intersection of State Highway 348 and Uncompahgre River.	*5,337
			Intersection of Church Avenue and 6th Street	*5,349

Maps available for inspection at Town Hall, 420 Horton Street, Olathe, Colorado.

Send comments to the Honorable John Harold, P.O. Box 38, Olathe, Colorado 81425.

Connecticut	Ridgefield, town, Fairfield County	Norwalk River	Downstream Corporate Limits	*344
			First crossing of downstream Corporate Limits	*370
			Second crossing of upstream Corporate Limits	*379
			Millers Pond Dam (upstream side)	*400
			Topstone Road (upstream side)	*416
			Stonehenge Road (upstream side)	*453
			Great Pond Road (upstream side)	*492
			State Route 35 (upstream side)	*510
			Great Hill Road (upstream side)	*531
			Downstream of Taylor Pond Dam	*563

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW)
		Titicus River	Downstream Corporate Limits	*496
			Ridgebury Road (upstream side)	*506
			Aspen Mill Road (upstream side)	*524
			Barlow Mountain Road (upstream side)	*574
			State Route 116 (upstream side)	*594
			Ramapoo Road (upstream side)	*674
		Ridgefield Brook	Approximately 650 feet upstream from Overlook Drive	*[illegible]
			Taylor Pond dam (upstream side)	*[illegible]
			State Route 35 (upstream side)	*573
			Approximately 6,200 feet upstream from Farmington Road.	*578
		Cooper Pond Brook	Confluence with Norwalk River	*[illegible]
			Candees Pond dam (upstream side)	*359
			Stony Hill Road (upstream side)	*461
			Cooper Road (upstream side)	*536
			Cooper Hill Road (downstream side)	*552
			Approximately 1,165 feet upstream from Old Washington Road Ford.	*584
		East Branch Silvermine River	Downstream Corporate Limits	*561
			Downstream crossing of Wilton Road East (upstream side).	*574
			Spectacle Lane (downstream side)	*584

Maps available for inspection at the Planning and Zoning Office, Ridgefield Town Hall, 400 Main Street, Ridgefield, Connecticut.

Send comments to the Honorable Louis Fossis, Chairman of the Town of Ridgefield Board of Selectmen, 400 Main Street, Ridgefield, Connecticut 06877.

Florida	Unincorporated areas of Sumter County	Withlacoochee River	Just downstream of Interstate Highway 75	*53
			Just downstream of the confluence with Little Withlacoochee River.	*54
		Little Withlacoochee River	Approximately 850 feet downstream of U.S. Highway 301.	*71
			Just upstream of the Seaboard Coastline Railroad	*72

Maps available for inspection at Sumter County Courthouse, 400 North Florida Avenue, Bushnell, Florida 33213.

Send comments to Mr. Harry Lovett, Chairman or Mr. William C. Wing, Vice Chairman, Board of County Commissioners, Sumter County Courthouse, P.O. Box 8, Bushnell, Florida 33213.

Indiana	(T), Greendale, Dearborn County	Ohio River	At confluence with Tanners Creek	*489
			At confluence with Great Miami River	*[illegible]

Maps available for inspection at the Greendale Town Hall, 510 Ridge Avenue, Lawrenceburg, Indiana.

Send comments to Honorable Dave Rader, Town Board President, Town of Greendale, Greendale Town Hall, 510 Ridge Avenue, Lawrenceburg, Indiana 47025.

Illinois	(V), Holiday Hills, McHenry County	Fox River	Within corporate limits	*739

Maps available for inspection at the Clerk's Office, Holiday Hills Village Hall, 1514 Sunset Drive, McHenry, Illinois.

Send comments to Honorable Patricia Hughes, Village President, Village of Holiday Hills, Holiday Hills Village Hall, 1514 Sunset Drive, McHenry, Illinois 60050.

[illegible]	(V), Island Lake, McHenry and Lake Counties	Fox River	At confluence of Cotton Creek	*[illegible]
			Just downstream of State Route 176	*[illegible]
		Cotton Creek	About 200 feet downstream of Slocum Lake Road	*[illegible]
			Just upstream of Slocum Lake Road	*740
			Just upstream of Island Lake Dam	*751
		Mutton Creek	Just upstream of Eastway Drive	*753
			Just upstream of Gravel Pit Road	*759

Maps available for inspection at the Village Hall, 333 West State, Island Lake, Illinois.

Send comments to Honorable Al Schmidt, Mayor, Village of Island Lake, Village Hall, 333 West State, Box 365, Island Lake, Illinois 60042.

Illinois	(C), Lockport, Will County	Milne Creek	At mouth at Illinois and Michigan Canal	*580
			Just upstream of Jefferson Street	*607
			Just downstream of Division Street	*656
		Fiddyment Creek	Just downstream of State Street	*583
			Just downstream of Hamilton Street	*[illegible]
			About 0.31 mile upstream of Hamilton Street	*605

Maps available for inspection at the City Clerk's Office, City Hall, 222 East 9th Street, Lockport, Illinois.

Send comments to Honorable Joseph Bolattino, Mayor, City of Lockport, City Hall, 222 East 9th Street, Lockport, Illinois 60441.

Illinois	(C), O'Fallon, St. Clair County	Ogles Creek	Just upstream of Interstate 64	*551
			Just downstream of Old Collinsville Road	*551
		Ogles Creek Tributary	About 200 feet downstream of Crestview Drive	*551
			Just downstream of West Highway Fifty	*552
		Engle Creek	About 370 feet upstream of O'Fallon-Troy Road	*504
			Just downstream of Illinois Terminal Railroad (near confluence of Engle Creek Ditch).	*515
			Just upstream of Illinois Terminal Railroad (near confluence of Engle Creek Ditch).	*530
			Just downstream of Illinois Terminal Railroad (near divergence with Engle Creek Ditch).	*523
			Just downstream of West State Street	*[illegible]
			Just upstream of Chessie System	*542
			Just downstream of West Highway Fifty	*543
		Engle Creek Ditch	Just upstream of confluence with Engle Creek	*515
			Just downstream of divergence with Engle Creek	*525

Maps available for inspection at the City Hall, 200 North Lincoln Avenue, O'Fallon, Illinois.

Send comments to Honorable Gary Mackey, Mayor, City of O'Fallon, City Hall, 200 North Lincoln Avenue, O'Fallon, Illinois 62269

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW)
Illinois	(C), Pinckneyville, Perry County	Railroad Tributary	At mouth	*414
			Just downstream of State Route 127	*414
		Beaucoup Creek	About 3,500 feet downstream of State Route 154	*409
			About 1,800 feet upstream of State Route 154	*412
			Just upstream of Missouri Pacific Railroad	*415
Maps available for inspection at the Clerk's Office, City Hall, 110 South Walnut, Pinckneyville, Illinois.				
Send comments to Honorable John Boyd, Mayor, City of Pinckneyville, City Hall, 110 South Walnut, Pinckneyville, Illinois 62274.				
Illinois	(V), Plainfield, Will County	Du Page River	About 1.1 miles downstream of U.S. Route 30	*589
			About 200 feet downstream of State Route 59	*605
			About 1.2 miles upstream of confluence of East Norman Drain	*612
		West Norman Drain	At mouth at Du Page River	*607
			Just upstream of Van Dyke Road	*614
			About 0.4 mile upstream of Elgin, Joliet and Eastern Railway (near Van Dyke Road)	*623
		Spring Hole Creek	About 100 feet upstream of Old Indian Boundary Line Road	*606
			About 0.27 mile upstream of Old Indian Boundary Line Road	*611
		East Norman Drain	Within corporate limits	*607
		Lily Cache Creek	Just upstream of Lockport Road	*594
			About 0.28 mile upstream of Lockport Road	*595
Maps available for inspection at the Clerk's Office, Village Hall, 1400 North Division Street, Plainfield, Illinois.				
Send comments to Honorable Richard J. Selfridge, Village President, Village of Plainfield, Village Hall, 1400 North Division Street, Plainfield, Illinois 60544.				
Illinois	(Unincorporated), Sangamon County	Sangamon River	About 3.8 miles downstream of the Chicago and North Western Railroad	*520
			About 3,700 feet upstream of Coal Bank Road	*539
			At the confluence of Clear Creek	*546
			About 6,300 feet upstream of Township Road 11.25 East	*553
		South Fork Sangamon River	At mouth	*539
			About 400 feet upstream of the confluence of Horse Creek	*545
			About 6,200 feet upstream of Township Road 8 South	*548
		Spring Creek	At the mouth	*520
			About 1,000 feet upstream of New Browning Road	*535
			Just upstream of Bradfordton Road	*545
			Just upstream of County Highway 15	*567
			Just downstream of Township Road 18 West	*630
		Sugar Creek	At mouth	*539
			Just downstream of Spaulding Dam	*547
			Just upstream of Chatham Road	*561
			Just downstream of Township Road 12 South	*572
			Just upstream of Township Road 2 West	*583
			Just upstream of Township Road 3.5 West	*592
			Just upstream of State Highway 104	*600
			Just upstream of Township Road 16 South	*611
			About 200 feet upstream of Township Road 17 South	*617
			About 3,600 feet upstream of County Highway 6 South	*630
		Brush Creek	At mouth	*551
			Just downstream of Illinois Central Gulf Railroad	*599
			Just upstream of Illinois Central Gulf Railroad	*602
			Just downstream of Township Road 17 South	*611
		Horse Creek	At mouth	*545
			Just downstream of Township Road 6 South	*548
			Just upstream of County Road 9 South	*566
			Just downstream of Township Road 13.75 South	*582
			Just upstream of Township Road 13.75 South	*585
			Just downstream of county Highway 56	*589
		Clear Creek	At mouth	*546
			Just downstream of County Highway 1A North	*554
			Just upstream of Township Road 2 North	*574
			Just upstream of County Highway 16 East	*581
			Just downstream of Old U.S. Highway 36	*602
		Hoover Branch	At mouth	*539
			About 300 feet downstream of Old U.S. Highway 3	*539
			Just upstream of Old U.S. Highway 36	*544
			At the Springfield corporate limits	*556
		Jacksonville Branch	At mouth	*540
			About 600 feet downstream of Churchill Road	*540
			Just downstream of Churchill Road	*542
		Town Branch	At mouth	*536
			About 150 feet upstream of Amos Avenue	*536
			Just downstream of Lincoln Avenue	*538
			About 220 feet upstream of Lincoln Avenue	*542
Maps available for inspection at the Sangamon County Planning Commission Office, 703 Meyers Building, Springfield, Illinois.				
Send comments to Honorable Richard Austin, Chairman of the County Board, Sangamon County, Sangamon County Planning Commission Office, 703 Meyers Building, Springfield, Illinois 62701.				

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW)
Illinois	(V), Winslow, Stephenson County	Pecatonica River	Within corporate limits	*782
		Indian Creek	Within corporate limits	*782

Maps available for inspection at the Post Office, Winslow, Illinois.

Send comments to Honorable Richard Miller, Village President, Village of Winslow, P.O. Box 13, Winslow, Illinois 61089.

Indiana	(T), Andrews, Huntington County	Loon Creek	About 200 feet downstream of Norfolk and Western Railway.	*709
			About 150 feet upstream of McKeever Street	*715
			About 1,000 feet upstream of Main Street	*723

Maps available for inspection at the Town Hall, 66 Main Street, Andrews, Indiana.

Send comments to Honorable Roger Stambaugh, Town Board President, Town of Andrews, Town Hall, Box 386, 66 Main Street, Andrews, Indiana 46702.

Indiana	(Unincorporated), Boone County	Prairie Creek (near Lebanon)	About 2.3 miles downstream of U.S. Route 52	*895
			About 1,600 feet upstream of Deadend Road	*924
			About 1,400 feet downstream of East Washington Street	*934
			About 1.0 mile upstream of 400 South Road	*950
		Prairie Creek (near Thorntown)	At confluence with Sugar Creek	*814
			About 0.95 mile upstream of State Route 47	*828
		Sugar Creek	About 0.86 mile downstream of Conrail	*805
			About 600 feet upstream of Interstate 65	*842
		Eagle Creek	About 600 feet downstream of 1000 East Road	*814
			Just upstream of Zionsville Road	*833
			About 0.85 mile upstream of State Route 32	*887
		Little Eagle Creek	At Town of Zionsville corporate limits	*836
			At upstream county boundary	*865
		Fishback Creek	About 1.23 miles downstream of Interstate 465	*807
			About 0.70 mile upstream of State Route 334	*857
		New Reynolds Ditch	About 150 feet downstream of Golf Course Drive	*932
			Just downstream of Elm Swamp Road	*940

Maps available for inspection at the Boone County Area Planning Commission Office, First Floor, Boone County Courthouse, Lebanon, Indiana.

Send comments to Honorable Sam Dodd, County Commission Board President, Boone County, Boone County Area Planning Commission, First Floor, Boone County Courthouse, Lebanon, Indiana 46052.

Indiana	(Unincorporated), Dearborn County	Logan Creek	At mouth	*533
			About 0.06 mile upstream of State Route 46 (second crossing).	*566
		Whitewater River	About 0.28 mile downstream of State Street	*511
			Just downstream of Interstate 74	*533
			Just upstream of county boundary	*547
		Ohio River	At confluence with Laughery Creek	*486
			About 0.85 mile upstream of State boundary	*490
		Tanners Creek	At abandoned bridge	*489
			At Conrail	*489
		Wilson Creek	At mouth	*486
			Just upstream of farm bridge (about 3,100 feet upstream of Wilson Creek Road).	*500
			About 1,100 feet upstream of farm bridge (about 4,200 feet upstream of Wilson Creek Road).	*511
		Laughery Creek	At mouth	*486
			About 5.0 miles above mouth	*486

Maps available for inspection at the Planning Office, Dearborn County Courthouse, Lawrenceburg, Indiana.

Send comments to Honorable Joe Meyer, President of the County Board of Commissioners, Dearborn County, Dearborn County Courthouse, Lawrenceburg, Indiana 47025

Indiana	(T), Decker, Knox County	White River	Within corporate limits	*418

Maps available for inspection at the Knox County Area Planning Commission, Knox County Courthouse, Vincennes, Indiana.

Send comments to Honorable Donald Farrell, Town Board President, Town of Decker, Box 96, Decker, Indiana 47524.

Indiana	(C), Lawrenceburg, Dearborn County	Ohio River	About 0.75 mile downstream of confluence with Tanners Creek.	*488
			About 2.45 miles upstream of confluence with Tanners Creek.	*490
		Tanners Creek	Within the community	*489

Maps available for inspection at the City Hall, 405 Main Street, Lawrenceburg, Indiana.

Send comments to Honorable Henry Nanz, Mayor, City of Lawrenceburg, City Hall, 405 Main Street, Lawrenceburg, Indiana 47025.

Indiana	(T), Marengo, Crawford County	Whiskey Run	About 1,200 feet downstream of Pleasant Street	*582
			About 1,400 feet upstream of Main Street	*598
		Brandywine Fork	At mouth	*582
			Just upstream of Jefferson Street	*587
			About 250 feet upstream of Southern Railway	*591

Maps available for inspection at the Town Hall, Route 1, Lincoln Avenue, Marengo, Indiana.

Send comments to Honorable Mills Hughes, Town Board President, Town of Marengo, Town Hall, Route 1, Lincoln Avenue, Marengo, Indiana 47140.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW)
Indiana	(T), Warren, Huntington County	Salamonie River	Just upstream of 900 South Road	*806
			About 2,000 feet upstream of 150 East Road	*815
Maps available for inspection at the Town Hall, 2nd and Wayne Streets, Warren, Indiana.				
Send comments to Honorable Dallas Hayde, Town Board President, Town of Warren, Town Hall, P.O. Box 477, 2nd and Wayne Streets, Warren, Indiana 46792.				
Iowa	(Unincorporated), Black Hawk County	Crane Creek	About 1,000 feet downstream of Nesbit Road	*941
			About 300 feet upstream of Pilot Grove Road	*952
		Elk Run Creek	About 800 feet downstream of South Elk Run Road	*843
			About 100 feet upstream of East Donald Street	*876
		Miller Creek	At mouth	*822
			About 0.50 mile upstream of Miller Creek Road	*829
		Poyner Creek	Just upstream of Gilbertville Road	*836
			Just downstream of Young Road	*845
		Cedar River	At downstream county boundary	*804
			At confluence of Poyner Creek	*828
			About 0.4 mile downstream of confluence of Beaver Creek.	*870
			About 3.0 miles upstream of West Cedar-Wapsi Road	*884
		West Fork Cedar River	At mouth	*879
			At upstream county boundary	*880
		Black Hawk Creek	About 4.3 miles downstream of Hudson Road	*871
			About 1,400 feet downstream of Zaneta Road	*890
			Just downstream of Grundy Road	*900
		Wolf Creek	At mouth	*814
			At La Porte City corporate limits	*815
		Shallow Flooding (Overland flow from Wolf Creek).	Along Illinois Central Gulf Railroad (about 0.5 mile east of City of La Porte City corporate limits.	*815
			At intersection of Bishop Road and City of La Porte City corporate limits.	*820
Maps available for inspection at the County Zoning Administrator's Office, Russell-Lampson Building, Waterloo, Iowa.				
Send comments to Honorable Sonia Johannson, Chairperson of the Board of Supervisors, Black Hawk County, Black Hawk County Courthouse, Room 201, Waterloo, Iowa 50703.				
Iowa	(C), Malvern, Mills County	Silver Creek	About 1.0 mile downstream of Eleventh Street	*994
			About 500 feet upstream of Eleventh Street	*998
Maps available for inspection at the City Hall, Malvern, Iowa.				
Send comments to Honorable Temple Bowers, Mayor, City of Malvern, City Hall, Malvern Iowa 51551.				
Iowa	(Unincorporated), Mills County	Missouri River	At downstream county boundary	*952
			Just upstream of Burlington Northern Railroad	*961
			At upstream county boundary	*972
		West Nishnabotna River	About 2,500 feet downstream of Norfolk and Western Railway.	*984
			Just upstream of Burlington Northern Railroad	*996
			Just upstream of County Road H–26	*1,008
			About 5,100 feet downstream of County Road H–12	*1,028
			At upstream county boundary	*1,040
		Keg Creek	Just upstream of County Road H–34	*969
			Just upstream of U.S. Route 275	*990
			About 750 feet upstream of County Road H–20	*1,001
			About 2,000 feet downstream of County Road H–12	*1,016
			At upstream county boundary	*1,024
		Indian Creek	Mouth at West Nishnabotna River	*1,000
			About 8,600 feet upstream of County Road M–16	*1,010
			At County Road M–21	*1,041
			Just upstream of Burlington Northern Railroad	*1,048
			About 200 feet upstream of county boundary	*1,065
		Indian Creek Bypass	At County Road M–21	*1,047
			At divergence with Indian Creek	*1,048
		Silver Creek	About 2.27 miles downstream of County Road L–63	*976
			About 0.30 mile upstream of U.S. Route 34	*1,008
			About 5.02 miles upstream of U.S. Route 34	*1,029
			About 6.57 miles upstream of U.S. Route 34	*1,035
		Pony Creek	Just downstream of U.S. Highway 34	*958
			About 350 feet upstream of Interstate 29	*981
			About 3,000 feet downstream of Burlington Northern Railroad.	*987
			About 700 feet upstream of Burlington Northern Railroad.	*971
			About 2,700 feet upstream of Burlington Northern Railroad.	*977
			About 5,000 feet upstream of Burlington Northern Railroad.	*978
Maps available for inspection at the County Engineer's Office, County Courthouse, Glenwood, Iowa.				
Send comments to Honorable Crishton Miller, Chairman of the Board of Supervisors, Mills County, County Courthouse, Glenwood, Iowa 51534.				
Iowa	(C), Palo, Linn County	Cedar River	About 180 feet upstream of confluence of Dry Creek	*742
			About 1,100 feet downstream of confluence of Dry Creek.	*742

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW)
		Dry Creek	About 1,500 feet downstream of First Street	*742
			Just downstream of First Street	*744
			Just upstream of Chicago, Rock Island and Pacific Railroad.	*750

Maps available for inspection at the City Hall, Palo, Iowa.

Send comments to Honorable Lawrence Davenbaugh, Mayor, City of Palo, City Hall, Palo, Iowa 52324.

Kansas	(C), Galva, McPherson County	Galva Drain	About 800 feet downstream of McPherson Street	*1,535
			Just upstream of Main Street	*1,541
			Just upstream of Mulberry Street	*1,543
			About 1,250 feet upstream of Fourth Street	*1,545

Maps available for inspection at the City Hall, Galva, Kansas.

Send comments to Honorable Wayne Ford, Mayor, City of Galva, City Hall, Galva, Kansas 67443.

Kansas	(C), Garfield, Pawnee County	Arkansas River Tributary (Garfield Drain).	About 1,700 feet upstream of Atchison, Topeka and Santa Fe Railway.	*2,071
			Just upstream of Pawnee Street	*2,072
			Just downstream of Sherman Street	*2,073

Maps available for inspection at the City Hall, Garfield, Kansas.

Send comments to Honorable Glen Mecksessel, Mayor, City of Garfield, City Hall, Garfield, Kansas 67529.

Kansas	(Unincorporated), Lyon County	Neosho River	About 2.0 miles downstream of confluence with Dry Creek.	*1,073
			Just upstream of State Highway 50	*1,109
			Just upstream of Burlingame Road	*1,111
			Just upstream of County Road 412	*1,136
			About 0.32 mile upstream of County Road 413	*1,154
		Cottonwood River	At mouth	*1,083
			At Kansas Turnpike	*1,123
		Dow Creek	At mouth	*1,116
			Just downstream of Highway 99	*1,128
			Just upstream of Highway 99	*1,130
		Eagle Creek	About 11,500 feet downstream of Highway 99	*1,157
			About 400 feet upstream of Highway 99	*1,174
			Just upstream of County Road (about 2,300 feet upstream of confluence of outlet from Olpe Lake).	*1,190
			About 800 feet upstream of County Road (about 6,550 feet upstream of confluence of outlet from Olpe Lake).	*1,193
		Pester Creek	Just downstream of County Road 412	*1,135
			About 3,800 feet upstream of Sycamore Street	*1,160
		Dry Creek	At mouth	*1,075
			Just downstream of County Road (about 25,300 feet above mouth).	*1,092
			Just upstream of County Road (about 25,300 feet above mouth).	*1,095
		Allen Creek	At Kansas Turnpike	*1,123
			About 25,000 feet upstream of Kansas Turnpike	*1,136

Maps available for inspection at the Lyon County Courthouse, Emporia, Kansas.

Send comments to Honorable Galle Gashe, Chairman of the Board of County Commissioners, Lyon County, Lyon County Courthouse, Emporia, Kansas 66801.

Michigan	(V), Chesaning, Saginaw County	[illegible]	About 1.5 miles downstream of Broad Street	*615
			Just upstream of Broad Street	*620
			About 1.1 miles upstream of Broad Street	*622

Maps available for inspection at the Village Hall, 1100 West Broad Street, Chesaning, Michigan.

Send comments to Honorable Kenneth Buecha, Village President, Village of Chesaning, Village Hall, 1100 West Broad Street, Chesaning, Michigan 48616.

Michigan	(Township), Comstock, Kalamazoo County	Kalamazoo River	Just upstream of Sprinkle Road	*706
			Just downstream of Morrow Lake Dam	*709
			Just upstream of Morrow Lake Dam	*776
			Just upstream of 35th Street bridge	*779
			At upstream corporate limits	*784
		Comstock Creek	Mouth at Kalamazoo River	*768
			About 140 feet downstream of East Michigan Avenue	*773
			Just downstream of dam near Conrail	*779
			Just upstream of dam near Conrail	*792
			About 100 feet downstream of Oran Avenue	*792
			About 40 feet upstream of Oran Avenue	*797
			Just upstream of dam near Oran Avenue	*810
			Just downstream of East Main Street	*824

Maps available for inspection at the Town Hall, 6138 King Highway, Comstock, Michigan.

Send comments to Honorable Joseph Van Bruggen, Supervisor, Township of Comstock, Town Hall, P.O. Box 414, Comstock, Michigan 49041.

Michigan	(C), Grandville, Kent County	Huizenga Drain	Just upstream of Kenowa Avenue	*616
			Just upstream of 44th Street	*629
			About 1,500 feet upstream of Wilson Avenue	*638
		Huizenga Drain Branch No. 3	At confluence with Huizenga Drain	*622
			About 2,650 feet upstream of Wilson Avenue	*625
		Grand River	At county boundary	*605

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW)
		Buck Creek	At upstream corporate limits	*687
			Just downstream of Canal Avenue	*685
			About 100 feet upstream of Cemetery Road	*619
			At upstream corporate limits	*633

Maps available for inspection at the City Hall, 3195 Wilson Avenue, S.W., Grandville, Michigan.

Send comments to Honorable Marion J. Vos, Mayor, City of Grandville, City Hall, 3195 Wilson Avenue, S.W., Grandville, Michigan 49418.

Minnesota	(C), Beltrami, Polk County	Sandhill River	Western corporate limits	*894
			About 100 feet downstream of Burlington Northern railroad	*900
			Just upstream of Burlington Northern railroad	*904
			Just upstream of County Highway 1	*905
			Eastern corporate limits	*908

Maps available for inspection at the City Hall, Beltrami, Minnesota.

Send comments to Honorable Ted D. Anderson, Mayor, City of Beltrami, City Hall, Beltrami, Minnesota 56517

Minnesota	(C), Greenbush, Roseau County	South Branch Two Rivers	About 2,750 feet downstream of Main Street (at southern corporate limits).	*1,063
			About 2,000 feet upstream of State Highway 32 (at eastern corporate limits).	*1,066

Maps available for inspection at the City Hall, Greenbush, Minnesota.

Send comments to Honorable Adrian Pulczinski, Mayor, City of Greenbush, City Hall, Greenbush, Minnesota 56726.

Minnesota	(C), Grygla, Marshall County	Mud River	At northwestern corporate limits	*1,174
			About 500 feet upstream of County Highway 54	*1,177

Maps available for inspection at the City Hall, Grygla, Minnesota.

Send comments to Honorable Terry Wells, Mayor, City of Grygla, City Hall, Grygla, Minnesota 56727.

Minnesota	(C), Oslo, Marshall County	Red River of the North	About 2,750 feet downstream of State Highway 1 (at northwestern corporate limits).	*810
			About 650 feet upstream of Soo Line Railroad (at southern corporate limits).	*811

Maps available for inspection at the City Hall, P.O. Box 177, Oslo, Minnesota.

Send comments to Honorable Bud Mondrol, Mayor, City of Oslo, City Hall, P.O. Box 177, Oslo, Minnesota 56744.

Minnesota	(C), Stephen, Marshall County	Tamarac River	About 300 feet upstream of County Highway 5	*824
			At Lofgren Avenue	*830

Maps available for inspection at the City Hall, Stephen, Minnesota.

Send comments to Honorable Lawrence Sunadahl, Mayor, City of Stephen, City Hall, Stephen, Minnesota 56757.

Missouri	(V), Silex, Lincoln County	North Fork Cuivre River	About 0.3 mile downstream of Church Street	*511
			Just downstream of County Highway E bridge	*513
		Mill Creek	Just downstream of Main Street	*512
			About 900 feet upstream of Main Street	*513

Maps available for inspection at the Mayor's Home, Culver and Williams Streets, Silex, Missouri.

Send comments to Honorable Larry Dean, Mayor, Village of Silex, P.O. Box 147, Silex, Missouri 63377.

Missouri	(C), Winfield, Lincoln County	Mississippi River	At Winfield	*446
		McLean Creek	About 0.5 mile downstream of Whiteside Street	*446
			About 0.34 mile upstream of State Highway 79	*453

Maps available for inspection at the City Hall, P.O. Box 155, Winfield, Missouri.

Send comments to Honorable J. F. Scroggin, Mayor, City of Winfield, City Hall, P.O. Box 155, Winfield, Missouri 63389.

Nebraska	(C), Nebraska City, Otoe County	Missouri River	About 2.3 miles downstream of State Highway 2	*926
			About 1.13 miles upstream of confluence of Walnut Creek.	*930
		Threemile Creek	About 0.5 mile downstream of north-south County Road (at downstream extraterritorial limit)	*964
			Just downstream of north-south County Road	*975
			Just upstream of north-south County Road	*981
			Just downstream of east-west County Road	*981
			Just upstream of east-west County Road	*992
			Just downstream of U.S. Highway 73–75	*1,019
			Just upstream of U.S. Highway 73–75	*1,029
			About 1,100 feet upstream of U.S. Highway 73–75	*1,029
		East Tributary to Tributary to South Table Creek.	At mouth at Tributary to South Table Creek	*936
			Just downstream of east-west County Road	*1,037
		West Tributary to Tributary to South Table Creek.	At mouth at Tributary to South Table Creek	*1,005
			About 3,900 feet upstream of mouth	*1,032
		South Table Creek	At mouth at Missouri River	*931
			Just upstream of Argo Avenue	*936
			Just upstream of Ninth Street	*963
			Just downstream of Trailer Court Street	*963
			Just upstream of Trailer Court Street	*973
			Just downstream of 19th Street	*973
			Just upstream of 19th Street	*980
			Just upstream of Steinhart Park Road	*985

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW)
			Just downstream of County Road (west of KNCY towers)	*1,029
			Just upstream of County Road (west of KNCY towers)	*1,040
			Just downstream of County Road (to McCarthy School)	*1,080
			Just upstream of County Road (to McCarthy School)	*1,097
			About 0.74 mile upstream of County Road	*1,109
		Tributary to South Table Creek	Just downstream of Burlington Northern Railroad (downstream of 11th Corso)	*970
			About 3,200 feet upstream of 11th Corso	*985
			Just downstream of north-south County Road	*1,022
			Just upstream of Burlington Northern Railroad (upstream crossing)	*1,029
			About 1.7 miles upstream of Burlington Northern Railroad (upstream crossing)	*1,086
		North Table Creek	At mouth at Missouri River	*931
			Just upstream of 16th Street	*961
			Just downstream of Centennial Avenue	*1,007
			Just upstream of Centennial Avenue	*1,014
			Just downstream of County Road	*1,032
			Just upstream of County Road	*1,041
			Just downstream of County Road (to McCarthy School)	*1,098
			Just upstream of County Road (to McCarthy School)	*1,093
			About 0.45 mile upstream of County Road (at upstream extra-territorial limits)	*1,122
		Walnut Creek	About 1.0 mile upstream of mouth at Missouri River	*905
			Just downstream of north-south County Road	*958
			Just upstream of Missouri Pacific Railroad	*975
			About 1.38 miles upstream of Missouri Pacific Railroad	*1,010

Maps available for inspection at the City Clerk's Office, City Hall, 1409 Central, Nebraska City, Nebraska.

Send comments to Honorable Alfred O. Gigstad, D.V.M., Mayor, City of Nebraska City, City Hall, 1409 Central, Nebraska City, Nebraska 68410.

New Jersey	Greenwich, township, Gloucester County	Delaware River	Entire shoreline within community	*15
		Repaupo Creek	Confluence with Delaware River	*15
			Approximately 20' upstream of confluence with Delaware River	*13
			Upstream State Route 44	*12
		Pargey Creek	Confluence with Repaupo Creek	*12
			Upstream Interstate 295	*10
		White Sluice Run	Confluence with Aunt Debs Ditch	*13
			Approximately 1,700' upstream of confluence with Aunt Debs Ditch	*12
			Upstream Tomlin Station Road	*11
		London Branch	Downstream of Interstate 295	*11
			Upstream of Interstate 295	*10
		Still Run	Downstream of Interstate 295	*11
			Upstream of Interstate 295	*10
		Nehonsey Brook	Downstream State Route 44	*12
			Upstream of State Route 44	*11
			Upstream of Interstate 295	*10
		Clonmell Creek	Confluence with Delaware River	*15
			Approximately 1,500' upstream of Delaware River	*11
			Approximately 20' upstream of Delaware River	*10
			Upstream of Conrail	*10

Maps available for inspection at the Municipal Building, Broad and Walnut Streets, Gibbstown, New Jersey.

Send comments to Honorable Francis McDevitt, Mayor of the Township of Greenwich, Municipal Building, Broad and Walnut Streets, Gibbstown, New Jersey 08027.

New Jersey	Jackson, township, Ocean County	North Branch Metedeconk River	Downstream Corporate Limits	*63
			Bethel Church Road (upstream side)	*70
			Aldrich Road (upstream side)	*81
			Larsen Road (upstream side)	*86
			Upstream Corporate Limits	*91
		Tributary to Toms River	Approximately 50 feet downstream of Cassville-Toms River Road	*112
			Cassville-Toms River Road (upstream side)	*116
			Approximately 7,785 feet upstream of Cassville-Toms River Road	*125

Maps available for inspection at the Municipal Building, Route 528, Jackson, New Jersey.

Send comments to Honorable James J. McKenna, Mayor of Jackson Township, Municipal Building, Route 528, Jackson, New Jersey 08027.

New York	Great Neck, village, Nassau County	Manhasset Bay	From the Kings Point/Great Neck Corporate Limits to a point 170 feet south of Forest Vita Road.	*16
			From a point 170 feet south of Forest Vita Road to the Great Neck/Kensington Corporate Limits.	*15
		Little Neck Bay	From the Kings Point/Great Neck Corporate Limits to Old Pond Road.	*13

Maps available for inspection at the Municipal Building, 61 Baker Hill Road, Great Neck, New York.

Send comments to Honorable Howard Miskum, Mayor of Great Neck, Municipal Building, 61 Baker Hill Road, Great Neck, New York 11021.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW)
New York	Marathon, village, Cortland County	Tioughnioga River	Downstream Corporate Limits	*1,012
			Upstream Corporate Limits	*1,023
	Maps available for inspection at the Village Office, Four Main Street, Marathon, New York.			
	Send comments to Honorable David Light, Mayor of Marathon, Village Office, Four Main Street, Marathon, New York 13803.			
New York	Middleburgh, village, Schoharie County	Schoharie Creek	Downstream Corporate Limits	*637
			Upstream Corporate Limits	*640
		Schoolhouse Creek	Downstream of Main Street	*648
			Approximately 1,000' upstream of Main Street	*670
			Approximately 1,900' upstream of Main Street	*695
			Approximately 2,750' upstream of Main Street	*725
		Stoney Creek	Confluence with Schoharie Creek	*640
			Upstream of Clauverwie Avenue	*650
			Upstream of State Route 145	*722
			Corporate Limits	*750
		Unnamed Creek (Tributary to Schoharie Creek).	Corporate Limits	*627
			Approximately 2,800' upstream of Corporate Limits	*635
	Maps available for inspection at the Municipal Building, Middleburgh, New York.			
	Send comments to Honorable Lawrence Van Dyke, Mayor of the Village of Middleburgh, Municipal Building, Middleburgh, New York 12122.			
New York	Moravia, village, Cayuga County	Dry Creek	Confluence with Owasco Inlet	*734
			Upstream of Main Street	*751
			Upstream Corporate Limits	*766
		Mill Creek	Confluence with Owasco Inlet	*730
			Approximately 720' upstream of East Cayuga Street	*756
		Owasco Inlet	Downstream Corporate Limits extended	*725
			Upstream Corporate Limits extended	*738
	Maps available for inspection at the Office of the Village Clerk, 22 Central Street, Moravia, New York.			
	Send comments to Honorable Clifton Fuller, Mayor of Moravia, 22 Central Street, Moravia, New York 13118.			
North Carolina	Unincorporated areas of Madison County	French Broad River	At Tennessee—North Carolina State Line	*1,258
			Just upstream of Barnard Bridge (SR 1151)	*1,525
			Just upstream of Redmon Bridge (SR 1135)	*1,599
			Just upstream of Southern Railway	*1,679
		Spring Creek	Just downstream of State Highway 209 (at the Town of Hot Springs Corporate Limits).	*1,425
			Just upstream of SR 1169	*2,102
			Just upstream of SR 1151	*2,138
			Just downstream of State Highway 209 (Near Spring Creek School).	*2,260
			Just downstream of SR 1164	*2,350
	Maps available for inspection at Madison County Courthouse, Marshall, North Carolina 28753.			
	Send comments to Mr. James T. Leadford, Chairman or Mr. James W. Cody, County Clerk, Madison County Courthouse, Marshall, North Carolina 28753.			
Oregon	Washington County (unincorporated areas)	Tualatin River	100 feet upstream from center of Schamberg Bridge	*130
			100 feet upstream from center of Minter Bridge Road	*146
			150 feet upstream from center of Tualatin Valley Highway (Old Highway 47) at Gaston.	*179
		Fanno Creek	Intersection of Southwest Nicol Road and Southwest Vermont Street.	*215
		Summer Creek	100 feet upstream from center of Southwest 135th Street.	*176
		Ash Creek	100 feet upstream from center of State Highway 217	*161
		Rock Creek	Intersection of Tualatin-Sherwood Road and Tonquin Road.	*135
		Cedar Creek	50 feet upstream from center of Edy Road	*146
		Butternut Creek	100 feet upstream from center of Southwest 209th Avenue.	*188
		Rock Creek (Near Hillsboro)	50 feet upstream from center of Northwest Rock Creek Boulevard.	*166
		Dawson Creek	50 feet downstream from center of Northwest Brookwood Avenue.	*147
		Beaverton Creek	Intersection of Southwest Terman Road and Southwest 141st Street.	*177
		Bronson Creek	100 feet upstream from center of West Union Road	*214
		Willow Creek	Intersection of Northwest 158th Avenue and Cornell Road.	*208
		Cedar Mill Creek	Intersection of Southwest Evergreen Street and Southwest 134th Avenue.	*200
		Johnson Creek	100 feet upstream from center of State Highway 208	*175
		Dairy Creek	300 feet upstream from center of Tualatin Valley Highway.	*150
		West Fork Dairy Creek	50 feet upstream from center of Wilson River Highway	*190
		McKay Creek	300 feet upstream from center of U.S. Highway 26	*167
		Council Creek	50 feet upstream from center of Martin Road	*161
		Gales Creek	Intersection of Tualatin Valley Highway and Stringtown Road.	*169

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW)
		Tualatin River Side Channel	Intersection of Buchanan Road and La Follett Road	*156
		Nyberg Slough	300 feet upstream from center of Interstate Highway 5	*123
Maps available for inspection at Public Works Office, 150 N. 1st Avenue, Hillsboro, Oregon 97123.				
Send comments to the Honorable Virginia Dagg, 150 N. 1st Avenue, Hillsboro, Oregon 97123.				
Pennsylvania	South Coventry, township, Chester County	French Creek	Upstream of Pottstown Pike (State Route 100)	*260
			Approximately 2,140' upstream of Pottstown Pike (State Route 100).	*260
Maps available for inspection at the residence of the Township Secretary, Mr. Robert W. Fries, R.D. 2, Pottstown, Pennsylvania, at the Springers Store in Pushtown, Pennsylvania, and at the Bucktown Branch of the Elverson National Bank.				
Send comments to the Honorable Richard Whitlock, Chairman of the South Coventry Board of Supervisors, R.D. 2, Pottstown, Pennsylvania 19464.				
South Carolina	Unincorporated areas of Florence County	Jeffries Creek	At Sizzle Highway 327	*50
			Approximately 500 feet upstream from confluence of Cane Branch.	*64
			Approximately 100 feet upstream of Seaboard Coast Line Railroad.	*71
			Approximately 500 feet downstream of Second Loop Road.	*97
			Just downstream of north bound lane of Interstate Highway 95.	*108
			Just upstream of Colonial Heights Dam	*119
		Middle Branch	At National Cemetery Road	*59
			Just upstream of State Highway 724	*73
			Just downstream of Seaboard Coast Line Railroad	*79
			Just upstream of Seaboard Coast Line Railroad	*95
		Polk Swamp Canal	Just upstream of National Cemetery Road	*61
			Approximately 100 feet downstream of State Road 810.	*73
		Polk Swamp	Just upstream of Byrnes Boulevard	*78
			just downstream of Old Marion Highway	*80
		Adams Branch	Approximately 300 feet downstream of State Highway 327.	*96
			Just upstream of State Highway 327	*98
			Approximately 100 feet downstream of confluence of Unnamed Tributary.	*103
		Unnamed Tributary To Adams Branch.	Just downstream of Williamson Road (State Road 924).	*117
		Two Mile Creek	Just downstream of Williamson Road (State Road 925).	*106
		Black Creek	Approximately 500 feet upstream of State Highway 327.	*60
			Approximately 200 feet downstream of North Irby Street.	*77
		McCall Branch	Approximately 100 feet downstream of Douglas Street	*86
			Just upstream of Seaboard Coast Line Railroad	*113
		Tributary 1 to McCall Branch	Just upstream of Douglas Street	*99
		Tributary 2 to McCall Branch	Just upstream of confluence of Tributary 3	*101
			Just downstream of State Highway 343, North Irby Street.	*117
		Tributary 3 to McCall Branch	Just downstream of State Highway 343, North Irby Street.	*118
		High Hill Creek	Approximately 100 feet upstream of South Bound Lane of Interstate Highway 95.	*50
			Approximately 700 feet downstream of Pisgah Road	*89
		Cane Branch	Just downstream of Claussen Road	*86
		Eastman Branch	Approximately 300 feet downstream of Seaboard Coast Line Railroad.	*93
		Pye Branch	Approximately 150 feet downstream of National Cemetery Road.	*94
			Just downstream of Jefford Street	*104
			Approximately 100 feet upstream of Old Mars Bluff Road.	*113
		Beaverdam Creek	Approximately 400 feet downstream of Hoffmeyer Road.	*107
			Approximately 500 feet downstream of State Highway 153.	*118
		Beaverdam Tributary	Just upstream of South Bound Lane of Interstate Highway 95.	*111
		Middle Swamp	Approximately 200 feet upstream of Pamplico Highway	*79
			Approximately 100 feet upstream of Seaboard Coast Line Railroad.	*87
			Just downstream of confluence of Alligator Branch	*92
			Approximately 700 feet downstream of Forest Lake Dam.	*103
			Just upstream of Forest Lake Dam	*114
			Just upstream of Seaboard Coast Line Railroad	*118
			Just upstream of State Highway 888	*126
		Unnamed Tributary to Middle Swamp.	Just downstream of Peniel Road	*116
		Alligator Branch	Just downstream of Whippoorwill Road	*89
			Approximately 250 feet downstream of State Highway 136.	*123

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW)
		Alligator Branch Tributary 1	Just downstream of confluence of Tributary 2	*112
			Approximately 300 feet downstream of State Highway 136.	*117
		Alligator Branch Tributary 2	Just downstream of State Highway 136	*122
		Lake Swamp	Just downstream of Southbound Lane of Interstate Highway 95.	*119
			Just downstream of U.S. Highway 76	*128
			Approximately 700 feet upstream of State Highway 145.	*131
		Sparrow Swamp	Approximately 700 feet downstream of Interstate Highway 95.	*111
			State Road 477 extended	*115
			Just upstream of U.S. Highway 76	*125
			Just upstream of Seaboard Coast Line Railroad	*130
		Lynches Lake	Just upstream of State Highway 730	*59
			Just upstream of Church Street	*63
			Approximately 100 feet upstream of U.S. Highway 52	*95

Maps available for inspection at Florence County Courthouse, City-County Complex, Florence, South Carolina 29501.

Send comments to Mr. M. L. Love, Jr. P.E., County Administrator or Mr. James H. Schafer, Assistant Administrator, Florence County Courthouse, Box G, City-County Complex, Florence, South Carolina 29501.

Virginia	Wachapreague, town, Accomack County	Atlantic Ocean	From southern corporate limits to Finney Creek	*13
			From Finney Creek to Richardson Avenue extended to corporate limits.	*12
			From Richardson Avenue extended to corporate limits to northern corporate limits.	*11

Maps available for inspection at the Town Hall, Main Street, Wachapreague, Virginia.

Send comments to Honorable Claude D. Webb, Mayor of Wachapreague, P.O. Box 103, Wachapreague, Virginia 23480.

Wisconsin	(V), Johnson Creek, Jefferson County	Johnson Creek	About 0.64 mile downstream of Union Street	*702
			About 0.64 mile upstream of the Chicago and North Western Railroad	*702

Maps available for inspection at the Office of the Village Clerk, Village Hall, 110 Milwaukee Steet, Johnson Creek, Wisconsin.

Send comments to Honorable James A. Best, Village President, Village of Johnson Creek, Village Hall, 110 Milwaukee Street, Johnson Creek, Wisconsin 53038.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: December 17, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-37185 Filed 12-30-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 67

[CC Docket No. 80-286; FCC 81-566]

Establishment of a Joint Board; Customer Premises Equipment (CPE); Recommended Decision and Order

AGENCY: Federal Communications Commission—Federal-State Joint Board.

ACTION: Recommended decision and order.

SUMMARY: The Federal-State Joint Board is recommending that the Commission phase customer premises equipment (CPE) out of the jurisdictional separations process over a five-year period beginning in 1983. The Joint Board concluded that this would allow a smooth and gradual transition to the deregulated environment for the provision of CPE mandated by the Commission in CC Docket No. 20828, the Second Computer Inquiry.

DATES: The Joint Board's recommendations do not become effective until they have been reviewed and acted on by the Commission.

ADDRESS: Federal Communications Commission, 1919 M St. NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: James McConnaughey, Policy and Program Planning Division, Common Carrier Bureau at (202) 632-6342.

In the matter of amendment of Part 67 of the Commission's rules, CC Docket No. 80-286.

Recommended Decision and Order

Adopted: November 18, 1981.
Released: December 14, 1981.

By the Federal-State Joint Board: Commissioner Fogarty dissenting and issuing a statement; State Commissioner Larkin dissenting.

I. Introduction

1. This Joint Board was established pursuant to Section 410(c) of the Communications Act, 47 U.S.C. 410(c) to develop, *inter alia*, modifications to the 1971 FCC–NARUC Separations Manual reflective of the Federal Communications Commission's policies regarding detariffing of customer premises equipment (CPE). Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board, CC Docket No. 80–286, 78 FCC 2d 837 (1980). In its recent Order Inviting Comments and Suggested Information Requests, FCC 81–264 (released June 12, 1980), the Joint Board sought recommendations on the specific modifications to be made and the procedural framework within which the Joint Board should adopt them. In that Order, the Joint Board

acknowledged the potential severity of the impact on intrastate revenue requirements, under either flash cut or bifurcated detariffing of CPE, that would occur if existing terminal equipment is removed from the separations process suddenly or in a disorderly and inconsistent manner. Further, the Joint board recognized the relative urgency of resolving CPE separations issues, because of the approximately 18 percent annual growth rate in assignment of non-traffic sensitive costs to interstate and the increasing interest among some independent companies and state regulatory agencies in detariffing terminal equipment on an accelerated schedule. To provide assistance in meeting these concerns, the Joint Board requested comments on the advisability of adopting a phased approach to this proceeding, and on a specific proposal prepared by the Joint Board Staff for the gradual elimination over a five-year period of the dollar amount of the investment and expenses subject to separations allocations.

2. Since the release of that Order, the Commission has issued a decision on further reconsideration of its detariffing plan in the Second Computer Inquiry, CC Docket No. 20828, FCC 81–481, (released October 30, 1981). In that Order, the Commission reaffirmed its bifurcation plan for detariffing CPE and established January 1, 1983, as the implementation date. All "new" CPE, defined as CPE acquired by a carrier or manufactured by an affiliated carrier after January 1, 1983, will be offered on a detariffed basis separate and apart from the carrier's utility service. All "embedded" CPE, including that equipment or inventory which is under state or federal tariff or otherwise subject to the jurisdictional separations process as of the bifurcation date, will remain in the rate base until issues related to asset valuation and the manner of timing of detariffing embedded CPE have been decided.

3. The choice between flash cut or bifurcated detariffing of CPE has been a major variable influencing our decision regarding the separations treatment of terminal equipment. The legal and economic considerations underlying the adoption of a particular separations plan for CPE vary greatly between the two detariffing approaches. Since a bifurcated plan will now be implemented, we believe we can appropriately move forward with recommended changes to the Separations Manual reflecting this plan without further delay. Our goal, which is consistent with that of the Commission, is to devise a plan that removes disincentives to detariffing and minimizes the inequities of uneven removal of CPE from various carriers' rate bases. We believe this goal can be accomplished by adopting a modified version of the Staff proposal which was set forth in Appendix B to our June 12, 1981 order. The modified plan is attached as Appendix A to this Decision.

II. Summary of the CPE Separations Plan

4. Under the original Staff proposal, no investment or expenses associated with CPE incurred after December 31, 1981 would be allocated to interstate operations. The net CPE plant balances in the relevant accounts on the books as of that date would constitute a "base amount" to which jurisdictional cost separations procedures would continue to be applied over a period of five years. The base amount would be reduced by one-sixtieth each month, eventually to be phased out entirely. A slightly altered version of this proposal constitutes the plan recommended herein.

5. The plan may be effected through slight additions and modifications to the current separations manual. The precise wording of these modifications is presented as Appendix A to this order. The portion of costs in various accounts subject to these changes is identified through the application of a definition of CPE that is to be added to the Glossary. This definition, which is intended to be consistent with the Commission's recent decision in the Second Computer Inquiry, FCC 81–481 (released October 30, 1981), excluded multiplexing equipment, coin operated or pay stations and related equipment, and equipment on telephone company premises used in the normal course of business. Therefore, for the present, these excluded types of equipment, and the expenses attributable to them will receive the same treatment under separations as they do now. In the future, the Joint Board may change separations procedures applicable to these items, but the modifications recommended in this Decision are intended to affect only embedded customer premises equipment as identified in the Second Computer Inquiry.

6. The plan requires addition of a few new paragraphs and augmentation of existing paragraphs in the Manual to exclude from interstate allocation all investments and associated reserves and expenses incurred in connection with customer premises equipment after the implementation date. This date has been revised from December 31, 1981 to December 31, 1982 to reflect the postponement adopted by the Commission on further reconsideration. The accounts affected, in addition to Accounts 231 (station apparatus) and 234 (large PBXs), are those associated with materials and supplies (Account 122), maintenance expense (Account 605), depreciation expense (Account 608), the wage portion of maintenance expense (Accounts 661, 662, 663, 664, 665, 668, 669, and 677), and the depreciation reserve (Account 171). The amounts in these accounts related to CPE will constitute the base amount to be phased out for separations purposes.[1]

7. The net CPE plant balances constituting the investment base amount are to be determined in accordance with Section 51.21 of the Manual. This section provides for the allocation of a portion of the aggregate depreciation reserve to Accounts 231 and 234 on the basis of the straight line reserves "theoretically applicable" to these accounts as of December 31, 1982. The base amount for net CPE plant balances so calculated will then be assigned to existing separations categories set forth in § 25.2 Under present procedures, CPE assigned to four of these categories, Teletypewriter Exchange Service, Private Line Services, Station Identification Equipment, and Wideband Message Service, would continue to be apportioned to interstate operations on bases other than the subscriber plant factor (SPF). CPE assigned to the fifth category, Other Station Equipment, would continue to be apportioned on the basis of SPF. The Joint Board has not yet determined the proper apportionment factors that eventually will be applied to these categories. This issue will be addressed in the next phase of this Joint Board proceeding. If the Joint Board recommends replacement of SPF with a new factor applicable to non-traffic sensitive plant, this new factor would be applied to the declining balance of the CPE base amount.

8. The apportionment to interstate of the expense base amount will follow established separations procedures which generally provide that apportionment of expenses follow the separation of related investment. The apportionment of other costs which may be based in part on the separation of station equipment, e.g., that of vehicles and other work equipment in Account 264, will be indirectly affected by the phase out of separations treatment of

[1] Under the original plan, both investment and expense base amounts would be determined as of a date certain. Under the revised plan adopted here, expense base amounts are to be calculated as the averge for the year prior to the implementation date.

CPE. However, no additional modifications to the wording of the Separations Manual are required at this time to institute these indirect effects.

III. Comments of the Parties and Discussion

A. Phased Approach to Separations Issues

9. In the June 12, 1981 Joint Board order, parties were asked to comment on the desirability of devising a plan for the removal of CPE from separations in advance of the resolution of the numerous other separations changes that may need to be considered. Virtually all of the parties recognize the importance of addressing CPE separations issues on a priority basis. However, there is disagreement as to whether CPE related changes should be initiated separately, or in coordination with other changes, or whether treatment of CPE issues should be delayed entirely until the Commission has made a final decision in ce-tain other related proceedings.

10. Several parties specify particular matters which they feel must be addressed, along with the removal of CPE from separations, in an initial phase of this proceeding. Many of the larger telephone companies focused on the need to reduce assignments to interstate operations. AT&T argues that the Joint Board should develop a multifaceted plan to deal with exchange access allocations which would incorporate, at a minimum, the removal of CPE, reduction of the allocation of remaining non-traffic sensitive plant through the gradual transition from the subscriber plant factor (SPF) to unweighted relative use (SLU), the replacement of five business days with seven calendar day usage studies, changes to accommodate the access charge plan proposed by the Commission in CC Docket No. 78–72, 77 FCC 2d 224 (1980), and the assignment of private line, FX and CCSA minutes of use to the interstate jurisdiction. Rochester Telephone adds to this minimum agenda the removal from separations of inside wire. United Telephone Systems shares the interest in combining removal of CPE with the "deloading" of toll through a transition from SPF to SLU, but also maintains that the Joint Board should coordinate detariffing of CPE with capital recovery for the equipment, Aeronautical Radio, Inc. (ARINC) generally supports the development of a single five year plan encompassing most of the needed revisions.

11. Many of the other telephone companies, while advocating the simultaneous resolution of several issues, have as their primary interest the mitigation of revenue requirement impacts that may accompany detariffing of CPE and its removal from separations. Most of them do not specifically argue against a phased approach to allow for an initial resolution of CPE issues. Rather, they stress that related separations changes should be coordinated so that upward rate pressure at the local level will be minimized. The United States Independent Telephone Association (USITA) approves of the Joint Board Staff proposal.[2] However, USITA recommends the synchronization of removal of CPE from separations with the capital recovery time frame and the inclusion of other separations issues such as changes in SPF and treatment of station connections within a "comprehensive package." The Rural Telephone Coalition, Central Telephone and Utilities Corporation (Centel), Anchorage Telephone Utility (ATU) and the Kansas Corporation Commission argue generally that all variables should be considered simultaneously so that broader public interest issues such as the impact on price and availability of telephone service may be addressed. They also desire that revenue offset effects be incorporated in the plan. The Rural Electrification Administration (REA) further proposes that the Joint Board develop a comprehensive agenda for coordinating a CPE separations plan with the related major Commission proceedings concerning detariffing of CPE, access charges, station connections, and the Uniform System of Accounts. The National Telecommunications and Information Administration would also have the Joint Board coordinate a CPE separations plan with changes in Commission depreciation policies. In a somewhat similar vein, the GTE Telephone Companies argue that no changes to the Separations Manual are necessary, and that all embedded CPE should be included in the separations process until it is fully depreciated. However, GTE believes that, if separations modifications are adopted, interrelated and revenue offsetting changes should be considered. Finally, Citizens Utilities Company urges the Joint Board to coordinate the removal of CPE from both the rate base and separations, and to assure the application of SPF to CPE investment during the entire phase-out period.

12. Other parties perceive advantages to the resolution of different separations issues in sequence. The Ad Hoc Telecommunications Users Committee believes that, in pactice, the time constraints imposed by the Commission's CPE detariffing schedule require that the resolution of CPE separations issues take precedence over the development of any theoretically more appealing "comprehensive" solution to all separations problems. They argue that it is proper for the Joint Board to address separations changes *seriatim* so that the final question of subsidies may be addressed after other adjustments are determined. The New York State Department of Public Service, the Pennsylvania Public Utilities Commission, the Colorado Public Utilities Commission and International Business Machines Corporation (IBM) concur in the view that the simultaneous treatment of all issues would be impractical. They believe that the removal of CPE from separations is a discrete problem, and may best be examined apart from the time delays and encumbering complexity associated with the resolution of remaining separations issues. MCI Telecommunications Corporation (MCI) and Southern Pacific Communications Company (SPCC) support the prioritization of separations issues. Satellite Business Systems (SBS) also favors the treatment of CPE matters in an initial phase, and regards certain separations issues, such as access charge related changes as not ripe for decision-making. However, SBS suggests that intrastate ratepayers may actually benefit from the elimination of interstate allocations of CPE if the equipment is not currently priced to cover full costs, and proposes that an investigation to determine the actual costs and revenues of CPE be conducted before any revenue requirement offset mechanisms are adopted.

13. We believe that it is both necessary and proper to adopt CPE separations revisions in a separate and initial phase of this proceeding. Many of the parties seem to have misconstrued the significance of this approach. The division of this proceeding into separate segments is a matter of decision-making and administrative efficiency for the Joint Board itself. It is not necessarily determinative of the time frame within which any of the other potential separations changes before the Joint Board ultimately will be implemented. It is essential to adopt a CPE separations plan now to remove obstacles that may prevent adherence to the Commission's detariffing schedule. Adoption of a CPE plan which is interim in nature and narrow in scope will neither delay nor prejudice the resolution of other

[2] This language reflects the position taken by USITA in its pleadings. After the end of the comment period, USITA and AT&T jointly filed a letter in which they proposed an alternative plan to apply SPF to a declining proportion of actual net book balances of CPE.

separations issues. Many of the parties that disapprove of a phased approach voice a fear of lack of coordination among the various separations issues and disregard for the revenue requirement impacts that major changes will impose. However, the mere fact that a plan for removal of CPE from separations procedures is subject to the Joint Board's decision-making process on a priority basis in no way precludes the coordinated implementation of that plan with other separations changes. We fully intend to address all necessary modifications to the Separations Manual as expeditiously as possible. The choice of a CPE separations plan provides a foundation upon which these other modifications can be built in a sequence that achieves the most equitable result for all parties concerned. The institutionalization of changes that have the effect of providing revenue requirements offsets, such as the proper jurisdictional treatment of FX and CCSA minutes of use, or that render separations results more compatible with interexchange competition, such as adopting an alternative to SPF, will not be postponed for the entire five years during which CPE is being removed from separations. Rather, it is expected that implementation time frames will be designed with significant overlaps. Thus, the coordination that is so necessary for the minimization of upward rate pressure as well as the implementation of all of the Commission's competitive policies will not be sacrificed.

14. The changes under review by the Joint Board are numerous and complex. Many of them, particularly those involving the proper allocation factor for non-traffic sensitive plant and the treatment of exchange access lines, will require diligent study so that reasoned and responsible choices may be made. In some cases, Commission policies have not yet been set. In others, voluminous amounts of data must be collected and analyzed so that controversies may be intelligently resolved. It is clearly premature at this stage to adopt a comprehensive plan that would lock the industry into separations procedures that may turn out to be ill-considered and unresponsive to the actual requirements of the marketplace.

15. It is just as clearly unnecessary for the Joint Board to avoid making decisions that can and must be made on an expeditious basis to facilitate the timely implementation of Commission policies that have been actually formulated. There is a great urgency to develop a separations plan for embedded CPE so that detariffing of terminal equipment will not be accompanied by unnecessary market dislocations and interferences. In addition, CPE separations issues are straightforward and lend themselves to relatively uncomplicated solutions. The only real issues are the amount of CPE to be removed and the period of time over which this should take place. Both of these issues can be adequately addressed on an expedited basis with modest alterations in the wording of the Separations Manual. We believe that CPE separations issues are now ripe for resolution, and that the adoption of a plan at this time will free the Joint Board for diligent analysis and proper coordination of the other more sensitive and complex issues.

B. Choice of a Plan

1. *AT&T Proposal*

16. On June 2, 1981, AT&T submitted a proposal to the Joint Board incorporating thirty-three changes to the Separations Manual that, among other things, would result in the initial removal of all CPE from the separations process and the transition from SPF to SLU over a five-year period. Under the plan, exchange access allocations for each company would be changed to reflect the uniform treatment of all access lines, measurement of FX/CCSA interstate minutes of use, a redefinition of exchange outside plant, seven calendar day traffic studies in place of the current five business day studies, identification of revenue accounting and business relations expenses associated with CCCs, and the specific treatment of host/remote complexes as local dial switching equipment—Category 6.[3] To compensate for the removal of CPE, and to provide a means for a gentle shift from the allocations presently calculated on the basis of SPF to the level that will result from the use of a revised SLU, AT&T proposes the use of an "interim additive factor." Thus, the multiplicative subscriber plant factor would be replaced by an additive amount calculated to provide, initially, the same allocations as achieved under SPF as of the implementation date. The additive factor would be reduced by one-sixtieth each month until entirely eliminated at the end of five years. At that time, allocations of all remaining non-traffic sensitive plant would be made on the basis of the revised SLU.

17. Although the Commission has now reaffirmed its decision to detariff CPE under a bifurcated plan, AT&T claim that its proposal is as equally adaptable to bifurcated detariffing as to flash-out detariffing. AT&T also defends the plan against criticisms from GTE that it would constitute an unacceptable allocation of surrogate costs to the interstate jurisdiction. AT&T maintains that the interim additive factor would be entirely proper since it would be applied to actual non-traiffic sensitive costs remaining after all CPE is removed from separations, and would represent a reasonable mechanism for avoiding severe dislocations in the transition to radically altered allocation procedures. In addition, AT&T responds to the objections of SBS, Alascom and SPCC that interexchange facilities allocations should not be addressed by the Joint Board at this time. AT&T agrees that the interchange modifications in its original proposal may be instituted in a second phase on this proceeding. AT&T asserts that one of the major benefits of its approach is that some of the modifications, such as the proper jurisdictional treatment of FX and CCSA minutes of use and the switch to seven day studies, will have offsetting effects and will ameliorate the disruptive impact of introducing several changes separately. Also, AT&T argues that its plan offers the best opportunity to coordinate all of the changes that should be addressed by the Joint Board as a first priority, particularly the long postponed reduction of SPF.

18. ARINC, Central and Rochester Telephone Company also favor a plan that would combine the removal of CPE with the reduction of SPF. United supports the concept of capping SPF but believes that the AT&T proposal would reduce allocations too far too fast. The Rural Telephone Coalition observed that the AT&T plan would have a greater impact than the Staff proposal due to the eventual elimination of SPF. Letters from thirty-one small telephone companies in several states indicate that the removal of CPE combined with the allocation of remaining non-traffic sensitive plant on current SLU would have a dramatic effect on local rates.[4]

[3] Other Manual changes that have been under consideration by the National Association of Regulatory Utility Commissioners (NARUC) for the past several years, including updating the .85 factor and the CSR ratios used in the Ozark (SPF) formula, are rendered moot under the AT&T proposal by the substitution of an interim additive factor for the SPF formula. Several other changes are also proposed, generally pertaining to interexchange network allocations.

[4] Letters were filed by the following parties: Arkansas—E. Ritter Telephone Company, Southwest Arkansas Telephone Cooperative, Inc.; Florida—Indiantown Telephone System Inc.; Georgia—Brantley Telephone Company, Inc., Coastal Utilities Inc., Citizens Telephone Company, Inc., Public Service Telephone Company; Kansas—Zenda Telephone Company, Inc., ; Michigan—Concord Telephone Company, Inc.; New

Continued

The studies reported in these letters, as is true of most of the impact studies filed by the parties, do not reflect projected growth in subscriber line usage over the five year transition period or the offsetting impact of other changes proposed by AT&T that will tend to increase allocations to interstate services.[5] However, the small companies that filed letters assert that these offsetting changes will probably not be sufficient to forestall drastic rate increases. Five small companies (Haviland Telephone Company et al.), argue that their subscribers would not be able to afford the AT&T plan, especially since outside experts would hve to be hired to perform the cost studies for the rate cases that will be necessary to obtain additional revenues. The Ad Hoc Telecommunications Users Committee argues that the AT&T proposal is attractive only as a "package deal," and that other changes in Commission policy, such as deregulation of inside wire, may not preserve the net effect of the plan and would lead to rate "churning."

19. The specialized carriers dislike the AT&T proposal for a variety of reasons. SBS, MCI, and SPCC argue that under AT&T's proposal, the effects of each aspect of the plan would be obscured through simultaneous implementation of several changes. They also contend that access charge issues are not yet ripe for decision making and should not be incorporated in a separations plan regarding treatment of CPE. MCI charges that, through its plan, AT&T is attempting to impose the cost consequences of various separations changes on its competitors, and that the Joint Board should focus on the identification of the particular cost elements of local plant associated with interexchange as opposed to exchange service. MCI believes that only exchange related costs should be shared by the SCCs. SPCC believes that the Joint Board should postpone any changes in separations until the completion of studies to identify the value of CPE to be transferred to AT&T's fully separated subsidiary, as mandated in the Second Computer Inquiry.

20. We do not think that implementation of either the Staff or AT&T. plan depends on valuation studies of embedded CPE. Any plan to remove CPE from the separations process would be properly designed if it were based on the same basic rules that presently guide the allocations of station equipment to interstate operations. Under current procedures, actual net account balances are not calculated. Rather, for separations purposes, net plant balances are determined through application of the theoretical depreciation reserve. Thus, the separations modifications needed to reflect detariffing policies do not require the same valuation studies as will be necessary to remove embedded CPE from the rate base. Therefore we do not agree with the specialized carriers that separation changes should not be adopted until valuation studies, to be performed in the context of the Commission's implementation proceeding, are completed.

21. However, we do agree that it would be inappropriate to adopt some of the elements of the AT&T. plan at this time. The Commission has not yet defined its policy with regard to access charges. In order to achieve consistency with the categories of services and the relative treatment of those categories that will be approved by the Commission, changes with respect to the separations treatment of exchange access lines await a final decision on access charges in Docket No. 78–72. In addition, although it is agreed by most parties that some reform must be instituted to curb the continuing increase of interstate allocations due to the SPF formula, it would be premature to approve a plan that is dependent on the eventual reduction to a version of SLU. First, the removal of CPE from separations does not depend on the elimination of SPF. We believe it is important for this Joint Board to address both matters as swiftly as responsible action will permit, but the resolution of one does not necessarily require simultaneous resolution of the other. In fact, removal of CPE from separations itself will somewhat ameliorate the problem now caused by SPF. Since CPE represents such a large portion of the non-traffic sensitive costs subject to SPF, the removal of customer premises equipment from the allocation process will greatly reduce the undesirable effect that SPF has on interstate allocations. Second, there are many alternatives to SPF and SLU that may be considered as appropriate measures of the proper interstate share of non-traffic sensitive costs. These alternatives have not yet been fully investigated. In the next phase of this proceeding, the Joint Board will analyze the issues raised and proposals made by the parties in response to questions asked in Appendix A of the June 12, 1981 Order. Among other things, these questions pertain to options for the treatment of remaining non-traffic sensitive costs and the propriety of including some provisions for non-cost factors in the allocation of exchange costs. Until these issues are diligently and thoroughly analyzed, it cannot be assumed that SLU is the most appropriate allocative factor. This is a major infirmity of the AT&T plan. Its adoption would require a premature decision regarding one of the most crucial aspects of the separations process.

22. In addition, the combination within a single five-year transition plan of all the changes proposed by AT&T may not best serve the public interest. As we have noted, implementation periods for many of these changes may in fact overlap. However, it is unclear at this stage, what the most equitable schedule would be. The revenue offsetting items incorporated in AT&T's plan may not provide sufficient relief for the drastic increases in intrastate revenue requirements that the plan would impose by the end of the five year transition period. Five years may be sufficient for the implementation of some changes, but insufficient for others, especially if all of them are instituted within the same time frame. The Joint Board must retain the flexibility to design separate implementation schedules for different changes in order to regulate the

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Hampshire—Granite State Telephone; Oklahoma—Cross Telephone Company, Panhandle Telephone Cooperative, Inc., Valliant Telephone Company; Pennsylvania—Lackawaxen Telephone Company, Venus Telephone Corporation; South Carolina—Bluffton Telephone & Applicance Co. Inc., Rock Hill Telephone Company; South Dakota—West River Cooperative Telephone Company; Tennessee—Millington Telephone Company, Inc.; Texas—Big Bend Telephone Company, Comanche County Telephone Co., Inc., Etex Telephone Cooperative, Inc., Peoples Telephone Cooperative, Inc., Santo Rosa Telephone Cooperative, Inc., Wes-Tex Telephone Cooperative, Inc., XIT Rural Telephone Cooperative, Inc.; Virginia—Clifton Forge-Waynesboro Telephone Company, Virginia State Corporation Commission, Division of Communications; Wisconsin—Lemonweir Valley Telephone Company, North-West Telephone Company, Platteville Telephone Company, Urban Telephone Cooperative, Wood County Telephone Company.

[5] AT&T submitted impact studies showing the projected revenue requirement effects of both the Staff proposal and its own plan on Bell System Companies and Independents in each state. The AT&T studies incorporate the following assumptions: Historical growth in investment, 10% annual growth in ENFIA usage, projected revenue requirements based on a 12.75% rate of return, and for the Bell proposal, a 5 percent annual growth in FX and CCSA access lines, and estimated conversation minutes per month for FX (2433), CCSA (4258), and private line (3000). The estimates do not reflect effects of future rate changes, accererated capital recovery programs, or expensing of stations connections. The studies show that, under the Bell exchange access proposal, by 1986 the interstate revenue requirement will be reduced by approximately $10 billion for Bell Companies and $3.7 billion for Independents. Under the Staff Proposal, by 1986 interstate revenue requirements will be reduced by approximately $2.6 billion for Bell Companies and $1.1 billion for Independents.

magnitude of adverse impact that may be experienced at any one time. For all of the foregoing reasons, we find that the AT&T plan cannot be adopted at this time.

2. *Alternative Proposals*

23. Some parties disapprove of both the Staff and AT&T plans, and have made counter proposals. In general, these parties are concerned that the Joint Board make adequate provision for full capital recovery of embedded CPE. Haviland Telephone Company et al., the Rural Telephone Coalition, and Anchorage Telephone Utility argue that CPE balances in Accounts 231 and 234 should be capped as of the date of detariffing and that actual plant balances, maintenance and depreciation expenses should be included within the separations process while CPE is reduced through normal depreciation accruals. Haviland, the Rural Telephone Coalition, United Telephone Systems, and Citizens Telephone Utilities recommend the application of remaining life depreciation procedures to embedded CPE. GTE, in offering a similar counter proposal, suggests that the amortization period should not be extended beyond five to seven years. AT&T objects to these proposals, arguing that they merely constitute modified Staff plans and offer nothing in the way of attention to priority separations issues.

24. We also perceive several deficiencies in these proposals. We agree with the Ad Hoc Telecommunications Users Committee that it is not incumbent upon this Joint Board to devise capital recovery plans for embedded CPE or to ensure that CPE is appropriately priced. The Joint Board is charged only with considering changes to separations procedures. We have no authority under Section 410(c) of the Communications Act, 47 U.S.C. 410(c), to make determinations as to proper depreciation procedures, or to design mechanisms for full capital recovery as embedded CPE is removed from the rate base. The Separations Manual has never been a vehicle for capital recovery. The problems of capital recovery for CPE and its removal from separations procedures, though related, are separable. It is the province of the Commission, in the context of the implementation proceeding, to establish guidelines for the valuation of embedded CPE and, in coordination with the states, to develop the applicable depreciation rates and detariffing time tables. Therefore, the Joint Board cannot resolve these matters in the context of this proceeding. Moreover, the decision made by this Joint Board will not in any way impair the ability of local companies to achieve full cost recovery for CPE. The equipment will continue to be tariffed on a basis calculated to achieve cost recovery until such time as detariffing is implemented by each state regulatory agency. Detariffing may be effected through retirement, sale or transfer to a separated subsidiary. In any case, it will be the responsibility of the state commission to design detariffing mechanisms that allow each company to at least recoup its investment. Similarly, local companies will be fully compensated for actual maintenance and depreciation expense through cost recovery techniques established at the local level. These are entirely separate considerations from those facing the Joint Board.

25. The focus of the Joint Board's task is not the proper compensation that each company should receive through separations for the CPE investment it maintains. Rather, the focus is on an equitable reduction of the revenues that separations allocations of CPE contribute to other aspects of intrastate operations. There is a significant contribution phenomenon created by the combination of SPF allocations of CPE and full cost pricing of CPE at the local level.[6] Since CPE constitutes such a large portion of the non-traffic sensitive plant subject to SPF, its exclusion from separations will substantially erode the cost base from which the SPF contribution effect is presently derived. It is this result, if achieved too precipitously, that may require inordinate intrastate rate increases. The pricing of CPE itself should be unaffected.

26. Even as a means of providing a gradual reduction in SPF allocations, a depreciation based plan is unacceptable. In order to determine whether or not reliance on depreciation accruals for the removal of CPE from separations would even approach equitable results for most companies, the Joint Board would be forced to wait until the implementation proceeding was completed and each state had rendered a decision on its own detariffing plans. It would not be until after these mechanisms had been set in motion that the Joint Board could begin to determine the impact on each company. This arrangement would inhibit the effective and timely implementation of competitive policies. Further, absent assurance that separations contribution would diminish, albeit at a measured rate, state commissions which currently desire to promote the removal of CPE from the rate base would lack the incentive to do so. This would be especially true if the depreciation process were allowed to extend much beyond a five year transition period. This would interfere with competitive processes because used equipment might be held in the rate base and, therefore, kept out of the marketplace. In addition, depending on the depreciation plan ultimately adopted, different companies could experience the impact of detariffing at widely varying rates. This may create significantly inequitable results among carriers. It would certainly make it extremely difficult for the Joint Board to redress any inequities since the particular circumstances surrounding the economic impact on each individual company would have to be studied. Thus, because of the likely unevenness of the result, the tendency to create undesirable incentives, the difficulties in remedying inequities, and the delays in implementation due to the requirement for prior resolution of valuation and state detariffing issues, we find the proposals for a depreciation based plan to be unsatisfactory.

3. *Staff Proposal*

27. The Staff proposal is favored by many of the parties. For example, the Ad Hoc Telecommunications Users Committee, Rochester Telephone Utility, and the California and the Colorado Public Utilities Commissions perceive it as a straightforward, readily implementable plan to spread the rate impact of deregulation over a reasonable period. United, USITA, Continental, the Pennsylvania Public Utilities Commission, the New York State Department of Public Service and Centel also essentially agree with the approach embodied in the Staff plan.

28. However, other parties assert either that the Staff proposal is deficient, or that it would be acceptable only with various modifications. Centel believes that the staff plan is workable, but that valuation issues should be

[6] We reject the notion, proffered by SPCC, that the Joint Board's assumption that all terminal equipment rates are set at or near full costs is contradicted by the Commission's own findings. The studies cited by SPCC that were filed in the Commission's Customer Interconnection inquiry, Docket No. 20003, 61 FCC 2d 766 (1976), 75 FCC 2d 506 (1980) and that concluded that terminal equipment revenues did not cover costs, related only to the pricing of vertical services. These studies did not encompass the pricing of all customer premises equipment. Since the time that those studies were performed, most states have instituted unbundled rates for all CPE. Some states, particularly New York, have also increased the charges for vertical services. Where Western Electric transfer prices are used instead of net book costs as the basis for ratemaking, the unbundled rates, especially for residential CPE, may actually cover more than 100 percent of the cost.

resolved first, so that the net CPE plant balances subject to separations can be identified. SPCC advocates the determination of the actual cost of CPE to be removed from the rate base and transferred to the separate subsidiary to prevent cross subsidization between regulated and unregulated services. The staff plan does not depend upon valuation of CPE or upon the actual rate at which CPE will be removed from the rate base. The five year transition period of equally spaced reductions of a given level of CPE costs represents a reasonable approximation of the anticipated average rate of detariffing under desirable conditions. This is appropriate because, as previously stated, the purpose of the continued allocation of any CPE costs is not intended to contribute to capital recovery, but is intended to prevent abrupt increases in rates as result of the sudden evaporation of such a large portion of costs that provide the basis of support through the application of SPF. At any particular time during the transition period, some companies may have more CPE in the rate base than is reflected in the declining CPE base for separations allocations. Some companies may have less. The equal separations treatment of all companies, regardless of the actual rate of detariffing of embedded CPE, will not only create incentives for the realization of the Commission's Second Computer Inquiry objectives, but will provide equally fair treatment for all telephone companies while those objectives are being achieved. Thus, the actual CPE costs involved in a detariffing plan need not be accurately reflected in the separations process at any one time during the transition period. Additionally, SPCC's fears of inadequate protection against cross subsidies are not a proper subject for this proceeding. Those concerns should be addressed in the context of the Commission's implementation proceeding.

29. A.T. & T., GTE, Haviland et al., and Citizens Telephone Utilities are also concerned that, under the staff plan, local companies will not adequately be compensated for any increases in actual maintenance expenses associated with embedded CPE. We do not expect that maintenance of embedded CPE will become a burdensome expense. In any case, this issue is akin to the capital recovery issue, and it will remain the responsibility of each local jurisdiction to provide for adequate revenues to cover these expenses. However, the present form of the Staff proposal, once recommended by this Joint Board and adopted by the Federal Communications Commission, is not forever immutable. If it becomes necessary to accommodate unforeseen increases in costs, especially for more vulnerable small companies, adjustments can be made.

30. In a similar vein, several parties including GTE, Citizens, United, USITA, the Rural Telephone Coalition, and Haviland et al., believe that the termination date for the transition period should be coordinated with the target date for completed detariffing of all CPE. This would supposedly avoid a "mismatch" between the acutal depreciation reserve and the CPE separations base, and would assist in the achievement of capital recovery. A.T. & T. and the Ad Hoc Telecommunications Users Committee view this as unnecessary. Although legal considerations might require the continued allocation of some CPE costs as long as they remain in the rate base, we believe that precise matching of the dates of total removal of CPE from both separations and the rate base is not crucial. However, matched termination dates offer the advantage of consistency and simplicity. While it is the responsibility of the Commission rather than the Joint Board to determine the ultimate detariffing date, the choice of a schedule coordinated with the completion of the separations changes recommended here is an option that may be considered in the implementation proceeding.

31. Centel thinks the regulatory treatment of inside wire in Account 232 should be clarified before a plan is adopted. ARINC, SPCC and the New York State Department of Public Service want assurance that A.T. & T. will reflect reduced revenue requirements in lowered interstate rates. We agree with A.T. & T. and the Ad Hoc Telecommunications Users Committee that the resolution of other federal regulatory policies including treatment of inside wire, access charges, depreciation schedules, and interstate rates are outside the scope of this proceeding. Futhermore, it is not necessary to delay the choice of a CPE separations plan while these matters are being resolved. The operative effect of the staff proposal will be compatible with any other separations changes that may be necessary to accommodate additional developments in federal policies. This is due to the fact that the staff proposal requires only minimal changes in the Separations Manual and does not explicitly modify the allocative factor for nontraffic sensitive plant. As Commission policies become clarified, additional modifications can be made to the Manual, if necessary. In addition, the eventual resolution of the SPF issue may incorporate some means of softening the impact of any new policies that might place an added burden on exchange operations.

32. Haviland and the Rural Telephone Coalition desire assurance that SPF will be applicable to the embedded CPE balance until it is entirely removed from the rate base and title is deeded to customers. Citizens and United recommend that SPF be capped on the detariffing date and that the capped factor be applied to the decreasing CPE separations base. We decline to assure the application of SPF to remaining CPE throughout the entire transition period. As stated above, the issue of the appropriate allocation factor for non-traffic sensitive plant is not ripe for final determination at this time. SPF will be applicable to all non-traffic sensitive plant until the Joint Board has recommended that another allocative factor is more appropriate. We do not here prejudge that decision, and cannot foresee what that factor will be. At the time that a new factor, if any, is chosen, the total impact on each jurisdiction will be taken into consideration. The effect of applying a different allocative measure to remaining CPE will be included in the analysis. We believe the argument by Citizens, that the phase out of embedded investment must be conducted under current separations procedures in order to allow each telephone company to "recover its investment according to the rules under which that investment was made", is irrelevant. We have already explained that separations allocations of CPE are unrelated to recovery of the capital invested in the equipment. The application of a different, more lucrative allocation factor to CPE would distort incentives for removal of that equipment from the rate base, thereby thwarting the achievement of detariffing objectives. Such a result is clearly contrary to our goal.

33. AT&T, ARINC, SPCC, Centel and Rochester Telephone Company believe that the plan should at least incorporate a modification from SPF to SLU. MCI argues that existing jurisdictional allocations of CPE are unlawful because they are unrelated to "cost causative realities." However, it is well known that there are no objectively verifiable cost causative realities involved in the allocation of non-traffic sensitive joint and common costs. See American Telephone & Telegraph Co., 84 FCC 2d at 392 (1981). The Ozark Plan is now under review because changes in usage patterns and the cost characteristics of

new technologies may have rendered it less serviceable. Although the allocation of non-traffic sensitive plant on the basis of traffic patterns may not be perfect technique, it has provided some reasonable measure of the burden each jurisdiction must bear. It is the hazard of using such a mechanism, however, that it may need periodic alteration as cost and usage circumstances dictate. The continued value of the SPF formula is currently under consideration. However, until that evaluation is complete we can neither endorse a transition to SLU nor promise that SPF will always be applied to CPE. We leave these decisions to a separate phase of this proceeding.

34. We see several advantages to the Staff proposal. It is an easily administered plan for the orderly extraction of CPE from the separations process. It minimizes delay and creates incentives for detariffing CPE while avoiding severe economic dislocations for small carriers. Implementation of the Staff proposal does not depend on the extensive studies that would be required to determine the appropriate factor to be applied to remaining non-traffic sensitive plant under AT&T's plan to flash-cut CPE from separations. It also does not involve the interferences with market forces that would result from a plan to coordinate CPE removal with capital recovery through the depreciation process.

35. Some state commissions have already begun programs to encourage the sale of terminal equipment and are anxious to detariff CPE, but are waiting for separations issues to be resolved. Without some kind of certainty as to the nature of separations adjustments that eventually will be made and the changes in settlements these adjustments will cause, many states may be reluctant to order detariffing. The fear of potential adverse revenue requirement impacts is a substantial deterrent to detariffing. Thus, any continued delay in the formation of a specific plan is a formidable impediment to achievement of the Commission's Second Computer Inquiry goals. Under the Staff proposal, states will easily be able to calculate the precise reduction in toll settlements that will occur for each company over a given period of time.[7] Thus, apprehension over loss of settlements will not serve as a major disincentive to states desiring to move ahead with detariffing initiatives. Both carriers and the state regulators will be able to plan sufficiently in advance for any rate adjustments that may have to be instituted. In fact, the certainty of a particular schedule for reduced settlements for CPE will encourage states and carriers to accelerate movement toward detariffing and establish schemes for adequate capital recovery. The plan will not, of course, derogate in any way from carriers' rights to full recovery of invested capital. Therefore, because of its administrative covenience, minimized economic impact, and serviceability for the achievement of detariffing objectives, we find that adoption of the modified version of the staff plan to remove CPE from separations, set forth in Appendix A, would best serve the public interest.

[7] It is expected that if the SPF formula is replaced by another factor, ample lead time will be provided to allow the recalculation of settlements impacts.

IV. Modifications to the Original Staff Plan

36. Several of the parties have suggested minor changes to the Staff plan. The Rural Electrification Administration, the Rural Telephone Coalition, Continental, and the Pennsylvania Public Utilities Commission indicate that a five year transition schedule may not be long enough. However, these parties have provided no substantive evidence regarding the specific extent of harms that they believe could be prevented through an extension of the five year period. Separations modifications relating to the removal of CPE from the jurisdictional allocation process should be made effective as swiftly as most carriers can accommodate. Further, the detariffing of CPE should be reflected in separations as straightforwardly as possible, and should not be unnecessarily confused with the general issue of the potential need for special separations treatment for small rural carriers. Thus, the staff plan properly does not attempt to address the relationship between jurisdictional cost allocations and maintenance of affordable local rates beyond the fact that a reasonable phase-in of the removal of CPE from separations seems to be most equitable.

37. In choosing the length of the transition period, the Joint Board and the Commission must carefully weigh the inequity to most carriers of a transition that may be too sudden with the deterrence from detariffing that may occur from a transition that is too long. The balancing of these factors is a specific problem arising from the implementation of a particular regulatory policy. It may be related to, but should not necessarily encompass, the broader more difficult question of the proper role of jurisdictional cost separations in the promotion of universal service. The Joint Board and the Commission will address these latter issues and the special concerns of small carriers well before the five year transition period expires. From the responses of such parties as AT&T, ARINC, United, USITA, Rochester Telephone Co., and the Ad Hoc Telecommunications Users Committee, it appears that a five year time frame for the limited changes adoted here is generally acceptable, and we believe that it would be wise not to alter it.

38. Centel requests the Joint Board to specify the subaccounts necessary to identify the costs of company telephones, pay stations and multiplexing equipment contained in Accounts 231 and 234 that are not subject to detariffing under the Second Computer Inquiry. We do not believe this is necessary. The definition of customer premises equipment to be added to the Manual's Glossary will adequately serve to assist a telephone company in the calculation of the CPE base amount. This calculation need be made only once. The creation of subaccounts for the maintenance of ongoing records for equipment that will remain in the rate base is a subject for the Commission's implementation proceeding and is not required in order to make the Staff's separations plan operational. Similarily, Centel's request for direction as to the treatment of investment tax credits would be more appropriately referred to the Commission rather than to this Joint Board.

39. Many of the parties, including AT&T, Citizens, Centel, and Haviland et al., have mentioned that for the purposes of computing the separations base the expenses associated with repair and maintenance of embedded CPE, recorded in a particular month, may not be fairly representative of the level of expenses incurred over the course of a year. They propose that annual average expense figures be used instead. We find this argument to be persuasive and have modified the proposed new Section 42.552 of the Manual to specify that the maintenance expense portion of the separations base shall consist of the average monthly recorded maintenance expense in Account 605 associated with repairs and maintenance of customer premises equipment in Accounts 231 and 234 (excluding amounts for installation, moves and changes) for the twelve months preceding the cut-off date.

40. We have also reevaluated the advisability of requiring all carriers to reduce the CPE separations base by increments of one-sixtieth each month over the five year period. Some companies may not perform cost studies

on a monthly basis, and this requirement may impose an unnecessary burden on them. Therefore, we have revised the Staff's proposed new Section 25.32 of the Manual to permit companies that have a separation study period other than monthy to establish equal intervals consistent with such study periods for reducing the base amount over five years.

41. Finally, we have considered a change in the date of implementation of the Staff plan. Orginally, the effective date was to be January 1, 1982. This was premised on the perceived advantage of coordinating the implementation date with the beginning of a new calendar year, and the need to have a plan in place at least by March 1, 1982, the Commission's original cut off date for detariffing of new CPE. On further reconsideration of its final decision in the Second Computer Inquiry, the Commission postponed the detariffing date to January 1, 1983. Thus, the urgency with which separation changes should be effected has been somewhat eased. We find that January 1, 1983, is the most appropriate date for execution of the staff plan.

42. There is certainly no need to delay implementation beyond January 1, 1983. The Anchorage Telephone Utility requested two or three years of lead time in order to allow adjustment of inventory levels, purchasing decisions, budgets, and borrowing commitments. However, it seems that many of these concerns are related to detariffing implementation rather than separations, and that, in any case, a full year of preparation before the gradual settlements reduction process begins should be sufficient for planning purposes. In contrast, the Ad Hoc Telecommunications Users Committee asserts that the date for separations changes need not be matched with the detariffing date, and may be scheduled earlier. Some states that are anxious to implement detariffing plans, such as California, may prefer an effective date for the staff plan that precedes the Commission's implementation target by six months or so. However, the benefits of such an accelerated schedule are minimal, as are detriments of a slight additional postponement. Most of the parties that remarked on the issue, including GTE, USITA and Haviland et al., stated a preference for matched implementation dates. The January 1, 1983, date appears to be the most equitable for all parties. It preserves the advantages of beginning the plan with the calendar year, and offers the best opportunity for synchronizing the actual amounts of embedded CPE with the costs that will be phased out of separations.

43. Accordingly, it is ordered that the revisions to the 1971 FCC–NARUC Separations Manual set forth in Appendix A which are to be effective on January 1, 1983, are adopted, as a Recommended Decision and Order.

The Federal-State Joint Board.*

Mark S. Fowler,

Chairman.

Addendum to the Separations Manual

General

This addendum to the February, 1971 edition of the Separations Manual provides for the phase out and termination of the allocation to interstate of customer premises equipment in Accounts 231 and 234. No customer premises equipment investment which may be added to those accounts after December 31, 1982 shall be allocated to the interstate operation. The plant balances attributable to customer premises equipment on the books as of December 31, 1982 shall constitute a base amount for allocation between state and interstate operations during a phase out period of 60 months. Starting with January, 1983 the base amount shall be reduced by one sixtieth each month, and all customer premises equipment subject to allocation between state and interstate operations shall terminate after 60 months. A consistent treatment is afforded the expenses and reserves associated with customer premises equipment. The following revisions to the manual are made:

Section 1, Part 1

A new paragraph 11.25 shall be added as follows:

11.25 The procedures set forth herein provide for the exclusion from the interstate alloction of all investments and associated reserves and expenses incurred in connection with customer premises equipment after December 31, 1982. Investments in customer premises equipment on the books as of December 31, 1982 will be phased-out over a 60-month period for allocation to interstate operations. Consistent treatment is afforded the reserves and expenses associated with phase out of the investment in customer premises equipment.

Section 2, Part 5

A new section 25.131 shall be added as follows:

25.111 The investments in Accounts 231 and 234 shall be segregated between customer premises equipment and other station equipment. Customer premises equipment shall be apportioned among the operations as set forth in Sections 25.31 and 25.32. Other station equipment shall be apportioned as follows:

A new section 25.3 shall be added as follows:

25.3 Phase-out and Termination of Interstate Apportionment of Customer Premises Equipment in Accounts 231 and 234.

25.31 New customer Premises Equipment—No portion of any investment in customer premises equipment in Accounts 231 and 234 which may be entered on the books of the company after December 31, 1982 shall be apportioned to interstate operations.

25.32 Phase-Out of Customer Premises Equipment Recorded as of December 31, 1982—The recorded investments of customer premises equipment in Accounts 231 and 234 which are on the books as of Decembr 31, 1982 shall be assigned to the five categories set forth under Section 25.2. The amount of plant investment so determined, reduced by one-sixtieth, shall be apportioned between state and interstate operations in accord with the procedures prescribed for each category under Section 25.2 for the month of January, 1983. Each month thereafter, the base December 31, 1982 amount shall be reduced by one-sixtieth of the base amount in each category, and the apportionment between state and interstate operations shall be made in a similar manner. After sixty months the amounts in each category will be reduced to zero, and no apportionment of any customer premises equipment to interstate operations shall thereafter be made. Companies that have a separations study period different than monthly may establish equal periods for reducing the base amounts consistent with such study periods to write off the base amount in 5 years.

Section 2, Part 9

The following sentence shall be added to Paragraph 29.11:

Starting with January 1, 1983 any amounts included in Account 122 associated with customer premises equipment shall be excluded from the amounts which are allocated to the interstate operation.

Section 4, Part 2

A new Section 42.55 shall be added as follows:

42.55 Phase out and Termination Provision

42.551 No portion of any maintenance expense in Account 605 associated with repairs of customer premises equipment in Accounts 231 and 234 incurred after December 31, 1982 shall be apportioned to interstate operations.

42.552 The average monthly recorded maintenance expense in Accounts 605 associated with repairs and maintenance of customer premises equipment in Accounts 231 and 234 (excluding amounts for installation, moves and changes) for the 12 months preceding the cut-off date shall be used as a base in connection with the phase out of interstate allocation of customer

*See attached statement of Commissioner Joseph R. Fogarty.

premises equipment. For the month of January, 1983 such base amount shall be reduced by one-sixtieth and apportioned among the operations in accordance with the procedures set forth above in paragraphs 42.521 through 42.542, as applicable.

Each month thereafter, the base amount shall be reduced by one-sixtieth of the base original amount, and the apportionment of such reduced amount among the operations shall be made in a similar manner. After sixty months the base amount will be reduced to zero, and no apportionment of customer premises equipment maintenance expense to interstate operations shall thereafter be made.

Section 4, Part 3

A new Section 43.112 shall be added as follows:

43.112 Depreciation expense associated with customer premises equipment in Accounts 231 and 234 for the month of December, 1982 shall be expressed as a ratio to the plant in these accounts as recorded for December 31, 1982 and such ratio shall be applied to the phase-out of plant in these accounts as described in paragraph 25.32 in accord with the procedure in Paragraph 43.12.

Section 4, Part 7

The following sentence shall be added to Paragraph 47.211:

The wage portion of maintenance expense related to maintenance of customer premises equipment shall be determined in a manner consistent with the phase-out of maintenance expense provided in Section 42.55.

Section 5, Part 1

A new paragraph 51.22 shall be added as follows:

51.22 The depreciation reserve associated with customer premises equipment in Accounts 231 and 234 shall be determined as of December 31, 1982 as a base for the phase out of customer premises equipment in those accounts. Starting with January, 1983 such base amount shall be reduced by one-sixtieth each month.

Glossary

The following definition shall be added:

Customer Premises Equipment—Items of telecommunications terminal equipment in Accounts 231 and 234, such as telephone instruments, data sets, dialers and other supplemental equipment, and PBX's which are located on customer premises and inventory included in the accounts to be used for such purposes. Excluded from this classification are similar items of equipment located on telephone company premises and used by the company in the normal course of business as well as public telephones, channel multiplexing equipment and related equipment.

Dissenting Statement of Commissioner Joseph R. Fogarty

In Re: Amendment of Part 67 of the Commission's Rules, CC Docket 80-286

At its meeting on October 13, 1981, the Joint Board instructed the staff to prepare an order adopting a staff proposal—known as the "Popenoe or California Plan"—which would cap and then phase-out of the jurisdictional separations process the allocation to interstate of customer premises equipment (CPE) over a 60-month period. The phase-out procedure was to be implemented by use of "base amounts" derived from net CPE plant balances as of a date-certain (*i.e.*, December 31, 1982). I dissented to these instructions in part because I believed that the plan was deficient in that it did not tie the phase-out of CPE from the separations process to the recovery of capital and expenses for the equipment. Additionally, I was concerned that the staff plan would not curb the alarming growth of the Subscriber Plant Factor (SPF).[1]

Unfortunately, only part of my concerns have been met. In a companion order, the Joint Board is recommending to the Federal Communications Commission that the SPF factor be capped—an action which I proposed and support.[2] However, I must dissent to this *Recommended Decision and Order* because I continue to believe that the CPE reduction factor (1/60th reduction each month) should be linked to actual revenue requirements derived from actual book costs and expenses instead of the frozen net balance figure porposed in the staff plan.

The question of whether the phase-out of the interstate allocation of embedded CPE should be based on a frozen net balance figure or actual revenue requirements may seem arcane, but the consequences of such an action can be significant. It is because of these potential consequences that I believe that the Joint Board should have recommended a cost recovery-based phase-out scheme.[3] Common sense dictates that in order not to unduly burden local rates both during and after the transition period, the proposed phase-out formula should reflect actual retirement, depreciation and maintenance expenses. Unless the proposed reductions are based on actual costs, there is the risk that some depreciation and maintenance expenses which should be borne by the interstate jurisdiction will not because the expenses were not reflected in the frozen net plant balance that the staff proposes to use as a "base amount." These newly determined or "post-freeze" costs would be forced *in toto* on to the state jurisdictions even though some part of these costs is appropriately borne by the interstate jurisdiction. *See* Comments of Citizens Utilities Company at 4–7. Not only would such a consequence be unlawful,[4] it would result in an unnecessarily high increase in local rates. State commissions should beware of the recommended plan adopted by this Board.

Although the Order recognizes this possibility, it unfairly places the burden on the states to provide for adequate revenues to recover actual—as opposed to the plan's theoretical—maintenance and depreciation expenses. *See Recommended Decision* at paras. 24 and 29. I do not believe that the Joint Board can wash its hands of this problem in its recommendation to the FCC.

My disagreement with much of the analysis in the *Recommended Decision* is fundamental. In particular, I am troubled by the assertion in the decision that the problems of capital recovery for CPE and its removal from separations procedures, although concededly related, are separable. *Recommended Decision* at para. 24.[5] While this might be theoretically correct, in reality, separations and capital recovery for CPE are inseparable as we move toward a deregulated environment. To argue as is done in paragraph 28 that "the actual CPE costs involved in a detariffing plan need not be accurately reflected in the separations process" directly contradicts the Commission's policy that whenever possible costs should be placed on the causative customer. *See*, e.g., Further Notice of Inquiry, *Deregulated Customer Premises Inside Wiring*, ———FCC 2d———(1981). The justification of the proposal to base the

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[1] *See* Statement of Commissioner Joseph R. Fogarty, Concurring in Part, and Dissenting in Part, Amendment of Part 67 of the Commission's rules, CC Docket No. 80-286 (released October 13, 1981).

[2] *See* Separate Statement of Commissioner Joseph R. Fogarty, Recommended Interim Order, Amendment of Part 67 of the Commission's rules, CC Docket No. 80-286 (Adopted November 18, 1981).

[3] I disagree with paragraph 24 of the *Recommended Decision* to the extent it can be read as indicating that this Joint Board cannot recommend to the Commission that the phase-out of the interstate allocation of CPE be linked to capital and expense recovery. To state that the Joint Board "cannot resolve these matters" is to state the obvious. The Joint Board can only recommend a decision to the Commission. The Commission, however, does have the authority to tie any phase-out of CPE to capital and expense recovery.

[4] *See Smith v. Illinois Bell*, 282 U.S. 148 (1930).

[5] I note that at para. 32 the *Recommended Decision* would go farther and indicate that separations allocations of CPE are completely unrelated to capital recovery. This is inconsistent.

phase-out formula on an equitable/reasonable averaging scheme is reminiscent of the "whole-life" depreciation theory which the Commission recently abandoned as inappropriate in a competitive environment. *See Property Depreciation,* 83 FCC 2d 289 (1980). The continued allocation of CPE costs is definitely intended to contribute to capital recovery. In the *Recommended Decision* the Joint Board neglects the fact that abrupt increases in local rates may come about not just as a result of a sudden evaporation of CPE costs, but also as a result of large depreciation and expense costs which are unfairly foisted on the state jurisdictions. *See Recommended Decision* at para. 28.

No undue delay would result if the phase-out of CPE allocations was based on actual revenue requirements. The Commission would not be forced to wait until the Computer II implementation proceeding was concluded. *See Recommended Decision* at paras. 26 and 34. The 60-month reduction could be based on actual book accounts until such time as the valuation proceeding was concluded. Any difference between the book and valuation amounts not only could be compensated for at that time, but would probably be less than the difference between the staff's theoretical figures and the valuation amount.

Similarly, the use of the actual book accounts would neither create signficiant inequitable results among carriers nor cause severe economic dislocations for small carriers. *See Recommended Decision* at paras. 26 and 34. Instead, it would ensure that every carrier properly recovers all depreciation and maintenance expenses. Without such recovery, dislocations will occur.

The only substantial justification put forward for the use of frozen base amounts is that use of these amounts would permit a state to detariff and require the sale of CPE while still continuing to receive contributions from separations. I find this concept repugnant to the Commission's basic procompetitive policies. To allow a state to continue to receive contributions from separations after all CPE has been detariffed and sold would permit it to receive a windfall it does not deserve. Moreover, ratepayers in those states which did not order the quick detariffing of CPE would subsidize the rates paid by ratepayers in those states which did. For years the Commission has attempted to stop cross-subsidization of this sort. To encourage it now in the guise of providing "incentives" is wrong.

The Joint Board unrealistically attempts to base the phase-out of the interstate allocation of embedded CPE investment on a frozen revenue requirement which is in turn based on a "snap-shot" of net plant balances as of December 31, 1982. Revenue requirements have always been and will continue to be dynamic in nature. Any proposed phase-out of CPE investment which does not recognize this fact is fundamentally unfair and runs counter to the public interest.

Therefore, I dissent.

[FR Doc. 81-37364 Filed 12-30-81; 8:45 am]
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47 CFR Part 67

[CC Docket No. 80-286; FCC 81-565]

Establishment of a Joint Board; Subscriber Plant Factor (SPF)

AGENCY: Federal Communications Commission—Federal-State Joint Board.

ACTION: Recommended interim order.

SUMMARY: The Federal-State Joint Board recommended that the Commission freeze the subscriber plant factor (SPF) on January 1, 1982 to preserve the *status quo* and limit growth of the interstate cost allocations pending adoption of final changes in the jurisdictional separations process.

DATES: The Joint Board's recommendations do not become effective until they have been reviewed and acted on the Commission.

ADDRESS: Federal Communications Commission, 1919 M St., N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: James McConnaughey, Policy and Program Planning Division, Common Carrier Bureau at (202) 632-0342.

Recommended Interim Order

Adopted: November 18, 1981.

Released: December 14, 1981.

In the matter of amendment of Part 67 of the Commission's rules, CC Docket No. 80-286.

By the Federal-State Joint Board: Commissioner Fogarty issuing a separate statement; State Commissioners Burke and Hipp dissenting; State Commissioner Gravelle dissenting and issuing a statement.

1. In its *Notice of Proposed Rulemaking and Order Establishing a Joint Board,* 78 F.C.C. 2d 837 (1980), the Commission stated that:

> A primary purpose of this proceeding is to reexamine rules for the allocation of exchange plant investment between interstate and intrastate services in light of the comments filed in the MIS/WATS Market Structure proceeding * * *.[1]

The comments in that proceeding raised several issues relating to the allocation of non-traffic sensitive exchange costs to the interstate jurisdiction via the subscriber plant factor (SPF) as defined in Section 23.444 of the current Separations Manual. Thus, the examination of the continued appropriateness of SPF is a task of high priority for this Joint Board.

2. To date, we have taken several steps toward the completion of this task. On June 12, 1981, we released an Order Inviting Comments and Suggested Information Requests in which we solicited preliminary views on a list of questions concerning the proper separations treatment of non-traffic sensitive plant.[2] Many parties have submitted comments in response to the June 12, 1981 Order, and have raised numerous complex issues which must be thoroughly analyzed before a final decision may be reached. The Joint Board Staff has prepared summaries of all comments filed in response to the June 12, 1981 Order and has presented to us a report of the options for long-range changes to SPF that must be considered. The Staff has also been directed to develop plans for regional hearings to be held in the near future. The hearings will allow the broadest possible participation in the development of a record that will provide the basis for our ultimate decision on the allocation of non-traffic sensitive plant. Finally, prior to the Joint Board's next meeting in February, 1982, meetings with the industry will be held in order to best take advantage of their experties on matters of long term solutions and implementation.

3. While we recognize the need to achieve an expeditious resolution of the SPF issue, we are also sensitive to the importance that any change in the allocative factor for non-traffic sensitive plant would hold for both the individual parties and the public. For this reason, we will move toward a final decision to change SPF with due caution. Because of the complexity of the issue, the substantial diversity of interests and the economic significance of the outcome, we expect that a resolution of the SPF

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[1] CC Docket No. 78-72, Notice of Inquiry and Proposed Rulemaking, 67 F.C.C. 2d 757 (1978), Supplemental Notice, 73 F.C.C. 2d 222 (1979), Second Supplemental Notice, 77 F.C.C. 2d 224 (1980).

[2] The questions were set forth as Appendix A to that Order.

issue will not be achieved for several months. Full implementation of a final plan may take a few years.

4. During that time, it is certain that continued application of SPF will cause allocations to the interstate jurisdiction to increase. The SPF formula is directly tied to usage. As interstate usage increases, as it has steadily over past years, allocations also increase. However, the SPF formula is structured so that relative use (subscriber line use or SLU) is multiplied by various factors and generally results in approximately a threefold increase in the usage measure.[3] Therefore, SPF has the effect of mangifying the allocative impact as usage increases.

CSR is the composite station rate, a ratio that combines measurements of average initial 3 minute station charges and average lengths of haul for interstate toll calls. CSR is determined for each telephone company "study area."

5. In the Commission's Order establishing this Joint Board, it was noted that the past dramatic increases in SLU were expected to continue.[4] Thus, it is highly probable that interstate allocations would grow significantly before any necessary changes to SPF are made fully effective.[5] This could result in severe adjustment problems for many carriers. If it is later determined that SPF should be capped at the present percentage or dollar amount, or that it should be reduced below current levels many local companies ultimately might have to make more substantial rate adjustments if SPF has continued to grow then such companies would make if it had been maintained at a constant level. Although we do not here prejudge the final decision, we are concerned that the continued growth of the subscriber plant factor may impose undue hardships on many local companies during the transition to any new allocative scheme. For this reason, we have decided that it is necessary, as an interim measure, to freeze SPF at 1981 levels, pending a complete examination of the allocation of non-traffic sensitive plant.[6]

	SLU (percent)	SPF (percent)	NTS costs allocated interstate (billions)	MTS/WATS interstate NTS costs [1]
1972	5.5	18	51.9	28
1978	6.9	23	8.1	34
1983 (est.)	8.3	27	11.2	41

[1] As percent of interstate MTS/WATS revenues.

6. At our meeting on October 13, 1981, we requested the Joint Staff to review the comments made by the parties and to recommend options for an interim freeze as well as the long-term resolution of the SPF issue. The Staff presented these options at the November 18, 1981 meeting. The Staff observed that inaction with respect to SPF would not preserve the *status quo* because it would result in the probable increase of interstate allocations each year. The Federal Staff developed a proposal for an interim percentage freeze of SPF to be imposed in order to approximate the *status quo* during further Joint Board proceedings to develop more permanent rules for the apportionment of exchange plant investment and related expenses.

7. This recommendation reflected, in large part, the concerns voiced by several parties regarding the need to prevent further growth in SPF while an ultimate solution is developed. For example, United Telephone System, Inc. (UTS) has suggested that SPF be frozen at current levels, as a ceiling, in order to provide all parties with the "breathing room" necessary to determine an acceptable alternative allocative measure. The United States Independnent Telephone Association (USITA) has proposed a temporary, transitional freeze of SPF followed by a reduction from SPF to SLU. Similarly, GTE Service Corporation (GTE) has advocated that SPF be capped and frozen for the first five years of a ten-year transition to SLU. Northeast Nebraska Telephone Company, while opposing an ultimate reduction to SLU, has specifically said that it would support the GTE and USITA proposals to cap SPF for five years. The Kansas Corporation Commission (KCC) also has viewed the capping of SPF as a practical interim approach to the SPF problem, and has recommended that SPF be capped for all companies whose allocations of costs related to non-traffic sensitive plant exceed 125% of the national average SPF factor (3.29), or 4.11. While we cannot, at this stage, adopt a particular transition plan or specifically endorse the GTE plan to reduce SPF to SLU within ten years, we believe that an immediate freeze of SPF is a necessary and warranted measure.

8. We believe that a freeze of actual 1981 SPF percentages is the most reasonable approach to an interim plan. An average percentage "cap," such as that proposed by KCC, would not necessarily create equitable results among carriers. In addition to being needlessly complex from a administrative standpoint, it would require that some telephone companies decrease their current allocations while other telephone companies could permit their interstate share to increase until it has reached the accepted level. Currently, the interstate percentage of non-traffic sensitive costs allocated to the interstate jurisdiction varies from state to state and carrier to carrier. Because a different SPF is calculated for each "study area," the imposition of a uniform percentage allocation would necessitate the redistribution of wealth among states or telephone companies. While it is conceivable that we may eventually determine that an avearage percentage is an equitable and efficient allocative technique, we are not yet prepared to make that determination. Thus, the frozen SPF amount must be based on actual percentages calculated for each study area for the most recent study period.

9. In addition, the freeze must be applied to a percentage rather than a dollar amount. A cap based on a dollar amount would not preserve the *status quo*. Rather, over time such a cap would actually result in reductions in the interstate share of costs. A percentage cap would permit each telephone company to allocate increased costs burdens resulting from such changes as inflation, new depreciation rates, and the expensing of station conections in the same proportion as the base year costs. This result would be more consistent with a desire to maintain the *status quo* during the course of further Joint Board deliberations.

10. The frozen SPF also would not reflect changes that might ultimately be made in the jurisdictional treatment of FX/CCSA services, private line or OCC access lines. The Joint Board has not completed its review of these issues and has not yet made any recommendations for amendments to the Separations Manual to reflect such changes. We cannot prejudge the outcome of those matters at this stage. We believe that the adoption of a frozen SPF, as a temporary interim measure, will not prejudice the positions of any of the parties and will serve to protect the best interests of all carriers until these matters can be resolved.

11. The modifications to the Separations Manual necessary to freeze

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[3] SPF = .85 SLU + (2 SLU × CSR).

[4] In Comments filed in CC Docket No. 78–72, AT&T outlined this growth for its own operations as follows:

See *Notice of Proposed Rulemaking and Order Establishing a Joint Board*, 78 F.C.C. 2d 837 (1980), para. 16.

[5] In comments filed in this proceeding, GTE estimates that, as a result of continued growth of SPF, by 1992 GTE's interstate allocations will have increased by 559% while its intrastate allocations will have increased by only 186%.

SPF as of January 1, 1982 are presented in Appendix A to this Recommended Interim Order. We believe that, because of the urgency of this matter, the cap should be effective January 1, 1982. The single frozen annual 1981 avearge SPF should be employed by each carrier for each study regardless of whether costs studies are performed monthly, quarterly, annually or on some other basis, beginning with the first study period after the Commission's designated implementation date.

12. Accordingly, it is ordered, That the revisions to the 1971 FCC–NARUC Separations Manual set forth in Appendix A, to be effective on January 1, 1982, subject to approval by the Federal Communications Commission, are adopted as a Recommended Interim Order.

The Federal-State Joint Board.[7]

Mark S. Fowler,

Chairman.

Appendix A

Section 2, Part 3

Revised paragraph 23.444 to read as follows:

23.444 The cost of subscriber line outside plant in Category 1.3 assigned to message telephone services in the study area, as determined in paragraph 23.443, is apportioned between state and interstate operations by the application, to the cost of such plant, of a subscriber plant factor, which is the sum of the following:

(a) *Annual average* interstate subscriber line use (SLU), *for the calendar year 1981,*[8] representing the interstate use of subscriber plant as measured by the ratio of interstate holding time minutes of use to total holding time minutes of use applicable to traffic originating and terminating in the study area, multiplied by the nationwide ratio of (1) subscriber plant costs assignable to the exchange operation per minute of exchange use to (2) total subscriber plant cost per total minute of use of subscriber plant, plus

(b) Twice the *annual average* interstate subscriber line use ratio for the study area *for the calendar year 1981,*[8] multiplied by the ratio of (1) the nationwide, industry-wide average interstate initial 3-minute station charge at the study area average interstate length of haul to (2) the nationwide, industry-wide average total toll initial 3-minute station charge at the nationwide average length of haul for all toll traffic for the total telephone industry.

[8] The 1981 level is to be determined through the use of the average interstate SLU calculated for the calendar year 1981 or the average interstate SLU for the customarily used twelve month study period ending in 1981. For companies that perform their first cost study after 1981, the average interstate SLU for the initial twelve month study period will be used.

[7] See attached statement of Commissioner Joseph R. Fogarty

Separate Statement of Commissioner Joseph R. Fogarty

In Re: Recommended Interim Order, Amendment of Part 67 of the Commission's Rules, CC Docket No. 80–286

It is crucial that the growth of the Subscriber Plant Factor (SPF) be capped. The phase-out of the interstate allocation of embedded customer premises equipment, as recommended by the Joint Board in a companion order,[9] is at best an initial step. Many pressing issues still remain for the Joint Board to address. Of special concern is the alarming growth of the SPF factor with the resultant increase in interstate allocations of subscriber plant. While phase-out of the CPE allocation may slow down this frightening growth in interstate allocations of subscriber plant, it will not stop it. Only a comprehensive Joint Board plan will achieve this needed result, and I hope that the Joint Board can move expeditiously to this end.

Unfortunately, the development of such a plan will be time consuming. In the interim, the problem will continue to grow more severe. Due to the basis nature of the Ozark formula, the SPF factor will continue its exponential growth, causing greater dislocations, if no action is taken prior to the adoption of a comprehensive plan. For example, in 1971, the Ozark Plan's first year of operation, 17% of non-traffic sensitive costs were allocation to the interstate jurisdiction. Due to the dynamics of the Ozark Plan, that figure rise to 23% in 1978 and is expected to increase in 1983.[10]

An interim solution is necessary if the SPF growth problem is not to go completely out of control before the Joint Board can develop a comprehensive plan. A Commission-ordered cap of the SPF factor as of January 1, 1982 is the only possible interim solution.

A SPF cap offers many advantages. A cap would stop the growth of the SPF factor but the actual dollars derived from interstate allocations because of the continuing growth of SLU. As a consequence, smaller telephone companies would not be injured because the dollar amounts they receive should remain at approximately the same level. Further, it is fairly certain that the Joint Board will ultimately recommend adjustments in the separations process which will result in reducing SPF to SLU or an equivalent. A cap on SPF would minimize the ultimated size of that reduction by preventing the SPF factor from increasing while the Commission considers such issues as access charges and the Access Cost Factor proposed in the Wyoming Plan.[11] The cap would not disadvantage one company or state against another. It would be easy to administer. Moreover, no company or state would assign a lower amount of its costs to interstate than was assigned in a previous year.

The cap on SPF should continue until the Joint Board has recommended and the Commission adopted a comprehensive plan. At that point the cap may be lifted and any modification of SPF begun.

Such a modification of SPF, however, must be undertaken with great care. I believe that the Joint Board must take special precautions to insure that its future recommendations to the FCC regarding interstate allocations of SPF protect the vulnerable small rural telephone companies.

In conclusion, I urge that the Commission adopt this Joint Board recommendation to cap SPF.

Dissenting Statement of Richard D. Gravelle

I dissent. The action taken here to limit SPF is improper in at least four ways. It does not follow the procedures that the Joint Board, itself, adopted. No record has been developed to support the action. It does *not* maintain the *status quo.* No determination has been made as to the effect on rate payers.

This action does not follow the Joint Board's own procedures.

In our order adopted November 12, 1980, Released December 5, 1980, we stated that we would "in general attempt to follow the Commission's rules and regulations pertaining to Rule Making" set out in §§ 1.1 to 1.120 and 1.399 to 1.430 of the Commission's Rules since the purpose of this proceeding is to amend a rule, namely, Part 67 of the Commission's rules. Section 1.412(a) of the Rules provides, "Except as provided in paragraphs (b) and (c) of this section, prior notice of proposed rule making will be given". In my view there is nothing in paragraphs (b) and (c) of § 1.412 which would permit waiver of notice for a specific rule change as proposed here. Section 1.415 provides, inter alia, that a reasonable time will be afforded parties to file comments and reply comments. The order here adopted by the majority does neither. It proposes for the first

[9] *See* Recommended Decision and Order, Amendment of Part 67 of the Commission's Rules (Adopted November 18, 1981).

[10] Comments of AT&T, MTS-WATS Market Structure, Docket 78–72 at 97.

[11] *See* Proposal of Wyoming Telephone Comapny, Inc. et. al.

time a specific rule change and then makes it effective on January 1, 1982 without further debate. I submit this is a clear violation of the rules under which we operate and a clear violation of any sense of fairness.

No record has been developed to support this action.

It is true that there have been numerous filings, many of them not specifically called for, which have demanded, "freeze SPF". Mainly these filings contain allegations which are nothing more than self serving statements of the parties doing the filings. The claim is made that SPF is too high or that it is growing too fast. Why is it too high? Why is it growing too fast? What is the public detriment if SPF is too high or growing too fast? What are the effects to be expected if it continues to grow? What will be the effect on the ratepayer of freezing SPF?—of permitting it to grow? These are all questions which should be answered before we take such a drastic action as here proposed.

As far as I can see the principal argument advanced by the carriers is that the established carriers, being saddled with SPF, cannot compete with the new other common carriers (OCC's) which do not have SPF costs added into their intercity rates. Here again I think a record should be developed. The information I have is that the message toll business continues to grow at 10% a year and that the specialized carriers have less than 3% of the business. At what rate should message toll grow? How much business should the competition have? Is the competition's business merely a bite out of message toll or has competition generated new business? What will be the effect on competition if SPF is frozen, or reduced to SLU as some of my colleagues on the Joint Board appear to advocate? Can the OCC's even continue to exist if the established carriers operate with the same local cost burden as the OCC's? These are all questions which must be answered before we move precipitously ahead to eliminate SPF or even just freeze it.

As a further point I note that the majority has ignored our staff in making this recommendation. The Joint Staff considered this matter at its meeting on November 16, 1981. The Joint Staff at this time concluded that there was an inadequate record on the subject of freezing SPF. By a unanimous vote the Joint-Staff recommended that the question should be the subject of an order to be issued at the February, 1981 Joint Board meeting seeking comments on the question: Should SPF be frozen and, if so, how?

The majority's action does not maintain the status quo

The majority alleges that the result of their order "would be more consistent with a desire to maintain the *status quo*" than would placing a cap on the dollar amount of costs assigned interstate. If the majority has a desire to maintain the status quo, why do they not leave things as they are? The majority's action does not maintain the status quo. The status quo is a variable SPF factor that either increases or decreases with relative volumes of interstate and local traffic. The majority would have us believe that the only way SPF can move is up. That is false. Although SPF has generally increased in recognition of the recent phenomenal growth in toll, it can and has declined when toll business declines. For instance, see the 1981 Report of the NARUC Committee on Communications which includes an eight year tabulation of SPF by states on page 44 and 45. This shows that the Bell SPF for Michigan steadily declined from 14.70 to 13.44 between 1973 and 1976. Likewise the Bell SPF for North Carolina declined from 18.96 to 18.35 between 1974 and 1975.

The status quo is that state rates are based on costs which include a growth in SPF. Individual companies have counted on a growth in SPF to help meet the ever escalating cost of providing universal service in rural areas. What happens to the company that converts from rural eight- and ten-party service to individual line? What happens to a company that converts from average settlement to cost settlement? The majority on this Joint Board cannot tell me. In the rush to cap SPF the numerous questions associated with a cap of SPF have not been thought out or developed. At the very least this matter should have gone through the comment stage to seek answers to some of these questions.

The effect on rate payers has not been determined.

We have just finished taking an action to phase out customer premises equipment (CPE) which will cost the local rate payers an estimated $4.4 billion per year in five year's time even with a growing SPF. In view of deregulation of CPE such action was inevitable. Now, right on top of that, the majority on this board is asking the state rate payer to swallow another big chunk all to the end that interstate rates can be lowered to meet the competition. My staff assistant has calculated, that assuming a continuing 4% growth in SPF, the cost of capping SPF to the local rate payer will be an additional $5.1 billion in 1987 when CPE is finally phased out. In sum, the majority has just taken action to transfer $9.5 billion to the local rate payer which, of necessity, must be made up in local rates.

If I heard my colleagues correctly there are some that say that is just the first step; the objective is to go to SLU. That would be another $5 billion, or so. Should we not be attempting to find what these actions will do to exchange rates and to universal service? I am apprised of recent testimony in the Bell anti-trust case that a doubling of exchange rates would decrease the telephone penetration of households from 91.5% to 83.7% and that a tripling of rates would further reduce the penetration to 70%. Is this the way we are headed? Does the concept of "Universal Service" mean that we should reduce the number of households that can afford telephone service from 91.5% to 70%? This could certainly be the effect in many high-cost areas. Such a heavy impact on the residential users of this country deserves more consideration than has been given to this hasty proposed "Cap SPF" decision. I think we should find out what the effects are before we act on such far reaching changes as here adopted by the majority.

[FR Doc. 81-37356 Filed 12-30-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 67

[CC Docket No. 80-286; FCC 81-580]

Establishment of a Joint Board; Customer Premises Equipment (CPE)

AGENCY: Federal Communications Commission.

ACTION: Further notice of proposed rulemaking.

SUMMARY: The Commission is requesting comments on the Joint Board's recommended decisions phasing customer premises equipment (CPE) out of the jurisdictional separations process and freezing the subscriber plant factor (SPF). The Commission decided to allow additional input by interested persons prior to reviewing the Joint Board's recommendations because of the importance of the issues involved.

DATES: Comments must be filed on or before January 18, 1982. Replies must be filed on or before February 2, 1982.

ADDRESS: Federal Communications Commission, 1919 M St., NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: James McConnaughey, Policy and Program Planning Division, Common Carrier Bureau at (202) 632-9342.

Adopted: December 17, 1981.

Released: December 21, 1981.

By the Commission: Commissioner Fogarty concurring in the result.

In the matter of amendment of Part 67 of the Commission's rules and Establishment of a Joint Board, CC Docket No. 80-286.

1. The Commission instituted this proceeding on June 11, 1980 to revise the Commission's rules concerning the allocation of local exchange investment and expenses between interstate and intrastate services.[1] Pursuant to Section 410(c) of the Communications Act, a Federal-State Joint Board was convened to develop recommended changes in the jurisdictional separations process 45 FR 41459, June 19, 1980. Amendment of Part 67 of the Commission's rules, 78 FCC 2d 837 (1980). On June 10, 1981, (46 FR 32281) the Joint Board adopted an Order requesting comments on a proposed plan for phasing customer premises equipment (CPE) out of the separations process as well as a lengthy list of issues including, among other things, questions concerning the use of the subscriber plant factor (SPF) in the allocation of local exchange plant. Over 90 comments and replies were filed in response to the Joint Board's Order.

2. After considering these comments, the Joint Board adopted a recommended decision at its November 18, 1981 meeting designed to phase CPE out of the separations process over a five-year period. Amendment of Part 67 of the Commission's rules, FCC 81-566, released December 14, 1981. At this meeting, the Joint Board also adopted a decision recommending that SPF be frozen on January 1, 1982 as an interim measure pending adoption of final rule changes. Amendment of Part 67 of the Commission's rules, FCC 81-565, released December 14, 1981. The Joint Board felt that freezing SPF as soon as possible was necessary to preserve the *status quo* and prevent increases in interstate cost allocations resulting from the growth of SPF pending final resolution of the issues in this proceeding.[2]

3. In light of the importance of these proposed changes in the jurisdictional separations process, we are requesting comments on both Joint Board recommendations. We agree with the Joint Board that interim action concerning SPF is an urgent matter. We also believe that the benefits to our decision-making process resulting from a further round of comment justify the brief additional period of time involved. Due to the previous opportunities for comment on these issues and the need for expeditious action on the SPF proposal, we are establishing an expedited pleading schedule with comments due January 18, 1982 and replies due February 2, 1982.

4. Section 410(c) of the Act provides that the State members of the Joint Board are to be afforded an opportunity to participate in the Commission's deliberations concerning Joint Board recommendations, although they are not entitled to vote. Since the Joint Board will be meeting on or about February 24, 1982 in Washington, D.C. in conjunction with the February NARUC executive committee meeting, we will schedule Commission consideration of the Joint Board's recommendations at a regular or special meeting at that time. Although this allows only a relatively brief period of time for the analysis of comments on the Joint Board's recommendations, we believe that expeditious action is necessary and we are directing the staff to devote sufficient resources to this proceeding to allow Commission action in February 1982.

5. Accordingly, it is ordered, that comments concerning the Joint Board's recommended decisions involving CPE and SPF are to be filed no later than January 18, 1982. Replies are to be filed no later than February 2, 1982.[3]

6. It is further ordered, that the Secretary shall cause this Further Notice of Proposed Rulemaking as well as the Joint Board's recommended decisions concerning CPE and SPF to be published in the **Federal Register.**

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-37355 Filed 12-30-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Since local exchange plant is used in the origination and termination of interstate services, a certain proportion of local exchange costs are presently allocated to the interstate jurisdiction and recovered through the charges for the relevant interstate services.

[2] Non-traffic sensitive local exchange plant and expenses are presently allocated between the interstate and intrastate jurisdictions on the basis of SPF. When interstate relative use or subscriber line usage (SLU) increases, as it has in recent years, SPF and the resulting interstate cost allocation also increase. However, the use of various multiplicative factors in calculating SPF means that a 1.0 percent increase in relative use or SLU results in approximately a 3.3 percent increase in SPF.

[3] In light of the desirability of expeditious action discussed above, requests for extension of the time for filing comments and replies will be looked upon with disfavor and will be granted only upon the strongest showing of need.

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1001, 1007, 1008, and 1220

[Ex Parte No. 420 (Sub-No. 2A)]

Regulatory Flexibility Act; Periodic Review of Regulations

AGENCY: Interstate Commerce Commission.

ACTION: Notice of review of regulations.

SUMMARY: On November 3, 1981, the Commission published its 10-year plan for the review of its regulations which have or will have a significant impact on a substantial number of small entities [46 FR 54614]. Listed below are the rules which will be reviewed during calendar year 1982 in accordance with section 610 of the Regulatory Flexibility Act (5 U.S.C. 610). Following each rule identified is a brief description of the rule including its purpose and legal basis. Our general purpose is to ensure that each regulation which affects small entities achieves a valid purpose in the most efficient and economical manner possible.

DATE: Comments must be filed on or before March 1, 1982.

ADDRESSES: For each rule listed below, an address for the submission of comments is listed.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: Four sets of rules will be reviewed during calendar year 1982. Although it did not appear in our original schedule, we have included the regulation at 49 CFR Part 1001 (Inspection of Records) for review during calendar year 1982. The regulation implements the Freedom of Information Act and is a companion regulation to the regulation at 49 CFR Part 1007, already scheduled for review. The complete list of regulations to be reviewed is as follows:

Subject	ICC rule: 49 CFR	Legal basis	Contact person	Address comments to
1. Inspection of Records	Part 1001	5 U.S.C. 552	S. Arnold Smith	S. Arnold Smith, FOIA and Privacy Officer, Room 3387, ICC, Washington, D.C. 20423.

Description and objective of the rule: These rules implement the Freedom of Information Act (5 U.S.C. 552). They provide that all information on file with an agency be disclosed to the public unless any of the 9 exemptions set forth in the statute and rules give the FOIA officer a discretionary legal basis on which to withhold its release. The rules mandate that information be released within 10 days from the receipt of a request and sets forth appellate procedures in the event a requester desires to appeal the withholding of a part or all of a particular document.

	Subject	ICC rule: 49 CFR	Legal basis	Contact person	Address comments to
2.	Records containing information about individuals.	Part 1007	5 U.S.C. 552a	S. Arnold Smith, 202-275-7076	Same as above.

Description and objective of the rule: These rules implement the Privacy Act of 1974 (5 U.S.C. 552a). They provide that systems of records containing information about individuals not be released to the public unless specifically exempted from nondisclosure. They also provide that individuals may see documents containing information about themselves and seek to have them amended or corrected. Additionally, the rules provide for appellate procedures should the Agency's Privacy Officer's determination in any of the areas be in conflict with individual interests.

Subject	ICC rule: 49 CFR	Legal basis	Contact person	Address comments to
3. Procedures governing, investigation, disposition of overcharges, duplicate payment or over collection claims.	Part 1008, Subchapter A	49 U.S.C. 10103, 10301-10306, 10308-10309, 10311, 10321-10325, 10328, 10701, 10702, 10721-10724, 10761, 10922, 10923, 11101, 11703, 11705, 11706, 11913.	R. G. Atherton, 202-275-7844.	R. G. Atherton, ICC, Room 7205, 12th and Constitution Ave., NW., Washington, D.C. 20423.

Description and objective of the rule.—These regulations provide uniform procedures for motor common carriers and freight forwarders in handling and disposing of overcharge, duplicate payment, or overcollection claims.

	Subject	ICC rule: 49 CFR	Legal basis	Contact person	Address comments to
4.	Preservation of records	Part 1220	49 U.S.C. 11144(d)	Wayne Howard, 202-275-7448.	Wayne Howard, Section of Accounting and Reporting, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423.

Description and objective of the rule.—This part instructs carriers to maintain their corporate, treasury, property, personnel, insurance and claims, inventory, transportation, tariff, statistical, and miscellaneous records in certain forms (microfiche, hard paper copy, or machine readable) and for certain periods. The objectives of the rule are to assure that carriers' records are secure, readable, and accessible and to provide carriers with firm guidelines for keeping records available.

(5 U.S.C. 610)

Dated: December 23, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-37276 Filed 12-30-81; . . . am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 672

North Pacific Fishery Management Council; Public Hearing

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public hearings.

SUMMARY: The North Pacific Fishery Management Council (Council) will hold public hearings on proposed Amendment No. 11 to the Fishery Management Plan for the Gulf of Alaska Groundfish (FMP).

DATES: Written comments on the proposed amendment from members of the public are invited until February 8, 1982. The public hearing will be held as follows: January 8, 1982—Juneau, Alaska. The hearing will start at 9:00 a.m. and adjourn at 12:00 p.m.

ADDRESS: Send comments to: Chairman, North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510.

PUBLIC HEARING LOCATION: Federal Building, Room 117, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Jim Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, (907) 274-4563.

SUPPLEMENTARY INFORMATION: The primary purpose of the hearing will be to consider amendments to the Gulf of Alaska groundfish FMP. Among the proposals being considered is one from the Plan Maintenance Team proposing a reduction in optimum yield for sablefish. The Alaska Longline Fishermen's Association has proposed (a) allowing

only hook and line gear for sablefish east of 140° W., and (b) a winter, gulfwide closure of the sablefish fishery from November 15 to March 15 each year. The North Pacific Longline-Gillnet Association has proposed opening the Davidson Bank area to foreign longlining. The Plan Maintenance Team also proposed two options to amend the reporting requirements for domestic fishing vessels that land their catches outside of Alaska. One requires domestic fishing vessels to report their catch and advise the management agencies of their departure by radio before leaving Alaskan waters. The other requires them to report their catch by making a port call before leaving Alaskan waters. A new method for specifing the annual level of expected harvest of groundfish by domestic fishermen and for establishing reserve amounts of groundfish is also included in the amendment package.

Dated: December 22, 1981.

E. Craig Felber,

Chief, Management Services Staff, National Marine Fisheries Service.

[FR Doc. 81-37359 Filed 12-30-81; 8:45 am]
BILLING CODE 3510-22-M

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Notices

Federal Register
Vol. 46, No. 251
Thursday, December 31, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Public Review of Alternative Goals; 1985 Resources Planning Act (RPA) Program

The Department of Agriculture, Forest Service is inviting public comment to help prepare the 1985 Resources Planning Act (RPA) Program. This is the third long-range plan for the future management of the 190-million-acre National Forest System, as well as Forest Service research and cooperative assistance activities.

Comments are being solicited in regard to national goals to be addressed by the 1985 RPA Program through a publication entitled "Alternative Goals—1985 RPA Program". Copies of this publication can be obtained at all Forest Service offices. Federal, State and local agencies, and individuals and organizations who may be interested in or affected by long-range natural resource planning are invited to participate. Comments must be received by the Forest Service on or before March 15, 1982.

Comments should be mailed and inquiries addressed to: Thomas E. Hamilton, Director, Resources Planning and Assessment; Room 3243 South Building; USDA, Forest Service; Box 2417; Washington, D.C. 20013; (202) 447–5440.

Douglas R. Leisz,

Associate Chief.

December 21, 1981.

[FR Doc. 81–37288 Filed 12–30–81; 8:45 am]

BILLING CODE 3410–11–M

Revised Notice of Intent To Prepare Environmental Impact Statement; Competing Vegetation During Reestablishment of Forests; Pacific Southwest Region

A Notice of Intent to Prepare an Environmental Impact Statement for the Pacific Southwest Region on Competing Vegetation During Reestablishment of Forests on National Forest Lands (California, Nevada, Mineral, Esmeralda, Carson City, Douglas and Washoe Counties, Oregon-Jackson County) was published in the **Federal Register** on October 28, 1981, Vol. 46, No. 208, page 53198.

The period for receiving written comments and suggestions concerning this analysis has been extended from January 15, 1982 to January 29, 1982.

Dated: December 23, 1981.

Robert W. Cormak,

Deputy Regional Forester for Resources.

[FR Doc. 81–37256 Filed 12–30–81; 8:45 am]

BILLING CODE 3410–11–M

Review Period Extension Notice for Draft Environmental Impact Statement; Southwestern Region Land and Resource Management Plan

The deadline for review of the Draft Environmental Impact Statement and Southwestern Region Plan for Arizona, New Mexico, Oklahoma, and Texas was stated as December 18, 1981, in the **Federal Register**, vol. 46, No. 181, Friday, September 18, 1981.

The date for review is now extended to January 15, 1982. The responsible official is R. Max Peterson, Chief, USDA Forest Service. Comments should be sent to M. J. Hassell, Regional Forester, USDA Forest Service, 517 Gold Avenue, S.W., Albuquerque, New Mexico 87102.

Dated: December 18, 1981.

M. J. Hassell,

Regional Forester.

[FR Doc. 81–37254 Filed 12–30–81; 8:45 am]

BILLING CODE 3410–11–M

Toiyabe National Forest Grazing Advisory Board; Meeting

The Toiyabe National Forest Grazing Advisory Board will meet at 10:00 a.m. February 10, 1982 in the Lander County Courthouse, Austin, Nevada. The purpose of this meeting is to discuss the functions, structure and procedures the board will use to conduct its business.

The meeting will be open to the public. Persons who wish to attend should notify Forest Supervisor, Toiyabe National Forest, 111 N. Virginia St., Room 601, Reno, Nevada 89501. Telephone: (702) 784–5331. Written statements may be filed with the committee before or after the meeting.

Frank J. Ferrarelli,

Forest Supervisor.

December 22, 1981.

[FR Doc. 81–37261 Filed 12–30–81; 8:45 am]

BILLING CODE 3410–11–M

Office of the Secretary

Senior Executive Service Bonuses

December 23, 1981.

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture will be paying Senior Executive Service bonuses no earlier than December 20, 1981, and no later than December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Earl C. Hadlock, Chief, Executive Resources, Performance Appraisal, and Merit Pay Staff, Office of Personnel, Department of Agriculture, 14th Street and Independence Avenue, S.W., Washington, D.C. 20250 (202–447–2830).

John R. Block,

Secretary of Agriculture.

[FR Doc. 81–37283 Filed 12–30–81; 8:45 am]

BILLING CODE 3410–01–M

Policy and Technical Advisory Committees on Science and Education Research Grants

Notice is hereby given that the Secretary of Agriculture intends to establish a Policy Advisory Committee and a Technical Advisory Committee on Science and Education Research Grants. The purpose of the Policy Advisory Committee is to advise the Secretary with respect to areas of agricultural research to be supported, priorities to be adopted, and procedures to be followed in implementing programs of research grants to be awarded competitively. The purpose of the Technical Advisory

Committee is to advise the Secretary of Agriculture on the relative technical and scientific research grant applications submitted to Science and Education of the U.S. Department of Agriculture. The activities of the Technical Advisory Committee may be accomplished primarily through subcommittees consisting of peer scientists in areas of research to be funded.

Both Advisory Committees will meet annually in Washington, D.C. The duties of these Committees are to evaluate research proposals for scientific merit and to provide recommendations to the Secretary on proposals that should be considered for funding as a part of the selection process for research grant awards.

It has been determined that the establishment of these Advisory Committees is in the public interest in connection with the work of the U.S. Department of Agriculture.

Interested parties are invited to submit written comments, views, or data concerning this proposal to Walter I. Thomas, Acting Administrator, Cooperative State Research Service, U.S. Department of Agriculture, Washington, D.C. 20250, by January 15, 1982.

Done at Washington, D.C. this 23rd day of December, 1981.

John Schrate,

Deputy Assistant Secretary.

[FR Doc. 81-37350 Filed 12-30-81; 8:45 am]

BILLING CODE 3410-22-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed under Subpart Q of the Board's Procedural Regulations; (See, 14 CFR 302.1701 et. seq.) Week Ended December 24, 1981

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Dec. 22, 1981	[illegible]	Southcentral Air, Inc., c/o Richard P. Taylor, Steptoe & Johnson, 1250 Connecticut Avenue, N.W., Washington, D.C. 20036. Application of Southcentral Air, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests a certificate of public convenience and necessity for an indefinite term to perform scheduled interstate air transportation of persons, property and mail between the terminal point Anchorage, Alaska; the intermediate points: Cordova, Alaska; Fairbanks, Alaska; Gulkana, Alaska; Homer, Alaska; Illiama, Alaska; King Salmon, Alaska; Kenai, Alaska; Kodiak, Alaska; Prudhoe Bay/Sag River/Deadhorse, Alaska; Seattle, Washington; Valdez, Alaska; and the terminal point: Yakutat, Alaska. Conforming Applications, motions to modify scope, and answers may be filed by January 19, 1981.
Dec. 23, 1981	[illegible]	Capitol International Airways, Inc., P.O. Box 325, Smyrna, Tennessee 37167. Conforming Application of Capitol International Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests authorization to provide scheduled air transportation of persons, property and mail: Between the coterminal points New York, N.Y. and Washington, D.C. the intermediate points Brussels, Belgium and/or Frankfurt, Germany, and the coterminal points Moscow and Leningrad, U.S.S.R. subject to such terms, conditions and limitations as the Board may find to be required by the public convenience and necessity. Answers may be filed by January 6, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc 81-37279 Filed 12-30-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-12-147]

Fitness Determination of Trans Midwest Airlines, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-12-147, Order to Show Cause.

SUMMARY: The Board is proposing to find that Trans Midwest Airlines, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service will conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than January 14, 1982, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-12-147.

FOR FURTHER INFORMATION CONTACT: Mr. James Lawyer, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5088.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-12-147 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-12-147 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: December 23, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-37343 Filed 12-30-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-12-146; Docket 39975]

Application of Trenton Hub Express Airline, Inc. for a Certificate of Public Convenience and Necessity

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order Instituting a Fitness Investigation of Trenton Hub Express Airline, Inc., 81-12-146, Docket 39975.

SUMMARY: The Board is issuing an order instituting a fitness investigation of Trenton Hub Express Airline, Inc.

DATES: Persons wishing to file petitions to intervene in the Trenton Hub Express Fitness Investigation shall file their petitions in Docket 39975 by January 11, 1982 and serve such filings on all persons listed below.

ADDRESSES: Petitions to intervene should be filed in the Dockets Section, Civil Aeronautics Board, Washington, D.C. 20428, in Docket 39975, application of Trenton Hub Express Airline, Inc. for a certificate of public convenience and necessity.

In addition, copies of such filings should be served on: Trenton Hub Express Airlines, Inc.; the Mayors of Trenton, New Jersey; Albany, Buffalo and Syracuse, New York; Atlanta, Georgia; Boston Massachusetts; Charlotte, North Carolina; Chicago, Illinois; Cincinnati, Cleveland and Columbus, Ohio; Detroit, Michigan; Ft. Lauderdale, Orlando, Tampa and West Palm Beach, Florida; Hartford, Connecticut; Indianapolis, Indiana; Pittsburgh, Pennsylvania; St. Louis, Missouri; and Washington, D.C.; the managers of these cities' airports; the State Department of Transportation or Aeronautics Commission of New Jersey, New York, Georgia, Massachusetts, North Carolina, Illinois, Ohio, Michigan, Florida, Connecticut, Indiana, Pennsylvania and Missouri; and the Federal Aviation Administration.

Service will also be required on any other person filing petitions.

FOR FURTHER INFORMATION CONTACT: John F. Brennan, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673–5340.

SUPPLEMENTARY INFORMATION: The complete text of Order 81–12–146 is available from our Distribution Section, Room 100, 1825 Connecticut Ave., N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81–12–146 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: December 23, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–37342 Filed 12–30–81; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Exporters' Textile Advisory Committee; Public Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Exporters' Textile Advisory Committee, which is comprised of 30 members involved in textile and apparel exporting, advises Department of Commerce officials concerning ways of increasing U.S. exports of textile and apparel products.

TIME AND PLACE: February 2, 1982 at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room 6802, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230. (Public entrance to the building is on 14th Street, between Constitution Avenue and E Street, N.W.)

AGENDA: (1) Review of export data, (2) Report on conditions in the export market, (3) Recent foreign restrictions affecting textiles, (4) Other Business.

PUBLIC PARTICIPATION: A limited number of seats will be available to the public on a first come basis. The public may file written statements with the Committee before or after the meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, Office of the Deputy Assistant Secretary for Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202/377–3737.

Dated: December 28, 1981.

Arthur Garel,

Acting Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 81–37270 Filed 12–30–81; 8:45 am]

BILLING CODE 3510–25–M

[Case No. 615]

Chicago International Trading Co., Respondent; Administrative Proceedings

Order

The Office of Export Administrtation, United States Department of Commerce (the "Department"), initiated administrative proceedings, pursuant to Section 11(c) of the Export Administration Act of 1979 (50 U.S.C. app. sec. 2401, *et seq.*) (Supp. III 1979) (the "Act") and Part 388 of the Export Administration Regulations (15 CFR Part 368, *et seq.* (1981)) (the "Regulations"), against Chicago International Trading Co. ("CIT") 4819 S. Ashland Avenue, Chicago, Illinois 60609, by issuing a charging letter (the "Charging Letter") alleging that CIT violated Sections 387.2 and 387.6 of the Regulations.

The Department and CIT have entered into a Consent Agreement whereby each party has agreed to settle this matter: (1) by a denial to CIT of all export privileges, subject to certain exceptions, for a period ending January 14, 1982; and (2) by payment of a civil penalty by CIT in the amount of $10,000.

The Hearing Commissioner approves the Consent Agreement.

It is therefore ordered.

First. For a period to and including January 14, 1982, CIT is denied all export privileges, except that, upon prior written notification of and prior written authorization by the Hearing Commissioner, CIT may, provided any such export complies with the Regulations, export to satisfy service and repair requirements (including spare and replacement parts) arising from prior legal exports.

Second. CIT is assessed a civil penalty, pursuant to Section 11(c)(1) of the Act, to be paid as follows.

A. Within 20 days of the date of this Order, CIT shall pay $3,000 in the manner specified in the attached instructions.

B. Payment of the remaining $7,000 by CIT shall be suspended for a period to and including October 14, 1982, with payment of this suspended penalty to be waived at the end of this period, provided CIT has committed no violation of the Act, the Regulations, or this Order.

Third. Within six months after the date of this Order, CIT shall submit a written report to the Director, Compliance Division, Office of Export Administration, setting forth in detail the steps CIT has implemented to ensure its future compliance with the Act and the Regulations. Because a copy of such report may be made available for public inspection, CIT may submit, for such public inspection, a duplicate of such report, marked "Public Inspection Copy", and may edit such copy to delete information that would be properly exempt from public disclosure under 5 U.S.C. section 552.

Fourth. The Charging Letter, the Consent Agreement, and this Order shall be made available to the Public, and this Order shall be published in the Federal Register.

This Order is effective immediately.

Dated: December 22, 1981.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 81–37210 Filed 12–30–81; 8:45 am]

BILLING CODE 3510–25–M

Preliminary Affirmative Determination of Sales at Less Than Fair Value; High Power Microwave Amplifiers and Components Thereof From Japan

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary affirmative determination of sales at less than fair value.

SUMMARY: We have preliminarily determined that high power microwave amplifiers and components thereof from Japan are being sold in the United State at less than fair value. We have notified the U.S. International Trade Commission of our decision and are directing the U.S. Customs Service to "suspend liquidation" of all entries or warehouse withdrawals of this merchandise for consumption and to require a cash deposit, bond, or other security in an amount equal to the estimated dumping margin of 16.6 percent. Because we have also found that this case does not present critical circumstances, this suspension will not be retroactive.

Unless we extend the investigation, we will make our final determination within 75 days of this notice's signature. Interested parties may submit oral or written views concerning this decision.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Steven Morrison, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, Telephone: (202) 377–1279.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based on our investigation and in accordance with 19 CFR 353.39 (a)(2), we have preliminarily determined that there is reason to believe or suspect that high power microwave amplifiers and components thereof from Japan are being sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act). We have found that the U.S. prices of this merchandise are lower than their foreign market values. The estimated dumping range is 13.2 to 38.9 percent with the weighted-average margin being 16.6 percent.

Unless we extend this investigation, we will make our final determination within 75 days of this notice's signature.

Case History

On July 24, 1981, we received a petition in proper form from Aydin Corporation, Ft. Washington, Pennsylvania. The petition alleged that high power microwave amplifers from Japan were being sold in the United States at less than fair value, and that such sales were materially injuring a U.S. industry. The petitioner compared the purchase price of the goods in question with the constructed value. The petitioner also claimed that this case presented "critical circumstances" because massive amounts of this merchandise would be imported during a relatively short period.

After reviewing the petition, we decided it contained sufficient grounds to initiate an antidumping investigation. Therefore, we notified the U.S. International Trade Commission of our decision and on August 17, 1981, we announced the initiation (46 FR 41542). On September 16, 1981, the ITC preliminarily found that there is a reasonable indication that these imports are materially injuring or are threatening to materially injure a U.S. industry (46 FR 46021).

Scope of Investigation

For purposes of this investigation, high power microwave amplifiers are radio-frequency power amplifier assemblies and components thereof, specifically designed for uplink transmission in the C, X and Ku bands from fixed earth stations to communication satellites and having a power output of one kilowatt or more. They are currently classified under item 685.29 of the Tariff Schedules of the United States. The International Trade Commission limited its preliminary determination to this merchandise. We have redefined the scope of merchandise covered to conform with the ITC definition.

Since Nippon Electric Company, Ltd. manufactures all of the high power microwave amplifiers that Japan exports to the United States, we limited our investigation to that company. There were two types of high power amplifiers exported: Klystron amplifiers, which include a Klystron tube, and TWT amplifiers, which include a travelling wave tube.

This investigation covers the period March 1, 1981 through August 31, 1981.

Methodology for Fair Value Comparison

To determine the fair value of any product, we compare its U.S. price with its foreign market value.

U.S. Price

To determine the U.S. price of the high power amplifiers we used the purchase price, as defined in section 772(b) of the Act. We did so because the price of the high power amplifiers to the unrelated U.S. customer was agreed to before it was imported to the United States.

In accordance with section 772(d) of the Act, we calculated the purchase price by deducting the following expenses the exporter incurred in Japan: inland freight, airport usage, handling, airport storage, cartage and customs handling.

Foreign Market Value

To determine the foreign market value of high power amplifiers, we used their constructed value, as defined in section 773(e) of the Act. We used this method of calculation because there were no separate sales of high power amplifiers in the home market or to third countries. While there were high power amplifiers sold to third countries as part of larger sales of earth stations, they comprised a minor element in those contracts. In addition, we were not able to determine if the contract items indicated corresponded with the merchandise sold to the United States.

We constructed the foreign market value of high power amplifiers by adding the material and fabrication costs, the normal home market general expenses (which exceeded the statutory minimum), the estimated general expenses of the related U.S. subsidiary, the statutory profit (which was higher than the usual profit), and the cost of packing.

During the verification, we found that the costs of materials and parts were based on estimates. We requested actual cost data on materials and parts. NEC submitted the information for travelling wave-tube amplifiers but not for Klystron amplifiers. In absence of actual cost data information on the Klystron amplifiers, we based our calculation of materials costs, excluding the cost of the Klystron tube, on the best information available. This was determined to be information furnished by the petitioner. We used NEC's cost for the Klystron tube because that information was verified.

We used labor costs which included directly related overhead costs for fabrication costs. We plan to conduct an additional verification to determine whether the estimates in NEC's submission accurately reflect the actual costs incurred to date. At that time we will also determine whether the method of allocation has appropriately classified fabrication costs and general expenses.

We calculated the general expenses in two steps. First we calculated NEC's expenses incurred in Japan on the basis of their submission. Since NEC's calculation of general expenses was

based on cost of goods sold, which included these expenses, we made an adjustment to exclude them in the calculation of the percentage to be applied to material and fabrication costs. We plan to conduct an additional verification to determine if all appropriate general expenses have been included in our calculations. We will verify cost categories such as research and development and indirect selling expenses. Secondly, we estimated the general expenses incurred by Nippon Electric Company of America (NECAM) on the basis of the amount of commission paid to NECAM by NEC. Since this commission is included in the price, we determined that the selling expenses of the U.S. subsidiary are part of the corporate general expenses and, therefore, should be included in the determination of constructed value. We are developing data on these expenses from NECAM.

We determined that NEC did not maintain profit data on the basis of destination. We determined the usual profit on sales of long-range communications equipment by NEC. These sales were mostly to the home market or third countries. This profit was less than the 8 percent statutory minimum. Therefore, we calculated profit as 8 percent of the total of the cost of materials, fabrication and general expenses.

We calculated packing on the basis of actual costs.

Negative Determination of Critical Circumstances

The petition asserted that imports of high powered amplifiers from Japan present "critical circumstances." We announced in the Notice of Initiation that there was not a reasonable basis for concluding that critical circumstances exist. To rule that critical circumstances exist we must find that the case provides a reasonable basis for believing that (1) there is a history of dumping of high power amplifiers in the United States or elsewhere, or the importer knew or should have known that the exporter was selling high power amplifiers at less than fair value, and (2) there have been massive imports of high power amplifiers during a relatively short period.

The petitioner has not come forward with further evidence that there is a history of dumping or that the importer knew or should have known that the high power amplifiers were sold at less than fair value. We have not considered the question of massive imports since the first criterion has not been met.

Therefore, since the petitioner has not met the statutory requirements, we conclude that critical circumstances do not exist. Accordingly, we will not direct the U.S. Customs Service to suspend liquidations retroactively.

Verification

In accordance with section 776(a) of the Act, we verified the information submitted in the original response and relied upon in this determination. We used traditional verification procedures, including on-site inspection of the manufacturer's operations and examination of accounting records and randomly selected documents containing relevant information. We will verify any additional information relied upon before we make our final determination. This verification will include additional analysis of accounting records.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to suspend, upon this notice's publication, the liquidation of merchandise that is subject to this investigation and that is entered into the United States for consumption or withdrawn from warehouses for consumption. Customs will require that a cash deposit, bond, or other security be posted in the amount of 16.6 percent of the f.o.b. value of such merchandise. This suspension of liquidation will remain in effect until further notice.

ITC Notification

We are making available to the U.S. International Trade Commission all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Public Comment

As described in 19 CFR 353.47, we will hold a public hearing to afford interested parties an opportunity to comment orally on this preliminary determination. If requested, this hearing is scheduled to begin on January 28, 1982 at 10:00 a.m. at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

All requests for hearings must be submitted within ten days of this notice's publication to the Deputy Assistant Secretary for Import Administration, Room 3099b, at the above address. They should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs must be submitted to the Deputy Assistant Secretary by January 21, 1982. Oral presentations will be limited to the issues raised in the briefs.

Any written views should be filed in accordance with 19 CFR 353.46 at the above address, in at least ten copies, and within thirty days of this notice's publication.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

December 24, 1981.

[FR Doc. 81-37241 Filed 12-30-81; 8:45 am]

BILLING CODE 3510-25-M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Technical and licensing information on specific inventions may be obtained by writing to: Office of Government Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Please cite the number and title of inventions of interest.

Douglas J. Campion,

Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.

SN 6-281,148 Load Proportional Antibacklash Gear Drive System. Filed 7 Jul 81 by the Air Force.

SN 6-281,149 Load Proportional Antibacklash Two-Step Gear Drive System. Filed 7 Jul 81 by the Air Force.

SN 6-281,437 Gallium Arsenide-Germanium Heteroface Junction Device and Fabrication. Filed 8 Jul 81 by the Air Force.

SN 6-250,269 Remotely Operated Microtome. Filed 2 Apr 81 by Health & Human Services.

SN 954,876 Synthesis of Analogs of 3'-Phosphoadenosine 5'-Phosphosulfate (PAPS). PATENT 4,266,948 issued 5 May 81 to Health & Human Services.

SN 6-022,220 Sterility Testing Vessel. PATENT 4,271,973 issued 9 Jun 81 to Health & Human Services.

SN 6–276,704 Energy Efficient Lumber Dry Kiln Using Solar Collectors & Refrigeration System. Filed 24 Jun 81 by Dept. of Agriculture.
SN 6–227,557 Low Frequency Pulse Generator Apparatus. Filed 22 Jan 81 by the Air Force.
SN 6–227,558 Pulsed Radiation Dosimetry Apparatus. Filed 22 Jan 81 by the Air Force.
SN 6–253,454 Switching Method for Effecting Replication in Magnetic Bubble Devices. Filed 13 Apr 81 by the Air Force.
SN 6–256,373 Pulse Width Modulated Power Amplifier with Differential Connecting Line Voltage Drop Comparators. Filed 22 Apr 81 by the Air Force.
SN 6–256,881 Phase Shifter Adjustment Apparatus. Filed 24 Apr 81 by the Air Force.
SN 6–259,761 Elastomeric Seal. Filed 30 Apr 81 by the Air Force.
SN 6–263,629 Production of Negative Ions of Hydrogen Isotopes. Filed 14 May 81 by the Air Force
SN 6–265,521 Polyaromatic Ether-Keto-Sulfones Curable by Diels-Alder Cycloaddition. Filed 20 May 81 by the Air Force.
SN 6–265,719 Polyaromatic Amides Containing 1,3–Butadiene Units. Filed 20 May 81 by the Air Force.
SN 6–265,720 Polyaromatic Amides Curable by Diels-Alder Cycloaddition. Filed 20 May 81 by the Air Force.
SN 6–265,721 Polyaromatic Ether-Ketone-Sulfones Containing 1,3–Butadiene Units. Filed 20 May 81 by the Air Force.
SN 6–265,865 Current Transformer High Voltage Probe Utilizing Copper Sulfate Water Resistor. Filed 21 May 81 by the Air Force.
SN 6–267,938 An Adjustable Holder for an Optical Element on the Like. Filed 28 May 81 by the Air Force.
SN 6–270,050 Oxide Passivated Mesa Epitaxial Diodes with Int Heat Sink. Filed 3 Jun 81 by the Air Force.
SN 6–140,640 Solvent Mixture for Dissolving and Removing Epoxy Resinous Compounds. PATENT 4,278,557 issued 14 Jul 81.
SN 6–046,073 Electro-Dynamic Laser with Acoustic Absorbing Electrode. PATENT 4,278,950 issued 14 Jul 81 to the Air Force.
SN 6–023,371 Near Millimeter Wavelength Modulator and Tunable Oscillator. PATENT 4,278,953 issued 14 Jul 81 to the Air Force.
SN 6–123,612 Coupler for Feeding Extensible Transmission Line. PATENT 4,278,955 issued 14 Jul 81 to the Air Force.
SN 6–127,017 Method of Making Integrated Waveguide Cavities. PATENT 4,279,070 issued 21 Jul 81 to the Air Force.
SN 6–115,843 Metallurgical Specimen Tester. PATENT 4,279,164 issued 21 Jul 81 to the Air Force.
SN 6–006,840 Laser Gas Temperature Control and Spacial Equalizer PATENT 4,280,105 issued 21 Jul 81 to the Air Force.
SN 6–163,134 symmetrical Diphosphatetraazacyclooctatetraenes. PATENT 4,281,185 issued 28 Jul 81 to the Air Force.
SN 6–293,777 Method and Apparatus for Analyzing Supersonic Flow Fields by Laser Induced Fluorescence. Filed 18 Aug 81 by the Air Force.
SN 6–293,780 Mechanical Preload Nut Assembly. Filed 18 Aug 81 by the Air Force.
SN 6–235,468 Rudder Pedal Grip Assembly. Filed 18 Feb 81 by the Air Force.
SN 6–358,500 Method of Multivariant Intraclass Pattern Recognition. Filed 28 Apr 81 by the Air Force.
SN 6–286,817 Satellite Test Chamber with Electromagnetic Reflection and Resonance Damping for Simulating System Generated Electromagnetic Pulses. Filed 27 Jul 81 by the Air Force.
SN 6–286,818 High Energy Single Pulse Laser Calorimeter. Filed 27 Jul 81 by the Air Force.
SN 6–286,819 Acoustic Amplitude-Doppler Target Ranging System. Filed 27 Jul 81 by the Air Force.
SN 6–286,821 Method for Providing In-Situ Non-Destructive Monitoring of Semi-Conductors During Laser Annealing Process. Filed 27 Jul 81 by the Air Force.
SN 6–286,830 Acoustic Amplitude-Threshold Target Ranging System. Filed 27 Jul 81 by the Air Force.
SN 6–287,451 Simulation of An Electronic countermeasure Technique. Filed 27 Jul 81 by the Air Force.
SN 6–291,863 Two-Way Flow Valve. Filed 10 Aug 81 by the Air Force.
SN 6–289,660 RF Laser Array Driver Apparatus. Filed 3 Aug 81 by the Air Force.
SN 6–287,672 Photographic Image Quality Assessment. Filed 28 Jul 81 by the Air Force.
SN 6–291,891 Process for Producing Aromatic Heterocyclic Polymer Alloys. Filed 11 Aug 81 by the Air Force.
SN 6–293,776 Exact Involute Ply Patterns. Filed 18 Aug 81 by the Air Force.
SN 6–292,583 Poly (ICL) as an Effective Interferon Inducer. Filed 13 Aug 81 by the Department of Health and Human Services.
SN 6–288,197 Motorized Wheel Chair. Filed 29 Jul 81 by the Department of Health and Human Services.
SN 6–222,936 Four Input Coincidence Detector. Filed 6 Jan 81 by the Department of Health and Human Services.
SN 931,098 Method for Continuous Ambulatory Peritoneal Dialysis. PATENT 4,239,041 issued 16 Dec 80 to Health and Human Services.
S.N. 801,442 Preparation and Use of High Surface Area Transition Metal Catalysts, Patent 4,256,653 issued 17 Mar 81 to Interior.
S.N. 934,151 High Frequency Lighting Inverter with Constant Power Ballast, Patent 4,220,896 issued 2 Sep 80 to Interior.
S.N. 950,702 Impedance Measuring Method of and Apparatus for Detecting Escaping Leach Solution, Patent 4,253,063 issued 24 Feb 81 to Interior.
S.N. 958,594 Link-Loc Chainless Haulage System, Patent 4,254,710 issued 10 Mar 81 to Interior.
S.N. 969,047 Precision Drafting Instrument, Patent 4,222,693 issued 16 Sep 80 to Interior.
S.N. 6–027,134 Sorption of Tungsten from Alkaline Solutions, Patent 4,241,028 issued 23 Dec 80 to Interior.
S.N. 6–044,814 Ferric Leaching of Uranium Values form Lignite, Patent 4,272,491 issued 9 Jun 81 to Interior.
S.N. 6–050,151 Production of Alumina from Aluminum Nitrate Solutions, Patent 4,260,589 issued 7 Apr 81 to Interior.
S.N. 6–060,101 Method of In Situ Mining, Patent 4,249,777 issued 10 Feb 81 to Interior.
S.N. 6–060,102 Decomposition of $AlCl_3 6H_2O$ in H_2 Atmosphere, Patent 4,259,311 issued 31 Mar 81 to to Interior.
S.N. 6–066,999 Extensometer Anchor, Patent 4,242,915 issued 6 Jan 81 to Interior.
S.N. 6–081,506 Dust Controlling Method Using A Coal Cutter Bit, Patent 4,251,109 issued 17 Feb 81 to Interior.
S.N. 6–085,449 Copper Electrowinning and CR^{+6} Reduction in Spent Etchants Using Porous Fixed Bed Coke Electrodes, Patent 4,256,557 issued 17 Mar 81 to Interior.
S.N. 6–085,451 Combined Rotating Bed Scrubber and Water Eliminator, Patent 4,266,829 issued 12 May 81 to Interior.
S.N. 6–085,452 Fly Ash-Based Cement, Patent 4,256,504 issued 17 May 81 to Interior.
S.N. 6–087,852 Selective Removal of Mercury from Cyanide Solutions, Patent 4,256,707 issued 17 Mar 81 to Interior.
S.N. 6–097,756 Siliceous Adsorbent for Heavy Metals, Patent 4,256,587 issued 17 Mar 81 to Interior.
S.N. 6–104,922 Portable Airborne Droplet Impactor Sampler and Method, Patent 4,265,107 issued 5 May 81 to Interior.
S.N. 6–108,192 Recovery of Chromium From Scrap, Patent 4,259,296 issued 31 May 81 to Interior.
S.N. 6–125,408 Process for Recovering NI(II), CU(II) and CO(II) from An Ammoniacal-Ammonium Sulfate Leach Liquor, Patent 4,258,016 issued 24 Mar 81 to Interior.
S.N. 6–141,087 Leaching Agglomerated Gold-Silver Ores, Patent 4,256,705 issued 17 Mar 81 to Interior.
S.N. 6–141,088 Leaching Agglomerated Gold-Siver Ores, Patent 4,256,706 issued 17 Mar 81 to Interior.
S.N. 6–164,759 Electrowinning of Lead From H_2SiF_6 Solution, Patent 4,272,340 issued 9 Jun 81 to Interior.
S.N. 6–219,705 Capacitance Probe Sensor Device, filed 24 Dec 80 by Interior.
S.N. 6–225,238 Recovery of Arsenic From Flue Dust, Filed 15 Jan 81 by Interior.
S.N. 6–229,696 Thermally Activated Metal Hydride Sensor/Actuator, Filed 27 Jan 81 by Interior.
S.N. 6–233,422 Recovery of Platinum-Group Metals From Ores, Filed 11 Feb 81 by Interior.
S.N. 6–240,080 Apparatus and Method for Measuring Low Concentrations of High Molecular Weight Polymers in Solution, Filed 4 Mar 81 by Interior.
S.N. 6–251,404 Air Diversion and Dust Control System for Longwall Shearers, Filed 6 Apr 81 by Interior.
S.N. 6–254,317 Recovery of Arsenic From Flue Dust, Filed 15 Apr 81 by Interior.
S.N. 6–258,075 Purifying Titanium-Bearing Material, Filed 27 Apr 81 by Interior.
S.N. 6–258,076 Pressureless Consolidation of Metallic Powders, Filed 27 Apr 81 by Interior.

[FR Doc. 81–37210 Filed 12–30–81; 8:45 am]
BILLING CODE 3410–04–M

CONSUMER PRODUCT SAFETY COMMISSION

Toxicological Advisory Board; Meeting

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of Meeting: Toxicological Advisory Board.

SUMMARY: This notice announces a meeting of the Toxicological Advisory Board on Tueday, January 26, 1982 from 8:30 a.m. until 4:00 p.m. and Wednesday, January 27, 1982 from 8:30 a.m. until approximately 2:00 p.m. The meeting, which is open to the public, will be held in Room 456 at 5401 Westbard Avenue, Bethesda, Maryland.

FOR FURTHER INFORMATION CONTACT: Dr. Fred Marozzi, Directorate for Health, Sciences, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492–6604.

SUPPLEMENTARY INFORMATION: The Toxicological Advisory Board is an established nine-member advisory committee which advises the Commission on Precautionary labeling for acutely toxic household substances and on instructions for first aid treatment labeling. In addition, the Board reviews labeling reuirements that have been issued under the Federal Hazardous Substances Act and recommends revisions it deems appropriate. The Toxicological Advisory Board was created on November 10, 1978, under the authority of Section 10 the 1978 CPSC Authorization Act (Pub. L 95–631). The Toxicological Advisory Board has completed its preliminary review of the CPSC labeling guidelines for hazardous household chemical substances. Preparatory to developing a final report on its review and recommendations, the Board will spend the entire two-day session reviewing all recommendations made to date. Particular emphasis will be given to correcting any inconsistencies which may exist among recommendations for similar chemicals, and to resolving unresolved issues.

The two-day meeting is open to the public; however, space is limited. Persons who wish to make oral or written presentations should notify Dr. Marozzi (see address above) by Friday, January 15, 1982. The notification should list the name of the individual who will make the presentation, the person, company, group or industry on whose behalf the presentation will be made, the subject matter, and the approximate time requested. Time permitting, these presentations and other statements from the audience to members of the Board may be allowed by the presiding officer. Requesters will be informed of the decision before the meeting.

Dated: December 23, 1981.

Sadye E. Dunn,

Secretary.

[FR Doc 81–37225 Filed 12–30–81; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF DEFENSE

Corps of Engineers; Department of the Army

Intent To Prepare Draft Environmental Impact Statement (DEIS) for Proposed Channel Improvements on Whiskey and Rock Creeks, Independence, Kans.

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The proposed action consists of channel improvement of Whiskey Creek through channel diversion, channel clearing and widening, and channel realignment to provide flood damage reduction for existing and future development.

2. Reasonable Alternatives: The alternatives evaluated include a no action plan, two channelization plans, and a flood plain acquisition plan for Whiskey Creek along the western edge of Independence, Kansas.

3. Scoping Process:

a. Public Involvement. A comprehensive public involvement program was developed as a means of disseminating information and soliciting public views. A variety of techniques including formal public meetings, meetings with local interests, and meetings with local news media were employed to involve State, Federal, and local agencies, citizen committees, organizations, and the public in the planning studies.

b. Significant Issues Requiring In-Depth Analysis. None.

c. Assignments. The U.S. Fish and Wildlife Service will provide the Fish and Wildlife Coordination Act Report.

d. Environmental Review and Consultation Requirements. The draft environmental impact statement will be circulated for review and all comments will be incorporated into the final environmental impact statement.

4. A scoping meeting will not be held.

5. Estimated date when the DEIS will be available to the public: February 1982.

ADDRESS: Mr. Buell O. Atkins, Chief, Environmental Resources Branch, U.S. Army Corps of Engineers, Tulsa District, P.O. Box 61, Tulsa, OK 74121, (918) 581–7857, FTS 736–7857.

Dated: December 21, 1981.

James J. Harmon,

Colonel, CE, District Engineer.

[FR Doc. 81–37236 Filed 12–30–81; 8:45 am]

BILLING CODE 3710–39–M

Department of the Navy

Availability of Indexes of Final Dispositions of Complaints of Wrong Submitted Pursuant to Article 138, Uniform Code of Military Justice (UCMJ), and Reports of Wrong Submitted Pursuant to Article 1106, U.S. Navy Regulations, 1973

On July 15, 1981, at 46 FR 36730, the Department of the Navy published information concerning the availability of indexes of final dispositions of Complaints of Wrong submitted pursuant to Article 138 of the Uniform Code of Military Justice (10 U.S.C. 938) and Reports of Wrong submitted pursuant to Article 1106, U.S. Navy Regulations, 1973. The following current information is provided in substitution:

Internally reproduced copies of the index are available at $8.60 per copy, the direct cost of duplication. This price is subject to change as the result of the addition of new pages in the future and/or increase in duplicating fees. At present rates each additional page will add $.10 to the price of the index. Internally reproduced copies of individual complaint files are also available at $.10 per page. Payment for requested material may be made by check or money order payable to the Treasurer of the United States.

A copy of the index and copies of final dispositions are available for public inspection and copying. An appointment for such purposes may be in writing or by telephone.

All requests and inquiries should be addressed to: Head, Military Affairs Branch, Administrative Law Division, Office of the Judge Advocate General, 200 Stovall Street, Alexandria, Virginia 22332, Telephone (202) 325–9860.

Dated: December 22, 1981.

P. B. Walker,

Captain, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81–37282 Filed 12–30–81; 8:45 am]

BILLING CODE 3810–AE–M

Office of the Secretary

Defense Science Board Task Force on Retention of Contractor Civilians on Critical Jobs Overseas During Hostilities; Meeting

The Defense Science Board Task Force on Retention of Contractor Civilians on Critical Jobs Overseas During Hostilities will meet in closed session on January 27, 1982 at the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At the first meeting on October 21, 1981, the Task Force reviewed the extent of contractor civilians in critical jobs overseas, the resulting impact if these critical civilians were not retained during hostilities, and assessed the adequacy of existing statutes and regulations pertaining to retention of these critical civilian contractors. The next meeting on January 27, 1982 will be devoted to evaluating and refining potential recommendations.

In accordance with 5 U.S.C. App. 1 Section 10(d) (1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed U.S.C. Section 552b(c)(1) (1976), and that accordingly this meeting will be closed to the public.

Dated: December 22, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81-37255 Filed 12-30-81; 8:45 am]

BILLING CODE 3810-01-M

Privacy Act of 1974; Deletion of System Notice

AGENCY: Office of the Secretary, Defense.

ACTION: Deletion of system notice.

SUMMARY: The Office of the Secretary of Defense proposes to delete the notice for system of records: DATSD01, "Files of Personnel Evaluated for Presidential Support Duties" subject to the Privacy Act of 1974. It has been determined that the personnel data contained in this system duplicates the information contained in Privacy Act systems of records maintained by the Military Services.

DATE: This deletion shall be effective February 1, 1982.

ADDRESS: Send any comments to the System Manager identified in the system notice (44 FR 74088) December 17, 1979.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C315, Pentagon, Washington, D.C. 20301. Telephone: (202) 695-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a) Pub. L. 93-579 were published in the Federal Register.

FR Doc. 81-607 (46 FR 6427) January 21, 1981
FR Doc. 81-5568 (46 FR 12772) February 18, 1981
FR Doc. 81-6246 (46 FR 14031) February 25, 1981
FR Doc. 81-6401 (46 FR 14154) February 20, 1981
FR Doc. 81-7597 (46 FR 16114) March 11, 1981
FR Doc. 81-8041 (46 FR 16928) March 16, 1981
FR Doc. 81-8127 (46 FR 17074) March 17, 1981
FR Doc. 81-8281 (46 FR 17243) March 18, 1981
FR Doc. 81-8282 (46 FR 17243) March 18, 1981
FR Doc. 81-10201 (46 FR 20280) April 3, 1981
FR Doc. 81-10722 (46 FR 21228) April 9, 1981
FR Doc. 81-11473 (46 FR 22257) April 16, 1981
FR Doc. 81-11765 (46 FR 22632) April 20, 1981
FR Doc. 81-12892 (46 FR 23987) April 29, 1981
FR Doc. 81-13225 (46 FR 24620) May 1, 1981
FR Doc. 81-14226 (46 FR 26365) May 12, 1981
FR Doc. 81-14406 (46 FR 26676) May 14, 1981
FR Doc. 81-14809 (46 FR 27373) May 19, 1981
FR Doc. 81-14975 (46 FR 27373) May 19, 1981
FR Doc. 81-15770 (46 FR 28470) May 27, 1981
FR Doc. 81-17763 (46 FR 31306) June 15, 1981
FR Doc. 81-19042 (46 FR 33074) June 26, 1981
FR Doc. 81-20404 (46 FR 35983) July 13, 1981
FR Doc. 81-21228 (46 FR 37306) July 20, 1981
FR Doc. 81-21498 (46 FR 37751) July 22, 1981
FR Doc. 81-23482 (46 FR 40788) August 12, 1981
FR Doc. 81-25853 (46 FR 44494) September 4, 1981
FR Doc. 81-28892 (46 FR 49177) October 6, 1981
FR Doc. 81-31994 (46 FR 54701) November 4, 1981
FR Doc. 81-32109 (46 FR 54979) November 5, 1981
FR Doc. 81-32239 (46 FR 55139) November 6, 1981
FR Doc. 81-32650 (46 FR 55555) November 10, 1981
FR Doc. 81-33750 (46 FR 57330) November 23, 1981
FR Doc. 81-34463 (46 FR 58546) December 2, 1981
ER Doc. 81-34875 (46 FR 59291) December 4, 1981

Sheila Levine,

Acting OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

December 28, 1981.

Deletion

DATSD01

System name:

Files of Personnel Evaluated for Presidential Support Duties

Reason:

The material contained in this system is adequately covered by the parent service organizations.

[FR Doc. 81-37274 Filed 12-30-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Intent To Revise Wholesale Power Rates; Change in Date on Which Revised Rates Are To Become Effective for Certain Customers

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Change in date on which revised rates are to become effective for certain customers.

SUMMARY: By Federal Register Notice of October 15, 1981 (46 FR 50838), BPA indicated that it is in the initial stages of developing wholesale power rate schedules to become effective for some customers on July 1, 1982, and for other customers on July 15, 1982. BPA hereby gives notice that certain of its customers who have signed contract amendments and who were to have their rates adjusted as of July 1, 1982, and other customers whose rates were to be adjusted July 15, 1982, will instead have their rates adjusted on October 1, 1982.

FOR FURTHER INFORMATION CONTACT: Ms. Donna L. Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212, 503-230-4261. Toll-free numbers for Oregon callers 800-452-8429; for callers from Washington, Idaho, Montana, Utah, Nevada, Wyoming, and California 800-547-6048.

Mr. George Gwinnutt, Area Manager, Suite 288, 1500 NE. Irving Street, Portland, Oregon 97208, 503-230-4551.

Mr. Ladd Sutton, District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503-345-0311.

Mr. Ronald H. Wilkerson, Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509-456-2518.

Mr. Gordon H. Brandenburger, District Manager, P.O. Box 758, Kalispell, Montana 59901, 406–755–6202.

Mr. Ronald K. Rodewald, District Manager, Suite 117, 23 South Wenatchee, Wenatchee, Washington 98801, 509–662–4377, ext. 379.

Mr. Thomas M. Noguchi, Acting Area Manager, Room 250, 415 First Avenue North, Seattle, Washington 98109, 206–442–4130.

Mr. Roy Nishi, Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509–524–5500, ext. 701.

Mr. Robert N. Laffel, District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208–523–2706.

SUPPLEMENTARY INFORMATION: BPA's last wholesale power rate increase became effective on an interim basis on July 1, 1981. BPA has two sets of contracts which contain provisions allowing the adjustment of rates. The first set of contracts are those which were in existence prior to the offering of power sales contracts which, pursuant to section 5(g) of the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act), were offered on August 28, 1981. These "existing contracts" currently permit rate adjustments only on July 1, 1982, and each July 1 thereafter. The second set of contracts are those offered by BPA on August 28, 1981. These "new contracts" permit rate adjustments upon 9 months' notice, but no more often than once in a 12-month period.

By letter dated October 15, 1981, BPA contacted all of its customers being served under the "existing contracts," proposing an amendment to the rate adjustment section of their "existing contracts" which would allow for a rate adjustment upon the same terms and conditions as under the "new contracts." Almost all customers with "existing contracts" have notified BPA that they have signed the amendments to their "existing contracts." Customers receiving power under the "existing contracts" who return executed amendments to BPA on or before December 31, 1981, will have their wholesale power rates adjusted effective October 1, 1982. All customers being served under the "existing contracts" who have not agreed to the October 1, 1982, rate adjustment date will be subject to an adjustment of their wholesale power rates on July 1, 1982.

Customers being served under the "new contracts" which allow rate adjustments upon 9 months' notice will be subject to the proposed wholesale power rates effective October 1, 1982, rather than July 15, 1982, as previously announced (46 FR 50838).

BPA expects to have its initial proposed rates developed by late February 1982. BPA will then publish a notice of proposed rates in the Federal Register. That notice will also include a schedule for formal hearings as specified in the Regional Act. These hearings will give interested persons an opportunity to present both oral and written comments on the proposal.

Dated: December 22, 1981.

Earl E. Gjelde,

Deputy Administrator.

[FR Doc. 81–37266 Filed 12–30–81; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

Navajo Refining Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of a final Consent Order.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager for Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, [phone] (214) 767–7745.

SUPPLEMENTARY INFORMATION: On November 5, 1981, 46 FR 54983, the Office of Enforcement of the ERA published notification in the Federal Register that it had executed a proposed Consent Order with Navajo Refining Company on October 8, 1981, which would not become effective sooner than thirty days after publication. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order.

Although interested persons were invited to submit comments regarding the proposed Consent Order, no comments were received. The proposed Consent Order, therefore, was finalized and made effective on December 31, 1981.

Issued in Dallas, Texas on the 8th day of December, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81–37242 Filed 12–30–81; 8:45 am]

BILLING CODE 6450–01–M

John W. McGowan; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken and opportunity for comment on Consent Order—First Notice.

SUMMARY: The Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on the refunds deposited as miscellaneous receipts of the U.S. Treasury.

DATE: Effective date is on or before February 1, 1982.

COMMENTS BY: February 1, 1982.

ADDRESS: Send written comments to: Leonard F. Bittner, Director, Atlanta Office, ERA, 1655 Peachtree Street, NE., Atlanta, Georgia 30367.

FOR FURTHER INFORMATION CONTACT: Robert H. Burch, Management Analyst, U.S. Department of Energy, 1655 Peachtree Street, NE., Atlanta, Georgia 30367.

SUPPLEMENTARY INFORMATION: On December 24, 1981, the Atlanta Office, ERA, finalized a Consent Order with John W. McGowan, a Canton, Mississippi, crude producer firm. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest becomes effective upon its execution only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments received, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order with John W. McGowan.

I. The Consent Order:

John W. McGowan, located in Canton, Mississippi, is a crude producer firm and is subject to the jurisdiction of the DOE with regard to prices charged in sales of crude oil, pursuant to 10 CFR Part 212. To resolve certain civil actions that could be brought by the DOE as a result of its audit of John W. McGowan, the ERA and John W. McGowan entered into a Consent Order, the significant terms of which are as follows:

1. The Consent Order relates to the sales of crude oil by John W. McGowan during the period September 1, 1973 through January 27, 1981.

2. From the audit conducted during the above period, ERA alleges that John W. McGowan sold crude oil at prices in

excess of the applicable lawful selling price. These alleged overcharges were due to errors in establishment of the effective date of stripper well qualification and/or errors in calculation of the maximum lawful selling price.

3. John W. McGowan agreed to immediately refund the total sum of $605,105.33, in full settlement of any and all civil liability within the jurisdiction of DOE during the audit period. The refunded total shall be paid in full to the DOE by certified check no later than 15 days from the effective date of the Consent Order. The refund shall be forwarded to Director, Atlanta Office, ERA, for deposit in the U.S. Treasury as miscellaneous receipts.

4. The provisions of 10 CFR 205.199J, including the publication of this notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges:

In the Consent Order, John W. McGowan agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the DOE, arising out of the transactions specified in I.1. and I.2. above, the sum of $605,105.33 within 15 days of the effective date of the Consent Order. Refund methodolody will be as specified in I.3. above. The amounts submitted to the Director, Atlanta Office, ERA will be in the form of a certified check made payable to the U.S. Department of Energy. The Director, Atlanta Office, ERA will forward the certified check to DOE's Support Office, SRO, for deposit in the U.S. Treasury.

III. The DOE invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order in accordance with 10 CFR 205.199J(c).

You should send your comments as specified above to Leonard F. Bittner, Director, Atlanta Office, ERA, Department of Energy, 1655 Peachtree Street, NE., Atlanta, Georgia 30367. You may obtain a copy of this Consent Order with proprietary information deleted by writing to Robert A. Burch at the same address.

You should identify your comments on the outside of your envelope and on the documents you submit with the designation, "Comments on John W. McGowan Consent Order". Comments received by 4:30 p.m., local time February 1, 1982, will be considered. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Atlanta, Georgia on the 24th day of December 1981.

Leonard F. Bittner,

Director, Atlanta Office, Economic Regulatory Administration.

Concurrence:

Susan P. Tate,

Deputy Regional Counsel.

[FR Doc. 81-37297 Filed 12-30-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP82-113-000]

Consolidated Gas Supply Corp.; Application

December 30, 1981.

Take notice that on December 11, 1981, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP82-113-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 29.7 miles of 30-inch Line No. 50 and related and appurtenant facilities in Armstrong, Indiana and Jefferson Counties, Pennsylvania, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposed the construction and operation of approximately 29.7 miles of 30-inch Line No. 50 extending in a southwesterly direction from Applicant's Big Run Gas to a point on existing Line No. TL-378 near Valley Gate and looping existing 20-inch Line No. 280. The estimated cost of the proposed facilities is $22,822,700 which cost would be financed from funds on hand and from funds to be obtained from Applicant's parent corporation, Consolidated Natural Gas Company.

It is stated that the proposed extension of Line No. 50 is required to fill the northern storage pools during summer injection periods and would also enable Applicant to better maintain adequate storage inventories during unusually cold winter conditions. Moreover, the proposed facilities would enhance Applicant's ability to transport gas into its Northern Division to meet the day-to-day requirements of its northern market customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 18, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc 81-37300 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-103-000]

MIGC, Inc.; Application

December 30, 1981.

Take notice that on December 4, 1981, MIGC, Inc. (Applicant), 10880 Wilshire Boulevard, Los Angeles, California 90024, filed in Docket No. CP 82-103-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authirizing the transportation and exchange of natural gas with Panhandle Eastern Pipe Line Company, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicant and Panhandle have entered into the Powder River Basin transportation and exchange agreement and A systemwide transportation and exchange agreement both dated February 27, 1981. Such agreements, it is stated, would enable

Applicant and Panhandle to connect supplies of gas each has or might acquire in the future which are or would be located remote from the acquiring party's transmission system to the transmission system of the other party.

The Powder River Basin agreement provides for a maximum daily volume of gas to be delivered for transportation and/or exchange of 5,000 Mcf. Sources of supply under the agreement would be natural gas produced in the Powder River Basin of Wyoming. For the transportation of any imbalance volumes, it is stated that the party seeking transportation would pay a transportation charge of 5.5 cents per Mcf. It is also stated that the transporter would be reimbursed for the full cost of making the connection and installing gas measurement facilities at the point of delivery.

Applicant states that the authority requested herein is intended to include not only the specific delivery locations currently reflected in Exhibits C and D of the agreement but also the right of the parties to attach new delivery points at other locations by mutual agreement. In order to keep the Commission apprised of changes that may occur, Applicant proposes to submit each January 31 a tariff revision detailing the delivery points for all sources of gas transported and exchanged pursuant to the agreement. Applicant and Panhandle, it is asserted, expect to redeliver volumes of gas to each other through all redelivery points set forth on Exhibit E attached to the agreement or at such additonal or different redelivery points on which the parties may mutually agree.

It is explained that for gas supplies acquired by one party which are connected to the facilities of the other party on the upstream side of a compressor the amount of gas redelivered to the acquiring party would be equal to 93 percent of the quantity delivered and that for gas supplies acquired by one party connected to the facilities of the other party and not compressed, the amount of gas redelivered to the acquiring party would be equal to 99 percent of the quantity delivered by the acquiring party. It is stated that any out-of-balance condition occurring during any month would be adjusted within 60 days following the end of the month in which it occurred.

It is asserted that the systemwide agreement provdes that Panhandle and Applicant would additionally accept and redeliver gas supplies acquired by the other pipeline in areas other than the Powder River Basin of Wyoming. The agreement provides for a maximum daily volume of gas to be delivered for transportation and/or exchange of 20,000 Mcf. It is further asserted that the pipeline seeking transportation and/or exchange would reimburse the transporting party for any gathering service and would pay a transportation charge for transportation of imbalance volumes. Applicant states that gas transported and exchanged would initially be from delivery points set forth in Exhibit C of the agreement but that points may be added or deleted as supply sources vary. Applicant expects to redeliver volumes of gas to Panhandle as set forth in Exhibit C of the agreement as amended from time to time. Applicant proposes to submit each January 31 a tariff revision detailing the delivery points for all sources of gas transported and exchanged pursuant to the agreement.

It is submitted that unaccounted-for gas would be based upon the transporting party's actual systemwide experience or 0.5 percent whichever is less. The transportation rates were at the time of the agreement 24.80 cents per Mcf for Panhandle's system and 25.61 cents per million Btu for Applicant's system, it is stated. Applicant asserts that any out-of-balance condition occurring during any month would be adjusted insofar as practicable during the following month.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 18, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Taken further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc 81-37308 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-109-000]

Northern Natural Gas Company, Division of InterNorth, Inc.; Application

December 30, 1981

Take notice that on December 9, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP82-109-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of three new delivery points and the modification of three existing delivery points to certain of its utility customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate three new delivery points for Peoples Natural Gas Company, Division of InterNorth, Inc. (Peoples) and to enlarge three existing delivery points serving Minnesota Gas Company (Minnegasco), Wisconsin Gas Company (Wisconsin Gas) and Peoples.

Applicant more specifically proposes the following:

(1) Peoples has requested a new delivery point for Robert Schoenfelder in Olmstead County, Minnesota, to provide natural gas service to be used primarily for grain drying operations.

(2) Peoples has requested a new delivery point to serve the new metal forging and treating plant of Shafer Machine Works, Inc. near Booker, Texas.

(3) Peoples has requested a new delivery point to serve the Knapp Gardens housing project near Polk City, Iowa.

(4) Minnegasco has requested modification of the Atwater, Minnesota, town border station thereby increasing

the firm load from 500 Mcf per day to 1,000 Mcf per day to provide for increased expansion and growth.

(5) Peoples has requested modification of the Ogden town border station No. 1A in order to provide service to the L. & C. Homes, Inc.

(6) Wisconsin Gas has requested modification of the Hixton, Wisconsin, town border station in order to serve the South Alma Cheese Factory, Inc.

It is asserted that the estimated cost of construction is $83,300 which cost would be reimbursed by the appropriate utilities. It is further stated that additional volumes to be delivered to the utilities through the proposed facilities are within the present entitlements of said utilities and would be delivered pursuant to the effective service agreement between Applicant and the respective utility.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 18, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37310 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-99-000]

Panhandle Eastern Pipe Line Co. and Trunkline Gas Co.; Application

December 30, 1981.

Take notice that on December 1, 1981, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, and Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP82-99-000 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Central Illinois Light Company (CILCO), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a transportation agreement dated September 24, 1981, Applicants propose to transport up to 1,000 Mcf of natural gas per day on an interruptible basis for CILCO. It is asserted that the gas would be received by Panhandle by displacement from CILCO at Peoria, Illinois, and that Panhandle would redeliver such gas, less 1.0 percent fuel, to Trunkline at Tuscola, Illinois. Trunkline, it is stated, would deliver equivalent volumes to Midwestern Gas Transmission Company (Midwestern) at Potomac, Illinois, and Midwestern would deliver equivalent volumes to CILCO at Oakwood, Illinois. The maximum volume of gas transported would not exceed 60,000 Mcf annually.

It is submitted that CILCO would pay Panhandle a unit charge of 3.48 cents and that Panhandle would pay Trunkline 1.0 cent per Mcf for its *pro rata* share of the transportation service.

CILCO has informed Applicants that it has excess gas supplies at the Peoria delivery point and that it has a need for additional gas at Oakwood. Applicants assert that utilization of capacity in their existing facilities is the most efficient and economical means of transporting CILCO's gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 18, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37311 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-106-000]

Southern Natural Gas Co.; Application

December 30, 1981.

Take notice that on December 7, 1981, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP82-106-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain pipeline facilities and services, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon in place approximately 3,770 feet of 4-inch pipeline and appurtenances known as the upstream portion of Applicant's Tinsley Line in Yazoo County, Mississippi, and the transportation services related to that portion of the line. The producers ceased their

operations in the area, and the line and services associated therewith have not been utilized for some time.

Applicant also proposes to abandon a certain receiving station facility, approximately 890 feet of 4-inch pipeline and appurtenances located in the North Montegut Field area, Terrebonne Parish, Louisiana. These facilities were installed to receive gas sold to Applicant by Neuhoff Oil and Gas Corporation (Neuhoff), and Neuhoff has received authorization to abandon its sale to Applicant. Applicant states it would also abandon a receiving station facility and appurtenances located in the Pointe-a-la-Hache Field area, Plaquemines Parish, Louisiana, which was constructed to receive gas sold by Davis Oil Company, *et al.* (Davis). It is stated that by letter dated November 20, 1979, Davis gave written notice of its intent to plug and abandon the well.

In addition Applicant proposes to abandon approximately 1,500 feet of 10-inch pipeline and appurtenances located in the vicinity of the Bienville, Louisiana, Compressor Station on its 14-inch Logansport Line. The transportation service which was effected by those facilities was not required after April 1, 1981.

Finally, Applicant proposes to abandon a receiving station, approximately 0.8 mile of 4-inch pipeline facilities and appurtenances located in the Cranfield Field area, Adams County, Mississippi, which facilities were constructed to receive gas sold to Applicant by ADCO Producing Company, *et al.* (ADCO). It is stated that by letter dated August 17, 1981, ADCO gave written notice to Applicant of its abandonment of the well.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 18, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37312 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-100-000]

Texas Gas Transmission Corp.; Application

December 30, 1981.

Take notice that on December 1, 1981, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP82-100-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a metering station located in Logan County, Kentucky, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the construction and operation of a metering station located at approximately m.p. 68+599 on its Elkton-Mitchellville 10-inch pipeline in Logan County at an estimated cost of $95,065. Western Kentucky Gas Company (Western) has agreed to reimburse Applicant for such costs.

It is stated that Western would construct 43,200 feet of 6-inch pipeline to provide natural gas service to Anaconda Aluminum Company's a division of the Anaconda Company (Anaconda) aluminum rolling mill which is under construction in Logan County. Western's proposed 6-inch line, it is stated, would extend from the plant site to a point of intersection with Applicant's 10-inch Elkton-Mitchellville line where the proposed sales meter station would be constructed by Applicant. It is asserted that the natural gas to be sold to Anaconda by Western would be used primarily in the aluminum melting and holding furnaces and in aluminum process furnaces in which aluminum ingot and sheet is thermally processed for metallurgical treatment.

It is stated that service by Western to Anaconda would be on an interruptible basis. The construction of the proposed sales meter station would not result in an increase in Western's existing contract demand or quantity entitlement.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 18, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37313 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-108-000]

Transcontinental Gas Pipe Line Corp.; Application

December 30, 1981.

Take notice that on December 8, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP82-108-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the limited-term transportation of natural gas for Elizabethtown Gas Company (Elizabethtown), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to transport for Elizabethtown up to 26,000 dekatherms (dt) equivalent of natural gas per day which Elizabethtown has available to it from the exploration and development activites of affiliated companies in Genesee County, New York. It is stated that Elizabethtown would arrange to have 21,000 dt equivalent per day made available to Consolidated Gas Supply Corporation (Consolidated) which Consolidated would deliver to Applicant at Leidy, Clinton County, Pennsylvania. It is further stated that Elizabethtown would arrange to have the remaining 5,000 dt equivalent delivered to National Fuel Gas Supply Corporation (National Fuel) and National Fuel would make equivalent quantities available to Applicant at an existing interconnection at the Wharton Storage Field, Potter County, Pennsylvania. Equivalent quantities less quantities retained for compressor fuel and line loss make-up would be delivered by Applicant to Elizabethtown at existing points of delivery between the two companies.

The proposed interruptible transportation service is to be for a term beginning on the date of initial deliveries hereunder and ending on January 3, 1984.

It is stated that Elizabethtown would initially pay 7.0 cents per dt equivalent during the months of November through March and 3.5 cents per dt equivalent during the months of April through October for the subject service. Applicant asserts it would initially retain 0.7 percent per dt equivalent for compressor fuel and line loss make-up during the months of November through March.

It is asserted that the subject gas would assist Elizabethtown in meeting the requirements of its high-priority customers and in returning gas to storage during the summers of 1982 and 1983 for use by its high-priority customers during the following winters.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 18, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37314 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Volume No. 58]

Availability of Federal Power Commission Reports

Notice is hereby given that Volume No. 58 of the *Federal Power Commission Reports* is available for purchase at the United States Government Printing Office Bookstore. These volumes contain Federal Power Commission (Federal Energy Regulatory Commission's predecessor) opinions, orders, and precedential procedural orders.

Persons interested in purchasing Volume 58 covering the period April 1 through June 30, 1977, may remit $33.00 for GPO Stock #061-002-000-75-8 to the following address:

Superintendent of Documents, United States Government Printing Office, Washington, DC 20402.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37345 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4893-000]

City of Redding, California; Application for Preliminary Permit

December 28, 1981.

Take notice that City of Redding, California (Applicant) filed on June 4, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 4893 to be known as the Shasta Dam Power Project located on Sacramento River near the City of Redding on United States lands managed by Department of Interior in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. W. Brickwood, City Manager, City of Redding, 760 Parkview Avenue, Redding, California. 96001.

Project Description—The proposed project would consist of uprating the windings of units 3, 4, and 5 of the existing Shasta Dam Powerplant, owned and operated by the Bureau of Reclamation of the U.S. Department of Interior, which would increase the total installed capacity from 508.75 NW to 750 NW.

The Applicant estimates that with the proposed project the annual energy output from the powerplant would be 1200 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, economic, and environmental studies; and prepare an FERC license application. The Applicant estimates that these studies would cost $100,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 2, 1982, the competing application itself, or a notice of intent to file such an

application (see: 18 CFR 4.30 et seq. (1981))

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before March 2, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than May 2, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 2, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each respresentative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37316 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5051,000]

City of Yakima, Washington; Application for Preliminary Permit

December 23, 1981.

Take notice that the City of Yakima, Washington (Applicant) filed on June 26, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)) for Project No. 5051 to be known as the Rattlesnake Creek Dam Hydroelectric Project located on Rattlesnake Creek within the Snoqualmie National Forest in Yakima County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Richard A. Zais, Jr., City Manager, City of Yakima, 129 North 2nd Street, Yakima, Washington 98901.

Project Description—The proposed project would consist of: (1) a 315-foot high and 1150-foot long dam; (2) a reservoir with a surface area of 666 acres and a storage of 70,000 acre-feet; (3) a 1300-foot long, 84-inch diameter steel penstock; (4) a powerhouse with a total installed capacity of 7,800 kW; and (5) a 21-mile long, 34.5-kV transmission line interconnecting with the Naches substation owned and operated by the Pacific Power and Light Company.

The Applicant estimates that the average annual energy output would be 14 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a duration of 36 months during which, it would conduct technical, environmental, economic and financial studies; and prepare an FERC license application. The cost of conducting these studies is estimated by the Applicant to be $230,000.

Competing Applications—This application was filed as a competing application to the Sunnyside Irrigation Disrtict's applications for Projects Nos. 4605 and 4606 filed on April 28, 1981. Public notices of the filings of the intital applications, which have already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) if an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before January 22, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37317 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5044-000]

Graniteville Co.; Application for License (5 MW or Less)

December 23, 1981.

Take notice that Graniteville Company (Applicant) filed on June 30, 1981, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for continued operation of the constructed Sibley Mill Project No. 5044. The project is to be located on the Augusta Canal of the Savannah River in the City of Augusta, Richmond County, Georgia. Correspondence with the Applicant should be directed to: Mr. George S. Pardue, Asst. Vice President, Plant Services, Graniteville Company, Graniteville, South Carolina 29829.

Project Description—The Sibley Mill project consists of: (1) Intake works, consisting of four steel gates and a concrete headrace; (2) three hydroelectric generating units, with capacities of 750 kW, 875 kW and 1,000 kW, respectively, housed in the Sibley Mill Structure; and (3) appurtenant facilities. The estimated average annual generation is 13 million kWh.

Purpose of Project—To supplement power to the mill, which is otherwise purchased from Georgia Power Company.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 1, 1982, either the competing application itself (See 18 CFR 4.33 (a) and (d)) or a notice of intent (See 18 CFR 4.33 (b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37316 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3155-001]

John M. Jordan; Application for Short-Form License (Minor)

December 28, 1981.

Take notice that John M. Jordan (Applicant) filed on September 30, 1981, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for construction and operation of a run-of-river water power project to be known as the Carbonton Dam Hydropower Project No. 3155. The project would be located on the Deep River in the town of Carbonton in Lee County, North Carolina. Correspondence with the Applicant should be directed to: Mr. John M. Jordan, P.O. Box 128, Saxapahaw, North Carolina 27340.

Project Description—The (proposed) project would consist of: (1) An existing stone masonry dam 211 feet long and 18 feet high; (2) an existing reservoir with a surface area of 116 acres and with insignificant storage capacity; (3) proposed installation in the existing powerhouse of two turbine and generator units with a total installed capacity of 1 MW; (4) proposed transmission line less than 200 yards long; and (5) appurtenant facilities. The average annual generation is estimated to be 3.88 GWh. This application is filed pursuant to a preliminary permit held by Mr. Jordan for the Carbonton Dam hydropower project.

Purpose of Project—All project energy produced will be sold to Carolina Power and light Company.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 2, 1982, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an intersted person to file the competing application no later than July 2, 1982. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (as amended 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (as amended, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the

Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or befored March 2, 1982. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37319 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3156-001]

John M. Jordan; Application for Short-Form License (Minor)

December 28, 1981.

Take notice that John M. Jordan (Applicant) filed on September 30, 1981, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for construction and operation of a run-of-river water power project to be known as the Worthville Dam Hydropower Project No. 3156. The project would be located on the Deep River in the Town of Worthville in Randolph County, North Carolina. Correspondence with the Applicant should be directed to: Mr. John M. Jordan, P.O. Box 128, Saxapahaw, North Carolina 27340.

Project Description—The (proposed) project would consist of: (1) An existing stone masonry dam 230 feet long and 20 feet high; (2) an existing reservoir with a surface area of 105 acres and with insignificant storage capacity; (3) proposed installation of a 280 kW generator and turbine in the existing powerhouse; (4) proposed transmission line less than 200 yards long; and (5) appurtenant facilities. The average annual generation is estimated to be 0.84 GWh. This application is filed pursuant to a preliminary permit held by Mr. Jordan for the Worthville Dam hydropower project.

Purpose of Project—All project energy produced will be sold to Carolina Power and Light Company.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 2, 1982, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 2, 1982. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (as amended 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), (as amended, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate actin to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protest, or petition to intervene must be filed on or before March 2, 1982. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37320 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3202-001]

John M. Jordan; Application for Short-Form License (Minor)

December 28, 1981.

Take notice that John M. Jordan (Applicant) filed on August 3, 1981, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for the construction and operation of a run-of-river water power project to be known as the Avalon Dam Project No. 3202. The project would be located on the Mayo River near the town of Mayodan, Rockingham County, North Carolina. Correspondence with the Applicant should be directed to: Mr. John M. Jordan, P.O. Box 128, Saxapahaw, North Carolina 27340.

Project Description—The proposed project would consist of: (1) An existing reservoir with a surface area of 340 acres and a storage capacity of 2,500 acre-feet; (2) an existing dam with an arch-shaped overflow section approximately 200 feet long and 20 feet high, a non-flow section approximately 56 feet long and 30 feet high, and an abutment section near the middle of the dam approximately 20 feet long and 30 feet high; (3) a proposed 600 kW capacity turbine and generator unit to be installed immediately below and with an intake hole through the non-flow section of the dam and with a discharge tube that exists through a hole in a canal wall below the dam; (4) a proposed transmission line approximately one-quarter mile in length; and (5) appurtenant facilities. The average annual generation will be approximately 3.3 GWh. This application is filed pursuant to a preliminary permit held by Mr. Jordon for the Avalon Dam hydropower project.

Purpose of Project—All project energy produced will be sold to the Duke Power Company by the applicant.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable

statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 2, 1982, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than the time specified in 4.33(c). A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before March 2, 1982. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37321 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4844-001]

Modesto Irrigation District; Application for Preliminary Permit

December 28, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on August 5, 1981 an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 792(a)–825(r)) for Project No. 4844–001 to be known as the Campbell Creek Project located on Campbell Creek on land within Six Rivers National in Humbolt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, P.O. Box 4060, Modesto, California 95350.

Project Description—The proposed project would consist of: (1) A 5-foot high, 60-foot long diversion structure; (2) a 30-inch diameter, 1,050 long penstock; (3) a powerhouse containing a single generating unit with a capacity of 1500 kW, and (4) a 0.5 mile long, 12-kV transmission line interconnecting with an existing Pacific Gas and Electric Company transmission line. Applicant estimates that the annual average energy production would be 15 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24-month permit to prepare a definitive project report including results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the U.S. Forest Service and other Federal, State and local agencies, preparing a license application and conducting final field surveys is estimated by the Applicant to be $45,000.

Competing Applications—This application was filed as a competing application to Consolidated Hydroelectric, Inc.'s application for Project No. 4260–000 filed on February 26, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE." as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37322 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5726-000]

Modesto Irrigation District; Application for Preliminary Permit

December 23, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on December 4, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5726 to be known as the Buchanan Dam Hydroelectric Project located at the Corps of Engineers' (Corps) Buchanan Dam on Chowchilla River near the town of Madera in Madera County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District,

1231 #11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of a powerhouse containing generating units with a combined rated capacity of 3,000 kW, a transmission line connecting the powerhouse to the existing Pacific Gas and Electric Company's 12-kV line downstream of the powerhouse, and appurtenant facilities.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which it would conduct engineering, environmental, and economic feasibility studies as well as prepare an application for an FERC license. No new roads would be required to conduct these studies. The estimated cost for conducting these studies and preparing an application for an FERC license is $25,000.

Competing Applications—This application was filed as a competing application to Energenics Systems, Inc.'s application for Project No. 5587 filed on October 30, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 22, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37323 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5727-000]

Modesto Irrigation District; Application for Preliminary Permit

December 23, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on December 4, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)) for Project No. 5727 to be known as the Hidden Dam Hydroelectric Project located at the existing outlet of the Corps of Engineers' (Corps) Hidden Dam on Fresno River near the town of Madera in Madera County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, 1231 11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of a powerhouse containing generating units with a total rated capacity of 2,000 kW, a transmission line connecting the powerhouse to the existing Pacific Gas and Electric Company's 12-kV line downstream of the powerhouse, and appurtenant facilities.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24-month permit to prepare a definitive project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Corps and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $25,000.

Competing Applications—This application was filed as a competing application to Energenics Systems, Inc.'s application for Project No. 5589 filed on October 30, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 22, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory

Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37324 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5661-000]

Puget Sound Power and Light Co.; Application for Preliminary Permit

December 23, 1981.

Take notice that Puget Sound Power and Light Company (Applicant) filed on November 24, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5661 to be known as the Twin Falls Project located on South Fork Snoqualmie River, in King County, near North Bend, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert V. Myers, Vice President, Puget Sound Power and Light Company, Puget Power Building, Bellevue, Washington 98009, with a copy to: Mr. F. T. Thomsen, Perkins, Coie, Stone, Olsen & Williams, 1900 Washington Building, Seattle, Washington 98101.

Project Description—The proposed project would consist of: (1) A 12-foot high concrete gravity diversion dam; (2) a 3,900-foot long steel penstock; (3) a powerhouse to contain two Pelton-type, turbine-generating units with a total rated capacity of 19.2 NW; and (4) a 0.81-mile long transmission line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 24-month preliminary permit to study the feasibility of constructing and operating the project. Geotechnical test borings will be taken during the study period at the dam and powerhouse site via existing or a new one-mile long access road.

Competing Application—This application was filed as a competing application to Jay Botkin and Associates' application for Project No. 4885 filed on June 17, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 22, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTESTS," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capital Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37323 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5298-000]

Small Scale Hydropower; Application for Preliminary Permit

December 23, 1981.

Take notice that Small Scale Hydropower (Applicant) filed on August 31, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5298 to be known as the North Fork of the Clackamas Water Power Project located on North Fork of the Clackamas River, near Estacada, within the lands of Mt. Hood National Forest, in Clackamas County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. M. Baker, Small Scale Hydropower, Suite 1211, Oregon Bank Building, Portland, Oregon 97204.

Project Description—The proposed project would consist of: (1) A 6-foot high, 45-foot long concrete diversion structure; (2) an 8,000-foot long canal; (3) a 350-foot long, 72-inch diameter penstock; (4) a powerhouse with total capacity of 4,250 kW; (5) a 0.5-mile long, 115-kV transmission line from the powerhouse to an existing Portland General Electric transmission line. The Applicant estimates that the average annual energy production would be 19 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be required for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $160,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 1, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981)).

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before March 1, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be

filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than April 30, 1982.

Agency Comments—Federal, State, and local agenies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37329 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 4337-000 and 4337-001]

Swift River Co. and EHC Hydro Associates; Surrender of Preliminary Permit and Application for Exemption for Small Hydroelectric Power Project Under 5 mW Capacity

December 28, 1981.

Take notice that on November 23, 1981, Swift River Company and EHC Hydro Associates (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project, Project No. 4337-001 would be located on Contoocook River in the Village of West Hopkinton, Merrimack County, New Hampshire. Correspondence with the Applicant should be directed to: Mr. Peter B. Clark, President, EHC Hydro Associates, 148 State Street, Boston, Massachusetts 02109.

Project Description—The proposed project would consist of: (1) An existing 14-foot high, 350-foot long rock-filled timber crib dam with reinforced concrete facing upstream and a partial concrete cap along with 3-foot high flashboards; (2) an existing 2 acre impoundment with a gross storage capacity of 20 acre-feet at elevation 380.0 feet m.s.l.; (3) an existing canal inlet structure; (4) an existing 400-foot long, 11-foot deep, 34-foot wide earth lined canal to be reconditioned; (5) two existing, 7-foot diameter, 200-foot long wood stave penstocks and one new 200-foot long, 12-foot square concrete penstock; (6) an existing powerhouse containing two turbine-generators with a total rated capacity of 500 kW and a new addition containing a single 500 kW turbine generator; (7) an existing 500-foot long tailrace channel to be excavated to pass the additional flow from the new turbine-generator; (8) a 30-foot long transmission line; and (9) appurtenant facilities. Energy produced at the project would be sold to New Hampshire Public Service Company.

Surrender of Preliminary Permit—Swift River Company, Permittee for the project, has also filed a request to surrender its preliminary permit issued June 22, 1981, as FERC No. 4337-000. The request to surrender the preliminary permit was made in order to avoid a conflict with the above-mentioned exemption application. EHC is the predecessor to Swift River Company by contractual arrangement. The surrender is effective as of the date of this notice.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the New Hampshire Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days for the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before February 8, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 1(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 1(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to

take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST,', or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37327 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4947-000]

Truckee-Carson Irrigation District; Application for Preliminary Permit

December 23, 1981.

Take notice that Truckee-Carson Irrigation District (Applicant) filed on June 23, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 4947 to be known as the Lahontan Dam and V Canal Power Plants located on Carson River, in Churchill County, near Fallon, Nevada. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Richard S. Lattin, Project Manager, Truckee-Carson Irrigation District, P.O. Box 1356, Fallon, Nevada 89406, with a copy to: Mr. Christopher D. Williams, McCarty, Noon & Williams, 490 L'Enfant Plaza East, Suite 3306, Washington, D.C. 20024.

Project Description—The proposed project would consist of: (1) Installing a new 1.84–MW unit in the existing U.S. Bureau of Reclamation's (USBR) 2.4–MW Power Plant at the base of Lahontan Dam; (2) installing a new 0.5–MW unit in the existing Applicant's 1.0–MW V Canal Power Plant located downstream from the Lahontan Dam; and (3) appurtnant facilities. The project would be located on lands administered by USBR.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 36-month preliminary permit to study the feasibility of constructing and operating the proposed project. No new road would be required to conduct the studies.

Competing Applications—This application was filed as a competing application to Energenics Systems, Inc.'s application for Project No. 3789 filed on November 28, 1980. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 28, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37328 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL 2019-6]

Availability of Environmental Impact Statements Filed

Responsible Agency: Office of Federal Activities, EPA.

Information Contact: Ms. Kathi Wilson (202) 245–3006.

EIS's Filed: December 21–24, 1981.

Comment Due Dates: Drafts—February 15, 1982; Finals—February 1, 1982.

Corps of Engineers (COE):Draft Supplement—I–70 Construction in Glenwood Canyon, Garfield County, Colorado (EPA EIS #811032)

COE:Final—Colorado River Diversion into Matagorda Bay, Matagorda County, Texas (EPA EIS #811028)

COE:Final—Port of Kalama Marine Industrial Park, Permit, Columbia, Cowlitz and Clark Counties, Washington (EPA EIS #811035)

DOI:Bureau of Land Managment (BLM):Final—Powder River Coal Development Leasing, Montana and Wyoming (EPA EIS #811033)

DOI:BLM:Final—La Sal Shale Oil Pipeline, Colorado and Wyoming (EPA EIS #811034)

DOI:Bureau of Reclamation:Report—O'Neill Unit Lower Niobrara Division, Pick-Sloan Missouri Basin Program, Nebraska; this report is being issued as an appendix to final EIS #725367 (EPA EIS #811036)

DOT:Federal Highway Administration (FHWA):Draft—Spring/Sandusky Interchange Area Improvements, I–670 and OH–315, Franklin County, Ohio; EXTENDED REVIEW 2/22/82 (EPA EIS #811031)

DOT:FHWA:Final—MD–223 Improvement, MD–5 to MD–4, Prince George's County, Maryland (EPA EIS #811029)
Department of Housing and Urban Development (HUD):Final—Atlanta Suburbia Estates, Mortgage Insurance, Rockdale and Newton Counties, Georgia (EPA EIS #811027)
HUD:104H:Draft—Rio Nuero Redevelopment Project, CDBG, Pima County, Arizona (EPA EIS #811036)
HUD:104H:Draft—Carroll Creek Flood Control and Adjacent Park Improvement, CDBG, Frederick County, Maryland; EXTENDED REVIEW 2/22/82 (EPA EIS #811037)
USDA:Soil Conservation Service:Draft—Llagas Creek Watershed Flood Control Project, Santa Clara County, California; EXTENDED REVIEW 2/16/82 (EPA EIS #811030)
*Correction:*DOI:BLM:Draft—Diapir Field OCS Oil and Gas Lease Sale #71, Alaska—published FR 12/24/81—published with erroneous time extension—review will terminate 2/12/81 (EPA EIS #811024)
*Extended Review:*Department of Energy:Draft—Northeastern Regional Powerplant Conversion—DUE 2/5/82 (EPA EIS #810090)

Dated: December 28, 1981.

Mr. Louis Cordia,

Acting Director, Office of Federal Activities.

[FR Doc. 81–37288 Filed 12–30–81; 8:45 am]

BILLING CODE 6560–37–M

GENERAL SERVICES ADMINISTRATION

Recordkeeping Requirements

AGENCY: General Services Administration.

ACTION: Notice of recordkeeping requirements.

SUMMARY: This notice lists the GSA regulations that prescribe recordkeeping requirements and information collection requests that affect the public. Under the Paperwork Reduction Act of 1980, the Office of Management and Budget (OMB) is responsible for approving all of these actions and assigning a control number to them. By publishing this list, GSA intends to clarify the actions that have been approved by OMB and those that have been or will be submitted for approval.

FOR FURTHER INFORMATION CONTACT: Jack Gilmore (202–566–1164).

SUPPLEMENTARY INFORMATION: The term "information collection" (abbreviated IC in this document) refers to a request by GSA for data that must be sent to GSA. The term "recordkeeping requirement" (abbreviated RR) refers to a GAS request for information that must be maintained and made available for inspection by GSA upon request, but the information need not necessarily be sent to GSA. For example, an IC request could require companies that wish to move freight for GSA to submit certain information before GSA will conduct business with those companies. In contrast, an RR might require a company doing business with GSA to maintain certain data, but those data are not required to be sent to GSA.

Information collections and/or recordkeeping requirements contained in the following regulations or GSA directives have been approved by the Office of Management and Budget under provisions of 44 U.S.C. Chapter 35 and have been assigned the OMB control number indicated:

Directive or regulation	Type of action	Form No.	IC/RR title	OMB approval No.
41 CFR 101–48.201	IC	GSA 18	Application of Eleemosynary Institution	3090–0001
41 CFR 101–45.3	IC	Standard Forms (SF) 114A, B,E, and F.	Sale of Government Property Forms	3090–0003
41 CFR 5A–73.219–1	IC	GSA 72	Contractor's Report of Orders Received	3090–0004
41 CFR 1–16.801	IC	SF 28	Affidavit of Individual Surety	3090–0005
ADM 5440.154 (E.O. 10450)	IC	GSA 176	Statement of Personal History	3090–0006
OAD P 3000.2 41 CFR 1–1.1202(a)	IC	GSA 527	Contractor's Qualifications and Financial Information	3090–0007
OAD P 3000.2 41 CFR 1–1.1202(a)	IC	GSA 534	Statement of Financial Information	3090–0008
41 CFR 1–16.802	IC	SF 129	Bidder's Mailing List Application	3090–0009
ADM P 2800.1	IC	GSA 1171	Application for Presenting New or Improved Articles	3090–0010
PBS P 1000.5	IC	GSA 1195	Application for Placement on GSA Register of Available Real Estate Appraisers.	3090–0011
41 CFR Part 101–45	IC	GSA 1399	Qualification Application for Auctioneer Organization	3090–0013
41 CFR 101–44.110	IC	SF 123	Transfer Order Surplus Personal Property	3090–0014
Title II, Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 481) and Pub. L. 87–653.	IC	Optional Form (OF) 59	Contract Pricing Proposal	3090–0015
	IC	OF 60	Contract Pricing Proposal (Research and Development)	3090–0016
Title II, 40 U.S.C. 481; Armed Services Procurement Act (10 U.S.C. 2306(b)); and 41 U.S.C. 254(a).	IC	SF 119	Contractor's Statement of Contingent and Other Fees	3090–0017
29 CFR Parts 5 and 6; 41 CFR 5B–12. 18705–1(b); DOL Investigation and Enforcement Manual, March 1952; and 41 CFR 1–18.705–1(a).	IC	GSA 3017	Labor Standards Interview	3090–0019
41 CFR 5B–12.18705–3 and 41 CFR 1–18.705–3	IC	GSA 2428	Requests for Authorization of Additional Classification(s), Rate(s), and Fringe Benefits.	3090–0020
41 CFR Part 1–20	RR	GSA 2817	Profit and Loss Statement—Operating Statement	3090–0021
FSS P 4055.9	IC	GSA 2170	Surplus Personal Property Mailing List Application	3090–0023
41 CFR 5A–72.209 and 5A–7.103–52	IC	GSA 1678	Status Report of Orders and Shipments	3090–0027
41 CFR 1–16.803 and 40 U.S.C. 205(c)	IC	SF 254	Architect-Engineer and Related Services Questionnaire	3090–0028
41 CFR 1–16.803 and 40 U.S.C. 205(c)	IC	SF 255	Architect-Engineer and Related Services Questionnaire for Specific Projects.	3090–0029
41 CFR Part 101–11	RR	SF 136	Annual Summary of Records Holdings	3090–0031
41 CFR 101–38.802	RR/IC	SF 94	Statement of Witness for Government Auto Accident	3090–0033
41 CFR 101–44.4701	IC	GSA 3040	State Agency Monthly Donation Report of Surplus Personal Property.	3090–0034
41 CFR 1–16.802 and 41 CFR 5A–76.306 (a)(2)	IC	GSA 3038	Bidder's Mailing List Application Code Sheet	3090–0035
41 CFR 101–40.306–1	IC	OF 280	Uniform Tender of Rates and/or Charges for Transportation Services.	3090–0038
FSS P 2800.4	IC	GSA 1611	Application for Shipping Instructions and Notice of Availability	3090–0040
OMB Circular A–118 and Appendix to 41 CFR Chapter 101, Subchapter D (FPMR Temp. Reg. D–65).	IC	GSA 3357	Appraisal of Fair Annual Parking per Space for SLUC	3090–0043
Appendix to 41 CFR Chapter 1	RR/IC	SF 294	Federal Agency Individual Subcontracting Report for Individual Contracts.	3090–0052
(FPR Temporary Regulation 50)	RR/IC	SF 295	Federal Agency Quarterly Summary Subcontracting Report	3090–0053
40 U.S.C. 481 and 41 CFR 101–37.2	IC	GSA 2936 A thru D	Communications Management Information System (C/MIS)	3090–0054
41 CFR Part 101–45	IC	SF 150	Deposit Bond Individual Invitation—Sale of Personal Property	3090–0057
41 CFR Part 101–46	IC	SF 151	Deposit Bond Annual Sale of Government Personal Property	3090–0058

Directive or regulation	Type of action	Form No.	IC/RR title	OMB approval No.
41 CFR 1-14.2	IC	GSA 3430	Building Service Contractor Work Report	3090-0060

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the reporting or recordkeeping provisions that are included in the following regulations or GSA directives have been or will be submitted for approval to the Office of Management and Budget. They are not effective until OMB approval has been obtained.

Directive or regulation	Type of action	Form No.	IC/RR title
41 CFR 1-1.805-3(b)	RR	N/A	Labor Surplus Area Subcontracting Area.
41 CFR 1-3.814-2	RR	N/A	Price Negotiation (Audit and Records).
41 CFR 1-3.1220-6	RR	N/A	Depreciation of Tangible Capital Assets.
41 CFR 1-7.103-3	RR	N/A	Fixed-Price Supply Contracts.
41 CFR 1-7.302-4	RR	N/A	Fixed-Price Research and Development Contracts Inspection.
41 CFR 1-8.701	RR	N/A	Termination Clause for Fixed-Price Contracts.
41 CFR 1-8.703	RR	N/A	Termination Clause for Fixed-Price Construction Contracts.
41 CFR 1-8.706	RR	N/A	Subcontract Termination Clause.
41 CFR 1-17.206(e)	RR	N/A	Requests for Contractual Adjustments.
Appendix to 41 CFR Chapter 1 (FPR Temporary Regulation 39).	IC	N/A	Listing of Employment Openings.
Appendix to 41 CFR Chapter 1 (FPR Temporary Regulation 54).	RR/IC	N/A	Women's Business Enterprise Program.
41 CFR 101-40.205	IC	GSA 3080	Household Goods Shipment Report.
41 CFR 101-40.702-3	IC	SF 363	Discrepancy in Shipment Confirmation.
41 CFR 101-40.710	IC	SF 362	U.S. Government Freight Loss/Damage Claim.
41 CFR 101-40.702-3	IC	SF 361	Discrepancy in Shipment Report.
PBS P 5900.2	IC	GSA 1696	Request for and Report of Medical Examination.
41 CFR 1-12.9 and 41 CFR 5B-16.875	RR	GSA 2156	Service Contract Act of 1965.
41 CFR 5B-16.875	RR	GSA 1468	General Provisions (Contract for Building Services).
41 CFR 5B-16.875	IC	GSA 1467	Solicitation Offer and Award (Contract for Building Services).
41 CFR 5B-16.875	IC	GSA 1467A	Solicitation Instructions and Conditions.
41 CFR 5B-7.602-70	IC	GSA 2419	Certification of Payment to Subcontractors and Suppliers.
41 CFR 5B-16.871	IC	GSA 1137	Request Proposal and Acceptance Governing Construction Contract Modification.
41 CFR 5B-2.203, 41 CFR 1-18.202, and PBS P 3420.2.	IC	GSA 2056	Pre-Invitation Notice, Construction Contract.
41 CFR 5B-16.871(a)	IC	GSA 2417	Notice to Proceed.
41 CFR 1-7.602-7, 41 CFR 5B-16.871(c), and PBS P 3420.2.	IC	GSA 1142	Release of Claims.
29 CFR 5.5 and 5.6	IC	GSA 1995	Return of Payroll Document for Correction.
41 CFR 1-18.201	IC	SF 18	Request for Quotations.
41 CFR 1-16.401	IC/RR	SF 19B	Representations and Certifications (Construction and Architect-Engineer Contract).
41 CFR 1-16.101	IC/RR	SF 33, 33A	Solicitation, Offer, and Award (Solicitation Instructions and Conditions).
Federal Property and Administrative Services Act of 1949 (FPASA), as amended (63 Stat. 377).	IC	GSA 54	Description of Property for Possible Leasing to the Federal Government.
FPASA	IC	GSA 1217	Lessor's Annual Cost Statement.
FPASA	IC	GSA 1364	Proposal to Lease Space.
FPASA and 41 CFR 1-16.6	RR	SF 2, 2A, and 2B	U.S. Government Lease for Real Property.

Dated: December 28, 1981.

William A. Clinkscales, Jr.,

Director of Oversight, General Services Administration.

[FR Doc. 81-37318 Filed 12-30-81; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

1981 Annual Report; Availability of Filing; Safety and Occupational Health Study Section

Notice is hereby given that pursuant to Section 13 of Pub. L. 92-463 (5 U.S.C. Appendix I), the fiscal year 1981 annual report for the following Federal advisory committee utilized by the Centers for Disease Control has been filed with the Library of Congress:

Safety and Occupational Health Study Section.

Copies are available to the public for inspection at the Library of Congress, Newspaper and Current Periodical Reading Room, Room 1026, Thomas Jefferson Building, Second Street and Independence Avenue, SE., Washington, D.C. (telephone: 202/287-0310). Additionally, on weekdays between 9:00 a.m. and 4:30 p.m. copies will be available for inspection at the Department of Health and Human Services, Department Library, HHS North Building, Room 1436, 300 Independence Avenue, SW., Washington, D.C. (telephone: 202/245-6791).

Dated: December 18, 1981.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 81-37208 Filed 12-30-81; 8:45 am]

BILLING CODE 4110-88-M

Immunization Practices Advisory Committee; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control announces the following Committee meeting:

Name: Immunization Practices Advisory Committee.
Dates: January 20-21, 1982.
Place: Auditorium A, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333.
Time: 8:15 a.m.
Type of Meeting: Open.
Contact Person: J. Michael Lane, M.D., Acting Executive Secretary of Committee, Building 1, Room 3007, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333, Telephones: FTS: 236-3771, Commercial: 404/329-3771.
Purpose: The Committee is charged with advising on the appropriate uses of immunizing agents.
Agenda: The Committee will continue discussions of the recommendations for the use of hepatitis B vaccine; review the current influenza activity, including strains, vaccine production, status of Guillain-Barre studies, Reye syndrome, and a draft vaccine use recommendation; and consider other matters of relevancy among the Committee's objectives.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: December 22, 1981.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 81-37207 Filed 12-30-81; 8:45 am]

BILLING CODE 4110-86-M

Food and Drug Administration

Consumer Participation; Notice of Open Meeting

AGENCY: Food and Drug Adminisfration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing a forthcoming National Consumer Exchange Meeting to be chaired by the Commissioner of Food and Drugs.

DATE: The meeting will be held at 3:30 p.m., Monday, January 11, 1982.

ADDRESS: The meeting will be held at the Hubert H. Humphrey Bldg. Auditorium, 200 Independence Ave. SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Alexander Grant, Associate Commissioner for Consumer Affairs (HFE-1), Food and Drug Administration, 5600 Fishers Lane, Rm. 16-85, Rockville, MD 20857, 301-443-5006.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to exchange information between FDA officials and consumer representatives, by providing an opportunity for consumer representatives to present their views directly to the Commissioner and to the top managers of FDA, by seeking solutions to any problems agreed on during this communication, and by giving the agency an opportunity to discuss and communicate vital health and policy issues to the concerned public. Proposed discussion at the meeting will focus on the issues of standards policy for class II medical devices and the Patient Package Insert (PPI) program for prescription drugs.

Dated: December 29, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-37375 Filed 12-30-81; 12:52 pm]

BILLING CODE 4150-01-M

Health Care Financing Administration

Medicare Program; Solicitation of Comments Related to a Study of Methods for Improving Coverage of Foot Care Services

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: General Notice.

SUMMARY: Present Medicare law specifically excludes coverage of routine foot care. Section 958 of the Omnibus Reconciliation Act of 1980 (Pub. L. 96-499) requires that we conduct a study of the effects of this exclusion and of alternative approaches to improving coverage for specific types of foot conditions. We will submit recommendations concerning coverage changes to Congress, based on the results of the study.

This notice invites organizations and parties concerned with these services to submit material for consideration in the study.

DATES: To assure consideration, comments should be mailed by January 29, 1982.

ADDRESS: Address comments concerning the study: Alice M. Litwinowicz, Office of Research and Demonstrations, Health Care Financing Administration, Room 4439G Health and Human Services Building North, 330 Independence Avenue, SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Alice M. Litwinowicz, (202) 245-6306.

SUPPLEMENTARY INFORMATION: Section 1862(a)(13)(C) of the Social Security Act specifically excludes routine foot care from Medicare coverage. Therefore, Congress, in section 958 of Pub. L. 96-499, the Omnibus Reconciliation Act of 1980, mandated a comprehensive analysis of the cost effects of alternative approaches to improving coverage under Medicare for the treatment of various types of foot conditions. The law also requires the Secretary of Health and Human Services to submit a report to Congress on the study and recommend any legislative changes the Secretary finds desirable as a result of conducting the study.

HCFA will conduct this study, and will consider specific foot conditions, the effect of other pathology or disability of the patient, and the cost effects of alternative approaches to improving coverage for specific types of foot conditions. Cost-effectiveness, assurances of quality and appropriateness of services, techniques for utilization and cost controls, and efficiency of administration will be important aspects of the study.

This notice invites interested agencies, professional organizations and other parties to submit views, analyses, and other material for consideration in the study. All material mailed by January 18, 1982 will be considered.

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance and 13.774, Medicare—Supplementary Insurance)

Date: December 10, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 81-37223 Filed 12-30-81; 8:45 am]

BILLING CODE 4120-03-M

Medicare Program; Solicitation of Comments Related to a Study of Methods for Improving Coverage of Registered Dietitians' Services and for Respiratory Therapy Services Provided by Home Health Agencies

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: General notice.

SUMMARY: Present Medicare law and regulations do not permit coverage of registered dietitians' service or respiratory therapy services when the services are provided by a home health agency. Section 958 of the Omnibus Reconciliation Act of 1980 (Pub. L. 96-499) requires us to conduct studies of the circumstances and conditions under which these services should be covered as a home health benefit, and to submit recommendations concerning coverage changes to Congress based on the result of the studies.

This notice invites organizations and parties concerned with these services to submit material for consideration in the studies.

DATES: To assure consideration, comments on the studies should be mailed by January 29, 1982.

ADDRESS: Address comments concerning the studies to: Mildred Corbin, Office of Research and Demonstrations, Health Care Financing Administration, Room 1-B-15, Oak Meadows Building, 6340 Security Boulevard, Baltimore, Maryland 21207.

FOR FURTHER INFORMATION, CONTACT: Mildred Corbin (301) 597-1457.

SUPPLEMENTARY INFORMATION: Medicare covers services of registered dietitians and of respiratory therapists when they are furnished as inpatient services by hospitals and skilled nursing facilities or as outpatient services by hospital outpatient departments. They are also covered if they meet the criteria

for services furnished incident to the services of a physician (that is, they are provided under the physician's direct supervision and are included in the physician's bill for services.)

Under current Medicare law concerning home health coverage, Medicare does not cover home visits or direct counseling of patients in the home by a respiratory therapist or registered dietitian. However, home health agencies may be reimbursed for the salaries of these practitioners to provide consultation and general guidance to home health agency staff serving medicare beneficiaries. Also, Medicare covers the rental or purchase of respiratory equipment for use in the home as durable medical equipment.

In section 958 of the Omnibus Reconciliation Act of 1980 (Pub. L. 96–499), Congress directed the Secretary of Health and Human Services to conduct studies of the circumstances and conditions under which services furnished with respect to respiratory therapy and services furnished by a registered dietitian should be covered under Medicare when provided by home health agencies. The law also requires the Secretary to submit a report to Congress on all the studies mandated by section 958 and recommend any legislative changes the Secretary finds desirable as a result of conducting the studies. We will submit separate reports on the two studies discussed in this notice.

HCFA will conduct separate studies of the two types of benefits, including the need for the services in relation to medical diagnoses; qualifications and supply of manpower; quality assurances; techniques for control of utilization; quidelines for determining charges and controlling costs; and equitable and efficient administration. We will pay particular attention to cost/benefits considerations.

This notice invites interested agencies, professional organizations and other parties to submit views, analyses and similar material for consideration in either study. We will consider all material mailed by January 29, 1982.

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance and 13.774, Medicare—Supplementary Information)

Dated: December 10, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 81–37224 Filed 12–30–81; 8:45 am]

BILLING CODE 4120–03–M

Office of Human Development Services

Statement of Organization, Functions, and Delegations of Authority

This notice amends Part D of the statement of Organization, Functions, and Delegations and Authority of the Department of Health and Human Services, Office of Human Development Services (OHDS) to remove the Regional Office for Native Americans from all regions except Region X. In Region X, there is no change in the Regional Office for Native Americans except that Native American functions in Region IX are transferred to Region X. Similar functions in Regions I through VIII are transferred to headquarters.

Part D, Chapter DD, Section DD.20 D., "The Regional Offices for Native Americans", as published in the **Federal Register** on September 29, 1980 (45 FR 64269) is to be deleted and replaced by the following:

"D. The Regional Office for Native Americans (DDX7) is in region X only and acts under the direct supervision of the Regional Administrator. Is responsible for the administration of those ANA grant programs delegated to the HDS Region X Office. Represents the interests of Native Americans served by that region. Serves as liaison with other Federal, State and local agencies that operate programs which serve Native Americans and with organized Native American groups. Disseminates information on Departmental services, benefits and eligibility criteria to Native Americans. Identifies and seeks to address the specific needs of Native Americans. Works to encourage the social and economic development of Native Americans. Exercises oversight on regional grant programs authorized under the Native Americans Program Act of 1974. Provides guidance and technical assistance on financial management reporting, regulations, policies and procedures to ANA grantees. Stimulates and facilitates development of appropriate R&D projects."

Dated: December 23, 1981.

Richard S. Schweiker,

The Secretary.

[FR Doc. 81–37227 Filed 12–30–81; 8:45 am]

BILLING CODE 4130–01–M

Public Health Service

Privacy Act System; New System of Records

AGENCY: Department of Health and Human Services; Public Health Service.

ACTION: Notification of a new system of records.

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing this notice of a proposal to establish a new system of records: Health Professions Preparatory Scholarship Program for Indians and Health Professions Scholarship Program Record System, HHS/HSA/IHS, 09–15–0036. We are also including routine uses with this system of records. PHS invites interested persons to submit comments on the proposed routine uses on or before February 1, 1982.

DATES: PHS has sent a Report of a New System to the Congress and to the Office of Management and Budget (OMB) on December 10, 1981. PHS has requested that OMB grant a waiver of the usual requirement that a system of records not be put into effect until 60 days after the report is sent to OMB and the Congress. If this waiver request is granted, PHS will publish a notice to that effect in the **Federal Register.**

ADDRESS: Comments should be addressed to: Director, Office of Communication and Public Affairs, Health Services Administration, Parklawn Building, 5600 Fishers Lane, Room 14A–55, Rockville, Maryland 20857.

Comments received will be available for inspection in Room 14A–55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Business hours of this office are 8:30 A.M. to 5:00 P.M. weekdays.

FOR FURTHER INFORMATION CONTACT: Ann Barber, Acting HSA Privacy Act Coordinator, Parklawn Building, 5600 Fishers Lane, Room 14A–55, Rockville, Maryland 20857 (301) 443–2065. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The Indian Health Service (IHS), Health Services Administration, proposes to establish a new system of records, the purposes of which are to select candidates for the IHS scholarship program, to monitor the scholarship-related activities of recipients, and to evaluate the effectiveness of the program. Scholarship-related activities are defined as enrollment and attendance in IHS-funded courses, the receipt by the student of a monthly stipend and the expenditure of funds by the student for the purchase of supplies (including books), equipment, tuition, fees and other reimbursable and justified expenses authorized by IHS.

This system of records will be used only by the components of IHS that are

involved in the administration, evaluation or planning of the scholarship grant program. The Human Resources Management Branch, Office of Program Support, IHS, is responsible for scholarship grant records in this system. This proposed new system permits the administration of the IHS scholarship program in accordance with the provisions of the Indian Health Care Improvement Act, 25 U.S.C. 1601 et. seq. These activities fall under the purview of the Privacy Act of 1974.

This system of records contains records of individuals who have applied for and have been approved to receive, are receiving, and have received scholarship grant funds provided by IHS for two purposes: compensatory education (section 103) and training in health professions where there are identified health manpower shortages (section 104).

Students apply directly to IHS for section 103 and 104 scholarship grants. IHS transmits scholarship grant approval or rejection notices directly to each applicant. Students accepted for funding under either program are assigned an IHS staff person to assist the student with oversight of his/her scholarship requirements. Area/Program Office Scholarship Coordinators may provide the student technical assistance with regard to the submission of expense vouchers in the event the student is unable to contact his/her monitor. In addition, an IHS Headquarters Branch Chief, for the health care discipline the scholarship grant recipient is being trained for, will assist with placement of the student to fulfill the student's service obligation payback.

The confidentiality of all records contained in this system of records is strictly enforced. Essential safeguards to be introduced into the operation of the system of records are as follows:

IHS personnel authorized to make use of records contained in this system of records are made aware of their responsibilities under the provisions of the Privacy Act and are required to maintain Privacy Act safeguards with respect to such records. Hard copy data are maintained in locked file cabinets and in secured storage areas. Access is limited to authorized personnel (system manager, his/her staff and staff of the Grants Management Office, IHS).

Records in this system are retained by IHS for one year after the final award payment has been made by IHS and are then retired to a Federal Records Center. Records are shredded or burned by the Federal Records Center four years after they are received.

The Privacy Act of 1974 allows disclosure of information without the consent of the individual for "routine uses," that is, disclosure for purposes which are compatible with the purposes for which the data are collected. Accordingly, we are establishing four routine uses of information in this system. The relationship between each of these four routine uses to the purpose of the system follows.

The first routine use provides for disclosure: "To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual." This routine use would not violate the privacy of the subject individual and is compatible with the purpose of the system because such disclosure would be made only pursuant to a request initiated by the subject individual.

The second routine use of this system permits disclosure: "To authorized persons employed by the grantee institution (the institution which the recipient of a scholarship grant is attending) as needed for the administration of a scholarship grant award." This routine use is compatible with the system's purpose to monitor the scholarship-related activities of candidates selected. If authorized personnel at the grantee institution determine that the student is not complying with the terms of the scholarship agreement, they will so notify authorized IHS personnel.

The third routine use of this system permits disclosure: "to other Federal agencies that also provide scholarship funding at the request of these Federal agencies in conjunction with a matching program conducted by these Federal agencies to detect or curtail fraud and abuse in Federal scholarship programs, and to collect delinquent loans or benefit payments owed to the Federal Government." One purpose of this system of records is to document, monitor and evaluate scholarship grantee performance and expenditures. Thus the disclosure of names and Social Security Numbers of persons awarded scholarship grants by IHS to these Federal agencies reduces the chances of fraud of abuse. Relevant Federal agencies include but are not limited to the Bureau of Indian Affairs, Department of Interior; components of the Department of Education; and the Department of Defense.

The fourth routine use states that portions of the records contained in this system will be published in the **Federal Register**. Disclosures to the public of nonsensitive information in this system identified by individual are required by the terms of the final rules and regulations implementing the IHS scholarship grant program.

For the reasons stated above, IHS believes that the routine uses of this system of records are compatible with the purpose of this system of record.

Dated: December 15, 1981.

Wilford J. Forbush,

Deputy Assistant Secretary for Health Operations and Director, Office of Management.

SYSTEM NAME:

Health Professions Preparatory Scholarship Program for Indians and Health Professions Scholarship Program Record System, HHS/HSA/IHS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Human Resources Management Branch, Indian Health Service, 5600 Fishers Lane, Room 6A–23, Rockville, Maryland 20857; and

Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have applied for and have been approved to receive, persons who are receiving, and persons who have received scholarship grant funds since January 1978 from the Health Professions Preparatory Scholarship Program for Indians and/or Health Professions Scholarship Program. Applicants for financial support awarded under the Health Professions Preparatory Scholarship Program for Indians must be American Indians or Alaskan Natives. Even though there is no racial requirement for the Health Professions Scholarship Program, priority selection is accorded to American Indian and Alaskan Native applicants, as stated in the legislation establishing this program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include grant applications of selected applicants only, and selection and performance records. In addition to the application forms for each of the two scholarship programs, these records also contain high school and college grade transcripts, evidence of acceptance in a school covered by the program, two faculty letters of recommendation or faculty evaluation forms, documentation of Indian eligibility (BIA Certification or State-Recognized Tribes Certification) for scholarship grant applicants who are claiming priority selection as American Indians or Alaskan Natives, verification

from a school official that the course is required to meet an educational deficiency and that the program represents a full course load (for Health Professions Preparatory Scholarship Program), signed contract (for Health Professions Scholarship Program), and a brief written explanation of the applicants' reasons for requesting the scholarship. Progress reports and vouchers of expenditures are included with the records after the scholarships have been awarded.

Information requested on a scholarship grant application form includes: Full name of applicant, mailing address, telephone number, place of birth, citizenship, school in which enrolled or accepted for enrollment as a full-time student, dates of attendance, expected date of graduation, , length of program in years, tuition and fees charged, future speciality, present and previous residences (city, county, state), work experience, and career goals. In addition, the Social Security Number (SSN) is requested on the scholarship grant application (optional on the application but required prior to the award of a grant). IHS scholarship grant recipients have an active duty service obligation (25 U.S.C. 1613) and are entitled to employment in IHS during any nonacademic period of the year (25 U.S.C. 1614). In anticipation of these obligations and entitlements, the SSN is obtained from IHS scholarship grant recipients at the time of grant award for identification of "permanent" accounts for these individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 103 of the Indian Health Care Improvement Act, 25 U.S.C. 1613, Health Professions Preparatory Scholarship Program for Indians.

Section 104 of the Indian Health Care Improvement Act, 42 U.S.C. 294y-1, Indian Health Scholarship Program.

Executive Order 9397, dated November 22, 1943, authorizing Federal agencies to collect SSNs from Federal employees for identification of "permanent" accounts.

PURPOSE:

The purpose of this system of records is to select candidates for the Indian Health Service scholarship program, to monitor the scholarship-related activities of candidates selected, and to evaluate the effectiveness of the program. Scholarship-related activities are defined as enrollment and attendance in IHS-funded courses, the receipt by the student of a monthly stipend and the expenditure of funds by the student for the purchase of supplies (including books), equipment, tuition, fees and other reimbursable and justified expenses authorized by IHS.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Records may be disclosed to a congressional office in response to an inquiry from that office made at the request of the subject individual.

2. Records may be disclosed to authorized persons employed by the grantee institution (the institution which the recipient of a scholarship grant is attending) as needed for the administration of a scholarship grant award.

3. Records may be disclosed to other Federal agencies that also provide scholarship funding at the request of these Federal agencies in conjunction with a matching program conducted by these Federal agencies to detect or curtail fraud and abuse in Federal scholarship programs, and to collect delinquent loans or benefit payments owed to the Federal Government.

4. Name, tribal affiliation if applicable, and school of scholarship recipients will be published in the Federal Register as required by the terms of the legislation establishing the IHS scholarship grant program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in folders, ledgers, and on electronic word processing diskettes.

RETRIEVABILITY:

Records which identify individual persons are indexed by name or identification number of scholarship grant applicant or recipient.

SAFEGUARDS:

1. Paper records are stored in locked file cabinets. The record storage area is secured during off-duty hours. This area is not left unattended during office hours, including lunch hours. Records are not removed from the area in which they are maintained in the absence of proper charge-out procedures.

2. All IHS personnel who make use of records contained in this system are made aware of their responsibilities under the provisions of the Privacy Act and are required to maintain Privacy Act safeguards with respect to such records.

3. When copying records for authorized purposes, care is taken to ensure that any imperfect pages are not left in the reproduction room where they can be read, but are destroyed or obliterated.

4. Access is limited only to authorized personnel in the performance of their duties. Authorized personnel includes the system manager, his/her staff and staff of the Grants Management Office, IHS.

5. Word processing diskettes are stored in areas where fire and life safety codes are strictly enforced. Twenty-four hour, seven-day security guards perform random checks on the physical security of the data. Word processing diskettes are off-loaded and stored in locked cabinets when not in use. A data set name controls the release of data to only authorized users.

These safeguards are in accordance with: (1) HHS General Administration Manual chapter 45–13 and supplemental chapter PHS.hf: 45–13, "Safeguarding Records Contained in Systems of Records," (2) PHS Grants Administration Manual chapter PHS.i.1–602, "Information on Individuals Obtained in Grant Applications," and (3) Part 6, "Systems Security" of the HHS ADP Systems Manual.

RETENTION AND DISPOSAL:

Records in this system are retained by IHS for one year after the final award payment has been made by IHS and are then retired to a Federal Records Center. Records are shredded or burned by the Federal Records Center four years after they are received.

SYSTEM MANAGER AND ADDRESS:

Chief, Human Resources Management Branch, Indian Health Service, 5600 Fishers Lane, Room 6A–23, Rockville, Maryland 20857.

NOTIFICATION PROCEDURE:

Requests by mail or in person: To substantiate the identity of subject individual seeking access to his/her scholarship grant application and/or performance record, the requester must provide his/her name, signature, and Grant Identification Number. To identify the record sought, the requester must provide dates of attendance, school(s) of attendance, and field of speciality or courses taken.

In addition, the requester is hereby informed that provision of the SSN may assist in the verification of the identity of the person as well as in the identification of his/her record. Provision of his/her SSN is voluntary, and the requester will not be refused access to his/her record for failure to disclose his/her SSN.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also provide a reasonable description of the record being sought.

CONTESTING RECORD PROCEDURES:

Contact the system manager, provide a reasonable description of the record, specify the information you want to contest, and state the corrective action sought.

RECORD SOURCE CATEGEGORIES:

Individuals whose records are contained in the system, third parties who provide references concerning the subject individuals, and schools that individuals in the system attend or have attended.

SYSTEMS EXEMPT FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-37244 Filed 12-30-81 8:45 am]

BILLING CODE 4115-84-M

Office of the Secretary

Medicare Program; Premium Rate for the Uninsured Aged

AGENCY: Office of the Secretary (OS), HHS.

ACTION: General notice.

SUMMARY: This notice announces Medicare's monthly hospital insurance premium for the uninsured aged for the 12 months beginning July 1, 1982. Section 1818(d)(2) of the Social Security Act requires the Secretary of HHS to publish, during the last quarter of each calendar year, the amount of the monthly hospital insurance program (Part A of Medicare) premium for voluntary enrollment for the 12-month period beginning with the following July 1.

EFFECTIVE DATE: July 1, 1982.

FOR FURTHER INFORMATION CONTACT: Guy King, Acting Director, Office of Financial and Actuarial Analysis, 3-0-3 Operations Building, Baltimore, Maryland 21235, Telephone: (301) 594-2826.

SUPPLEMENTARY INFORMATION: Under the authority in section 1818(d)(2) of the Social Security Act (42 U.S.C. 1395i-2(d)(2)), I have determined that the monthly Medicare hospital insurance premium for the uninsured aged for the 12 months beginning July 1, 1982, is $113.

Section 1818 of the Social Security Act provides for voluntary enrollment in the hospital insurance program (Part A of Medicare), subject to payment of a nonthly premium, of certain persons age 65 and older who are uninsured for social security or railroad retirement benefits and do not otherwise meet the requirements for entitlement to hospital insurance. (Persons insured under the Social Security or Railroad Retirement Acts need not pay premiums for hospital insurance.)

Section 1818(d)(2) of the Act requires the Secretary to determine and publish, during the last quarter of each calendar year, the amout of the monthly Part A premium for voluntary enrollment for the 12-month period beginning with the following July 1. The formula specified in this section also requires that, for the period beginning July 1, 1982, the 1973 base year premium ($33) be multiplied by the ratio of (1) the 1982 inpatient hospital deductible to (2) the 1973 inpatient hospital deductible, rounded to the nearer multiple of $1 or, if midway between multiples of $1, to the next higher multiple of $1.

Under section 1813(b)(2) of the Act, the 1982 inpatient hospital deductible was determined to be $260. (See 46 FR 47115, September 24, 1981.) The 1973 deductible was actuarially determined to be $76, although the 1973 deductible was actually promulgated to be only $72,to comply with a ruling of the Cost of Living Council. (See 37 FR 21452, October 11, 1972.) The monthly premium for the 12-month period beginning July 1, 1982 has been calculated using the $76 deductible for 1973, since this more closely satisfies the intent of the law. Thus the monthly hospital insurance premium is $33 x (260/76)=$112.89, which is rounded to $113.

Impact Analyses

The monthly hospital insurance premium for the uninsured aged for the 12-month period beginning July 1, 1982 will increase to $113. That amount is 27 percent higher than the $89 monthly premium amount for the previous 12-month period.

The estimated cost of this increase to the approximately 24,000 enrollees who do not meet the requirements for entitlement to hospital insurance will be about $7,000,000.

Because this notice merely announces an amount required by the formula specified in section 1818(d)(2) of the Act, and does not alter any regulation or policy, no analyses under Executive Order 12291 or the Regulatory Flexibility Act, Pub. L. 96-354, are required.

(Sec. 1818(d)(2), Social Security Act (42 U.S.C. 1395i-2(d)(2)))

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance)

Dated: December 23, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-37280 Filed 12-30-81; 8:45 am]

BILLING CODE 4120-03-M

Monthly Actuarial Rates and Monthly Premium Rate

AGENCY: Office of the Secretary (OS), HHS.

ACTION: General notice.

SUMMARY: This notice announces the monthly actuarial rates for aged (age 65 or over) and disabled (under age 65) enrollees in the Medicare Supplementary Medical Insurance (SMI) program for the twelve months beginning July 1982. It also announces the monthly SMI premium rate to be paid by all enrollees during the twelve months beginning July 1982.

EFFECTIVE DATE: July 1, 1982.

FOR FURTHER INFORMATION CONTACT: Joseph N. Romano, Supervisory Actuary, Division of Medicare Cost Estimates, 3-0-3 Operations Building, Baltimore, Maryland 21235, Telephone: (301) 594-1023.

SUPPLEMENTARY INFORMATION: Each December, the Secretary of Health and Human Services is required by law to issue two notices relating to the Medicare Supplementary Medical Insurance (SMI) program.

One notice announces two amounts that, according to actuarial estimates, will equal, respectively, one-half the expected average monthly cost of SMI per aged enrollee (age 65 or over) and one-half the expected average monthly cost of SMI per disabled enrollee (under age 65) during the 12 months beginning the following July. These amounts are called "monthly actuarial rates".

The second notice announces the monthly SMI premium rate to be paid by aged and disabled enrollees for the 12 months beginning the following July. (Although the costs to the program per disabled enrollee are higher than for the aged, the law provides that they pay the same premium amount.) The premium rate must be the lesser of the actuarial rate for aged enrollees, or the current monthly premium rate increased by the same percentage as the most recent general increase in monthly title II social security benefits (effective the preceding June). The difference between the premiums paid by all enrollees and total incurred costs is met from the general revenues of the Federal Government.

The notices of these amounts for the period July 1, 1982, through June 30, 1983, are as follows:

Notice of Monthly Actuarial Rates

As required by sections 1839(c)(1) and (4) of the Social Security Act (42 U.S.C. 1395r(c)(1) and (4)), as amended, I have determined that the monthly actuarial rates applicable for the 12-month period beginning July 1, 1982, are $24.60 for enrollees age 65 and over, and $42.10 for disabled enrollees under age 65. The accompanying statement gives the actuarial assumptions and bases from which these rates are derived.

Notice of Monthly Premium Rate

As required by section 1839(c)(3) of the Social Security Act (42 U.S.C. 1395r(c)(3)), as amended, I have determined that the basic premium amount will be $12.20 monthly during the period July 1, 1982 to June 30, 1983. The accompanying statement shows how this amount was derived.

Statement of Actuarial Assumptions and Bases Employed in Determining the Monthly Actuarial Rates and the Standard Monthly Premium Rate for the Supplementary Medical Insurance Program Beginning July 1982

1. Actuarial Status of the Supplementary Medical Insurance Trust Fund

The law requires that the SMI program be financed on an incurred basis. That is, program income during the 12-month period for which the actuarial rates are effective must be sufficient to pay for services furnished during that period (including associated administrative costs) even though payment for some of these services will not be made until after the close of the period. The portion of income required to cover benefits not paid until after the close of the 12-month period is added to the trust fund until needed. Thus, the assets in the trust fund at any time should be no less than benefit and administrative costs incurred but not yet paid.

Because the rates are established prospectively, they are subject to projection error. As a result, the income to the program may not equal incurred costs. Therefore, trust fund assets should be maintained at a level that is adequate to cover a moderate degree of projection error in addition to the amount of incurred but unpaid expenses. Table 1 summarizes the estimated status of the trust fund as of June 30 for each of the years 1980–82.

TABLE 1.—ACTUARIAL STATUS OF THE SMI TRUST FUND, 12-MONTH PERIODS ENDING JUNE 30 OF 1980–82

[In millions]

	Assets	Liabilities	Assets less liabilities
12-month period ending June 30—			
1980	$4,658	$3,479	$1,179
1981	3,801	3,964	−163
1982	5,564	4,521	1,043

2. Monthly Actuarial Rate for Enrollees Age 65 and Older

The monthly actuarial rate is one-half the monthly projected cost of benefits and administrative expenses for each enrollee age 65 and older, adjusted to allow for interest earnings on assets in the trust fund and a contingency margin. The contingency margin is an amount appropriate to provide for a moderate degree of projection error and to amortize unfunded liabilities.

The monthly actuarial rate for enrollees age 65 and older for the 12-month period ending June 30, 1983, was determined by projecting per-enrollee cost for the 12-month period ending June 30, 1980, by type of service. The projected costs for the 12-month periods ending June 30 of 1980–1983 are shown in Table 2. The values for the 12-month period ending June 30, 1980, were established from program data. Subsequent periods were projected using a combination of program data and data from external sources. The projection factors used are shown in table 3.

TABLE 2.—DERIVATION OF MONTHLY ACTUARIAL RATE FOR ENROLLEES AGE 65 AND OVER 12-MONTH PERIODS ENDING JUNE 30 OF 1980–83

	1980	1981	1982	1983
Covered services (at level recognized)				
Physicians' reasonable charges	$14.09	$17.29	$20.62	$23.75
Radiology and pathology	.79	.96	1.15	1.30
Outpatient hospital and other institutions	2.74	3.34	4.02	4.96
Home health agencies	.35	.08	.11	.01
Group practice prepayment plans	.41	.53	.68	.80
Independent lab	.24	.25	.26	.28
Total services	19.52	22.75	26.82	31.12
Cost sharing:				
Deductible	−1.87	−1.80	−2.17	−2.47
Coinsurance	−3.31	−3.91	−4.68	−5.47
Total benefits	14.34	16.96	19.97	23.18
Administrative expenses	.87	1.25	1.02	1.09
Incurred expenditures	15.21	18.21	20.99	24.27
Value of interest on funds	−.37	−.29	−.34	−.51
Contingency margin for projection error and to amortize unfunded liabilities	1.44	1.62	1.95	.84
Monthly actuarial rate	13.40	16.36	22.60	24.60

TABLE 3.—PROJECTION FACTORS,[1] 12-MONTH PERIODS ENDING JUNE 30 OF 1981–83

	Physicians' services		Radiology and pathology	Outpatient hospital services	Home health agency services	Group practice prepayment plans	Independent lab services
	Fees[2]	Utilization[3]					
12-mo period ending June 30—							
Aged:							
1981	7.8	7.0	22.5	22.0	7.2	20.5	5.6
1982	10.5	7.9	19.9	20.1	70.5	25.0	5.2
1983	5.8	4.9	12.8	23.6	82.8	20.0	15.2
Disabled:							
1981	7.8	8.6	21.0	30.8	16.3	20.5	13.6
1982	10.5	10.7	18.7	30.8	−71.5	25.0	−1.3
1983	5.8	4.8	13.8	17.7	−100.0	20.0	16.3

[1] All values are per enrollee. Also, the values for 1981 and 1982 differ significantly from those contained in last year's notice due to an additional year's data which support the current values and due to the implementation of the provisions of the 1980 Omnibus Reconciliation Act, Pub. L. 96-499, and the 1981 Omnibus Budget Reconciliation Act, Pub. L. 97-35.
[2] As recognized for payment under the program.
[3] Increase in the number of services received per enrollee and greater relative use of more expensive services.

The projected monthly rate required to pay for one-half of the total of benefits and administrative costs for enrollees age 65 and over for the 12-month period ending June 30, 1983, is $24.27. The monthly actuarial rate of $24.60 provides an adjustment for interest earnings and $.84 for a contingency margin. This margin amortizes a small unfunded liability for the aged and provides a small contingency for projection error.

3. Monthly Actuarial Rate for Disabled Enrollees

Disabled enrollees are those persons enrolled in SMI because of entitlement to disability benefits for not less than 24

months or because of entitlement to Medicare under the end-stage renal disease program. Projected monthly costs for disabled enrollees (other than those suffering from end-stage renal disease) in Table 3 are prepared in a fashion exactly parallel to projections for the aged, using appropriate actuarial assumptions. Costs for the end-stage renal disease program are projected using a different computer model because of the complex demographic problems involved. The combined results of all disabled enrollees are shown in Table 4.

The projected monthly rate required to pay for one-half of the total of benefits and administrative costs for disabled enrollees for the 12-month period ending June 30, 1983 is $45.59. The monthly actuarial rate of $42.10 provides an adjustment for interest earnings and $.01 for a contingency margin. This margin is small since there is already a more than moderate excess of assets over liabilities for the disabled.

TABLE 4.—DERIVATION OF MONTHLY ACTUARIAL RATE FOR DISABLED ENROLLEES 12-MONTH PERIODS ENDING JUNE 30 OF 1980–1983

	1980	1981	1982	1983
Covered services (at level recognized):				
Physicians' reasonable charges	$18.28	$21.54	$25.01	$29.78
Radiology and pathology	.83	1.01	1.20	1.36
Outpatient hospital and other institutions	15.22	17.80	20.52	23.61
Home health agencies	.26	.30	.09	.00
Group practice prepayment plans	.20	.25	.32	.38
Independent lab	.32	.37	.43	.48
Total services	35.13	41.30	48.52	56.35
Cost sharing:				
Deductible	−1.59	−1.67	−1.97	−2.30
Coinsurance	−6.49	−7.66	−9.05	−10.54
Total benefits	27.05	31.97	37.50	43.51
Administrative expenses	1.64	2.36	1.91	2.05
Incurred expenditures	28.69	34.33	39.41	45.59
Value of interest and other income on fund	−3.07	−2.98	−2.71	−3.50
Contingency margin for projection error and to amortize unfunded liabilities	−.62	−5.85	−.10	.01
Monthly actuarial rate	$25.00	$25.50	$36.60	$42.10

4. Sensitivity Testing

Several factors contribute to uncertainty about future trends in medical care costs. In view of this, it seems appropriate to test the adequacy of the rates announced here using alternative assumptions. The most unpredictable factors that contribute significantly to future costs are outpatient hospital costs, physician utilization (measured indirectly and reflecting the use of more visits per enrollee, the use of more expensive services, and other factors not explained by simple price per service increases), and increases in physician fees as constrained by the program's reasonable charge screens and economic index. Two alternative sets of assumptions and the results of those assumptions are shown in Table 5. All assumptions not shown in Table 5 are the same as in Table 3.

Table 5 no longer analyzes the variability of the cost of home health agency services. Section 930 of Pub. L. 96–499 amended section 1832(a)(2)(A) of the Act to provide for unlimited home health visits under both hospital insurance and supplementary medical insurance, and amended section 1812(a)(3) to eliminate the requirement for a prior hospitalization for payment under hospital insurance. Also, section 1833(d) of the Act requires that services that could be paid under either hospital insurance or supplementary medical insurance are to be paid under hospital insurance. Therefore, virtually all home health services are now paid under the hospital insurance program. Consequently, alternative sets of assumptions are no longer provided for home health services in analyzing the adequacy of the rates announced.

Table 5 indicates that, under the assumptions used in preparing this report, the monthly actuarial rates will result in an excess of assets over liabilities of $1,553 million by the end of June 1983. This amounts to 7.3 percent of the estimated total incurred expenditures for the following year. Assumptions which are somewhat more pessimistic, and therefore which indicate the degree that assets can accommodate projection errors, produce a deficit of $867 million by the end of June 1983, which amounts to a deficit of 3.7 percent of the estimated total incurred expenditures for the following year. Under fairly optimistic assumptions, the monthly actuarial rates will result in an excess of $3,850 million, which amounts to 20.3 percent of the estimated total incurred expenditures for the following year.

TABLE 5.—PROJECTION FACTORS AND THE ACTURIAL STATUS OF THE SMI TRUST FUND UNDER ALTERNATIVE SETS OF ASSUMPTIONS, 12-MONTH PERIODS ENDING JUNE 30 OF 1981–83

	This projection			Low cost projection			High cost projection		
	1981	1982	1983	1981	1982	1983	1981	1982	1983
Projection factors (in percent):[1]									
Physicians' fees:[2]									
Aged	7.8	10.5	9.8	7.3	10.0	9.3	8.3	11.0	10.3
Disabled	7.8	10.5	9.8	7.3	10.0	9.3	8.3	11.0	10.3
Utilization of physicians' services:[3]									
Aged	7.0	7.9	4.9	6.0	5.9	2.9	8.0	9.5	6.8
Disabled	9.8	10.7	8.3	7.8	5.7	3.9	11.8	15.7	13.9
Outpatient hospital services per enrollee:									
Aged	22.0	20.1	23.6	19.0	13.1	13.6	25.0	27.1	33.6
Disabled	20.0	20.6	17.7	12.9	10.8	7.7	28.0	30.8	27.7
Actuarial status (in millions):									
Assets	$3,801	$5,564	$6,729	$3,801	$6,135	$8,565	$3,801	$4,071	$4,706
Liabilities	3,964	4,521	5,176	3,757	4,213	4,715	4,166	4,429	5,573
Assets less liabilities	−163	1,043	1,553	44	1,922	3,850	−365	−358	−867
Ratio of assets less liabilities to expenditures (in percent)[4]	1.1	5.8	7.3	0.3	11.5	20.3	−2.9	−0.7	3.7

[1] The values for 1981 and 1982 differ significantly from those contained in last year's notice due to an additional year's data which support the current values and due to the implementation of the provisions of Public Law 96–499 and Public Law 97–35.
[2] As recognized for payment under the program.
[3] Increase in the number of services received per enrollee and greater relative use of more expensive services.
[4] Ratio of assets less liabilities at the end of the year to total incurred expenditures during the following year, expressed as a percent.

5. Standard Premium Rate

The law provides that the standard monthly premium rate for both aged and disabled enrollees shall be the lesser of:

1. The monthly actuarial rate for enrollees age 65 and older; or

2. The current standard monthly premium, increased by the same percentage that the level of old-age, survivors, and disability insurance (OASDI) benefits has been increased since the May preceding the announcement (and rounded to the nearer multiple of ten cents).

The standard monthly premium rate for the 12-month period ending with June 30, 1982 is $11.00. The OASDI benefit table increased 11.2 percent in June 1981. The $11.00 rate, increased by 11.2 percent and rounded to the nearer ten cent multiple, is $12.20. Since this is less than the aged actuarial rate, the standard premium rate will be $12.20 for the 12 months ending with June 1983.

Impact Analyses

The monthly SMI premium rate of $12.20 for all enrollees during the 12-month period beginning July 1, 1982 is 11.2 percent higher than the $11.00 monthly premium amount for the previous 12-month period.

The estimated cost of this increase to the approximately 28.6 million SMI enrollees will be about $410 million for the 12-month period beginning July 1, 1982.

Because this notice of the SMI premium rate announces an amount required by the formula specified in section 1839(c)(3) of the Act, and does not alter any regulation or policy, no analyses under Executive Order 12291 or the Regulatory Flexibility Act, Pub. L. 96-354, are required.

Secs. 1839(c)(1), (3), and (4), Social Security Act; 42 U.S.C. 1395r(c)(1), (3), and (4))

(Catalog of Federal Domestic Assistance Program No. 13.774, Medicare-Supplementary Medical Insurance)

Dated: December 28, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-37288 Filed 12-30-81; 8:45 am]

BILLING CODE 4120-03-M

Office of Management and Budget Approval Numbers for Certain Recordkeeping/Reporting Requirements Contained in Department of Health and Human Services Regulations

The following table displays the Office of Management and Budget (OMB) approval numbers for: (1) Recordkeeping requirements contained in regulations issued by the Department of Health and Human Services, and (2) reporting requirements in those regulations for which there are no forms displaying an OMB approval number. The Department has determined that publication of Table A assists potential respondents and carries out the intent of the public protection clause (Section 3512) of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) which states that "* * * no person shall be subject to any penalty for failing to maintain or provide any information * * * if the information collection request was made after December 31, 1981, and does not display a current control number assigned by the Director * * *"

Final regulations containing reporting and/or recordkeeping requirements issued by this Department in the future will normally cite the OMB number in the preamble. If the reporting and/or recordkeeping requirements have not been approved, the regulation will contain a statement that those requirements are not effective until OMB approval has been obtained.

FOR FURTHER INFORMATION CONTACT:

Joseph Strnad, Hubert H. Humphrey Building, Room 526-F, 200 Independence Avenue, S.W., Washington, D.C. 20201, (phone 202/245-7488).

Dated: December 24, 1981.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

TABLE A—LIST OF REGULATIONS; UNITED STATES CODE, CODE OF FEDERAL REGULATIONS, OR FEDERAL REGISTER CITATIONS; AND OMB APPROVAL NUMBERS FOR CERTAIN RECORDKEEPING AND REPORTING REQUIREMENTS IN EXISTING REGULATIONS

Title of regulation	Specific USC, CFR or FR citation	OMB approval number
OFFICE OF THE SECRETARY		
Assistant Secretary for Management and Budget		
45 public welfare; part 95—subpart F automatic data processing equipment and services—Conditions for Federal financial participation.	45 CFR 95.600	0990-0058
PUBLIC HEALTH SERVICE		
Centers for Disease Control		
42 public health; part 71—Foreign quarantine importation requirements	42 CFR 71.154(b)(3)	0920-0108
42 public health; part 71—Foreign quarantine	42 CFR 71.165	0920-0096
30 mineral resources; part 11—Respiratory protective devices tests for permissibility; Fees (joint regulation with Department of Labor).	30 CFR 11.43	0920-0109
Food and Drug Administration		
21 food and drugs; part 600—General biological products; general	21 CFR 600.12	0910-0047
21 food and drugs; part 606—Current good manufacturing practices for blood and blood components.	21 CFR 606.100 (b) and (c); 21 CFR 606.151 (a) and (e); 21 CFR 606.160; 21 CFR 606.165; 21 CFR 606.170.	0910-0116
21 food and drugs; part 610—General biological products standards	21 CFR 610.18(b)	0910-0116
21 food and drugs; part 620—Additional standards for bacterial products	21 CFR 620.4(d); 21 CFR 620.13(d); 21 CFR 620.23(d); 21 CFR 620.33(d)	0910-0116
21 food and drugs; part 640—Additional standards for human blood and blood products	21 CFR 640.3(a); 21 CFR 640.61	0910-0116
	21 CFR 640.76 (a) and (b)	0910-0079
21 food and drugs; part 1002—Radiological health regulations for the administration and enforcement of the Radiation Control for Health and Safety Act of 1968.	21 CFR 1002.3, 21 CFR 1002.30; 21 CFR 1002.40	0910-0025
21 food and drugs; part 225—Current good manufacturing practices for medicated feeds	21 CFR 225.102; 21 CFR 225.110; 21 CFR 225.115	0910-0139
21 food and drugs; part 511—New animal drugs for investigational use	21 CFR 511.1(a)(3) (lab testing); 21 CFR 511.1(b) (clinical)	0910-0117
21 food and drugs; part 510—New animal drugs	21 CFR 510.300(a)	0910-0010
21 food and drugs; part 113—Thermally processed low-acid foods packaged in hermetically sealed containers.	21 CFR 113.100	0910-0026
21 food and drugs; part 114—Acidified foods	21 CFR 114.100	0910-0026
21 food and drugs; part 860—Medical devices	21 CFR 800.55(k)	0910-0114
21 food and drugs; part 801—Labeling	21 CFR 801.150(a)(2); 21 CFR 801.150(e)(1)	0910-0131
21 food and drugs; part 807—Device listing for manufacturers of devices	21 CFR 807.22(a)	0910-0060
	21 CFR 807.31 (a) and (b)	0910-0097
21 food and drugs; part 812—Investigational device exemptions	21 CFR 812.2(b); 21 CFR 812.140	0910-0078

TABLE A—LIST OF REGULATIONS; UNITED STATES CODE, CODE OF FEDERAL REGULATIONS, OR FEDERAL REGISTER CITATIONS; AND OMB APPROVAL NUMBERS FOR CERTAIN RECORDKEEPING AND REPORTING REQUIREMENTS IN EXISTING REGULATIONS—Continued

Title of regulation	Specific USC, CFR or FR citation	OMB approval number
21 food and drugs; part 813—Investigational exemptions for intraocular lenses	21 CFR 813.155; 21 CFR 813.160(a)(3)	0910-0007
21 food and drugs; part 820—Good manufacturing practice, medical devices	21 CFR 820.60(a); 21 CFR 820.61(c); 21 CFR 820.80 (a) and (b); 21 CFR 820.81 (a) and (b); 21 CFR 820.101(b); 21 CFR 820.116 (a) and (b); 21 CFR 820.120(e); 21 CFR 820.121(b); 21 CFR 820.151; 21 CFR 820.161; 21 CFR 820.162; 21 CFR 820.181; 21 CFR 820.182; 21 CFR 820.184; 21 CFR 820.185; 21 CFR 820.198.	0910-0073
21 food and drugs; part 861—Procedures for performance standards development	21 CFR 861.30(a)(3)	0910-0072
21 food and drugs; part 58—Good laboratory practice for nonclinical laboratory studies	21 CFR 58.35(b) (1), (2), (3) and (c)	0910-0119
21 food and drugs; part 211—Current good manufacturing practice for finished pharmaceuticals	21 CFR 211.34; 21 CFR 211.182; 21 CFR 211.184; 21 CFR 211.186; 21 CFR 211.188; 21 CFR 211.194 (a) and (b); 21 CFR 211.196; 198(b) (1), (2) and (3).	0910-0139
21 food and drugs; part 291—Drugs used for treatment for narcotic addicts	21 CFR 291.505(d)(1); 21 CFR 291.505(f)(2)(v)	0910-0140
21 food and drugs; part 431—Certification of antibiotic drugs	21 CFR 431.60	0910-0017
21 food and drugs; part 50—Protection of human subjects	21 CFR 50.115	0910-0130
[illegible] Administration		
42 public Health; part 123—Designation of State health planning and development agencies	42 CFR 123.102; 42 CFR 123.103; 42 CFR 123.104; 42 CFR 123.105; 42 CFR 123.107; 42 CFR 123.109; 42 CFR 123.203.	0915-0051
42 public Health; part 124—Subparts F and G—Requirement for provision of services to persons unable to pay and community service by assisted facilities.	42 CFR 124.507; 42 CFR 124.510; 42 CFR 124.605	0915-0021
[illegible] Administration		
42 public Health; part 51d—Subpart A—Grants for hemophilia treatment centers	42 CFR 51d.113, 42 CFR 51d.115	0915-0004
42 public Health; part 51c—Grants for community health services	42 CFR 51c.303(1); 42 CFR 51c.403	0915-0004
42 public Health; part 51e—Subpart A—Grants for home health services	42 CFR 51e.106(a)(6)	0915-0004
Office of Assistant Secretary for Health		
42 public Health; part 110—Requirements for a health maintenance organization: Full and fair disclosure requirement.	42 CFR 110.108(c)(1)	0937-0093
42 public Health; part 110—Requirements for a HMO: Reporting and disclosure requirement	42 CFR 110.108(o)	0937-0022
42 public Health; part 110—Qualification of health maintenance organizations; application requirements.	42 CFR 110.604(a)	0937-0103
42 public Health; part 50—Provision of sterilizations in federally assisted programs of the public Health Service.	42 CFR 50.208	0937-0029
OFFICE OF HUMAN DEVELOPMENT SERVICES		
45 public welfare; part 201—Grants to States for public assistance programs; subpart A—Approval of State plans and amendments (title IV–A).	45 CFR 201.3 through 45 CFR 201.5	0980-0008
45 public welfare; part 1304—program performance standards for operation of Head Start Programs by grantees and delegate agencies.	45 CFR 1304.1–4	0980-0125
45 public welfare; part 1321—Grants to States and community programs for aging; subchapter C—The Administration on Aging, older Americans programs; subpart C through F.	45 CFR 1321.21 through 45 CFR 1321.85	0980-0044
45 public welfare; part 1321—Grants to States and community programs for aging; subchapter C—The Administration on Aging, older Americans programs; subpart E through F.	45 CFR 1321.61 through 45 CFR 1321.85	0980-0127
45 public welfare; part 1328—Grants to Indian tribes for social and nutritional services	45 CFR 1328.7 et al	0980-0250
Community services block grant	Federal Register, volume 46, date: October 1, 1981, page: 48582	0980-0125
Social services block grant	Federal Register, volume 46, date: October 1, 1981, page: 48582	0980-0126
SOCIAL SECURITY ADMINISTRATION		
20 employee benefits; part 404—Federal old age, survivors and disability insurance	20 CFR 404.1241	0960-0066
20 employee benefits; part 416—Supplemental security income for the aged, blind, and disabled	20 CFR 416.2075; 20 CFR 416.2098.	0960-0240
45 public welfare; part 233—Coverage and conditions of eligibility in financial assistance programs; monthly reporting.	45 CFR 233.28	0960-0263
45 public welfare; part 260—Low income energy assistance program; fiscal reports by States	45 CFR 260.66	0960-0261
45 public health and welfare; part 424A—Reduction of disability benefits; part 418—Voluntary agreements for coverage of State and local employees; part 410—Definitions relating to employment.	42 U.S.C. 424a; 42 U.S.C. 418; 42 U.S.C. 410	0960-0267

[FR Doc. 81-37386 Filed 12-30-81; 8:45 am]

BILLING CODE 4110-12-M

Social Security Administration

Proposed Project Grants for Services in Refugee and Entrant High-Impact Areas and Availability of Funding for Entrant Projects; Availability of Funding

AGENCY: Office of Refugee Resettlement (ORR), SSA, HHS.

ACTION: Notice of proposed availability of funding for project grants for services in high-impact areas.

SUMMARY: This notice announces the proposed availability of funds and award procedures for project grants for services to refugees and Cuban and Haitian entrants (hereafter, "entrants") under the Refugee Resettlement Program (RRP) and the Cuban/Haitian Entrant Program (CHEP) in States and localities with high concentrations of refugees or entrants where specific needs exist for supplementation of currently available resources. In FY 1982, funds are expected to be available for project grants for Cuban and Haitian entrants only.

DATE: Comments on the requirements and procedures set forth in this notice will be considered if received by February 1, 1982.

ADDRESS: Address written comments, in duplicate, to: Mark Zecca, Office of Refugee Resettlement, Room 1229, Switzer Building, 330 C Street, S.W., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Mark Zecca, (202) 472–6510.

SUPPLEMENTARY INFORMATION:

I. Purpose and Scope

This notice announces the proposed availability of funds for special project grants for services to refugees and/or Cuban and Haitian entrants in areas where, because of factor such as an unusually high concentration of refugees or entrants, there exists and can be demonstrated a specific need for supplementation of currently available resources for services to these populations.

The Department currently expects approximately $20,000,000 in fiscal year 1982 to be available for this purpose with respect to Cuban and Haitian entrants. No funds are currently

expected to be available with respect to refugees in fiscal year 1982. However, the Department proposes to make the requirements and procedures set forth in this proposal applicable to the refugee program as well as the entrant program if funds should become available in the future.

The purpose of the proposed grants is to provide additional services to entrants or refugees in areas where resources for these purposes have been unusually strained due to factors such as especially large concentrations of entrants or refugees. Funding of these special projects is intended to promote effective resettlement and provision of needed services to refugees while at the same time helping to offset extraordinary impacts or burdens on State and local resources.

Funds awarded will be generally related to the extent of the specific needs to be addressed and the degree of concentration and number of entrants/refugees in the geographic area to be served by a proposed project, as documented in applications.

II. Authorization

Refugee projects would be funded under the authority of section 412(c) of the Immigration and Nationality Act (INA), as amended by the Refugee Act of 1980 (Pub. L. 96–212), 8 U.S.C. 1522(c). Entrant projects would be funded under this same authority as made applicable to the Cuban and Haitian entrant program by section 501(a) of the Refugee Education Assistance Act of 1980 (Pub. L. 96–422).

III. Eligible Grantees

The Department proposes to limit eligible grantees to those agencies of State governments designated as responsible for the refugee program under 45 CFR 400.5. (Subgrants and subcontracts to other agencies would be permitted if set forth in detail in the application.)

In assessing the adequacy of a State agency's demonstration of need for supplementation of existing resources, the Director of ORR will take into consideration the ratio of entrants or refugees to the total population of the State. A ratio of 1:200 or greater will be considered strong evidence of need. Where a State agency can satisfactorily demonstrate a high level of concentration in one or more local areas within the State, even though the State's total entrant/refugee population ratio does not meet the above criterion, such concentration will also be considered strong evidence of need.

Applications submitted in response to this notice are not subject to review by State and areawide clearinghouses under the procedures in Part I of Office of Management and Budget Circular No. A–95.

IV. Eligible Projects

An applying State agency would be required to set forth in detail: (1) The proposed use(s) of a project grant; (2) the local area(s) where the activities would be carried out; (3) the subgrantees or subcontractors (if any) which would carry out specific activities; and (4) the specific group(s) of entrants/refugees who would be served.

Explicit justification would be required in the application for each specific activity proposed for each specific local area to be served, together with detailed proposed budgets.

The applicant would be required to justify in the application why additional Federal funds are needed beyond those currently available for refugee/entrant social services, and how the activities proposed in the application would supplement and be coordinated with ongoing activities under the State's plan for the refugee or entrant cash and medical assistance and social service programs.

Permissible activities would include the broad range allowed under section 412(c) of the INA, subject to the demonstration of need for a particular activity, as indicated above. Permissible activities could include adult English language training, employment services, emergency food and shelter, health services, certain types of educational services, relocation services to less impacted areas, and other types of services where specific needs for supplementation of State, local, or other resources for the provision of services to refugees or entrants could be documented.

V. Criteria for Evaluating Applications

An applying State agency must demonstrate a specific need for the supplementation of currently available resources for the provision of needed services to refugees or entrants in one or more local areas within the State. A ratio of refugees or entrants to total population in a State or locality exceeding 1:200 will be considered strong evidence of such need.

The application must spell out clearly the relationship between the requested special project funds and the State's activities being carried out with other Federal refugee/entrant funds.

Highest priority would be given to those service projects which are intended to result in early self-support of refugees and entrants, to meet urgent needs of individuals and families within the refugee or entrant populations, and to avoid major impacts or burdens on State or local resources which may result in an incapacity of those States or localities to serve refugees and entrants effectively and to promote their effective resettlement in, or integration with, American communities.

Project grant applications will be evaluated on the following criteria:

1. Documentation of high concentration of entrants or refugees.
2. Demonstration of special need for supplementation of other available resources in order to serve these populations.
3. Documentation of extraordinary impact on State or local resources meriting special project grant.
4. Adequacy of justification for each specific activity proposed for each specific local area.
5. Adequacy of description of how proposed activities would supplement and be coordinated with a State's plan for refugee or entrant cash and medical assistance and social service programs.
6. Extent to which activities would be targeted to specific areas of greatest refugee/entrant concentrations and needs.
7. Experience and qualifications of proposed subgrantees/subcontractors to carry out identified activities.
8. Reasonableness of estimated costs in relation to anticipated results.

VI. HHS Regulations That Apply

The following HHS regulations apply to grants under this Notice:

42 CFR Part 441, Subparts E and F Services: Requirements and limits applicable to specific services—Abortions and Sterilizations

45 CFR Part 16, Department grant appeals process

45 CFR Part 74, Administration of grants

45 CFR Part 75, Informal grant appeals procedures

45 CFR Part 80, Nondiscrimination under programs receiving Federal assistance through the Department of Health, Education, and Welfare effectuation of Title VI of the Civil Rights Act of 1964

45 CFR Part 81, Practice and procedure for hearings under Part 80 of this title

45 CFR Part 84, Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance

VII. Reporting and Recordkeeping

Section IV of this announcement establishes reporting and recordkeeping which require OMB review and

approval. Since HHS cannot be certain of the number of applicants for these funds, HHS will seek OMB approval of the application requirements established by this announcement. These application requirements will not be effective until OMB approves them. Following OMB approval, we will announce the effective date of the application requirements in the **Federal Register.**

(Catalog of Federal Domestic Assistance No. 13.814, Refugee Assistance State Administered Programs, and No. 13.817, Refugee Assistance Cuban and Haitian Entrants)

Dated: December 23, 1981.

John A. Svaho,

Commissioner, Social Security Administration.

[FR Doc. 81-37220 Filed 12-30-81; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: This notice announces that Shell Oil Company, Unit Operator of the South Pass Block 27 Reservoirs M RD and N4 RD Federal Units Agreement Nos. 14-08-0001-16142, and 14-08-0001-16143, submitted on December 10, 1981, a proposed annual plan of development/production describing the activities it proposes to conduct on the South Pass Block 27 Reservoirs M RD and N4 RD Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837-4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: December 23, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-37216 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Conoco Inc., Unit Operator of the Eugene Island Block 266 Federal Unit Agreement No. 14-08-0001-8640, submitted on October 30, 1981, a proposed annual plan of development/production describing the activities it proposes to conduct on the Eugene Island Block 266 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837-4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: December 23, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-37217 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

[A-1784]

Burley District Grazing Advisory Board; Meeting

December 23, 1981.

In accordance with Pub. L. 92-463, the Federal Advisory Committee Act, and Pub. L. 94-579, the Federal Land Policy and Management Act, notice is hereby given that the Burley District Grazing Advisory Board will meet on February 10, 1982.

The meeting will begin at 9:00 a.m. in the Conference Room of Bureau of Land Management Office at 200 South Oakley Highway, Burley, Idaho.

The agenda for the meeting will include: (1) Discussion of final allocation of Range Betterment Funds (8100) for fiscal year 1982 and use of these funds; (2) Review of progress of Bannock-Oneida grazing EIS including Range Use Agreements; (3) Discussion of Cassia Resource Management Plan Planning Criteria; (4) Discussion of Twin Falls Grazing EIS; (5) Any other business that may come before the Board.

The meeting is open to the public. Interested persons may make oral statements to the Board between 3:30 p.m. and 4:30 p.m. or they may file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, Route 3, Box 1, Burley, ID 83318, by February 5, 1982. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the district manager.

Summary minutes of the Board meeting will be maintained in the District Office and will be available for public inspection and reproductions (during regular business hours 7:45 a.m. to 4:30 p.m., Monday through Friday) within 30 days following the meeting.

Dated: December 24, 1981.

Nick James Cozakos,

District Manager.

[FR Doc. 81-37253 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-84-M

California Desert Conservation Area Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Publish proposed amendments to the California Desert Conservation Area Plan for public review and to obtain information and advice from the public on these proposed amendments (In accordance with Pub. L. 94–579, Section 601).

SUMMARY: The proposals concerned are as follows:

Amendment No. and Action and Location

3—*(PU 34, Barstow RA)
Portion of western edge of PU 34 should be changed from Class "L" to "M" (WSA 242).

4—(PU 56, Barstow RA)
Change existing mining area from Class "L" to "M" (similar to Amendment #3).

5—(PU 32, Barstow RA)
Rainbow Basin/Owl Canyon Area of ACEC #39. Change from "M" to "L".

6—(PU 35, Barstow RA)
Change Silver Mountain Vicinity from "M" to "I". Because of intensive mining activity in the locality.

7—(PU 36, Barstow RA)
Change Turtle Valley Area from "L" to "M" class to increase manageability.

8—(PU 41, Barstow RA)
Change "Small Tract" Area immediately south of State Highway 247 in PU 41 from "M" to unclassified.

9—(PU 40, Barstow RA)
Change an isolated tract of Class "M" land, adjacent to and northeast of Highway 247, to "unclassified" (same as land around it).

12—(PU 79, Needles RA)
Reevaluate boundary of Sheephole Mountain Wilderness Area (WSA 305) to eliminate conflicting uses.

16—(PU 101, El Centro RA)
Change the Hess Mining Area from "L" class to "M" class.

17—(PU 101, El Centro RA)
Change area surrounding Glamis store from "C" to "I" class.

20—(PU 35, Barstow RA)
Silver Mountain (vicinity) ACEC (#44) should be deleted or reduced in size.

21—(PU 28, Barstow RA)
Harper Dry Lake ACEC (#37) reduce area from 1760 ac. to 480 ac.

22—(PU 32, Barstow RA)
Goldstone ACEC #27—delete.

23—(PU 35, Barstow RA)
Designate a new ACEC to protect habitat of *Sclerococtus polyancistrus* near Helendale.

24—(PU 98, Indio RA)
Corn Springs ACEC (#56) should be reduced from 5568 ac. to 2720 ac.

25—(PU 90, Indio RA)
Sidewinder Well ACEC (#54) delete.

26—(PU 67, Needles RA)
Mountain Pass ACEC (#30) delete.

30—(PU 1, Ridgecrest RA)
Deep Spring Allotment—increase AUMs (animal units months by 107).

31—(PU 16, Ridgecrest RA)
Adjust boundry between Tunawee and Lacey Cactus—McCloud Grazing Allotments.

32—(PU 68, Needles RA)
Jean Lake Allotment—increase AUMs from 251–398.

33—(PU 75 & 82—Needles RA)
Lazy Daisy Allotment—change range type from ephemeral to ephemeral/perennial; amend boundaries of allotment. Reauthorize 3192 AUMs.

34—(Needles RA)
Add new allotment, Chemehuevi, #61.

35—
Amend wording for ephemeral grazing regulations to distinguish between ephemeral use by sheep and cattle.

36—(Ridgecrest RA)
Update Desert Plan to reflect feral burro management at the Naval Weapons Center.

42—(Barstow RA) (PU 54)
Designate a communication site in Class "L". Site limited to military use.

43—(Needles RA) (PU 68)
California Desert Plan should recognize California Energy Commission decision to rank Ivanpah Site for Edison's Proposed Power Plant. BLM would initiate during EIS process.

44—(El Centro RA) (PU 103)
Change the utility corridor map in the California Desert Plan to reflect change in location of the APS/SDGE Intertie Corridor (as recommended by BLM and California PUC).

45—
Amend Multiple-Use Class guidelines to allow sand & gravel sales in Class "L" after 60 day public review of an Ea (rather than require an EIS if sale area is over 5 acres).

47—
The guidelines for leasable and locatable minerals in Class "L" (page 18 of the Plan), should be changed. Reduce public review period from 60 to 30 days.

*Planning Units (PU) are described on Map of California Desert Conservation Area (CDCA) found on back of CDCA Plan [illegible]

Date: The Environmental Assessment is to be published in Riverside, California on January 15, 1982.

For further information contact, Chief, Planning and Environmental Coordination Section, California Desert District Office (714) 787–1679.

Dated: December 21, 1981.

Gerald E. Hillier,

District Manager.

[FR Doc. 81–37218 Filed 12–30–81; 8:45 am]

BILLING CODE 4310–84–M

California Desert District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 92–463 and 94–579 that the California Desert District Advisory Council to the Bureau of Land Management, U.S. Department of the Interior will meet, Friday, February 5, 1982, in Needles, California.

The purpose of the meeting is to review and prepare recommendations on the following issues: Red Rock Park expansion, implementation of the Desert Plan, the relationship between the Advisory Council and the District Grazing Board, problems with the route designation process, funding needs for road and campground maintenance, new Bureau policy regarding community expansion, and mining regulations. Status reports on the Salton Sea oil and gas leases will be given by staff. Presentation by Southern California Edison in the Cal Coal electric generation proposal in the Ivanpah area and San Bernardino County "New Town" proposal are also scheduled. Agenda item requiring Council recommendation will be discussed and acted on following the public comment period. Interested persons may address the Council during the public comment period and/or file written statements for Council consideration. The meeting will be held at the Elks Lodge, 1000 Lily Hill Drive, Needles, California, and will begin at 8:00 a.m., Friday, February 5, 1982, and is open to the public.

Field trips are scheduled for Saturday, February 6, and Sunday, Fedruary 7, to allow the Council the opportunity to view the Parker 400 ORV race area and to tour parts of the East Mojave Scenic Area.

Further information may be obtained by writing Mr. Clayton A. Record, Jr., Chairman, California Desert District Advisory Council, c/o California Desert District Manager, Bureau of Land Management, 1695 Spruce Street, Riverside, California 92507.

Dated: December 23, 1981.

Gerald E. Hillier,

District Manager.

[FR Doc. 81–37221 Filed 12–30–81; 8:45 am]

BILLING CODE 4310–84–M

[M 51799]

Montana; Supplement to Notice of Realty Action, Modified Competitive Sale of Public Land

December 18, 1981.

This notice is a supplement to the Notice of Realty Action published in the **Federal Register** on November 18, 1981 (46 FR 222, page 56664), to designate the date, time, location and bidding procedures for the sale. The original notice contains the legal description of the 13.16 acres of public land, the justification for the modified competitive sale, and the terms and conditions to be

included in the conveyance document. All interested parties have until January 4, 1982, to submit comments to the State Director, Montana State Office.

The modified competitive sale of the subject parcel of public land in Treasure County, Montana, will be held at the Montana State Office, 222 North 32nd Street, Billings, Montana, on Tuesday, January 26, 1982, at 10 a.m.

Bidding Information and Instructions:

Bidder Qualifications: The Federal Land Policy and Management Act requires that bidders be U.S. citizens or, in the case of a corporation, subject to the laws of any state or the U.S. Bids must be made by the principal (the one desiring to purchase the land) or his agent (someone representing him).

Bid Standards: No bid will be accepted for less than the appraised value of $1,000 and bids must include all the land contained in the parcel.

Method of Bidding: The land will be sold by sealed bid only. Bids delivered or sent by mail will be considered only if received by the Bureau of Land Management, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107, prior to 10 a.m. on January 26. Each bid must be in a sealed envelope accompanied by a certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land Management for not less than one-fifth of the amount of the bid. The sealed bid envelopes must be marked in the lower left hand corner as follows:

Public Land Sale M 51799
January 26, 1982

If two or more envelopes containing valid bids of the same amount are received, the determination of which is to be considered the highest bid shall be by drawing. The drawing, if required, shall be held immediately following the opening of the sealed bids. The highest qualifying sealed bid shall then be publicly declared.

Modified Bidding: For a period of 30 days following the date of the sale, Mr. John G. Michunovich, the owner of the private land ajoining the sale parcel, will be offered the right to meet the highest bid. If he meets the highest bid, the land will be sold to him, and the other bid will be returned. His refusal to meet the highest bid shall constitute a waiver of such bidding provisions.

Final Details: Once a high bid is accepted, the successful bidder shall submit the remainder of the full bid price within the time period designated by the authorized officer. Failure to submit the required amount within the allotted time will result in cancellation of the sale of the parcel and the deposit will be forfeited.

Once the high bid is accepted, the full bid price is paid, and the citizenship or corporate qualifications are met, the title will be conveyed by a decision of Fee Simple Interest Conveyance. Once the pending BLM resurvey is approved and officially filed in this office, a patent will issue.

Further Information/Inquiries: Detailed information concerning the sale, including the planning documents and environmental assessment, is available for review at the Miles City District Office, West of Miles City, P.O. Box 940, Miles City, Montana 59301.

Kannon Richards,

Acting State Director.

[FR Doc. 81-37215 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 5108]

Oregon; Termination of Classification for Multiple Use Management

1. By order of the Oregon State Director, Bureau of Land Management, which was published in the **Federal Register** on October 8, 1970 (35 FR 15857), the public lands were classified for multiple use management pursuant to the Classification and Multiple Use Act of September 19, 1964 (43 U.S.C. 1411–18) and the regulations in 43 CFR Part 2460.

The areas described in the **Federal Register** published on October 8, 1970 (35 FR 15857) aggregate approximately 12,175.62 acres in Morrow, Umatilla, and Union Counties, Oregon.

2. Pursuant to 43 CFR 2461.5(c)(2), the classification as to the above described public lands is terminated upon publication of this notice in the **Federal Register**.

3. The land in the S½S½ of Section 33, T. 1 S., R. 40 E., has been conveyed from United States ownership and is not open to operation of the public land laws generally, including the mining laws and mineral leasing laws.

4. The land in the S½S½SW¼SW¼ of Section 36, T. 6 S., R. 31 E., is included in a U.S. Forest Service administrative site withdrawal and remains withdrawn from operation of the public land laws generally, including the mining laws.

5. The land in the SE¼SE¼ of Section 1, T. 4 N., R. 37 E., is included in Public Water Reserve No. 107 and remains withdrawn from operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

6. The lands in the SE¼NW¼ of Section 2, NW¼SE¼, of Section 13, NW¼N¼ of Section 24, T. 2 N., R. 40 E., are included in Powersite Reserve No. 170 and remain withdrawn from operation of the public land laws generally.

7. The lands in the SE¼SW¼ of Section 25, T. 3 S., R. 35 E.; NW¼SE¼ of Section 2, NE¼NW¼ and NE¼SE¼ of Section 13, T. 2 N., R. 40 E.; and SE¼SE¼ of Section 19, T. 1 N., R. 41 E., are included in Powersite Reserve No. 170, Powersite Reserve No. 529, and Powersite Classification No. 282. The lands have been and continue to be open to entry subject to Section 24 of the Federal Power Act of June 10, 1920 (16 U.S.C. 818).

8. At 10 a.m., on January 27, 1982, the lands described in paragraph 1, except as provided in paragraphs 3 to 7, inclusive, will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on January 27, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

9. The lands described in paragraph 1, except as provided in paragraphs 3 to 5, inclusive, have been and continue to be open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 22, 1981.

William G. Leavell,

State Director.

[FR Doc. 81-37256 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-84-M

Utah; Wilderness Appeal Dismissed on Wild Mountain Unit

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice announces that the appeal on UT-080-104 (Wild Mountain) has been dismissed by the Interior Board of Land Appeals (IBLA) and that the unit is dropped from further wilderness review. The restrictions imposed by section 603 of the Federal Land Policy and Management Act are no longer in effect.

On December 11, 1981, the IBLA dismissed an appeal filed April 6, 1981, by Colorado Open Space Council on the Wild Mountain Unit because the appellants failed to file "a statement of reasons" for the appeal.

FOR FURTHER INFORMATION CONTACT:
Kent Biddulph, Utah BLM State Office, (801) 524–5326.

Dated: December 21, 1981.

Dean Stepanek,

Acting State Director.

[FR Doc. 81–37212 Filed 12–30–81; 8:45 am]
BILLING CODE 4310–84–M

[OR 17434(WASH)]

Washington; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the **Federal Register** of June 28, 1977, FR Doc. 77–18484, Pages 32850–1, an allowance of 30 days was made for comments concerning the proposal by the Bureau of Reclamation to withdraw 144 acres of land for use in connection with proposed fish enhancement developments at Enloe Dam in Okanogan County. An additional 60 days from the date of this publication is hereby provided for interested persons to comment or request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 22, 1981.

Champ C. Vaughan,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–37250 Filed 12–30–81; 8:45 am]
BILLING CODE 4310–84–M

[PHX 075454, etc.]

Arizona; Order Providing for Opening of Public Lands

December 22, 1981.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (49 Stat. 1272, amended, 43 U.S.C. 315g) the following lands have been reconveyed to the United States under the serial numbers listed below:

Gila and Salt River Meridian, Arizona

PHX 075454

T. 6 N., R. 16 W.,
Sec. 2, Lots 3, 4.
T. 16 N., R. 18 W.,
Secs. 2, 16 and 32;
Sec. 36, W½.
T. 16 N., R. 19 W.,
Sec. 2, S½N½, S½;
Secs. 16, 32 and 36.
T. 23 N., R. 19 W.,
Sec. 2, Lots 1, 2, 3, 4.

PHX 075459

T. 17 N., R. 18 W.,
Sec. 36, N½, SW¼, N½SE¼, SW¼SE¼.
T. 17 N., R. 19 W.,
Secs. 2, 16, 32 and 36.
T. 17 N., R. 20 W.,
Sec. 2, Lots 1, 2, 3, S½N½, S½;
Secs. 16, 32 and 36.
T. 17 N., R. 21 W.,
Sec. 2, Lot 1, S½N½, S½.

PHX 075483

T. 23 N., R. 18 W.,
Secs. 16 and 32.
T. 12 N., R. 16 W.,
Sec. 36.
T. 23 N., R. 19 W.,
Sec. 2, S½, S½NW¼.
T. 15 N., R. 18 W.,
Sec. 16;
Sec. 32, E½, NW¼;
Sec. 36, E½NE¼, NE¼SE¼, W½, W½E½.
T. 14 N., R. 15 W.,
Sec. 2.
T. 12 N., R. 17 W.,
Sec. 16, N½.

PHX 078043

T. 13 N., R. 16 W.,
Sec. 32, N½, N½SE¼, SE¼SE¼.
T. 12 N., R. 16 W.,
Sec. 2, Lots 1, 2, 3, 4, S½.
T. 14 N., R. 12 W.,
Sec. 36, N½, SW¼, W½SE¼.
T. 14 N., R. 13 W.,
Sec. 16, N½, W½SW¼;
Sec. 32, N½, W½SW¼;
Sec. 36, N½, NW¼SW¼.
T. 14 N., R. 14 W.,
Sec. 16, N½, SW¼, W½SE¼, NE¼SE¼;
Sec. 36, N½, SW¼, W½SE¼, NE¼SE¼.
T. 7 N., R. 11 W.,
Secs. 10 and 11.

PHX 078978

T. 14 N., R. 14 W.,
Sec. 2, Lots 2, 3, 4;
Sec. 16, Lots 3, 4.
T. 14 N., R. 13 W.,
Sec. 32, SE¼, E½SW¼.
T. 15 N., R. 12 W.,
Sec. 32, N½NE¼, SW¼NE¼, NW¼.
T. 14 N., R. 15 W.,
Sec. 36, E½SE¼.

PHX 079886

T. 5 S., R. 27 E.,
Sec. 32.
T. 37 N., R. 10 W.,
Sec. 36.
T. 38 N., R. 10 W.,
Sec. 32, N½, SE¼, N½SW¼, SW¼SW¼.

PHX 080040

T. 18 N., R. 20 W.,
Sec. 16, SE¼.
T. 20 N., R. 16 W.,
Sec. 32, NE¼.
T. 38 N., R. 10 W.,
Sec. 32, SE¼SW¼.

PHX 080217

T. 38 N., R. 10 W.,
Sec. 2, Lots 2, 3, 4, S½N½;
Sec. 16, E½.
T. 40 N., R. 11 W.,
Sec. 16, SE¼NE¼, W½NE¼, E½SW¼, NW¼, SE¼.

PHX 080542

T. 39 N., R. 12 W.,
Sec. 32, SW¼.
T. 41 N., R. 5 W.,
Sec. 32, N½.

PHX 080547

T. 27 N., R. 20W.,
Sec. 20, W½NW¼, NE¼NW¼.

PHX 080651

T. 38 N., R. 14 W.,
Secs. 16, 32 and 36.
T. 41 N., R. 5 W.,
Sec. 16.
T. 41 N., R. 8 W.,
Sec. 16.
T. 41 N., R. 12 W.,
Sec. 32.
T. 41 N., R. 16 W.,
Sec. 16.

PHX 081206

T. 13 N., R. 13 W.,
Sec. 2, N½.
T. 13 N., R. 19 W.,
Sec. 2, N½.

PHX 081226

T. 24 N., R. 22 W.,
Sec. 25, S½SE¼.
T. 10 N., R. 18 W.,
Sec. 15, NW¼.

PHX 081289

T. 39 N., R. 10 W.,
Sec. 2.
T. 39 N., R. 11 W.,
Sec. 36, SE¼.

PHX 081345

T. 40 N., R. 10 W.,
Sec. 32, N½NE¼.

PHX 081413

T. 13 N., R. 13 W.,
Sec. 1, Lot 1, N½SE¼NE¼;
Secs. 25 and 35.

PHX 081486

T. 38 N., R. 12W.,
Sec. 16.

PHX 081525

T. 13 N., R. 13 W.,
Sec. 11, S½;
Secs. 13, 15 and 23.

PHX 084397

T. 17 N., R. 16 W.,
Sec. 16.
T. 17 N., R. 17 W.,
Sec. 2, Lots 1, 2, 3, SE¼NW¼, S½NE¼.
T. 18 N., R. 17 W.,
Sec. 36, S½SW¼, NW¼SW¼.
T. 19 N., R. 16 W.,
Secs. 8, 16 and 18.
T. 20 N., R. 14 W.,
Sec. 7, Lots 1, 2, 3, 4.
T. 20 N., R. 18 W.,
Sec. 32.
T. 20 N., R. 19 W.,
Sec. 2, N½N½.
T. 20 N., R. 20 W.,
Sec. 16;
Sec. 32, excepting patented mining claims.

PHX 084872

T. 38 N., R. 10 W.,
Sec. 36.

AR 034207

T. 11 S., R. 29 E.,
Sec. 22, NE¼NE¼;
Sec. 23, W½NW¼, N½SW¼, SE¼SW¼, SE¼;
Sec. 26, NE¼.

AR 034820

T. 25 N., R. 13 W.,
Sec. 7, NW¼SE¼.

AR 034989

T. 39 N., R. 13 W.,
Sec. 7, Lots 2, 3 and 4.

AR 036033

T. 20 N., R. 15 W.,
Sec. 3, Lot 4, SW¼NW¼, W½SW¼.

AR 011074

T. 16 N., R. 19 W.,
Sec. 35.

AR 07524

T. 14 N., R. 13 W.,
Sec. 35, S½SW¼, NE¼SW¼.

A 6759

T. 26 N., R. 20 W.,
Sec. 10, N½.

A 6079

T. 17 N., R. 16 W.,
Sec. 1, Lots 1, 2, 3, SW¼NE¼, S½NW¼, S½;
Sec. 5;
Sec. 9, S½;
Sec. 11.
T. 18 N., R. 16 W.,
Sec. 11, S½NE¼, N½SE¼, SW¼SE¼, NE¼SW¼, S½SW¼;
Sec. 13, SW¼NW¼;
Sec. 15, S½NE¼, NW¼SE¼, S½S½;
Sec. 19;
Sec. 21, NE¼, E½NW¼, SW¼NW¼, SW¼, N½SE¼, SW¼SE¼;
Sec. 23, NW¼NW¼, S½NW¼, SW¼;
Sec. 25, NE¼, E½NW¼, NW¼NW¼, SE¼SE¼;
Sec. 27, N½SW¼;
Sec. 29, NE¼NE¼, W½NE¼, W½, SE¼;
Sec. 31, E½NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 33.
T. 18 N., R. 17 W.,
Secs. 23 and 25.
T. 20 N., R. 19 W.,
Secs. 5, 7, 17, 19, 29 and 31.

A 1469

T. 26 N., R. 21 W.,
Sec. 33, SW¼.

A 1385

T. 25 N., R. 16 W.,
Sec. 17, S½, SW¼NE¼;
Secs. 21 and 29.

The areas described aggregate approximately 54,540.00 acres in Graham, Maricopa, Mohave and Yuma counties.

2. The United States did not acquire the mineral rights on any of the land described in paragraph 1 with the exception of the land described under Serial nos. PHX 080547, AR 034207 and AR 034989.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1 hereof are hereby open to operation of the public land laws including the mining laws (Ch. 2, Title 30 U.S.C.), and the mineral leasing laws. All valid applications received at or prior to February 15, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073 (602–261–3706).

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–37222 Filed 12–30–81; 8:45 am]

BILLING CODE 4310–84–M

[OR 9141]

Oregon; Termination of Exchange Classification

1. By Order of the Oregon State Director, Bureau of Land Management, which was published in the **Federal Register** on January 4, 1973 (38 FR 810), the following described public land was classified for disposal through exchange pursuant to the Act of June 28, 1934, as amended (48 Stat. 1269; 43 U.S.C. 315g):

Willamette Meridian

T. 2 S., R. 7 E.,
Sec. 33, Lots 2, 3, 5, 8 to 11, inclusive, 13, 16, 17, 19, 21, 22, 25, 27 to 29, inclusive, 33, and 35.

The area described contains 21.875 acres in Clackamas County.

2. The exchange authority cited has been repealed by Section 705 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1701). Accordingly, the classification is no longer applicable and is terminated upon publication of this notice in the **Federal Register.**

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 21, 1981.

Champ C. Vaughan, Jr.,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–37208 Filed 12–30–81; 8:45 am]

BILLING CODE 4310–84–M

[OR 11489 (WASH)]

Washington; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the **Federal Register** of February 4, 1977, FR Doc. 77–3464, Page 6915, an allowance of 25 days was made for comments concerning the proposal by the U.S. Forest Service to withdraw 2,898 acres of land for the Hannegan Road and Whatcom Pass Trail Travel Influence Zone within the Mt. Baker National Forest in Whatcom County. An additional 65 days from the date of this publication is hereby provided for interested persons to comment or request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Orgeon 97208.

Dated: December 21, 1981.

Champ C.Vaughan, Jr.,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–37209 Filed 12–30–81; 8:45 am]

BILLING CODE 4310–84–M

Coal Leases; Colorado and Utah; Uinta-Southwestern Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Advance notice of intent to call for Expressions of Interest in coal leasing.

SUMMARY: The planning amendment for the North Fork Planning Unit Management Framework Plan, Colorado, for coal leasing has been protested by the Terror Creek Ditch and Reservoir Company and the Western Slope Energy Research Center, Inc. Consequently, to adhere to the existing coal activity planning schedule, the call for Expressions of Interest will be reduced to thirty days in length.

The purpose of this notice is to give parties, who may wish to express interest in areas found satisfactory for further consideration, an early opportunity to begin preparation of their Expression(s) of Interest. All parties should note that boundaries of study tracts may be adjusted as a portion of the protest process.

ADDRESSES: Requests for specific information and maps of areas acceptable for further consideration for coal leasing may be submitted in advance of formal publication of calls for Expressions of Interest to the following:

Bureau of Land Management, Colorado State Office, 1037 20th Street, Denver CO 80202, Attention: Kenneth Smith
Bureau of Land Management, Montrose District Office, P.O. Box 1269, Montrose CO 81401, Attention: Lynn Lewis

FOR FURTHER INFORMATION CONTACT:

Kenneth P. Smith, Coal Program Specialist, (303) 837–3008
Lynn Lewis, Coal Coordinator, (303) 522–6360.

SUPPLEMENTARY INFORMATION: Lands found suitable for further leasing consideration prior to the protest consisted of two study areas found in the following townships:

Area 1—T. 13 S., R. 95 W., 6th P.M.
Area 2—T. 13 S., R. 91 W., 6th P.M.
T. 13 S., R. 92 W., 6th P.M.

Dated: December 16, 1981.

Bob Moore,

Associate State Director, Colorado.

[FR Doc. 81–37284 Filed 12–30–81; 8:45 am]

BILLING CODE 4310–84–M

Elko District, Nevada; Proposed Classification Decision; Correction

In FR Doc. 81–31272, filed October 27, 1981, and appearing on page 53221 of the issue for October 28, 1981, the following corrections should be made.

The legal citation for the Desert Land Act reads "(19 Stat. 377; 43 USC 231)", and should read "(19 Stat. 377; 43 USC 321–323 as amended)."

The legal description reads "T. 31 N., R. 59 E., Sec. 13 NE¼," and should read "T. 31 N., R. 59 E., Sec. 13 NW¼."

Dated: December 18, 1981.

Merle N. Good,

Acting District Manager.

[FR Doc. 81–37240 Filed 12–30–81; 8:45 am]

BILLING CODE 4310–84–M

Oregon and Washington Wilderness Planning; Commencement or Continuation of Wilderness Studies in Lakeview, Burns, Vale, Prineville, Baker, Medford, Coos Bay, and Spokane Districts

In accordance with 43 CFR 1601.3(g) notice is hereby given of resource planning activity now underway.

The proposed action is the preparation of a series of wilderness Management Framework Plan (MFP) amendments in the Lakeview, Burns, Baker, Prineville, Coos Bay and Spokane Districts.

The purpose of the plan amendments and other on-going total-plan revisions is to determine the suitability or unsuitability for wilderness designation of 89 Wilderness Study Areas (WSAs) on Bureau of Land Management (BLM) managed public lands. The plan amendment and revision processes, together with a wilderness environmental impact statement (EIS) for all WSA's in Oregon, will result in preliminary suitability recommendations for the Oregon WSA's which will be forwarded to the BLM Director in late 1984. An environmental assessment of wilderness designation alternatives will be prepared to determine whether an EIS is required for the two WSA's in Washington, The preliminary suitability recommendations for the Washington WSA's will be submitted to the Director in 1983, unless an EIS is considered necessary. The Director will submit his recommendations to the Secretary of the Interior, who will make final recommendations to the President. The President will send them to Congress. Congress will make the final decision on which study areas or portions of study areas will be designated wilderness.

Where the studies are being conducted in MFP amendments, study areas not designated as wilderness by Congress will be managed according to land use decisions already present in the appropriate MFP. Conversely, on-going total-plan revisions will develop alternatives which provide management direction if individual WSAs are not designated as wilderness by Congress.

Specific management direction, including any constraints on existing uses, will be incorporated in wilderness management plans which will be prepared for each wilderness area after designation by Congress.

The 89 wilderness study areas are located in eight BLM Districts in Oregon and Washington. Specific information and locations of the WSA's is available in the March 1980 and November 1980 (revised on March 25, 1981) final inventory reports and a June 1981 wilderness status map. Copies of the map are available from, and the reports may be reviewed in, the eight district offices listed in the title of this notice and in the BLM state office in Portland.

Plan revisions incorporating wilderness studies are now underway in the Vale and Medford Districts and in portions of the Lakeview, Burns and Prineville Districts. The start of those studies has been announced in previous **Federal Register** notices. The purpose of this notice is to announce the start of studies on the remaining WSA's. The plans to be amended for these new starts, the WSA's to be studied, and the Districts involved are as follows:

Lakeview District—High Desert MFP, Lake County, Oregon:
Devils Garden Lava Bed, OR–1–2, 29,640 acres
Squaw Ridge Lava Bed, OR–1–3, 28,320 acres
Four Craters Lava Bed, OR–1–22, 12,120 acres
Sand Dunes, OR–1–24, 15,520 acres
Diablo Mountain, OR–1–58, 113,120 acres
Lakeview District, Warner Lakes MFP, Lake and Harney Counties, Oregon:
Orejana Rim, OR–1–78, 22,800 acres
Abert Rim, OR–1–101, 22,240 acres
Monument Flat, OR–1–117(B), 18,580 acres
Guano Creek, OR–1–132, 10,560 acres
Spaulding Reservoir, OR–1–139(B), 65,720 acres
Prineville District, John Day River MFP, Sherman, Gilliam and Wheeler Counties:
Thirtymile, OR–5–1, 7,560 acres
Lower John Day, OR–5–6, 19,370 acres
North Pole Ridge, OR–5–8, 6,062 acres
Spring Basin, OR–5–9, 5,982 acres
Baker District, Baker MFP, Baker and Wallowa Counties:
McGraw Creek, OR–6–1, 1,610 acres
Homestead, OR–6–2, 10,700 acres
Sheep Mountain, OR–6–3, 6,350 acres
Baker District, Grande Ronde MFP, Wallowa County:
Cashe Creek Ranch, OR–6–10, 2,935 acres*
*Includes 975 acres in Asotin County, Washington
Coos Bay District, South Coast MFP, Curry County:
North Sisters Rocks, OR–12–8, approx. 3 acres
Zwagg Island, OR–12–14, approx. 5 acres
Spokane District, Upper Columbia MFP, Okanogan County:
Chopaka Mountain, OR–13–2, 5,520 acres
Spokane District, San Juan MFP, San Juan County:
Little Patos, OR–13–24, approx. 15 acres.

On-going total plan revisions (for all resources including wilderness) have previously been announced in the **Federal Register** and other media. Details of the plan schedules and remaining opportunities for public involvement and comment may be obtained from the respective District Offices. The plan revision names, responsible Districts, original **Federal Register** Notice of Intent publication date and pertinent counties are as follows:

Plan name	District	FR notice	Counties
Andrews	Burns	1/8/81	Harney and Malheur.
Drewsey (amend).	Burns	1/8/81	Harney.
John Day [amend].	Burns	1/26/81	Grant and Harney.
N. Malheur	Vale	1/8/81	Harney and Malheur.
S. Malheur	Vale	1/8/81	Harney and Malheur.
Brothers	Prineville	1/5/81	Deschutes and Crook.
Jackson/Klamath	Medford	6/7/81	Jackson and Klamath.

In addition the Steelhead Falls WSA (OR–5–14) in Jefferson and Deschutes Counties will be studied in conjunction with the Ochoco National Forest during their evaluation of the adjacent Deschutes Canyon RARE II further planning area.

The schedule for the study of all WSA's in Oregon and Washington and all other states was published in the **Federal Register** on November 18, 1981 (Vol. 46, No. 222, pp. 56736–56760).

A number of issues have been identified during the inventory stage of the Bureau's wilderness review. Major issues vary between wilderness study areas depending on size, physical access, current or possible future commercial uses or values and potential management constraints. The issues applicable to all WSA's are: Should all, or portions, of the WSA be recommended as suitable for designation by Congress as a wilderness area; is the WSA manageable (can BLM or some other Federal agency maintain the wilderness character of the area over the long term); what commercial uses, if any, will be foregone or foreclosed if the area or a portion of it is designated wilderness; and what wilderness values will be lost or impaired if the area or a portion of it is not designated wilderness? In addition, eleven BLM study areas are adjacent to existing Forest Service or Fish and Wildlife Service designated or proposed wilderness areas. In these cases, if the BLM lands are designated wilderness by Congress, is any special management coordination required with the other agency? Are there special values in the study areas that require protection regardless of the outcome of the wilderness review/designation process? There is also a concern that wilderness designation will eliminate or heavily restrict the use of motor vehicles for grazing management, recreational use, and mineral exploration. The potential for interference with, geothermal, oil and gas or locatable minerals exploration and production is also of economic concern.

In order to properly analyze and consider the issues, an interdisciplinary team will be used. Each District will use appropriate resource skills on the planning team including, as appropriate, wildlife biology, outdoor recreation planning, soil science, hydrology, range management, forestry, minerals and geology, lands, fire ecology, and economics.

The following planning criteria and quality standards for analysis and documentation will be used in the study process:

A. Evaluation of wilderness values;

B. Evaluation of Areas Manageability as Wilderness;

C. Energy and Critical Mineral Resource Values;

D. Impacts on Other Resources;

E. Impacts of Non-designation on Wilderness Values;

F. Public Comment;

G. Local Socio-economic Effects;

H. Consistency with Other Plans.

These criteria and standards will be used to determine the level of analysis required for each issue, and to assist in formulating alternatives, identifying the preferred alternative, and in estimating the effects of the alternatives.

During the study, various sectors of the public will be requested to provide data needed for the analysis. As the planning process proceeds, the public will be asked to become involved through open houses and public meetings. Future meeting dates, times, and locations will be announced in the **Federal Register** and media. The initial open house sessions to obtain public comment on the issues which should be considered in the studies being started at this time will be held at the following locations and times:

Date, Time and Location (District Office Addresses)

January 25, 1:00–4:00 p.m. 7:00–9:00 p.m.—BLM Oregon State Office (basement) conference room, 729 NE Oregon Street, Portland, Oregon 97208

January 26, 7:00–8:30 p.m.—Lakeview District Office, 1000 S. 9th Street (P.O. Box 151), Lakeview, Oregon 97630

January 28, 10:00 a.m.–4:00 p.m.—Coos Bay District Office, 333 S. 4th Street, Coos Bay, Oregon 97420

January 27, 1:00–4:00 p.m.—Prineville District Office, 185 E 4th Street (P.O. Box 550), Prineville, Oregon 97754

January 27, 10:00 a.m.–5:00 p.m.—Baker District Office, 1550 Dewey Ave. (P.O. Box 987), Baker, Oregon 97814

January 27, 9:00 a.m.–4:00 p.m. and 7:00–9:00 p.m.—Spokane District Office, East 4217 Main Avenue, Spokane, Washington 99207.

We would appreciate your written or oral comments and suggestions on the proposed issues and planning criteria by February 28, 1982. Your comments should be as specific as possible and directed to the appropriate District Managers.

For further information contact the appropriate District Managers at the above addresses. Documents will be available for public review during normal working hours at the District Offices.

Dated: December 22, 1981.

William G. Leavell,

State Director.

[FR Doc 81-37230 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-84-M

Prineville District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Prineville District Grazing Advisory Board will be held January 28, 1982.

The meeting will begin at 1:30 p.m. in the conference room of the Bureau of Land Management office at 185 East 4th Street, P.O. Box 550, Prineville, Oregon 97754.

The agenda will include: (1) Expanded role of District Grazing Advisory Board, (2) Discussion of proposed rangeland management policies, including assignment of project maintenance responsibilities and criteria for characterizing allotments.

The meeting is open to the public. Anyone wishing to make oral or written statements to the board is requested to do so through the office of the District Manager, at the above named address, at least two days prior to the meeting date.

Summary minutes of the board meeting will be maintained in the District Office and be made available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: December 17, 1981.

James L. Hancock,

Assistant District Manager.

[FR Doc. 81-37285 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-84-M

Salmon District Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Salmon District of the Bureau of Land Management (BLM) announces a forthcoming meeting of the Salmon District Grazing Advisory Board.

DATE: The meeting will be held at 10:00 a.m., Friday, February 19, 1982.

ADDRESS: The meeting will be held at the Salmon District Office, Bureau of Land Management, Conference Room, South Highway 93, Salmon, Idaho 83467.

SUPPLEMENTARY INFORMATION: This meeting is held in accordance with Public Laws 92–463 and 94–579. The purpose of the meeting will be to discuss

(1) Range program; (2) Fiscal year 82 projects; (3) Assignment of Maintenance Responsibilities.

The meeting is open to the public. Anyone may make oral statements to the Board or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 430, Salmon, Idaho 83467, by February 12, 1982.

Summary minutes of the Board meeting will be maintained in the District Office and will be available for public inspection within 30 days following the meeting.

Dated: December 21, 1981.

Jerry W. Goodman,

Acting District Manager.

[FR Doc. 81-37237 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-84-M

Wyoming; Final Land Use Planning Decision for Proposed Red Rim Coal Lease Tract

December 18, 1981.

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Final land use planning decision.

SUMMARY: A final land use planning decision has been approved for the proposed Red Rim coal lease tract in Carbon County by the Bureau of Land Management.

Maxwell T. Lieurance, BLM State Director, said the planning decision was delayed a year to obtain more information from ongoing wildlife and reclamation studies on a critical antelope winter range that would be affected by the proposed coal development. If the Red Rim tract is leased, the information obtained from these continuing studies would be appropriately utilized to assure the overall and long-range environmental integrity of the area.

In making the final land use planning decision, BLM determined that stipulated methods of coal mining on the Red Rim coal tract would not have a significant long-term impact on resident wildlife species of high interest to the State of Wyoming. Federal lands within the Red Rim coal tract are, therefore, determined to be acceptable for further consideration for coal leasing with certain stipulations: (1) No surface occupancy will be allowed on certain designated lands from any points 500 feet southeast of the easternmost minable coal seam to the eastern tract boundary as follows:

T. 20 N., R. 89 W., 6th P.M.,
Sec. 8, 18;
T. 20 N., R. 90 W., 6th P.M.,
Sec. 24, 26, 34;
T. 19 N., R. 90 W., 6th P.M.,
Sec. 4, 8.

(2) The lessee shall be required to mitigate for antelope habitat loss, where applicable, and the resultant loss or displacement of antelope due to surface coal mining operations. The lessee shall also be required to develop a habitat recovery and replacement plan, in consultation with and submitted for approval to, the BLM authorized officer and the State of Wyoming.

"It is our view that the combined effects of the continuing study efforts and the conditioned planning decision will provide adequate protection for the most critical antelope winter range area, while allowing development of the coal resource," Lieurance added.

EFFECTIVE DATE: This land use planning decision is effective December 31, 1981. The matter is now under consideration at BLM's Washington Office and pending the Department of the Interior's decision on offering the Red Rim tract for lease.

FOR FURTHER INFORMATION CONTACT: David J. Walter, District Manager, Rawlins District Office, Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming 82301, 307-324-7171, extension 200, or FTS 328-3200.

Maxwell T. Lieurance,

State Director.

[FR Doc. 81-37236 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-84-M

INTERNATIONAL COMMUNICATION AGENCY

New Directions Advisory Committee, Meeting

The first meeting of the New Directions Advisory Committee will be on January 14, 1982 from 2:00 p.m. to 6:00 p.m. The meeting will be held in the Director's Conference Room, Suite 700, 1750 Pennsylvania Avenue, N.W., Washington, D.C. The purpose of the meeting will be to discuss the organization of the committee and how it can be of assistance to the Agency. All persons interested in attending the meeting or obtaining more information should contact Mr. Robert Reilly at 632-6716

Dated: December 24, 1981.

Jerry Inman,

Committee Management Officer.

[FR Doc. 81-37238 Filed 12-30-81; 8:45 am]

BILLING CODE 8230-01-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 387 (Sub-No. 76)]

Farmrail Corp., Exemption for Contract Tariff ICC-FMRC-8000

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Donald Shaw or Jane Mackall (202) 275-7656.

SUPPLEMENTARY INFORMATION: Farmrail Corporation (FMRC) filed a petition on December 15, 1981, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit its contract tariff—ICC-FMRC-8000, to become effective on one day's notice. The tariff was originally issued November 5, 1981, and scheduled to become effective on December 20, 1981. However, on account of FMRC's failure to complete its filing with summaries of its contracts, it was not possible to act on the request prior to this time. It effectively renewed its request and completed its contract tariff filing on the indicated December 15 date when it filed its contract summaries with the instant petition. Its tariff ICC-FMRC-8000, had previously been received.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition is granted. FMRC is a new Class III switching carrier operating 35 miles of trackage between Clinton and Elk City, OK, over which route it switches traffic moving in interstate commerce. FMRC purchased this operation from the Trustee of the Chicago, Rock Island and Pacific Railroad Company. FMRC provides service to local industries, among others, who will guarantee a minimum annual traffic volume. It switches their traffic at a discount of 5 percent under its regular rates, as provided by Items 110 and 130 of its tariff ICC-FMRC-8000. So far, it has established contracts with 6

shippers, who expected this discounted service to begin on the explained December 20 date, which is now past. Therefore, there is an immediate need to have the tariff become effective as soon as possible. Under these circumstances, a provisional exemption is warranted.

FMRC's contract tariff may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Dated: December 23, 1981.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Gilliam was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-37271 Filed 12-30-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions), we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPY-2-250

Decided: December 22, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier. Member Chandler not participating.

MC 2202 (Sub-675), filed December 9, 1981. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014, (301) 986-1410. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Ontario, CA, on the one hand, and, on the other, points in the US.

Note.—Applicant seeks to tack this authority with existing authority.

MC 7962 (Sub-3), filed December 7, 1981. Applicant: BLUFF CITY TRANSFER & STORAGE CO., 3569 Air Park, Memphis, TN 38118. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, (804) 282-3809. Transporting *household goods,* between points in AL, AR, DE, FL, GA, IL, IN, KS, KY, LA, MD, MI, MO, MS, NC, NE, NJ, NY, OH, OK, PA, SC, TN, TX, VA, WV, and DC.

MC 37563 (Sub-9), filed December 11, 1981. Applicant: TILLAMOOK PORTLAND AUTO FREIGHT, INC., 2703 Third St., Tillamook, OR 97141. Representative: John G. McLaughlin, 1600 One Main Place, 101 SW Main St., Portland, OR 97204, (503) 224-5525. Transporting *general commodities* (except classes A and B explosives), (I) over regular routes: between Tillamook and Lincoln City, OR, over U.S. Hwy 101, serving all intermediate points; and (II) over irregular routes: between points in Lincoln County, OR.

MC 107162 (Sub-83), filed November 27, 1981. Applicant: NOBLE GRAHAM TRANSPORT, INC., R.R. 1, Brimley, MI 49715. Representative: Michael S. Varda, P.O. Box 2509, Madison, WI 53701, (608) 255-8891. Transporting (1) *lumber and wood products* between points in the U.S. in and east of MT, WY, CO, and NM, and (2) *construction materials,* (a) between points in MI, WI, MN, IL, IN, IA, and OH, and (b) between MI and WI, on the one hand, and, on the other, points in KY, TN, KS, NE and MO.

MC 125543 (Sub-15), filed December 7, 1981. Applicant: PERISHABLE SERVICES, INC., 770 North Springdale Rd., Waukesha, WI 53186. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705-0086, (608) 238-3119. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Bonduel Pickling Company, Inc., of Bonduel, WI.

MC 138512 (Sub-43), filed December 11, 1981. Applicant: ROLAND'S TRANSPORTATION SERVICES, INC., d.b.a. WISCONSIN PROVISIONS EXPRESS, P.O. Box 656, Cudahy, WI 53110. Representative: Michael V. Kaney, P.O. Box 1000, 100 Waukegan Rd., Lake Bluff, IL 60044, (312) 295–5700. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with PPG Industries, Inc., of Pittsburgh, PA.

MC 139923 (Sub-87), filed December 11, 1981. Applicant: MILLER TRUCKING CO., INC., 150 S. 8th St., Drawer D, Stroud, OK 74079. Representative: Daniel O. Hands, 205 W. Touhy, Suite 200–A, Park Ridge, IL 60068, (312) 698–2235. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in OK, on the one hand, and, on the other, points in the U.S.

MC 146183 (Sub-47), filed December 9, 1981. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30503. Representative: Pauline E. Myers, Suite 348 Pennsylvania Bldg., 425 13th St., NW, Washington, DC 20004–1879, (202) 737–2188. Transporting *clay, concrete, glass or stone products,* between points in Thomas County, GA, and Tippah County, MS, on the one hand, and, on the other, those in the U.S. in and east of MT, WY, CO, and NM.

MC 151263 (Sub-2), filed November 18, 1981. Applicant: BARRINGTON HAULAGE CO., INC., 300 Treble Cove Rd., Billerica, MA 01862. Representative: James R. Barrington (same address as applicant), (617) 667–0909. Transporting (1) *lumber and building materials,* between points in NC, SC, and VA, on the one hand, and, on the other, points in the U.S.; (2) *machinery,* and (3) *metal products,* between points in NC, SC, and VA, on the one hand, and, on the other, points in the U.S. (except CT, MA, ME, NH, RI, and VT).

MC 155223 (Sub-4), filed December 1, 1981. Applicant: HIGHWAY EXPRESS, INC., 5742 W. Maryland, Glendale, AZ 85301. Representative: Robert Fuller, 13215 E. Penn St., Suite 310, Whittier, CA 90602, (213) 945–3002. Transporting *plastic and rubber products* between points in the U.S. (except AK and HI), under continuing contract(s) with Searle Medical Products, USA, Inc. of Tucson, AZ.

MC 155993 (Sub-1), filed December 10, 1981. Applicant: ISIS LEASING CORP., 5800 Stilwell, Kansas City, MO 64120. Representative: E. Wayne Farmer, City Center Square—27th Floor, P.O. Box 26010, Kansas City, MO 64196, (816) 474–6420. Transporting *such commodities* as are dealt in or used by grocery, restaurant and food business houses, and hotels, between points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NJ, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, VA, WA, WV, WI, and WY.

MC 158823, filed December 8, 1981. Applicant: RAY STANDARD TRUCKING, 8240 Sherwood Blvd., Los Molinos, CA 96055. Representative: Raymond G. Standard (same address as applicant), (916) 384–1540. Transporting *lumber and lumber products,* between points in the U.S., under continuing contract(s) with Louisiana Pacific Corp., of Red Bluff, CA.

MC 158863, filed November 20, 1981. Applicant: J. M. REFRIGERATED LINES, INC., One Rock River Rd., P.O. Box 269, Jefferson, WI 53549. Representative: Harold O. Orlofske, 145 West Wisconsin Ave., P.O. Box 368, Neenah, WI 54956, (414) 722–2848. Transporting *food and related products,* (1) between points in Jefferson, Dane, and Brown Counties, WI and Reno County, KS, on the one hand, and, on the other, points in the U.S. (except AK and HI), (2) between Toledo, OH, on the one hand, and, on the other, points in IN, KY, MI, PA, WV, and WI, and (3) between the facilities of (a) Vermont Meat Packers, Inc., (b) RuPari Food Service, and (c) Regau Foods a Division of Mineer Foods Ltd, at points in the U.S., on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159302 (Sub-1), filed December 7, 1981. Applicant: BARRY LESMEISTER, 521 West Indiana, Unit A, Bismarck, ND 58501. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502, (701) 223–5300. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Premium Beverages Inc., of Bismarck, ND.

MC 159412, filed November 24, 1981. Applicant: GRAD TRAVEL SYSTEMS, INC., 9 Dawson Avenue, West Orange, NJ 07052. Representative: Barry I. Cohen (same address as applicant), (201) 325–1306. As a *broker* at West Orange, NJ, in arranging for the transportation by motor vehicle, of *passengers and their baggage, in the same vehicle with passengers,* in round-trip special and charter operations, beginning and ending at points in NY, NJ, CT, and PA, and extending to points in the U.S.

Volume No. OPY–2–251

Decided: December 21, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

MC 133302 (Sub-8), filed November 13, 1981. Applicant: WICHITA SOUTHEAST KANSAS TRANSIT, INC., 1801 South 21st St., P.O. Box G, Parsons, KS 67357. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137, (901) 767–5600. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Joplin, MO, and Oklahoma City, OK, over Interstate Hwy 44, serving all intermediate points; serving points in OK on and east of Interstate Hwy 35 and on and north of Interstate Hwy 40 as off-route points, and serving points in Barton, McDonald, Newton and Vernon Counties, MO as off-route points; (2) between Wichita, KS, and Dallas, TX: from Wichita over Interstate Hwy 35 to junction Interstate Hwy 35E, then over Interstate Hwy 35E to Dallas, and return over the same route, serving all intermediate points; (3) between S. Coffeyville, OK, and Fort Smith, AR: from S. Coffeyville over U.S. Hwy 169 to junction Muskogee Turnpike, then over Muskogee Turnpike to junction Interstate Hwy 40, then over Interstate Hwy 40 to Fort Smith, and return over the same route, serving all intermediate points, and serving points in Benton and Washington Counties, AR as off-route points. (4) between Joplin, MO, and Fort Smith, AR, over U.S. Hwy 71, serving all intermediate points: (5) between Parsons, KS, and Dallas, TX: from Parsons over U.S. Hwy 59 to junction U.S. Hwy 69, then over U.S. Hwy 69 to junction U.S. Hwy 69–75, then over U.S. Hwy 69–75 to junction U.S. Hwy 75, then over U.S. Hwy 75 to Dallas, and return over the same route, serving all intermediate points. (6) between Tulsa, OK, and junction Indian Nation Turnpike and U.S. Hwy 69 over Indian Nation Turnpike, and: (7) between Tulsa, OK, and junction Cimarron Turnpike and Interstate Hwy 35 over Cimarron Turnpike.

MC 145803 (Sub-9), filed November 30, 1981. Applicant: RONALD E. REED, d.b.a. TRIPLE R TRUCKING, R.F.D., Laurens, IA 50554. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309, (515) 243–6164. *Food and related products,* (1) between points in IL, IA, MN, MO and NE, on the one hand, and on the other, points in the U.S. and (2) between the facilities used by John Morrell & Co. at points in the U.S., on the one hand, and on the other, points in the U.S.

MC 146553 (Sub-26), filed November 30, 1981. Applicant: ADRIAN

CARRIERS, INC., 1822 Rockingham Rd., Davenport, IA 52808. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309, 515–243–6164. Transporting (1) *such commodities* as are dealt in or used by distributors of foundry supplies, between points in Lewanee County, MI, Calhoun County, AL, and Crook County, WY, on the one hand, and, on the other, points in IA and Rock Island County, IL, (2) *chemicals and related products*, between points in Rock Island County, IL, on the one hand, and, on the other, points in IA, IN, KY, MI, MN, MO, NE, and WI, and (3) *metal products*, between points in Scott County, IA, on the one hand, and, on the other, those points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the United States and Canada.

MC 147913 (Sub-4), filed November 30, 1981. Applicant: T-LINE, INC., 350 First St., S.W., New Brighton, MN 35112. Representative: Robert L. Cope, 1730 M St., NW, Suite 501, Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between points in the U.S., (except AK and HI), under continuing contract(s) with Commerce of Minnesota, Inc., of Minneapolis, MN.

Volume No. OPY–5–228

Decided: December 17, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC 1759 (Sub-44), filed December 10, 1981. Applicant: FROEHLICH TRANSPORTATION CO., INC., Federal Rd., Danbury, CT 06810. Representative: Gerald A. Josloff, 410 Asylum St., Hartford, CT 06103, 203–728–0700. Transporting *food and related products*, between points in ME, NH, VT, CT, MA, RI, NY, NJ, and PA.

MC 2698 (Sub-5), filed December 11, 1981. Applicant: VANDALIA BUS LINES, INC., 312 West Morris St., Caseyville, IL 62232. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *passengers and their baggage* in the same vehicle with passengers, in special and charter operations beginning and ending at points in MO and IL and extending to points in the U.S.

MC 15556 (Sub-11), filed December 7, 1981. Applicant: WARWOOD TRANSFER CO., 2233–41 Warwood Ave., Wheeling, WV 26003. Representative: James M. Burtch, 100 East Broad St., Suite 1800, Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission) between points in the U.S., under continuing contract(s) with the Pillsbury Company, of Minneapolis, MN.

MC 85578 (Sub-4), filed December 7, 1981. Applicant: W. M. BURNETT TRUCK LINE, INC., P.O. Box 206, Haleyville, AL 35565. Representative: Donald B. Sweeney, Jr., P.O. Box 2366, Birmingham, AL 35201, 205–254–3880. Part I: Transporting (1) *General commodities* (except classes A and B explosives), between Birmingham, AL, and points in Winston County, AL; (2) *lumber and wood products*, between points in Walker, Morgan and Winston Counties, AL; (3) *textile mill products* and *machinery*, between points in Winston County, AL on the one hand, and, on the other, points in Cullman, Morgan and Limestone Counties, AL; (4) *metal products* (a) between points in Winston and Fayette Counties, AL; and (b) between points in Marshall County, AL on the one hand, and, on the other, points in Winston County, AL. Part II: over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Belmont, MS and Haleyville, AL: (a) From Belmont over MS Hwy 366 to the junction of AL Hwy 172, then over AL Hwy 172 to the junction of AL Hwy 5 to Haleyville, and return; (b) from Belmont over MS Hwy 366 to the junction of AL Hwy 24, then over Hwy 24 to junction of US Hwy 43, then over US Hwy 43 to junction of AL Hwy 5, then over AL Hwy 5 to Haleyville, and return; (2) between Belmont, MS and Florence, AL: (a) from Belmont over MS Hwy 366 to the junction of AL Hwy 24, then over AL Hwy 24 to the junction of US Hwy 43, then over US Hwy 43 to Florence, and return; (b) from Belmont over MS Hwy 366 to the junction of AL Hwy 24, then over AL Hwy 24 to the junction of AL Hwy 247, then over AL Hwy 247 to the junction of US Hwy 72, then over US Hwy 72 to the junction of US Hwy 43, then over US Hwy 72 and 43 to Florence and return; (3) between junction of AL Hwy 5 and 237, then over AL Hwy 237 to the junction of AL Hwy 5 to Haleyville and return; (4) between Haleyville and Florence, AL: (a) from Haleyville over AL Hwy 5 to the junction of US Hwy 43, then over US Hwy 43 to Florence, and return; (b) from Haleyville over AL Hwy 5 to the junction of AL Hwy 172, then over AL Hwy 172 to the junction of US Hwy 43, then over US Hwy 43 to Florence, and return; (5) serving all intermediate points in connection with Routes (1) through (4) above, and serving all points in Lauderdale, Colbert, Franklin and Lawrence Counties, AL as off-route points in connection with Parts I and II. Condition: Any Certificate issued in this proceeding is subject to the prior or coincidental cancellation, at applicant's written request, of all existing Certificates of Registration.

Note: Applicant intends to tack the authority sought in Part II with existing authority to be converted in Part I from a Certificate of Registration in MC–85578 Sub 1, Issued December 8, 1969 and Sub 3, Issued October 24, 1973 to a Certificate of Public Convenience and Necessity.

MC 107028 (Sub-29), filed December 10, 1981. Applicant: ACME TRANSPORTATION, INC., 2832 Giant Road, San Pablo, CA 94804. Representative: Thomas M. Loughran, 100 Bush St., San Francisco, CA 94104, (415) 986–5778. Transporting *commodities in bulk*, between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 108378 (Sub-10), filed December 7, 1981. Applicant: SUN VALLEY BUS LINES, INC., 600 East Jefferson St., Phoenix, AZ 85004. Representative: A. Michael Bernstein, 1441 E. Thomas Road, Phoenix, AZ 85014, (602) 264–4891. To engage in operations as a *broker* at Las Vegas, NV, in interstate or foreign commerce, arranging for the transportation of *passengers and their baggage* in same vehicle with passengers, between points in Clark County, NV, on the one hand, and, on the other, points in the U.S.

MC 133758 (Sub-1), filed December 7, 1981. Applicant: PRINCE BROS., INC., 503 Fulton Street, Antigo, WI 54409. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719, (609) 273–1003. Transporting (1) *food and related products*, under continuing contract(s) with (a) Reinerio Beverages, Inc., Lakeside Distributing Co., Inc., and Doane Distributing, Inc., all of Ashland, WI, (b) Eugene J. McKenna, d.b.a. Geno McKenna & Sons, and Vavruska Distributing Co., both of Antigo, WI, (c) Bertagnoli Distributing Co., Inc., of Hurley, WI, (d) Eagle River Distributing Co., Inc., of Eagle River, WI, (e) H & H Distributing Co., Inc., of Rhinelander, WI, and (2) *wood products*, under continuing contract(s) with Zelazoski Wood Products, Inc., of Antigo, WI, between points in the U.S.

MC 139638 (Sub-11), filed December 7, 1981. Applicant: N. L. MONTGOMERY, INC., P.O. Box 626, Rocky Mount, VA 241551. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, (615) 790–2510.Transporting *lumber and lumber mill products*, between points in Greene County, TN, and GA and SC, on the one hand, and, on the other, points in NC, OH, VA, TN, WV, KY, IN, and IL.

MC 151508 (Sub-2), filed December 2, 1981. Applicant: BARY, INC., 6001 Crittenden Drive, P.O. Box 35354, Louisville, KY 40232. Representative: Jack L. Bary, 1303 Blackwood Court, Jeffersonville, IN 47130, (812) 28. Transporting (1) *machinery and furniture and related products*, under continuing contract(s) with Hart Fireplace Furnishings, Division of S & T Industries, Inc., of New Albany, IN, and (2) *chemicals and related products*, under continuing contract(s) with Borden, Inc., of Columbus, OH, between points in the U.S.

MC 154408, filed December 11, 1981. Applicant: H. S. C. LOGGING, INC., P.O. Box 306, Carson, WA 98610. Representative: Ottis D. Holwegner (same address as applicant), (509) 427–5221. Transporting *machinery*, between points in Klickitat, Skamania, Cowlitz, Yakima, and Clark Counties, WA, on the one hand, and, on the other, points in Multonomah, Marion, Lane, Hood River, Wasco Counties, and Eugene OR.

MC 156648, filed December 19, 1981. Applicant: RICHARD COOK d.b.a. COOK'S BUS CO., P.O. Box 648, El Verando, CA 95433. Representative: Richard Cook (same address as applicant), 415–524–5404. Transporting *passengers and their baggage* in the same vehicle with passengers in special and charter operations, between points in the U.S.

MC 157049 (Sub-1), filed December 10, 1981. Applicant: AMATO MOTORS, INC., 977 West Cermak Rd., Chicago, IL 60608. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, 312–782–8880. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in IA, IL, MI, WI, MO, OH, IN, and MN.

MC 158459, filed December 4, 1981. Applicant: R. B. R. TRUCKING, INC., 211 Kocher St., Rockton, IL 61702. Representative: Edward D. McNamara, Jr., 907 South Fourth St., 217–528–8476. Transporting *such commodities* as are dealt in, or used by, manufacturers or distributors of water conditioning equipment, between points in the U.S. under continuing contract(s) with Illinois Water Treatment Co. of Rockford, IL.

Volume No. OPY–5–229

Decided: December 18, 1981.

By the Commission, Review Board Number 3, Members Krock, Jouce and Dowell.

FF 279 (Sub-2), filed December 11, 1981. Applicant: MID-PACIFIC FORWARDING CO., INC., d.b.a. HAWAIIAN CARGO EXPEDITERS, 5480 Ferguson Dr., No. 302, Los Angeles, CA 90022. Representative: Milton W. Flack, 8383 Wilshire Blvd., No. 900, Beverly Hills, CA 90211, 213–655–3573. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S. on the one hand, and, on the other, points in HI.

MC 41098 (Sub-71), filed December 11, 1981. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006, 202–833–8884. Transporting *used automobiles*, between points in the U.S.

MC 62978 (Sub-1), filed December 10, 1981. Applicant: ALL FREIGHT DISTRIBUTION CO., INC., 6201 Seaforth St., Baltimore, MD 21224. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20005. Transporting *general commodities* (except classes A and B explosives), between points in DE, MD, NJ, NY, PA, VA, OH, and WV.

MC 84728 (Sub-67), filed December 14, 1981. Applicant: SAFEWAY TRAILS, INC., 1200 Eye St., NW., Washington, DC 20005. Representative: George W. Hanthorn, 1500 Jackson St., Dallas, TX 75201, (214) 655–7937. Transporting *passengers and their baggage and express and newspapers*, in the same vehicle with passengers, between Baltimore, MD, and Lancaster, PA, from Baltimore over Interstate Hwy 83 to York, PA, and then over U.S. Hwy 30 to Lancaster.

MC 88368 (Sub-57), filed December 4, 1981. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Ave., Grandview, MO 64030. Representative: Thomas R. Kingsley, 10614 Amherst Ave., Silver Spring, MD 20902, (301) 649–5074. Transporting *such commodities* as are dealt in or used by hardware, building materials, equipment and supplies, garden implements and supplies, household furnishings, and home improvement products stores (1) between points in OH and IN and those points in the U.S. in and west of MI, IL, MO, OK, and TX, and (2) between points in (1), on the one hand, and, on the other, points in the U.S.

MC 98938 (Sub-8), filed December 15, 1981. Applicant: SEVERANCE TRUCKING CO., INC., 7 Walnut Hill Park, Woburn, MA 01801. Representative: Mary E. Kelley, 22 Stearns Ave., Medford, MA 02155, (617) 396–4090. Transporting *general commodities* (except classes A and B explosives), between points in MA, NH, and RI, on the one hand, and, on the other, points in VT and CT.

MC 113158 (Sub-55), filed September 9, 1981, previously noticed in FR issue of September 25, 1981. Applicant: TODD TRANSPORT COMPANY, INC., Secretary, MD 21664. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113, (215) 365–5141. Transporting *food and related products*, between points in Shenandoah County, VA, on the one hand, and, on the other points in TX.

Note: Coincidental cancellation, at applicant's written request of Certificate MC 113158 Sub 55 in this proceeding served November 25, 1981. This republication corrects the commodity description.

MC 117068 (Sub-141), filed December 9, 1981. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, MN 55901. Representative: Richard C. McGinnis, 711 Washington Bldg., Washington, D.C. 20005–2075, (202) 347–3987. Transporting *machinery and metal products*, between points in the U.S.

MC 119099 (Sub-42), filed December 14, 1981. Applicant: BJORKLUND TRUCKING, INC., First Ave. N.E. and 8th St., Buffalo, MN 55313. Representative: Val M. Higgins, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402, 612–333–1341. Transporting *lumber and wood products, forest products*, and *building materials*, between points in MN, on the one hand, and, on the other, points in IL, IN, IA, MI, NE, WI, ND and SD.

MC 128539 (Sub-20), filed December 7, 1981. Applicant: EAGLE TRANSPORTATION CORPORATION, P.O. Box 4718, 3204 Sunset Ave., Rocky Mount, NC 27801. Representative: James F. King, Jr. (same address as applicant), (919) 446–4194. Transporting *food and related products*, between points in AL, FL, GA, KY, MD, NC, SC, TN, VA, WV, and DC.

MC 133858 (Sub-2), filed December 10, 1981. Applicant: THE COTTER GARAGE CORPORATION, 86 Granby St., Bloomfield, CT 06002. Representative: James T. Graham, One Constitution Plaza, Hartford, CT 06103, (203) 547–1120. Transporting *passengers and their baggage and newspapers*, in

the same vehicle with passengers, (a) between Hartford, CT, and New York, NY, under continuing contract(s) with Aetna Life & Casualty Company, of Hartford, CT, and (b) between Hartford, East Hartford, and Farmington, CT, and New York, NY, under continuing contract(s) with United Technologies Corporation of Hartford, CT.

MC 134319 (Sub-17), filed December 14, 1981. Applicant: BRAAFLADT TRANSPORT COMPANY, P.O. Box 1065, Dimmit, TX 79027. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408, (806) 763–9555. Transporting *fertilizers* and *chemicals*, between points in OK, TX, KS, MO, AR, NM, and CO.

MC 136818 (Sub-138), filed December 11, 1981. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 5601 W. Mohave, Phoenix, AZ 85031. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008, (602) 275–3124. Transporting *pulp, paper and related products*, between points in the U.S. (except AK and HI).

MC 136436 (Sub-112), filed December 11, 1981. Applicant: D. M. BOWMAN, INC., Route 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740, (301) 739–4860. Transporting *general commodities* (except household goods and classes A and B explosives), between points in the U.S.

MC 143306 (Sub-1), filed December 4, 1981. Applicant: GENERAL TRUCKING SERVICE, INC., 3700 Park East Dr., Cleveland, OH 44122. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216) 566–5639. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with SCM Corporation of Cleveland, OH.

MC 145669 (Sub-1), filed December 2, 1981. Applicant: PETROLEUM TANK LINE, 2600 Rice Ave., West Sacramento, CA 95691. Representative: Alan F. Wohlstetter, 1700 K St., NW, Washington, DC 20006, (202) 833–8884. Transporting *petroleum and petroleum products* between points in CA, on the one hand, and, on the other, points in NV and OR.

MC 146296 (Sub-2), filed December 15, 1981. Applicant: THARP SALES & SERVICE, INC., 1204 Oklahoma Ave., Trenton, MO 64683. Representative: W. R. England, III, P.O. Box 456, Jefferson City, MO 65102, 314–635–7166. Transporting *fertilizer and fertilizer ingredients*, in bulk, between the facilities of Cheveron Chemical Co. at Fort Madison, IA, and Sugar Creek, MO, on the one hand, and, on the other, points in IA, MO, NE and KS.

MC 148868 (Sub-3), filed December 15, 1981. Applicant: MALM CO., INC., 908 Denargo Market, Denver, CO 80216. Representative: Edward C. Hastings, 666 Sherman St., Denver, CO 80203, (303) 837–1204. Transporting *food and related products* between points in AR, AZ, CA, KS, NE, LA, MS, MO, OK, and TX, on the one hand, and, on the other, points in CO.

MC 149029 (Sub-5), filed December 14, 1981. Applicant: VANWORMER TRUCKING, INC., Star Route, Cranberry, PA 16319. Representative: Dwight L. Koerber, Jr., 110 North Second St., Clearfield, PA 16830, 814–765–9611. Transporting *petroleum and petroleum products, containers*, and *such commodities* as are dealt in or used by automotive supply and service centers, (a) between points in Allegheny, Butler, and Crawford Counties, PA, on the one hand, and, on the other, points in CT, RI, MA, VT, NH, ME, OH, PA, NY, IN, WV, WI, IL, KY, VA, MD, MI, DE, NJ, and DC. (b) between points in Erie County, NY; Pleasants and Hancock Counties, WV; and Venango, Warren, and McKean Counties, PA, on the one hand, and, on the other, points in RI, MA, VT, NH, and ME.

MC 149069 (Sub-3), filed December 14, 1981. Applicant: KEPPEL CORPORATION, Route 1, Box 213, Staunton, VA 24401. Representative: H. Neil Garson, 3251 Old Lee Hwy., Fairfax, VA 22030, 703–691–0900. Transporting *automotive tires and automotive tire parts*, between points in Summit, Franklin, Hancock, and Trumbull Counties, OH; Coahoma County, MS; St. Louis County, MO; Miller County, AR and Union County, NJ, on the one hand, and, on the other, points in VA.

Volume No. OPY–5–230

Decided: December 18, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC 149199 (Sub-12), filed December 10, 1981. Applicant: FRONTIER EXPRESS, INCORPORATED, d.b.a. D & M TRANSPORTATION, 905 SW Second, Oklahoma City, OK 73109. Representative: G. Timothy Armstrong, 200 North Choctaw, P.O. Box 1124, El Reno, OK 73036, (405) 262–1322. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of mining and drilling equipment and supplies, between Los Angeles, CA, and points in Jefferson County, AL, Pima County, AZ, San Bernardino County, CA, Mesa County, CO, Vanderburgh County, IN, St. Louis County, MN, Silver Bow County, MT, Kay County, OK, and Natrona County, WY, on the one hand, and, on the other, points in the U.S.

MC 151118 (Sub-15), filed December 15, 1981. Applicant: M.D.R. CARTAGE, INC., 516 West Johnson St., Jonesboro, AR 72401. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, (601) 335–3576. Transporting (1) *metal products*, and (2) *machinery*, between Chicago, IL, and points in Lawrence and Randolph Counties, AR, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 152439 (Sub-3), filed December 15, 1981. Applicant: WILLETT INTERSTATE SYSTEM, INC., 3901 S. Ashland Ave., Chicago, IL 60609. Representative: Donald S. Mullins, 1033 Graceland Ave., DesPlaines, IL 60016, (312) 298–1094. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with W. W. Grainger, Inc., of Chicago, IL.

MC 154118 (Sub-1), filed December 14, 1981. Applicant: ANDERSON & JOURGENSEN TRUCK LINE, INC., P.O. Box 6, Ennis, TX 75119. Representative: James W. Hightower, First Continental Bank Bldg. #301, 5801 Marvin D. Love Freeway, Dallas, TX 75237, 214–339–4108. Transporting *chemicals and related products* and *machinery*, between points in the U.S. under continuing contract(s) with Traffic Paint Mfg., Inc. of Hannibal, MO and Steuber Company, Inc. of Houston, TX.

MC 154328 filed December 14, 1981. Applicant: SMOKEY POINT DISTRIBUTING, INC., P.O. Box 189, 18128 67th Ave., NE, Arlington, WA 98223. Representative: Matt Berry (same address as applicant), (206) 435–5737. Transporting *shelving*, between points in the U.S. under continuing contract(s) with Easy Up Shelving, Inc., of Seattle, WA.

MC 156319 (Sub-1), filed December 15, 1981. Applicant: GALEN O. KING, d.b.a. G.O.K. TRUCKING, 4792 S. State Rte. 53, Tiffin, OH 44883. Representative: Richard H. Brandon, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, (614) 889–2531. Transporting *rubber and plastic products* between points in St. Joseph County, IN, on the one hand, and, on the other, points in MI, OH, PA, and KY.

MC 157439 (Sub-1), filed December 14, 1981. Applicant: STAN PHILLIPS, d.b.a. HEAVY COMPANY, 3423 No. 35th St., P.O. Box 5728, Lincoln, NE 68505. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501, (402) 475–

6761. Transporting (1) *those commodities which because of their size or weight require the use of special equipment*, (2) *Building materials*, (3) *machinery*, and (4) *metal articles*, between points in Lancaster County, NE, on the one hand, and, on the other, points in U.S. in and west of MI, OH, IN, IL, MO, AR, and LA.

MC 159559, filed December 4, 1981. Applicant: JOSEPH J. DOSTAL, d.b.a. ABRASIVE TRANSPORT, 675 Byron, Plymouth, MI 48170. Representative: Paul M. Ross, 3104 S. Cedar Street, Lansing, MI 48910, (517) 394–4222. Transporting *metal products* between points in the U.S. under continuing contract(s) with Plymouth Metal Abrasive Company, and Metal Tech Steel Abrasive Company, both of Plymouth, MI.

MC 159589, filed December 7, 1981. Applicant: JOPSEPH T. ROTA, d.b.a. McDONALD TRANSPORTATION, 3008 Woodfield Ave., McDonald, Ohio 44437. Representative: Eugene A Waszkiewicz, P.O. Box 8315, Pittsburgh, PA 15218, (412) 469–0333. Transporting (1) *iron and steel articles*, (2) *machinery*, and (3) *steel mill products*, between points in the U.S. under continuing contract(s) with McDonald Welding Machine Company, Inc., of McDonald, OH.

MC 159628, filed December 7, 1981. Applicant: DAN BANOVICH PRODUCE AND TRANSPORTATION CO., INC., 3740 West Buckeye Rd., Phoenix, AZ 85009. Representative: Andrew V. Baylor, 337 East Elm St., Phoenix, AZ 85012, (602) 274–5146. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Smitty's Super Valu, Inc., of Phoenix, AZ.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–37285 Filed 12–30–81; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–3 (Sub-No. 28)

Rail Carriers; Missouri Pacific Railroad Co.; Abandonment Between Hawdon and Herbert, TX; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board Number 3, has issued a certificate authorizing the Missouri Pacific Railroad Company to abandon its line of railroad known as the sugarland Subdivision, extending from railroad milepost 0.0 near Hawdon to railroad milepost 1.8, and from milepost 13.6 to milepost 3.3, the end of track, near Herbert, a distance of 12.1 miles, in Fort Bend County, TX, subject to certain conditions. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the Regulations.

If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–37272 Filed 12–30–81; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 29805]

Rail Carriers; Norfolk and Western Railway Co.; Akron, Canton, and Youngstown Railroad Co.; Merger Into AC&Y Railroad, Inc.; Exemption

December 24, 1981.

On December 18, 1981, the Norfolk and Western Railway Company (NW) notified the Commission that its wholly owned subsidiary, The Akron, Canton and Youngstown Railroad Company (Akron), will merge into AC&Y Railroad, Inc. (AC&Y), a wholly owned subsidiary of NW. AC&Y will be the surviving company, and subsequently it will merge into NW, with NW the surviving company. The transactions are within a corporate family and come within the exemption described at 49 CFR 1111.5(c)(3). The mergers will not result in any change in service levels, operations, or the competitive balance with carriers outside the corporate family. The purpose of the mergers is corporate simplification.

As a condition to use of the exemption, any Akron and AC&Y employees affected by the merger shall be protected pursuant to *New York Dock Ry.-Control-Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979). This will satisfy the statutory requirements of 49 U.S.C. 10505(g)(2).

By the Commission, Richard A. Kelly, Acting Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–37273 Filed 12–30–81; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–1 (Sub-No. 125)F]

Rail Carriers; Chicago and North Western Transportation Company Abandonment—Between Dodge Street (Omaha) and Irvington, NE; Findings

The Commission has found that the public convenience and necessity permit Chicago and North Western Transportation Company to abandon its 4.1 miles of rail line between Dodge Street (Omaha) (milepost 6.0) and Irvington (milepost 10.1) in Douglas County, NE. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Richard Kelly, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–37181 Filed 12–30–81; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Proposed Modification to a Clean Air Act Consent Decree Involving Bethlehem Steel Corporation's Johnstown, Pennsylvania Steel Facility

In accordance with departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on December 15, 1981, a proposed modification to a Clean Air Act consent decree in *United States of America and Commonwealth of*

Pennsylvania Department of Environmental Resources v. *Bethlehem Steel Corporation*, No. 79–1223–C, was lodged with the United States District Court for the Western District of Pennsylvania. The proposed modification to the consent decree would allow Bethlehem Steel Corporation to operate its coke oven battery No. 18 until December 31, 1982, rather than requiring an earlier shutdown based on startup of the electric arc furnace shop. The modification requires Bethlehem to institute certain operating and maintenance procedures at the battery's pushing system in the interim to minimize excess emission.

The proposed consent decree may be examined at (1) the Office of the United States Attorney, Western District of Pennsylvania, United States Courthouse, 633 U.S. Post Office Courthouse, 7th Avenue and Grant Street, Pittsburgh, Pennsylvania 15219, (2) the Office of the Environmental Protection Agency, Region III, Office of Regional Counsel, 6th and Walnut Streets, Philadelphia 19106, and (3) the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be directed to the Assistant Attorney General for the Land and Natural Resources Division of the Department of Justice, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530 and should refer to *United States of America and Commonwealth of Pennsylvania, Department of Environmental Resources* v. *Bethlehem Steel Corporation*, DOJ Reference #90–5–2–1–191.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc 81–37214 Filed 12–30–81; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on August 21, 1981, Eli Lilly and Co., Tippecanoe Lab., Box 685 Lilly Road, Lafayette, Indiana 47902, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Methadone (9250)	II.
Methadone-Intermediate (9254)	II.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Acting Administrator, Drug Enforcement Administration, U.S. Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than February 1, 1982.

Dated: December 22, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81–37232 Filed 12–30–81; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Application; Aerojet Strategic Propulsion Co.

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on July 31, 1981, Aerojet Strategic Propulsion Co., Highway 50 at Hazel Avenue, P.O. Box 15699C, Sacramento, California 95813, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule I controlled substance Tetrahydrocannabinols (7370). The firm currently produces Tetrahydrocannabinols under contract with the National Cancer Institute.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substance, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Acting Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than February 1, 1982.

Dated: December 22, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81–37233 Filed 12–30–81; 8:45 am]

BILLING CODE 4410–09–M

NATIONAL SCIENCE FOUNDATION

Permits Issued Under Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permits Issued Under the Antarctic Conservation Act of 1978, Pub. L. 95–541

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice of permits issued.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers, Permit Office, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357–7934.

SUPPLEMENTARY INFORMATION: On November 19, 1981, the National Science Foundation published a notice in the **Federal Register** of permit applications received. On December 22, 1981 a permit was issued to: Charles W. Potter.

Charles E. Myers,

Division of Polar Programs

[FR Doc 81–37257 Filed 12–30–81; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Extreme External Phenomena; Meeting

The ACRS Subcommittee on Extreme External Phenomena will hold a meeting on January 28 and 29, 1982, at the SHERATON INN INTERNATIONAL CONFERENCE CENTER, 11810 Sunrise Valley Drive, Reston, VA (Telephone: 703/620–9000). The Subcommittee will continue its review of the NRC research programs which deal with the seismic aspects of site safety. The discussions at this meeting are intended to examine the uncertainties associated with the determination of a design basis earthquake for a nuclear powerplant at

a site in the Eastern United States. The agenda for the this meeting will be structured to encourage open discussions from the audience. Notice of this meeting was previously published on November 25, 1981.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981 (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance. In addition, time will be set aside for open discussion from the audience and for comments on the scheduled presentations.

The agenda for subject meeting shall be as follows:

Thursday, January 28, 1982—8:30 a.m. until approximately 9:30 p.m. The Subcommittee will conduct discussions directed toward the review of the NRC research programs which deal with the seismic aspects of site safety. The emphasis for these discussions will be on Eastern United States seismotectonics.

Friday, January 29, 1982—8:00 a.m. until approximately 4:00 p.m. The Subcommittee will conduct discussions directed toward the review of the NRC research programs which deal with the seismic aspects of site safety. The emphasis for these discussions will be on the use of probability and strong ground motion models.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: December 24, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–37289 Filed 12–30–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–10–OLA]

Commonwealth Edison Co. (Dresden Nuclear Power Station, Unit 1); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *Commonwealth Edison Company*, Dresden Nuclear Power Station, Unit 1, Docket No. 50–10–OLA, is hereby reconstituted by appointing the following Administrative Judge to the Board: Dr. Martin J. Steindler. Dr. David L. Hetrick was a member of this Board, but, because of a schedule conflict, is unable to continue to serve.

As reconstituted, the Board is comprised of the following Administrative Judges:

John H. Frye, III, Chairman;
Dr. Martin J. Steindler;
Dr. Robert L. Holton.

All Correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is:

Dr. Martin J. Steindler, Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Illinois 60439.

Issued at Bethesda, Maryland, this 28th day of December 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81–37294 Filed 12–30–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–366]

Georgia Power Company, et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 25 to Facility Operating License No. NPF–5, issued to Georgia Power Company, Oglethorpe Power Corporation, Muncipal Electric Association of Georgia, and City of Dalton, Georgia, which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant Unit No. 2 (the facility) located in Appling County, Georgia. The amendment is effective as of the date of issuance.

The amendment consists of temporary changes to the Technical Specifications. The limiting condition for operation on diesel generator operability is extended from 72 hours to 18 days starting at 9:00 AM EST on December 19, 1981 and expiring at 9:00 AM on January 3, 1982.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 18, 1981, (2) Amendment No. 25 to License No. NPF–5, and (3) the Commission's letter to Georgia Power Company dated December 18, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 18th day of December 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch #4, Division of Licensing.

[FR Doc. 81–37295 Filed 12–30–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–416 and 50–417]

Mississippi Power and Light Co., et al.; Issuance of Amendment to Construction Permits

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Construction Permit CPPR–118 and Amendment No. 7 to Construction Permit CPPR–119, issued to Mississippi Power and Light Company, Middle South Energy, Inc. and South Mississippi Electric Power Association for the Grand Gulf Nuclear Station, Units 1 and 2 (the Facility), located in Claiborne County, Mississippi.

The amendments delete monitoring and capacity requirements for sediment retention basins from the Environmental

Protection Program Respecting Construction of Grand Gulf Nuclear Station, Units 1 and 2. Such monitoring and capacity requirements for the sediment retention basins are currently covered by a National Pollutant Discharge Elimination System permit for the facility which is unaffected by these Construction Permit Amendments. The amendments are effective as of the date of issuance.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the permit amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that, pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments. For further details with respect to this action see (1) the application for amendment dated September 26, 1980 and supplemented by letters dated December 31, 1980 and August 31, 1981 (2) Amendment No. 7 to CPPR–118, (3) Amendment No. 7 to CPPR–119, and (4) the Commission's related letter evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at Hinds Junior College, George M. McLendon Library, Raymond, Mississippi. In addition, a copy of the above items (2), (3) and (4) may be obtained upon request, addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland, this 23rd day of December, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–37296 Filed 12–30–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–537 (exemption request under 10 CFR 50.12)]

Department of Energy, Project Management Corp. and Tennessee Valley Authority (Clinch River Breeder Reactor Plant); Memorandum and Order

Introduction

This Memorandum and Order establishes the Commission's procedures for considering the merits of the Department of Energy's (DOE's) request for an exemption from 10 CFR 50.10 pursuant to 10 CFR 50.12 in order to begin site preparation for the Clinch River Breeder Reactor. For the reasons discussed below, the Commission believes that an informal proceeding directed by the Commission itself is best suited for consideration of the merits of this exemption request.

Background

On November 30, 1981 DOE, for itself and on behalf of its co-applicants Project Management Corporation and the Tennessee Valley Authority, requested the Nuclear Regulatory Commission (NRC or Commission) to grant an exemption from 10 CFR 50.10 pursuant to 10 CFR 50.12 to conduct site preparation activities for the Clinch River Breeder Reactor (CRBR) prior to the issuance of a construction permit or limited work authorization. DOE's proposed site preparation activities include site clearing and grading; excavation and quarry operations; the construction of temporary construction related facilities, a barge facility, an access road and railroad spur; and the installation of services including power, water, sewerage and fire protection. None of the work appears to involve safety-related structures, systems, or components subject to the Commission's safety regulations in 10 CFR Part 50. Among the reasons advanced by DOE in support of its request are the claims that: (1) Congress has expressed the intention that the CRBR project be completed expeditiously; (2) procedural delays will cause undue hardship in the form of another 1–2 years of delay and $120–240 millions of increased costs; and (3) the project is in an advanced stage of development and is ready to begin site preparation activities.

Views of the Parties

DOE requested that the Commission itself rule on this exemption request because it raises substantial national policy considerations that only the Commission can address. These include cited Presidential and Congressional mandates to construct the CRBR in a timely and expeditious manner, the implications of alleged increased costs, and the alleged adverse effects of delay on DOE's responsibility for developing the technology of the liquid metal fast breeder reactor (LMFBR).

DOE also contended that a hearing is not required on its exemption request. In its view, the Commission's requirements for a hearing prior to commencement of site preparation activities are not compelled by either the National Environmental Policy Act (NEPA) or the Atomic Energy Act of 1954, as amended. Moreover, DOE believes an informal proceeding will prove adequate for resolving any disputed matters. DOE is opposed to a referral of its request to an Atomic Safety and Licensing Board (Board) for adjudicatory hearings since, in DOE's view, such a referral only serves to further delay the project without providing the Commission with meaningful assistance in addressing the policy and other issues raised by the exemption request.

DOE's request was opposed by the Natural Resources Defense Council, Inc. and the Sierra Club, intervenors in the now suspended adjudicatory hearing on applicant's 1976 application for a construction permit. Intervenors agree that this request raises major issues of policy and law that should be decided in the first instance by the Commission itself based on oral argument and written comments. The issues identified by NRDC and the Sierra Club are: (1) The applicability of the exemption provisions in 10 CFR 50.12 to this unique project; (2) the existence of a Congressional mandate for expedition as argued by DOE; (3) the effect of granting the exemption on one of the CRBR's alleged purposes which is to demonstrate the licensability of breeder reactors; (4) the effect of an exemption on public confidence in CRBR; (5) the predetermination of intervenors' environmental contentions in the suspended proceeding; and (6) the completeness of the environmental record. NRDC and the Sierra Club believe that these are threshold issues that must be addressed by the Commission before it reaches the other merits of the exemption request. They contended that a consideration of these threshold issues will lead to denial of the exemption request. However if, contrary to their position, Commission consideration of these issues is not dispositive, then several factual issues require resolution before the exemptions can be granted. They believe that the Commission's practice has been to refer these kinds of factual issues to a Licensing Board for a formal

adjudicatory hearing. They have conceded that neither the Atomic Energy Act nor NEPA requires such a hearing. Rather, the thrust of their argument appears to be that a formal hearing is required by Commission precedent. Moreover, they argue that a formal hearing is the most effective way to elucidate the facts bearing on the exemption request. Finally, they believe that any adjudicatory hearing should be conducted by the Board for the now suspended LWA proceeding. Because that Board is familiar with the details of CRBR, NRDC and the Sierra Club believe it could provide timely review.

On December 16, 1981, we provided the parties to the suspended permit proceeding an opportunity to address the appropriate procedures for NRC consideration of the merits of applicants' exemption request. Appearances were made by representatives for the applicants and NRDC and Sierra Club.[1] Applicants presented a proposed procedure and schedule for direct Commission consideration of the exemption request. That procedure included an opportunity for comments by the public, responses to comments, and an oral presentation to the Commission on the merits of the exemption request. NRDC and the Sierra Club stated their arguments as summarized above, and urged the Commission to consider the so-called threshold issues under a procedure similar to that proposed by the applicants. They agreed that the applicants' proposed schedule not only was reasonable but could be compressed by several weeks, assuming that no formal adjudicatory hearings were to be held.

Procedures to be Followed

Following the oral presentations, the Commission met in public to decide how to proceed with consideration of the exemption request. The Commission believes, and applicants and NRDC and Sierra Club agree, that neither the Atomic Energy Act nor NEPA dictate the form of proceedings on exemption requests of the type requested here. There is also agreement on all sides that the request presents several major and novel policy and legal issues that are best resolved by the Commission itself as the highest policy-making entity within the agency. The dispute focuses on whether several of the policy and legal issues must be resolved at the outset against the grant of the exemption and, if not, whether resolution of residual factual issues should entail a formal adjudicatory hearing.

We decline to reach the merits of any of the policy or legal issues at this time, since further presentations will be required before there has been fair opportunity to present opposing views. We agree with NRDC and the Sierra Club that the exemption request may present issues of fact relating to matters such as the environmental impact of the proposed work and the cost-savings from granting of the exemption. However, we cannot agree that a formal adjudicatory hearing will prove to be the only way for adequate ventilation and resolution of these issues, or that formal adjudicatory hearings are dictated by past Commission practice.[2] It is quite common for such issues to be resolved by informal procedures falling short of formal examination and cross-examination of sworn witnesses. Even within the Commission itself, such issues are routinely and adequately dealt with in the informal Staff and ACRS review processes. There is no reason to believe that the informal procedures which follow will not prove adequate to the task. Moreover, we believe that the estimates of NRDC and the Sierra Club of the time required for the conduct of formal hearings by a Licensing Board are extremely optimistic. The one case cited by them [3] involved relatively few disputed factual issues. It is not at all clear that few factual issues will be presented here. We conclude that formal hearings will

[1] A statement in support of the exemption request was also made by a representative for the Governor of Tennessee, who is not a party to the suspended proceeding. However, a representative of the Attorney General of Tennessee, who is a party to the proceeding, stated that the Attorney General had not yet taken a position on the exemption request or on the procedures for its consideration by the Commission.

[2] Although intervenors acknowledge the Commission precedent is "split" on the issue of a need for a hearing on an exemption request, their analysis of Commission decisions on exemption requests leads them to conclude that the Commission's practice has been to consider adjudicatory hearings necessary in every contested case. We believe that this conclusion does not adequately characterize Commission practice.

Only 5 exemption requests have been considered by the Commission over the years, and in only two cases did the Commission hold a hearing. However, both cases arose under unusual circumstances. In Carolina Power and Light Company (Shearon Harris Nuclear Power Plant, Units 1, 2, 3 and 4), CLI–74–8, 7 AEC 197 (1974) (Shearon Harris I), the Deputy Director for Reactor Projects, Directorate of Licensing had granted the applicant's request for an exemption without notice to the intervenors or an opportunity for a hearing. Upon learning of the grant of the exemption, an intervenor petitioned the Commission for a stay of that exemption. The Commission referred the stay request to the Board having jurisdiction over the construction permit proceeding, and also determined that "under the circumstances of this case" the Board should conduct a hearing on the merits of the exemption request "even though the rule as written does not require adversary hearings in connection with applications for these exemptions." *Id.* at 198. Thus, the Commission's initiation of a discretionary hearing in Shearon Harris I must be viewed as a response to the Director's previous failure to notify interested parties of the grant of an exemption. In Kansas City Gas and Electric Company, Kansas City Power and Light Company (Wolf Creek Generating Station, Unit No. 1), CLI–76–20, 4 NRC 476 (1976) the Commission referred the applicant's request for an exemption to the Licensing Board already considering the application for a construction permit. This exemption request was filed after the United States Court of Appeals for the District of Columbia Circuit had decided Natural Resources Defense Council v. NRDC, 547 F.2d 663 (D.C. Cir. 1976) which found inadequate the Commission's original rule on the environmental effects of the uranium fuel cycle (Table S–3). In response to that decision, the Commission decided that licensing could resume only if an examination of the revised values in Table S–3 showed that the cost-benefit balance would not tip against a proposed plant. 41 FR 49699, 49699 (November 11, 1976). Thus, the Commission's referral of the exemption request to the Licensing Board was primarily for the purpose of obtaining an assessment of fuel cycle impacts. The Licensing Board, having considered the cost benefit issue, was obviously in the best position to consider if fuel cycle impacts would change the decision.

The Commission has not initiated a hearing in the three other exemption requests it has considered. In Louisiana Power and Light Company (Waterford Steam Electric Generating Station, Unit 3), CLI–73–25, 6 AEC 619, 622 n.23 (1973) (Waterford) the Commission stated that in the "circumstances of this case" it would be inappropriate to circumvent normal adjudicatory procedures by granting the exemption. Among the circumstances referred to by the Commission was the presence of seriously contested environmental issues in ongoing adjudicatory proceedings which were actually ongoing at that time. The Commission did not specify the "construction" activities for which an exemption was sought. The Commission then denied the request without a hearing. In Gulf States Utilities Company (River Bend Station, Units 1 and 2), CLI–76–16, 4 NRC 449 (1976) (River Bend) the Commission granted an exemption request without a hearing before it or a Board. Here again, the Commission's decision was based on the particular facts of the proceeding. The exemption request was not contested, and the proposed action was considered not to have any adverse environmental impacts. *Id.* at 450. In Washington, Public Power Supply System (WPPSS Nuclear Project Nos. 3 and 5), CLI–77–11, 5 NRC 719 (1977) (WPPSS) the Commission denied an exemption request without a hearing. In WPPSS, the Commission stated that it would not assume the function of an existing Board and scrutinize factual issues itself absent a showing of extra-ordinary circumstances such as emergency situations in which time is of the essence and relief from the Licensing Board is impossible or highly unlikely. WPPSS at 723. Such circumstances had not been shown in that proceeding. Thus, WPPSS addresses the question of when the Commission will preempt a sitting Board and conduct a hearing on an exemption request. The decision does not address the question of how the Commission will handle an exemption request when there is no Board currently immersed in a proceeding on the very same issues raised by that request.

This review of Commission precedent shows that there has not been a uniform Commission practice to require a hearing before a Board for factual issues associated with an exemption request. Rather, the Commission has tailored its procedures to the factual circumstances of each case.

[3] Carolina Power & Light Co. (Shearon Harris Nuclear Power Plant, Units 1, 2, 3 and 4), LBP–74–16, 7 AEC 538 (1974).

likely produce little additional benefit to the process and yet will likely cost a great deal, both in elapsed time and resources of the Commission and the parties.

Accordingly, the Commission is establishing the following procedures for consideration of the merits of the exemption request:

1. The request will be considered in an informal proceeding involving written comments and oral presentations to the Commission itself. This informal proceeding will be kept separate from the suspended construction permit proceedings.

2. The participants to this proceeding will be the applicants, NRDC and the Sierra Club, and any other interested person who has filed written comments in accordance with the schedule set out below. The NRC staff will not participate as a party to this proceeding.

3. Applicants shall, within one week of the date of this Order, file[4] with the Commission currently available documentation supporting the factual representations in its exemption request. If this date cannot be met, then Applicants shall advise when the materials can be provided.

4. Applicants shall by January 18, 1982 file with the Commission answers to the questions in Attachment A to this Order.

5. Applicants, NRDC and the Sierra Club, and any other interested person may file written comments with the Commission in support of, or in opposition to, the exemption request. The comments may include answers to the questions in Attachment A. Such comments shall be filed with the Commission by January 18, 1982.

6. The Commission is requesting government agencies (including the Governor and the Attorney General of the State of Tennessee) to file with the Commission any comments they may have on the request by January 18, 1982.

The remaining steps are set forth in the attached schedule. A separate statement by Commissioner Bradford is attached. It is so ordered.[5]

For the Commission.

Dated at Washington, D.C., this 24th day of December 1981.

Samuel J. Chilk,

Secretary of the Commission.

Views of Commissioner Bradford

Past Commission practice has invariably been to permit limited comments of this sort to run as footnotes in the Commission opinion for the convenience of the reader. The Commission majority has decided, in the Clinch River case for the first time, to exclude uncongenial thought from its order. With apologies to any who must now find their mental and physical way back into that document, I have the following two comments:

(1) Page 6, Footnote 2 (to be read as a last paragraph to that footnote): "Commissioner Bradford notes that this labored history amounts to exactly the situation described in the first paragraph as an erroneous intervenor view: The NRC has never granted a contested 50.12 exemption without an adjudicatory hearing." (2) Pages 8–9, (to be read as a footnote to the sentence reading, "It is not at all clear that few factual issues will be presented here"): Commissioner Bradford notes that an increase in factual issues does not decrease the need for an adjudicatory hearing. Indeed, the discussion preceding this sentence sails breathtakingly counter to decades of administrative law, to say nothing of centuries of development of adjudicatory procedures as the best available method for resolving contested issues of material fact. He would keep open the possibility of adjudicatory hearings until the Commission has a clearer appreciation of the possible role of contested factual issues in determining the outcome of the proceeding.

Attachment A

1. Is there any indication in acts providing for CRBRP authorizations or appropriations or other applicable statutes that NRC licensing of the CRBRP could, or could not, include use of 10 CFR 50.12 as proposed by the applicants?

2. Is there any indication in the acts providing for CRBRP authorizations or appropriations, associated committee or conference reports, or legislative history that speaks to the licensing procedures to be used by the NRC?

3. Under what conditions would grant of an exemption be authorized by law? Would grant of an exemption endanger life or property or the common defense and security? Would grant of this exemption be in the public interest? If not, why not? With regard to the public interest criteria in 10 CFR 50.12(a) and (b)(4), what interpretation and weight should be given to Presidential and Congressional statements pertaining to the timing of construction of the CRBRP?

4. Is the available documentation adequate for the Commission to base its decision on the exemption request to authorize site preparation activities? The documentation includes the applicant's Preliminary Safety Analysis Report (PSAR), Environmental Report (ER), Schedule for and Description of Site Preparation Activities to be conducted pursuant to 10 CFR 50.10(e)(1) (received April 11, 1975), and Site Preparation Activities Report (SPAR) (November 30, 1981) as well as the staff's Site Suitability Report (SSR) and Final Environmental Statement (FES).[6]

5. Identify areas, if any, in various licensing documents (PSAR, ER, FES, SSR, etc.) that need to be updated, which would have a bearing on this exemption decision.

6. What, if any, further exemptions from regulatory requirements does the applicant plan to request if this 10 CFR 50.12 request is granted? If this exemption is granted, does the applicant plan also to request a Limited Work Authorization?

7. Provide the updated overall CRBRP schedule, including (a) current estimate of when applicant expects to request resumption of ASLB proceeding, (b) key milestones of constructing and licensing the plant, (showing DOE assumptions regarding dates for NRC licensing action) and (c) current expected date of operation. The schedule should indicate points at which a negative NRC action could adversely affect the overall CRBRP schedule.

8. Identify and discuss any changes in the project scope from the scope originally evaluated (staff FES Chapter 4–Environmental Impacts due to Construction) that may have contributed to the changes in proposed site preparation acitivities (page 3–1 of the Site Preparation Activities Report, November 1981), particularly the substantial increase in the amount of excavation.

9. (a) Provide the documentation which forms the basis for projected cost of delay and environmental impact estimates referred to in the Site Preparation Activities Report and Secretary Edwards' letter (b) Demonstrate the validity of the cost estimate.

10. Provide the documented basis, criteria and the project scope to support the cost estimates for redressing the site should the project be terminated.

11. At the December 16th meeting, Mr. Silverstrom stated that if the Commission does not approve the request, then the project will be dead in the water in March.

(a) Please explain, including showing what activities will be completed by

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[4] All dates in this schedule are dates by which the Commission must *receive* filings or other documents.

[5] Commissioner Gilinsky did not participate in this Memorandum and Order.

[6] Such documentation will also include the DOE documentation supplied in response to this Order (See, e.g., Order *supra* at 10.

March and what activities will be ready for the first time in March that were not previously ready.

(b) Why is March, 1982 to commence the site preparation activities so crucial to the whole project? Identify any special reasons (either of a technical or an economical nature) why this date is selected.

Attachment B

SCHEDULE

	Date
1. Commission (notice, request) asking for public and Government agency comments on the 50.12 request and providing specific questions to be answered.	December [illegible].
2. Due date for comments and answers to questions.	January 18.
3. Due date for responses to comments and answers.	January 26.
4. Commission staff report	February 8.
5. Notice of opportunity for oral presentation by applicants and commenters. [1]	February 12.
6. Oral presentation	February 15.
7. Commission decision	March 1.
8. Commission Order announcing decision	March 8.

[1] An additional three weeks may be required from this point on if an additional set of questions are asked. There will be a two week period for responses to any additional questions to be followed by a one week period for replies to the responses.

[FR Doc. 81-37305 Filed 12-30-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C., chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF COMMERCE

(Agency Clearance Officer—Edward Michals—202-377-3627)

New

• Bureau of the Census
Broadwoven Fabrics (Gray) Average Weight and Width Study
MC-22T supp
Other—See SF83
Businesses or other institutions
Producers of gray broadwoven fabrics
SIC: 211, 222, 223
Small businesses or organizations
Other advancement and regulation of commerce: 390 responses; 1,170 hours; $25,000 Federal cost; 1 form; not applicable under 3504(h)
Statistical policy branch, 202-395-7313

These data, which are collected and published every 5 years as part of the Census of Manufactures, provide conversion factors used by industry and Government analysts to monitor the continuing changes in the weight and width of fabric. These factors provide a means of comparing yardage output to pounds of fiber consumed.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703-697-1195

New

• Department of the Air Force
Visitor Registratory for Controlled/Restricted Areas
1109
On occasion
Individuals or households
Individuals, contractors
Department of Defense—military: 120,000 responses; 6,000 hours; $105,000 Federal cost; $105,000 public cost; 1 form; not applicable under 3504(h)
Edward C. Springer, 202-395-4814

The visitor registratory system supports the installation commanders in their protection of controlled/restricted

areas under the Internal Security Act of 1950.

• Department of the Air Force
Contractor's Request for ADPS Output
AFSC 13
On occasion
Businesses or other institutions
Air Force contractors—defense manufactures
SIC: Multiple
Small businesses or organizations
Department of Defense—military: 40 responses; 20 hours; $1,000 Federal cost; $340 public cost; 1 form; not applicable under 3504(h)
Edward C. Springer, 202–395–4814

It is DOD and Air Force policy to provide contractors and defense manufacturers having a valid need for raw data tapes from certain Air Force data systems as established in AFR 65–110 and AFM 66–1 and 400–1 subject to such considerations as security, proprietary agreements and fair competition. AFSC/AFLC Regulation 178–6 sets forth procedures using AFLC/AFSC Form 13 as the contractor's request for such raw data tapes.

• Department of the Air Force
Minor Motor Vehicle Accident Report
840
On occasion
Individuals or households
Individuals involved in minor private vehicle accidents
Department of Defense—military: 500 responses; 150 hours; $2,625 Federal cost; $2,625 public cost; 1 form; not applicable under 3504(h)
Edward C. Springer, 202–395–4814

AF Form 840 used to report accidents that involve a Government vehicle with damage amounting to $250 or less, privately owned vehicle with nondisabling damage. Form is completed by security police or vehicle driver.

• Department of the Air Force
Unescorted Entry Authorization Certificate
2586
On occasion
Individuals of households/businesses or other institutions
Individuals, contractors and their employees under, etc.
SIC: Multiple
Small businesses or organizations
Department of Defense—military: 120,000 responses; 6,000 hours; $105,000 Federal cost; $105,000 public cost; 1 form; not applicable under 3504(h)
Edward C. Springer, 202–395–4814

AF Form 2586 supports granting entry to AF employees and contractors to controlled and restricted areas. AF Form 2586 documents the individual's authority and need to enter security areas.

• Department of the Air Force
Accident Information Exchange
841
On occasion
Individuals or households
Individuals involved in private vehicle accident
Department of Defense—military: 205 responses; 34 hours; $600 Federal cost; $595 public cost; 1 form; not applicable under 3504(h)
Edward C. Springer, 202–395–4814

AF Form 841 is used to exchange information between vehicle drivers involved in an accident.

• Department of the Air Force
Air Force Crime Prevention Program Field Interview
1000
On occasion
Individuals or households
Suspicious persons
Department of Defense—military: 50,040 responses; 2,502 hours; $43,785 Federal cost; $43,785 public cost; 1 form; not applicable under 3504 (h)
Edward C. Springer, 202–395–4814

Form is used as a crime prevention technique, pertinent information relative to questioning suspicious persons is recorded on the form.

• Department of the Air Force
Base Entry Authorization
MAC 7, 127
Nonrecurring
Individuals or households/businesses or other institutions
Individuals, businesses, contractors
SIC: Multiple
Small businesses or organizations
Department of Defense—military: 18,000 responses; 2,988 hours; $630,000 Federal cost; $52,290 public cost; 2 forms; not applicable under 3504 (h)
Edward C. Springer, 202–395–4814

The forms are used as base entry identification and base entry application for people who do not qualify for other DOD credentials. Contractors, technical representatives and visitors who require access to the base for an extended period of time are some examples.

• Department of the Air Force
Base Entry Authorization
MAC 7, 127
On occasion, annually
Individuals or households/businesses or other institutions
Individuals, businesses, contractors
SIC: Multiple
Small businesses or organizations
Department of Defense—military: 18,000 responses; 2,988 hours; $630,000 Federal cost; $52,290 public cost; 2 forms; not applicable under 3504 (h)
Edward C. Springer, 202–395–4814

The forms are used as base entry identification and base entry application for people who do not qualify for other DOD credentials. Contractors, technical representatives and visitors who require access to the base for an extended period of time are some examples.

• Department of the Air Force
Temporary Vehicle/Visitor Installation Pass
75
On occasion
Individuals or households
Individuals, contractors visiting AF installations
Department of Defense—military: 100,000 responses; 5,000 hours; $175,000 Federal cost; $87,500 public cost; 1 form; not applicable under 3504 (h)
Edward C. Springer, 202–395–4814

AF Form 75 supports base entry requirements of AFR 125–37 and is used to control personnel and vehicle access to Air Force installations on a temporary basis.

• Department of the Air Force
Study of Air Force Family Life
On occasion; other—See SF83
Individuals or households
Spouses and dependent adolescent children of Air Force mbrs
Department of Defense—military: 11,380 responses; 5,000 hours; $106,778 Federal cost; $99,575 public cost; 1 form; not applicable under 3504 (h)
Edward C. Springer, 202–395–4814

A study of Air Force family life to assess Air Force family needs, goals, aspirations and attitudes. Study will provide information in support of Air Force family programs and specifically base-level family support centers (FSCS). This survey will provide the basis of a needs assessment for FSC programming and is an integral part of the long-term FSC evaluation. State date is September 1981.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Office—Joseph Strnad—202–245–7488

New

• Food and Drug Administration
State Agency Opinion Survey
Nonrecurring
State or local governments
State food and drug agencies
SIC: 943
Consumer and occupational health and safety: 300 responses; 300 hours;

$4,185 Federal cost; $3,000 public cost; 1 form; not applicable under 3504 (h)
Gwendolyn Pla, 202–395–6880

The information to be obtained by this survey is needed to obtain State opinions on the Federal-State programs currently being administered by FDA. The responses will be used to assess existing programs and needs for future planning of more effective Federal-State cooperation.

• Department Management
National Long-Term Care Demonstration Client Tracking Form, Contact Long and Employee Time Sheet
OS–26–81
On occasion; monthly; other—See SF83
State or local governments
Staff of local health and social services agencies
SIC: 832
Public assistance and other income supplements: 60,800 responses; 1,401 hours; $10,507,086 Federal cost; 3 forms; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

These forms are to be used for the national demonstration's client tracking and client management systems. These forms will be used as a management tool by the sites, and will be used by the evaluation contractor to monitor and track client status over time.

• Health Care Financing Administration
Contractors' Information Collection-Post Processing of Claims Data
HCFA–9024
On occasion
Individuals or households/businesses or other institutions
Providers, physicians, suppliers in medicare program
SIC: 801, 804, 806, 808, 861
Health: 2,100,000 responses; 700,000 hours; $0 Federal cost; $7,000,000 public cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

These intermediary and carrier forms gather data on claims which have been processed. Subject areas include review of medical records, PSRO/UR determinations, outstanding checks and deceased beneficiaries.

Extensions (Burden Change)

• Centers for Disease Control
Second National Occupational Hazard Survey
NIOSH (C) TF 2.62
Nonrecurring
Businesses or other institutions
Buss firms covered by Occupa Safety Health Act of 1970
SIC: Multiple
Small businesses or organizations
Health: 1,665 responses; 6,660 hours; $1,500,000 Federal cost; $66,600 public cost; 5 forms; not applicable under 3504 (h)
Gwendolyn Pla, 202–395–6880

The data from this study will be used to: (a) set priorities for research and enforcement activities, particularly in the development of health standards, (b) suggest industries or occupations where groups of exposed workers are likely to be found, (c) identify industry groups most likely to be affected when previously unknown health hazards associated with a particular substance are discovered.

Extensions (No Change)

• Social Security Administration
Quarterly Report of Child Support Collections
OCSE–34
Quarterly
State or local governments
State agen. administering the child support enforce, etc.
SIC: 944
Other income security: 216 responses; 216 hours; $1,608 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This form provides quarterly totals of child support collections made under the child support enforcement program. These data are used to compute the cost effectiveness of the program and are reported to the Office of Family Assistance to decrease the quarterly grant award for the Aid to Families With Dependent Children Program.

• Social Security Administration
Financial Status Report
OCSE–41
Quarterly
State or local governments
State agen. administering the child supp enforcement, etc.
SIC: 944
Other income security: 216 responses; 216 hours; $1,608 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This form provides quarterly information concerning the States' expenditures for the operation of the child support enforcement program under Title IV–D of the Social Security Act. The data are used to compute the portion of the funding to be provided by the Federal Government.

• Social Security Administration
Quarterly Application for Grant Award
OCSE–85
Quarterly
State or local governments
State agen. administering the child supp enforce program.
SIC: 944
Other income security: 216 responses; 108 hours; $1,608 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This form constitutes a request for an advance of Federal funds for the upcoming fiscal quarter for the administration of the child support enforcement program. This also provides the required State certification that the State and local share of the funding is available.

• Social Security Administration
Quarterly Budget Estimates
OCSE–25
Quarterly
State or local governments
State agen. administering the child supp enforcement progr.
SIC: 944
Other income security: 216 responses; 216 hours, $1,608 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

The collected data are used to report quarterly to the Senate Committee on Appropriations to establish the financial needs of the Office of Child Support enforcement program for budgetary purposes and the impact on the Aid to Families With Dependent Children program. Inform Congress of these financial needs.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–5331

New

• Mine Safety and Health Administration
Certification of electrical experience
5000–32
Other—See SF 83
Businesses or other institutions
Mine operators and personnel
SIC: Multiple
Small business or organizations
Consumer and occupational health and safety: 5,000 responses; 1,250 hours; $31,200 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Title 30 CFR, sections 75.153 and 77.103 provide for the qualification of certain experienced individuals as mine electricians. Form 5000–32 records and reports this information.

• Mine Safety and Health Administration
Filing of record of mine closure
205
Other—See SF 83

Businesses or other institutions
Underground coal mines
SIC: 111 121
Small business or organizations
Consumer and occupational health and safety: 540 responses; 1,080 hours; $24,300 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Within 60 days of the permanent closure or abandonment of a mine the operator must notify the Secretary of such closure. Authority established by P.L. 95–164.

• Mine Safety and Health Administration
Fire control and abandonment plans for refuse piles
215
Annually
Businesses or other institutions
Active coal mines
SIC: 111 121
Small businesses or organizations
Consumer and occupational health and safety: 30 responses; 120 hours; $75 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires operators to submit fire control and abandonment plans for refuse piles. The information is used to monitor safety, stability and pollution standards. Authority established by P.L. 95–164

• Mine Safety and Health Administration
Test and examination of underground working environment
204 222R 227R 223R 226R 225R
On occasion
Businesses or other institutions
Active underground coal mines
SIC: 111 121
Small business or organizations
Consumer and occupational health and safety: 577,971 responses; 1,068,208 hours; $0 Federal cost; 6 forms; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

All coal mine operators are to adopt and get approved a verification system and methane dust control plan. The information is used to monitor compliance. Authority is established by P.L. 95–164.

• Employment and Training Administration
State transmittal for application for alien employment
Certification
ETA–7147
On occasion
State or local governments
Local and State employment service offices
SIC: 944
Training and Employment: 45,000 responses; 517,500 hours; $5,090,000 Federal cost; 6 forms, not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

The information on the ETA 7–147 is a description of the recruitment efforts of the employer who has submitted an application for labor certification (ETA 750) and of the Employment Service processing of the application. The ETA 7–147 is the method of transmitting the application and supporting documentation to the regional certifying officer for a determination.

Revisions

• Mine Safety and Health Administration
Training plan regulations
MSHA–500
Nonrecurring
Businesses or other institutions
Mine operators and personnel
SIC: Multiple
Small businesses or organizations
Consumer and occupational health and safety: 3,000 responses; 24,000 hours; $150,000 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Section 115(A) of the Federal Mine Safety and Health Act of 1977 states that "Each operator of a coal or other mine shall have a health and safety program which shall be approved by the Secretary." Upon approval, these plans will be returned to the mine operator for the instruction of miners of new, newly employed, annual refresher, new task and hazard training.

• Occupational Safety and Health Administration
4-dimethylaminoazobenzene 29 CFR 1910.1015(G)(2)
OSHA–223
On occasion, annually
Businesses or other institutions
Establishment where 4-dimethylaminoazobenzene is made
SIC: 281 286 289
Small businesses or organizations
Consumer and occupational health and safety: 20,000 responses; 10,000 hours; $500 Federal cost; 1 form; $73,500 public cost; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

This regulation requires employers to maintain complete and accurate records of employee medical examinations conducted in connection with the standard and to forward them to the Director of NIOSH upon termination of the employee's employment or in the event the employer ceases business without a successor. Such recordkeeping is useful to the employer, employee, physician and the Government in determining whether an employee's exposure to this substance has effect upon his/her health.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

• Federal Railroad Administration
Telephonic Report of Accidents/Incidents on occasion
Businesses or other institutions
Common carriers by rail engaged in interstate commerce
SIC: 401
Ground transportation: 1,530 responses; 255 hours; $4,517 Federal cost; 1 form; not applicable under 3504(b)
Donald Arbuckle, 202–395–7340

49 CFR 225.9, promulgated under U.S.C. 1654, requires notifying FRA by telephone of any accident involving death or injury of five or more persons so FRA may investigate promptly.

• Federal Railroad Administration
Movement for Repairs
On occasion
Businesses or other institutions
Common carriers by rail engaged in interstate commerce
SIC: 401 all
Ground transportation: 280,320 responses; 4,672 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

49 CFR 229.9 promulgated under 45 U.S.C. 22–34 of the Locomotive Inspection Act to require railroads to inspect defective equipment and notify crews operating such equipment that it is safe to move it to a place here proper repair could be made.

• Urban Mass Transportation Administration
Section 16(b)(2) Elderly and Handicapped Financial Reporting
Semiannually
State or local governments
State mass transportation agencies
SIC: 411
Ground transportation: 100 responses; 200 hours; $1,000 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Financial Reporting is required by OMB circular 1–102 and UMTA C 5000.1A. Regional offices review it.

• Urban Mass Transportation Administration
Statement of Revenues and Expenses
Annually

State or local governments/businesses or other institutions
Public and private mass transportation operators
SIC: 411
Ground transportation: 500 responses; 1,000 hours; $6,250 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

This information is submitted as part of an application for operating assistance, pursuant to requirements contained in section 5(e) and (f) of the UMT Act.

• Urban Mass Transportation Administration
Section 3 Urban Discretionary Financial Reporting
Quarterly
State or local governments/businesses or other institutions
Public mass transportation agencies
SIC: 411
Ground transportation: 1,000 responses; 2,000 hours; $10,000 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Financial reporting is required by OMB circ. A–102 and UMTA C 5000.1A. Regional offices review it.

• Urban Mass Transportation Administration
Section 5 Urban Formula Financial Reporting
Quarterly
State or local governments/businesses or other institutions
Public mass transportation agencies
SIC: 411
Ground transportation: 1,400 responses; 2,800 hours; $14,000 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Financial reporting is required by OMB circ. A–102 and UMTA C 5000.1A. Regional offices review it.

• Urban Mass Transportation Administration
Use of Project Facilities
On occasion
State or local governments
Mass transit agencies
SIC: 411
Ground transportation: 750 responses; 63 hours; $625 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss 202–395–7340

Sections 3(a)(2)(a) and 5(g)(2) of the UMT Act require that UMTA applicants have satisfactory continuing control over the use of project facilities and equipment.

• Research and Special Programs Administration
Welder Performance and Welding Procedures Records for Portable Tanks
Annually
Businesses or other institutions
Manufacturers of portable tanks
SIC: 371
Other transportation: 250 responses; 1,500 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

To verify that welder performance and welding procedures meet the standards set forth in the specifications for portable tanks.

• Urban Mass Transportation Administration
Progress Reports
Quarterly
State or local governments/businesses or other institutions
Public and private mass transportation agencies
SIC: 411
Ground transportation: 3,000 responses; 120,000 hours; $200,000 Federal cost; 2 forms; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Progress reports are required by OMB circ. A–102 and A–110 and UMTA circ. 5010.1. Reports are submitted quarterly by UMTA regional offices and describe current and proposed project activities.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

Revisions

• Bureau of Alcohol, Tobacco and Firearms
Liquor Bottle Manufacturers—record of Manufacture and Disposition
ATF Rec 5540/2
On occasion
Businesses or other institutions
Manufacturers of liquor bottles
SIC: 322
Small businesses or organizations
Federal law enforcement activities: 9,550 responses; 637 hours; $100 Federal cost; 1 form; not applicable under 3504(h)
Fay S. Iudicello, 202–395–3080

Bottles are used as an inventory tool in accounting for total spirits bottled, these bottles are required to bear certain mark and cannot be refilled by anyone.

• Bureau of Alcohol, Tobacco and Firearms
Liquor Bottle Manufacturers—Letterhead Applications, Records of Operation
ATF Rec 5540/1
On occasion
Businesses or other institutions
Manufacturers of liquor bottles
SIC: 322
Small businesses or organizations
Federal law enforcement activities: 382 responses; 191 hours; $100 Federal cost; 1 form; not applicable under 3504(h)
Fay S. Iudicello, 202–395–3090

Ascertain that revenue is not placed in jeopardy and protection thereof.

ENVIRONMENTAL PROTECTION AGENCY

(Agency Clearance Officer—Christine Scoby—202–382–2742)

Revisions

• Operation Record for Hazardous Waste Management Facilities
On occasion
Other—See SF83
Businesses or other institutions/State or local governments
Hazardous waste treatment, storage or disposal facilities
SIC: Multiple
Small businesses or organizations
Pollution control and abatement: 3,327 responses; 241,355 hours; $0 Federal cost; 15 forms; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Maintain operating record at the treatment storage or disposal facility which should include description of the waste management, type of waste, emergencies, inspections, and closure and post-closure estimates. The information will be used to ensure the safe operation of the facility.

FEDERAL COMMUNICATIONS COMMISSION

(Agency Clearance Officer—Richard D. Goodfriend—202–632–7513)

Extensions (Burden Change)

• Employment Inquiry
65
On occasion
Individuals or households
Persons given as reference on SF–171 of prospective, etc.
Other advancement and regulation of commerce: 300 responses; 75 hours; $1,000 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

FCC Form 65 is used by the Personnel Division to gather data regarding prospective employees from present/former supervisors, co-workers or references. Data is necessary to determine candidates' qualifications and suitability for employment. This is

particularly important since most skills are not tested but self-certified.

Nathaniel Scurry,

Chief, Reports Management Branch.

[FR Doc. 81-37119 Filed 12-30-81; 8:45 am]

BILLING CODE 3110-01-M

[OMB No. 3110001]

Agency Forms Under Review

Background

When executive departments and agencies propose public use forms, reporting or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available),

The office of the agency issuing this form,

The title of the form,

The agency form number, if applicable,

How often the form must be filled out,

Who will be required or asked to report,

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected,

Whether small businesses or organizations are affected,

A description of the Federal budget functional category that covers the information collection,

An estimate of the number of responses,

An estimate of the total number of hours needed to fill out the form,

An estimate of the cost to the Federal Government,

An estimate of the cost to the public,

The number of forms in the request for approval,

An indication of whether section 3504(H) of Pub. L. 96-511 applies,

The name and telephone number of the person or office responsible for OMB review, and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer of office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—202-633-9770

New

• Economic Regulatory Administration
Record retention and reporting requirements pursuant to general allocation and price rules
ERA-766R
Other—see SF83
Businesses or other institutions
Firms subject to recordkeeping/reporting requirements
SIC: Multiple
Small businesses or organizations
Energy information, policy, and regulation, 7,000 responses; 7,000 hours; 20 forms; not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

To maintain records sufficient to demonstrate compliance with general allocation and price rules.

• Economic Regulatory Administration
Standby crude oil allocation and refining yield control program
ERA-768R
On occasion, monthly
Businesses or other institutions
Petroleum refiners
SIC: 291
Small businesses or organizations
Energy information, policy, and regulation, 700 responses; 700 hours; 3 forms; not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

Standby authority for recordkeeping/reporting requirements

• Departmental and Others
Federal loan guarantee for alternative fuel demonstration facilities
FE-769R
Other—see SF83
Businesses or other institutions
Lenders and borrowers participating in Federal loan guarantees
SIC: Multiple
Small businesses or organizations
Energy information, policy, and regulation, 1,800 responses; 1,800 hours; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

To maintain records for audit and performance of evaluation of essential community development.

• Conservation and Solar Energy
Reporting requirements for energy conservation
CE-780
On occasion
State or local governments/businesses or other institutions
Participants in energy conservation programs
SIC: Multiple
Energy information, policy, and regulation, 208 responses; 208 hours; 4 forms; not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

Reporting/recordkeeping requirements for various energy conservation programs.

• Departmental and Others

Transmission of electric energy at an international boundary
EP–781
Annually
Businesses or other institutions
Electric utilities
SIC: 491
Small businesses or organizations
Energy information, policy, and regulation, 50 responses; 50 hours; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

Persons authorized to export electric energy or to construct, connect, operate or maintain facilities for the transmission of electric energy at an international boundary must report to DOE the gross amount of energy delivered, costs and revenues and other matters.

• Economic Regulatory Administration
Regulatory reporting and recordkeeping requirements pursuant to 1 CFR 500, 501, 503, 504 and 515
ERA–329R
On occasion
Businesses or other institutions
Powerplants and major fuel burning installations
SIC: Multiple
Small businesses or organizations
Energy information, policy, and regulation, 1,500 responses; 4,500 hours; 5 forms; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

Data are used to monitor compliance with provisions of the powerplant and Industrial Fuels Use Act (Pub. L. 45–621).

• Departmental and Others
Patent/invention reporting/ recordkeeping requirements
GC–765R
On occasion
Businesses or other institutions
Patent license recipients
SIC: Multiple
Small businesses or organizations
Energy information, policy, and regulation, 2,000 responses; 2,000 hours; 10 forms; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

These data are collected in order to monitor compliance with DOE's patent regulations.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

• Urban Mass Transportation Administration
Description of the public transportation system and urbanized area
On occasion
State or local governments
Mass transportation agencies
SIC: 411
Ground transportation, 300 responses; 300 hours; $7,500 Federal cost; 1 form; not applicable under 3504(h)
Wayse Leiss, 202–395–7340

Each recipient of UMTA assistance must have a "Description of the Transit System and Urbanized Area" on file with UMTA's regional office. This document must be incorporated by reference in each grant application and updated as needed.

• Urban Mass Transportation Administration
Evaluation of flood hazards
On occasion
State or local governments
Mass transportation agencies
SIC: 411
Ground transportation, 75 responses; 5,000 hours; $25,000 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

For projects involving construction on a 100-year flood plain, applicants are required to furnish an engineering report containing an analysis of the flood hazards, methods to protect against them, and the basis for concluding that the construction as designed will not be hazardous.

FEDERAL MARITIME COMMISSION

Agency Clearance Officer—Ronald D. Murphy—202–523–5326

Extensions (burden change)

• Self-policing requirements for section 15 agreements
46 CFR 528
Semiannually
Businesses or other institutions
Steamship conferences in U.S. foreign and dom. offshore comm.
SIC: 441 442
Water transportation, 96 responses; 1,620 hours; $5,000 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

The Commission has a statutory responsibility to disapprove any agreement after notice and hearing, if it finds inadequate policing of the obligations under the agreement. The information provided under general order 7 allows the Commission to effectively evaluate the adequacy of the policing system employed by the parties to an agreement.

NATIONAL SCIENCE FOUNDATION

Agency Clearance Officer—Herman Fleming—202–357–7811

Extensions (burden change)

• Industrial panel on science and technology
On occasion
Businesses or other institutions
Science and technology-oriented companies
SIC: Multiple
Small businesses or organizations
General science and basic research, 700 responses; 700 hours; $3,000 Federal cost; form; $3,000 public cost; not applicable under 3504(h)
Anita T. Ducca, 202–395–7340

Science and technology information is collected from firms on the panel, frequently in response to requests from agencies such as the Office of Management and Budget and the Office of Science and Technology Policy. The data collected have not duplicated any other information, the usually qualitative information of the panel supplements the statistical data acquired elsewhere by the foundation. Information collection will begin in January and continue through December 1983.

NUCLEAR REGULATORY COMMISSION

Agency Clearance Officer—Stephen Scott—301–492–8585

New

• NRC 313T
Annually
Businesses or other institutions
NRC licensees
SIC: 483
Energy information, policy, and regulation, 160 responses; 830 hours; $73,130 Federal cost; 1 form; $53,160 public cost; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

Section 35.4 of 10 CFR 35 requires that applications for specific licenses to possess and use byproduct material in all medical programs be filled on form NRC 313T.

Nathaniel Scurry,
Chief, Reports Management Branch.

[FR Doc. 81–37287 Filed 12–30–81; 8:45 am]

BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22336; 70-6581]

Alabama Power Co., et al.; Proposed Issuance of First Mortgage Bonds for Sinking Fund

December 24, 1981.

In the matter of Alabama Power Company, P.O. Box 2641, Birmingham, Alabama 35291; Gulf Power Company, P.O. Box 1151, Pensacola, Florida 32520; Georgia Power Company, P.O. Box 4545, Atlanta, Georgia 30302; and Mississippi Power Company, P.O. Box 4079, Gulfport, Mississippi 39501.

Alabama Power Company ("Alabama"), Georgia Power Company ("Georgia"), Gulf Power Company ("Gulf") and Mississippi Power Company ("Mississippi"), public utility subsidiaries of The Southern Company, a registered holding company, have filed an application-declaration with this Commission pursuant to Sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder.

Alabama, Georgia, Gulf and Mississippi propose to issue, by obtaining the authentication and delivery by the respective trustees, First Mortgage Bonds ("Bonds") of the series set forth below. The Bonds would be surrendered to the trustee under the companies' respective indentures to satisfy, in whole or in part, the sinking fund (improvement fund in the case of Alabama) requirements of their indentures to be satisfied on or prior to June 1, 1982.

The indentures provide for annual sinking fund (improvement fund) payments on or before June 1 of each year in an amount equal to 1% of the principal amount of bonds authenticated under the respective indenture prior to the preceding January 1 (less bonds retired directly or indirectly as a result of the release of property and less bonds authenticated to refund other bonds). Payment may be made in cash or in principal amount of bonds authenticated under the indenture, whether or not such bonds have previously been disposed of by the respective company. Any cash so deposited is to be used by the trustee under the respective indenture for the redemption or other retirement of bonds of such series as may be designated by the respective company or may be withdrawn by such company against the deposit of bonds.

The maximum amounts and the series of Bonds proposed to be issued to satisfy said obligations for 1982 are as follows:

Name of company	Amount	Series
Alabama	$23,824,000	3½% Series due 1985.
Georgia	26,729,000	3¼% Series due 1984.
Gulf	3,059,000	3½% Series due 1984.
Mississippi	2,902,000	3¾% Series due 1983.

The Bonds will be issued on the basis of the unfunded net property additions. Under the indentures the Bonds may be issued in principal amounts not exceeding 60% of the amount of unfunded net property additions. The approximate amounts of such unfunded net property additions available for the issuance of the Bonds are as follows:

Name of company	Amount	As of-
Alabama	[illegible]	Sept. 30, 1981.
Georgia	348,500,000	Oct. 31, 1981.
Gulf	41,500,000	Do.
[illegible]	70,200,000	Do.

The surrender of the Bonds in satisfaction of the respective sinking fund (improvement fund) requirements by the companies will make available for general corporate purposes cash which would otherwise have to be used to satisfy such requirements or to purchase bonds to be used for such purposes, while at the same time reducing the principal amount of bonds which they could otherwise issue under the indenture at a later time by an equal principal amount. The Bonds will not be delivered by the respective companies in such manner as to constitute them obligations for the payment of money and, therefore, they will not be included on the books or in the published statements as liabilities of the respective companies.

The companies seek exceptions from the competitive bidding requirements of Rule 50 pursuant to subsection (a)(5) thereof because the Bonds will never be delivered by the companies in such manner as to constitute obligations of such companies for the payment of money.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by January 14, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice of or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-37299 Filed 12-30-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18374; SR-NSCC-81-12]

National Securities Clearing Corporation ("NSCC"); Order Approving Proposed Rule Change

December 24, 1981.

On September 21, 1981, NSCC filed with the Commission pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b-4 thereunder, a proposed rule change which provides for the extension of time for executing buy-ins of balance orders on over-the-counter securities when securities subject to a buy-in notice are delayed in transfer.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 18146, October 5, 1981) and by publication in the **Federal Register** (46 FR 50182, October 9, 1981). No written comments were received by the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies and in particular, the requirements of Section 17A of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change be approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-37300 Filed 12-30-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18372, SR-PSE-81-19]

Pacific Stock Exchange, Inc.; Order Approving Proposed Rule Change

December 24, 1981.

On November 3, 1981, the Pacific Stock Exchange, Incorporated ("PSE") 618 South Spring Street, Los Angeles, California 90014, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b–4 thereunder, copies of a proposed rule change which revises certain of its rules governing the establishment of joint accounts and the trading activity conducted by participants in joint accounts. Among other things, the rule change permits (1) the establishment of a joint account among more than two market makers, (2) restricts market makers to participation in no more than two joint accounts concurrently, (3) forbids any participant in a joint account from trading with the joint account directly or through another member, (4) prohibits the concurrent representation of the same order for a joint account by the participants in a joint account, and (5) for purposes of determining a joint account participant's compliance with position and exercise limits, aggregates positions or exercises in the joint account with all positions and exercises covering the same underlying security which any participant or member organization associated with a participant holds or controls, or is obligated in respect of.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 18254, November 12, 1981) and by publication in the **Federal Register** (46 FR 56690, November 18, 1981). No comments with respect to the proposed rule change were filed with the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of section 6.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–37301 Filed 12–30–81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12120; 812–5002]

Advisors Cash Reserve Fund, Inc.; Filing of Application

December 21, 1981.

In the matter of Advisors Cash Reserve Fund, Inc., 11400 Rockville Pike, Suite 300, Rockville, MD 20852 (812)–5002).

Notice is hereby given that Advisors Cash Reserve Fund, Inc. ("Applicant"), a registered open-end, diversified, management investment company, filed an application on October 23, 1981, requesting an order of the Commission, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") and Rules 2a-4 and 22c–1 thereunder, to the extent necessary to permit applicant to value its assets using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant's investment objectives are to seek as high a level of current income as is considered consistent with the preservation of capital and liquidity by investing in a variety of money market instruments, including securities issued or guaranteed by the United States Government or any of its agencies or instrumentalities, time accounts, bankers' acceptances of large domestic, commercial and savings bank and savings and loan associations, short-term corporate debt including commercial paper and variable amount master demand notes, and repurchase agreements. Applicant states that its assets will be invested primarily in certificates of deposit of United States banks having total assets in excess of $500,000,000, except that it may invest in such certificates of smaller banks provided that such certificates qualify as deposits insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, and in commercial paper, including variable amount master notes, rated "A–1" or "A–2" by Standard & Poor's Corporation or "Prime 1" or "Prime 2" by Moody's Investor Service, Inc.

As here pertinent, section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by an investment company's board of directors. Rule 22c–1 provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a–4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of directors. Prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and it would be inconsistent generally with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an order of the Commission pursuant to section 6(c) of the Act, exempting it from the provisions of section 2(a)(41) and Rules 2a–4 and 22c–1 to the extent necessary to permit it to use the amortized cost method of valuation for all its portfolio

securities. In support of its request, Applicant submits that many of its potential investors require an investment vehicle that offers a constant net asset value per share and a relatively smooth stream of investment income. Applicant states that use of the amortized cost method of valuation will permit it to provide investment vehicles with those features. In addition, Applicant represents that its board of directors has determined that, absent unusual circumstances, amortized cost will represent the fair value of its portfolio securities. Applicant maintains that the exemptions they request satisfy the exemptive standard set forth in section 6(c) of the Act. In addition, Applicant consents to the imposition of the following conditions to any order granting it the requested relief:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser; the board of directors of Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors of Applicant shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset per share as determined by using available market quotations from the $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated by it.

(c) Where the board of directors believes the extent of any deviation from the $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its board of directors determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by its board of directors.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than January 15, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

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BILLING CODE 8010-01-M

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the board of directors in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[Release No. 18371; File Nos. SR–Amex–81–1; SR–CBOE–81–27]

American Stock Exchange, Inc. and Chicago Board Options Exchange, Inc.; Amendments to Proposed Rule Changes and Order Approving Proposed Rule Changes, December 23, 1981

I. Introduction

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), and Rule 19b–4 thereunder, the American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, New York 10006, and the Chicago Board Options Exchange, Incorporated ("CBOE"), LaSalle at Jackson, Chicago, Illinois 60604, have filed with the Commission proposed rule

changes to modify their rules to accommodate the listing and trading of standardized put and call options contracts on securities issued by the United States Department of the Treasury ("Treasury options").[1] The exchanges also have designated the specific Treasury bond, note and bill options contracts in which they propose to commence options trading.[2]

Because of the significance of the proposals and the possible impact of Treasury options trading on related markets, public comment has been solicited extensively. To supplement the initial publication of notice of the filing of the individual proposals, the Commission on May 11, 1981, issued a release discussing various aspects of the proposals and inviting commentators to address a number of specific issues.[3] In addition, letters were sent to the Commodity Futures Trading Commission ("CFTC"), the Federal Reserve Bank of New York ("FRB–NY"), the Federal Reserve Board ("FRB"), and the U.S. Department of the Treasury ("Treasury") specifically inviting the views of those agencies.[4] In response, the Commission received 14 comment letters on the proposals, including letters from the foregoing governmental agencies,[5] as well as from Amex, CBOE and the New York Stock Exchange, Inc. ("NYSE").[6] Specific comments are discussed as appropriate in this order.[7]

II. Economic Basis

In their submissions, the exchanges have asserted that standardized, exchange-traded put and call options on Treasury securities would serve an important economic function. In particular, the exchanges believe that such options could be used by a wide range of individuals and businesses engaged in enterprises that are sensitive to changes in interest rates. Through the use of various options purchasing and writing strategies, such persons can hedge against the risks associated with adverse interest rate movements, and at the same time retain the opportunity to profit from favorable movements.

Treasury options also can be attractive for speculators. For example, options purchasers can profit from favorable movements in interest rates on a leveraged basis, while at the same time limiting their risk exposure to the amount of the premium paid. Of course, since options are wasting assets of limited duration the investor stands potentially to lose his entire investment in a short period of time. Accordingly, notwithstanding the limited risk features of options, the exchanges acknowledge that it is important that the risks of options trading are adequately disclosed to investors and that the sale of options to public customers be rigorously supervised. In this regard, as discussed in part IV, infra, the exchanges have proposed rules to govern the marketing of Treasury options by member organizations, including rules relating to the supervision of sales personnel, risk disclosure and suitability, which are designed to ensure that such trading occurs in a well-ordered regulatory environment.

The exchanges also contend that trading standardized options in an exchange context offers other benefits. They assert that the intermediation of the Options Clearing Corporation ("OCC") virtually eliminates any credit risk which might otherwise be associated with over-the-counter trading in Treasury options. In addition, they indicate that standardization and centralization of trading would contribute to market liquidity and pricing efficiency.[8]

The FRB–NY and the FRB stated that properly regulated Treasury options markets could be expected to improve the efficiency and liquidity of the cash market for Treasury instruments, as well as serve as a useful adjunct to the trading activities of dealers in

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[1] Amex's Treasury options proposal initially was filed on March 4, 1981 and amended on July 13, 1981, November 12, 1981 and December 9, 1981. Notice of the initial filing and all but the latter set of amendments thereto was given by Securities Exchange Act Release Nos. 17832 (March 16, 1981), 17944 (July 16, 1981) and 18266 (November 17, 1981), and by publication in the Federal Register (46 FR 17936 (March 20, 1981), 46 FR 37582 (July 21, 1981) and 46 FR 57795 (November 25, 1981)). *See* File No. SR–Amex–81–1. The latter set of amendments relate to such matters as member firm supervision of accounts, position and exercise limits and reporting requirements. Since public comment on these matters already has been solicited extensively, the Commission believes there is good cause for approval prior to the thirtieth day after publication of notice thereof. See pp. 17–18, infra. CBOE's initial proposal to trade options on Treasury notes and bonds was filed April 17, 1980 and amended on August 8, 1980 and August 12, 1981. Notice of the foregoing amendments to the proposed rule change was given by Securities Exchange Act Release Nos. 17325 (November 21, 1980) and 18039 (August 17, 1981), and by publication in the Federal Register (45 FR 79612 (December 1, 1980) and 46 FR 42390 (August 20, 1981)). See File No. SR–CBOE–80–8. The proposal was expanded to include market basket Treasury bond options contracts by a filing submitted on August 21, 1981, on which notice was given by Securities Exchange Act Release No. 18090 (September 10, 1981) and by publication in the Federal Register (46 FR 47335 (September 25, 1981)). See File No. SR–CBOE–81–18. The proposal was expanded to include Treasury bill options contracts by a filing submitted on November 20, 1981, on which notice was given by Securities Exchange Act Release No. 18293 (November 30, 1981) and by publication in the Federal Register (46 FR 59682 (December 7, 1981)). See File No. SR–CBOE–81–25. The foregoing filings were consolidated in the subject proposed rule change submitted on December 8, 1981, which also includes certain amendments similar to the Amex most recent amendments. See File No. SR–CBOE–81–27. On this basis, the foregoing filings have been withdrawn. Since the latter filing merely consolidates prior filings that were published for public comment, and contains amendments with respect to matters already published for coment, the Commission believes there is good cause for approval prior to the thirtieth day after publication of noticer thereof. See pp. 17–18, infra.

[2] The Commission also has addressed the Treasury options proposals in a related context. See Securities Exchange Act Release No. 18297 (December 2, 1981), 46 FR 60376 (December 9, 1981), where the Commission announced that it did not intend to limit trading of particular nonequity options to a single market.

[3] Securities Exchange Act Release No. 17795 (May 11, 1981), 46 FR 27430 (May 19, 1981). The release also extended the period of time for submission of public comments.

[4] Letters from Douglas Scarff, Director, Division of Market Regulation, SEC, to Stephen H. Axilrod, Director, Office of Staff Director for Monetary and Financial Policy, FRB; Peter D. Sternlight, Manager for Domestic Operations, System Open Market Account, FRB–NY; and Roger W. Mehle, Assistant Secretary–Domestic Finance, Treasury, dated May 11, 1981.

[5] Letters to Douglas Scarff, Director, Division of Market Regulation, SEC, from James A. Culver, Director, Division of Economics and Education, CFTC (August 24, 1981); Peter D. Sternlight, Senior Vice President, FRB–NY (August 6, 1981); Stephen H. Axilrod, Staff Director for Monetary and Financial Policy, FRB (September 18, 1981); and Roger W. Mehle, Assistant Secretary (Domestic Finance), Treasury (June 22, 1981).

[6] Letters to George A. Fitzsimmons, Secretary, SEC, from James E. Buck, Secretary, NYSE (July 1, 1981); Nathan Most, Vice President, New Products Development, Amex (July 9, 1981); and Walter E. Auch, chairman, CBOE (August 18, 1981).

[7] The Commission has received five comment letters that raised questions relating to the applicability of the Commodity Exchange Act ("CEA") to the trading of the instruments contemplated by these proposals and to the Commission's jurisdiction over and authority to regulate that trading. See letter to Douglas Scarff, Director, Division of Market Regulation, from James A. Culver, Director, Division of Economics and Education, CFTC (August 24, 1981); and letters to George A Fitzsimmons, Secretary, SEC, from Robert K. Wilmouth, President, Chicago Board of Trade ("CBOT") (June 30 1981), Mahlon M. Frankhouser, Kirkland and Ellis, counsel for CBOT (September 1, 1981 and October 16, 1981), and Clayton Yeutter, President, Chicago Mercantile Exchange (October 16, 1981). As set forth in its brief in *Board of Trade of the City of Chicago* v. *Securities and Exchange Commission*, No. 81–1660 (7th Cir. 1981), the Commission believes that it has authority to approve proposed rule changes by national securities exchanges providing for the trading of options on government securities and to regulate that trading, and that nothing in the CEA restricts that authority. Moreover, Commission approval of rule changes providing for the trading on national securities exchanges of options on Treasury securities is contemplated by the resolution of jurisdictional issues reached by the Commission and the CFTC, and announced in their joint press release on December 7, 1981.

[8] See Amex, *The Amex Plan for Trading Options on U.S. Treasury Department Securities* (File No. SR-Amex–81–1); and CBOE, *A Market for Options on Government Securities* (File No. SR–CBOE–80–8). See also comment letter of Ross M. Starr, *Hedging Interest Rate Risks with Bond Options Markets* (June 19, 1981).

government securities.[9] The Treasury indicated that it did not believe that options trading on Treasury securities would have an adverse effect on its auction activities.[10]

III. Contract Design

To accommodate the trading of options on Treasury securities each exchange has submitted general enabling rules which authorize the listing of options on specific Treasury bonds, notes, and bills. In addition, the CBOE has proposed rules which would authorize it to list options on a "market basket" of Treasury bonds. Both Amex and CBOE have indicated, however, that they do not intend, at least initially, to commence options trading on the full range of Treasury instruments.[11] Accordingly, both exchanges have set forth in their filings the terms of the specific options contracts in which they will begin trading.[12]

In designing the proposed options contracts the exchanges have sought to be responsive to the economic needs of the marketplace. For example, to accommodate the interests of both large-scale and smaller investors, the exchanges have proposed two sizes for Treasury options contracts: "standard-sized" contracts representing a principal amount of $100,000 for Treasury bonds and notes and $1 million for Treasury bills, and "mini-contracts" on each instrument with principal amounts that are one-fifth the standard size. The exchanges have proposed to introduce options series at three-month intervals with maturities ranging from one to fifteen months. Options series would expire on various quarterly cycles selected by the exchanges based on a correspondence to the Treasury auction cycle for the particular underlying instrument or the perceived interests of market participants. Initial options series in each expiration month would be introduced at or near the price of the underlying security; contracts with new exercise prices would be added generally in response to substantial price changes.[13]

With respect to matters of contract design and delivery specifications, so long as the Commission has no regulatory concerns it is not inclined to substitute its judgment for the business judgment of the self-regulatory organizations. Rather, in matters such as these, the marketplace generally should be permitted to determine whether a particular contract meets the needs of market participants.[14]

With regard to contract design, several commentators also indicated their belief that a market basket contract would be preferable to specific issues contracts from a regulatory standpoint. These same commentators acknowledged, however, that specific issue contracts in the long run would be more economically viable. See comment letter of the FRB, at 1–2, and comment letter of Merrill Lynch, at 1–2. The Commission believes that so long as specific issue contracts are designed in a manner which mitigates the potential for regulatory problems, the choice between listing a market basket contract and specific issue contracts largely is a matter of business judgement.

The Commission, however, does maintain a regulatory interest in certain other terms of the proposed Treasury options contracts. These include the qualification of underlying Treasury securities for options trading and the establishment of position and exercise limits. Each exchange proposes that in order to qualify for options listing an underlying issue of Treasury bonds or notes must have an initial public issuance of at least $1 billion.[15] Because of the nature of the proposed 13-week and 26-week Treasury bill contracts, the deliverable supply of the underlying instrument depends on the size of the Treasury auctions that correspond to the date of exercise and, therefore, may vary from week to week.[16] In the Commission's view, the proposed listing standards appear reasonably designed to ensure the existence of a deliverable supply which is sufficient to avert the possibility of market congestion.[17]

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[9] With respect to proper regulation of the Treasury options markets, the FRB–NY indicated that one objective of such regulation should be to discourage excessive speculation and other disruptive activities. Toward this end, the FRB–NY emphasized the need for adequate margin requirements, reasonable market-wide position and exercise limits, marketwide surveillance and monitoring of developments by knowledgeable parties. Comment letter of the FRB–NY, at 4. These matters are addressed in parts III and VI, infra.

[10] Comment letter of the Treasury, at 3.

[11] Amex initially has proposed to trade standard-sized and mini-contracts on 13-week Treasury bills and on 26-week Treasury bills. See Letter to Gene E. Carasick, Assistant Director, from Nathan Most, Vice President, New Products Development, Amex (December 11, 1981). CBOE initially proposes a standard-sized contract and a mini-contract on Treasury bonds. At the present time, CBOE does not contemplate trading a market basket Treasury bond contract. See Letter to Gene E. Carasick, Assistant Director, from Arne R. Rode, General Counsel, CBOE (November 4, 1981).

[12] The listing of any additional Treasury options classes, or any material change in the contract terms of an existing class, will constitute a proposed rule change under section 19(b)(1) of the Act and must be filed with the Commission for approval. Such rule changes must set forth the material terms of the proposed contract, including identification of the specific Treasury security or securities underlying the contract, the contract size and the expiration cycle.

[13] For options on Treasury bonds and notes, options series would be introduced on a selected underlying instrument immediately after it is auctioned by the Treasury. Approval of the instrument for options listing generally would not extend beyond 18 months; options series expiring thereafter would relate to a more recently issued Treasury security. For options on Treasury bonds and notes, both Amex and CBOE propose a March/June/September/December cycle. In contrast, the proposed Treasury bill options contract would not be based upon a particular underlying security. Rather, upon exercise of a Treasury bill options contract, delivery could be made with bills having a term to maturity specified by the contract, generally either 13 or 26 weeks. Each exchange has selected a March/June/September/December expiration cycle. See Amex Rules 901, 903, 916, and 917; CBOE Rules 21.6, 21.7, 21.8, 21.9.

[14] *Accord*, Securities Exchange Act Release No. 17577 (February 26, 1981), at 6–7 46 FR 15242, (March 4, 1981) (approving the CBOE GNMA options proposal). Several commentators expressed concern that excessively narrow exercise price intervals could lead to an undesirable proliferation of illiquid options series particularly during a period of significant interest rate volatility. See letter to George A. Fitzsimmons, Secretary, SEC, from William A. Schreyer, Chairman, Merrill Lynch, at 5 (July 1, 1981), ("comment letter of Merrill Lynch") and letter to George A. Fitzsimmons, Secretary, SEC, from George M. Bollenbacher, Vice President, Paine Webber, at 4 (June 9, 1918), ("comment letter of Paine Webber"). The Commission believes, however, that the competitive interests of the exchanges in channeling participation into a limited number of liquid options series are sufficient to substantially ameliorate any potential regulatory concerns.

[15] Amex Rule 917; CBOE Rule 21.7, Interpretation .01. The amount of the initial public issuance is to be determined not by the principal amount of the issue actually sold, but by the portion of the issue sold other than to U.S. Government accounts and Federal Reserve Banks. The amount of the initial public issuance will be determined from information made publicly available by the U.S. Treasury. Continued approval for options trading would be revoked if an exchange determined that the principal amount of the underlying securities publicly outstanding had declined to less than $750 million. Upon such a determination, additional expiration months could not be opened with respect to the underlying security. Amex Rule 716, Commentary .03; CBOE Rule 21.7, Interpretation .02.

[16] According to the terms of the 13-week Treasury bill contract proposed by Amex, delivery could be made with 13-week bills issued pursuant to the Treasury auction corresponding to the week of exercise, or with 26-week or 52-week Treasury bills with 13 weeks remaining to maturity. Similarly, the 26-week Treasury bill contract would permit delivery of newly-issued 26-week bills or previously issued 52-week bills with 26 weeks remaining to maturity. The 13- and 26-week Treasury bill contracts proposed by CBOE would supplement the deliverable supply by also permitting delivery of bills with a maturity of less than the nominal maturity, but would not recognize the higher market value of the shorter maturity instruments. Over the past year, the competitive bids accepted for the combined weekly 13- and 26-week bills auctions has ranged generally between $6 and $8 billion. The deliverable supply made available by the weekly 13- and 26-week bill auctions would be supplemented every fourth week with bills issued pursuant to the 52-week bill auction which over the past year has averaged approximately $4 billion. *See* Treasury Bulletin, Tables PDO–2 and PDO–3 (October 1981).

[17] Should congestion nevertheless occur, it should be noted that the Options Clearing Corporation ("OCC") will have authority to take remedial action. In this regard, the OCC is expected in the near future to submit a proposed rule change relating to the issuance of Treasury options contracts, the clearance and settlement of Treasury options transactions and the processing and settlement of Treasury options exercises. This proposed rule

Continued

With respect to position and exercise limits, each of the exchanges has proposed rules that will prohibit any market participant from acquiring a position in Treasury bond or note options, or from acquiring securities through exercise of options over a period of five consecutive business days, in excess of 10 percent of the initial public issuance of the underlying security.[18] For 13- and 26-week Treasury bill options each exchange has proposed position and exercise limits which, based on the average amount of the total competitive bids accepted by the Treasury at the weekly bill auctions over the past year, generally would range from 3 to 6 percent of the public issuance.[19] In applying the position and exercise limit rules, all options relating to an underlying security must be taken into consideration irrespective of the exchange on which the position is acquired. Accordingly, options contracts traded on different exchanges with identical or substantially overlapping deliverable supplies must be aggregated.[20] On the basis of the foregoing, the Commission believes that the proposed position and exercise limits generally would be sufficient to protect the options and related markets from disruptions caused either by congestion or manipulation.[21]

IV. Sales Practice Regulation

After conducting an extensive review of stock options sales practices during the Options Study,[22] the Commission approved in early 1980 a package of rule changes submitted by several securities exchanges and the National Association of Securities Dealers in response to Options Study recommendations designed to enhance the quality of regulation governing securities firms doing a public options business.[23] To govern the sales practices of member firms doing a public Treasury options business, Amex and CBOE each have proposed a regulatory structure that generally parallel that adopted for equity options.

In accordance with these rules, each member organization as a pre-condition to engaging in a Treasury options business would be required to develop and implement a written program for the review of customer accounts and orders under the supervision of a Senior Registered Options Principal ("SROP") who is a partner or officer of the member organization.[24] Each organization also would be required to have a Compliance Registered Options Principal ("CROP") who would be responsible for ensuring compliance with the securities laws and applicable exchanges rules.[25] Direct supervision of registered representatives would be the responsibility of Registered Options Principals ("ROPs") whose functions would include approval of customer accounts for Treasury options trading and the approval and initialing of all orders for discretionary accounts.[26] The principal supervisor of any member organization branch office with more than three registered representatives engaged in Treasury options trading would have to be qualified as a ROP.[27]

The proposed rules governing supervision of Treasury options trading will enable member organizations presently engaged in an equity options business to utilize the same supervisory structure for Treasury options, provided that such personnel are Treasury-options qualified. Member organizations that choose to conduct their Treasury options business other than in conjunction with their equity options business would be required to implement a parallel supervisory structure. In order to allow such firms sufficient time to comply with this requirement, the effective date of the supervisory rules is being delayed until six months after the commencement on any exchange of trading in a debt options product other than GNMA options. In the interim, exchange rules will require adherence to the supervisory structure adopted by the CBOE and approved by the Commission with respect to GNMA options trading.[28] In all other respects, the rules governing the marketing of Treasury options to public customers will be effective immediately.

To ensure that member firm personnel are properly qualified, each registered representative engaged in the sale of Treasury options and all supervisory personnel responsible for overseeing the firm's Treasury options activities would be required to complete successfully the Interest Rate Options Qualification Examination which tests a candidate's knowledge of both the debt options markets and the market for the underlying securities.[29]

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change must be approved by the Commission prior to the commencement of Treasury options trading on any exchange.

Under its existing rules, the OCC has authority to impose restrictions on exercises and, if necessary, to prescribe cash settlement in lieu of the underlying security. *See* Article VI, section 7 of the OCC rules. It is anticipated that these restrictions also will be made applicable to Treasury options.

In its comment letter, at 3, the FRB–NY expressed concern regarding the possibility of congestion caused by a coincidence of the proposed expiration dates for the 13-week Treasury bill options contracts with the termination date for the 13-week Treasury bill futures contract traded on the Chicago Mercantile Exchange ("CME"), which would result in identical delivery dates. To avoid coinciding settlement dates, the Commission understands that the OCC intends to seek authorization to select dates for the expiration of options contracts that occur other than in the week that the CME's futures contract is scheduled to terminate.

[18] To accommodate mini-contracts the position and exercise limits for options on Treasury securities are denominated in terms of the corresponding principal amount of the underlying security. For Treasury bond and note options contracts, the exchanges propose a two-step formula for position and exercise limits: if the initial public issuance of the underlying security does not exceed $2 billion, position and exercise limits would be established at a principal amount of $100 million. If the initial public issuance was $2 billion or more the limits would be established at $200 million. Amex Rule 904 and 905; CBOE Rules 21.3 and 21.4.

[19] Amex Rules 904 and 905; CBOE Rule 21.31(f).

[20] On this basis, although the Amex and CBOE Treasury bill contracts differ in minor respects, all positions in either the 13- or 26-week contract acquired on either exchange would have to be aggregated with positions in the same type of contract acquired on the other exchange.

[21] The position and exercise limit levels finally proposed by the exchanges are lower than those originally under consideration and respond to the concerns of several commentators that the initial proposals, particularly as they related to exercise limits, were excessive. See comment letter of the FRB–NY, at 2; and comment letter of Merrill Lynch, at 3–4. In this regard, these commentators indicated that the regulatory concerns associated with large options positions might be solved, and the hedging needs of large institutions acommodated, by permitting the establishment of position limit levels that are higher than the limits imposed on exercises or by exempting covered positions from the position limit ceiling. The exchanges have not elected to pursue either of these courses at this time.

[22] *See Report of the Special Study of the Options Markets to the Securities and Exchange Commission*, H.R. Rep. No. IFC3, 96th Cong., 1st Sess. (Comm. Print 1978).

[23] *See* Securities Exchange Act Release Nos. 16698 and 16701 (March 20, 1980), and 16807 (May 15, 1980).

[24] Amex Rule 922(a) and CBOE Rule 9.8(a). The SROP also would have responsibility to review the acceptance of discretionary accounts.

[25] Amex Rule 922(b) and CBOE Rule 9.8(b).

[26] Amex Rule 924 and CBOE Rule 9.10.

[27] Amex Rule 922(d) and CBOE Rule 9.6. A branch office with three or fewer registered representatives engaged in Treasury options trading could engage in a public Treasury options business only so long as the activities of the branch office are appropriately supervised by a ROP.

[28] Pursuant to the interim rules, supervision of non-member customer accounts and communications relating to GNMA or Treasury options would be the responsibility of one or more designated options principals who are either partners or officers of the member organization. The specific duties of designated options principals would include approval of customer accounts for GNMA and Treasury options trading, review of discretionary options accounts, and general supervision of member organization personnel engaged in GNMA options trading. Branch offices would not have to be staffed with a Treasury-options qualified principal. See footnote to Amex Rule 920; CBOE Rule 21.19A.

[29] Amex Rule 920, Commentary .01; CBOE Rules 9.2, 21.19A and 21.28. This examination also qualifies a candidate to sell GNMA options. The specifications of the Interest Rate Options

Continued

To provide customers with a description of Treasury options and an explanation of the special risks associated with Treasury options trading, exchange rules would require that prospective Treasury options customers be supplied with a copy of the Treasury options supplement to the OCC prospectus at or before the time their accounts are approved for Treasury options trading.[30] This prospectus also would provide information concerning the rules applicable to Treasury options trading, including the margining of Treasury options positions, and the federal tax implications of Treasury options trading. The rules of the exchanges also would require that, before a member organization can accept a customer order to purchase or write a Treasury options contract, the customer's account must be specifically approved in writing for Treasury options trading by a ROP qualified to supervise the sale of Treasury options.[31] In making recommendations to customers concerning the purchase or sale of Treasury options sales personnel would be subject to the same suitability rule applicable to equity options trading.[32]

V. Floor Procedures

CBOE intends to trade Treasury options in the context of its competing market maker system. Treasury options would be traded in the same manner and under the same rules as the exchange's equity options, except that certain modifications previously adopted to accommodate GNMA options also would be extended to govern options on Treasury securities.[33]

In contrast, Amex contemplates trading options on Treasury securities in the context of a specialist system that utilizes supplemental market makers. This involves merely extending, with minor modifications, its current rules governing equity options.[34] Each Treasury options contract would be assigned to a particular specialist whose responsibilities would be generally the same as those applicable to equity options specialists, including responsibility for administering a limit order book. The rules governing supplemental market makers, referred to as Registered Options Traders ("ROTs"), generally mirror the current Amex rules governing the equity options trading of ROTs.

The Commission has examined carefully the proposed rules governing trading activities in Treasury options on the floors of the respective exchanges, and has concluded that the proposed rules are consistent with the requirements of the Act and the rules thereunder, and, in particular, are in accordance with the maintenance of a fair and orderly market.

VI. Surveillance

Section 6(b)(5) of the Act requires an exchange to have rules designed to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade. Section 6(b)(1) of the Act requires that an exchange be organized and have the capacity to comply, and to enforce compliance by its members and associated persons, with the provisions of the Act, the rules thereunder, and the rules of the exchange. Accordingly, an exchange has an obligation to develop and administer a comprehensive surveillance program designed to detect manipulation and other improper trading activities.

With respect to intra-market surveillance, the exchanges' techniques for monitoring trading in Treasury options generally will be similar to the procedures currently utilized for options on equity securities. Due to the limited availability of timely and independently varifiable transaction, quotation and position information with regard to activities in related markets, however, the exchanges have indicated that inter-market surveillance techniques for options on Treasury securities will differ somewhat from those currently employed for equity options.

A principal purpose of inter-market surveillance is to protect the integrity of the options markets by maintaining a capacity to detect and deter the manipulation of options prices resulting from trading in a related market. In addition, as the FRB and FRB–NY emphasized in their comments, there is also a need for rigorous surveillance as a deterrent to the possible disruptive effect of Treasury options on the underlying cash market.[35] To address have imposed reporting and recordkeeping requirements which will enable the exchanges to identify situations potentially susceptible to manipulation,[36] as well as rules enabling the exchanges in the course of an investigation to obtain access to the books and records maintained by corporate affiliates of Treasury options market makers relating to transactions in Government securities, Government securities options, futures on Government securities and options on such futures.[37] The Commission believes that the data made available by these rules, if effectively utilized by the exchanges, will minimize the potential for manipulation.

In anticipation of GNMA options trading, the CBOE has made the necessary revisions to its surveillance modules to monitor options trading on debt securities and has submitted its updated surveillance manual for Commission review. Prior to the commencement of its Treasury options program, the Commission expects to review the manual developed by Amex outlining its surveillance procedures for Treasury options.

VII. Findings and Conclusion

Under section 19(b)(2) of the Act, the Commission must approve the foregoing rule changes if it determines that the proposed rule changes are consistent with the requirements of the Act and the rules thereunder applicable to national securities exchanges. The Commission has reviewed carefully the rules proposed by both Amex and CBOE to accommodate the listing and trading of options on U.S. Treasury securities and has concluded, for the reasons set forth above, that the rules provide for adequate and proper regulation of the proposed markets. Accordingly, the Commission finds that the proposed rule

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Qualification Examination have been approved by the Commission. Securities Exchange Act Release No. 18089 (August 28, 1981). Persons previously passing this examination for purposes of GNMA options would not be required to be retested.

[30] Amex 928; CBOE Rules 9.15, 21.19A and 21.21. The supplemental prospectus prepared by the OCC must be filed with the Commission for review prior to the commencement of Treasury options trading.

[31] Amex Rule 921; CBOE Rules 21.19A and 21.20.

[32] Amex Rule 923 and CBOE Rule 9.9.

[33] See generally, CBOE Rules 21.10 through 21.19. The principal modification is the CBOE's decision not to maintain a public limit order book for Treasury options. Pending actual trading experience, the Commission is not prepared to conclude that the absence of a public limit order book for Treasury options is inappropriate.

[34] See generally, Amex Rules 950–959.

[35] Comment letter of the FRB, at 3, and comment letter of the FRB–NY, at 5–6.

[36] Each member organization will be required to file with the exchange reports of any member firm account or any customer account with an aggregate options position on the same side of the market with respect to any underlying Treasury security which is equal to or in excess of 20 percent of the applicable position limit. Amex Rule 906; CBOE Rules 21.5 and 21.31(f). In addition, market makers on the CBOE, and specialists and supplemental market makers on Amex will be required to report to the exchange all accounts maintained for, and all transactions effected in such accounts with respect to options on Treasury securities, Treasury securities underlying such options, futures contracts which permit delivery of the underlying security, and any options on such futures contracts. These rules also would require registered Treasury options specialists and market makers to keep records, which would subject to exchanges review, of other trading activity with respect to Treasury securities Amex Rules 950(k) and 957; CBOE Rule 21.30 supplementing CBOE Rule 8.9.

[37] Amex rule 957(c); CBOE Rule 21.30.

changes are consistent with the requirements of the Act and the rules and regulations thereunder and, in particular, the requirements of Section 6 and the rules and regulations thereunder. Prior to the commencement of trading, however, the exchanges must secure Commission approval of their proposed margin rules.[38] In addition, the OCC must submit for review the Treasury options prospectus and submit for approval proposed rule changes to accommodate Treasury options. The Commission finds good cause to approve the most recent amendments submitted by the Amex prior to the thirtieth day after publication of notice since the amendments relate to matters with respect to which public comments already have been solicited extensively. In addition, the Commission finds good cause to approve the CBOE rule change prior to the thirtieth day after publication since it is primarily a consolidation of proposed rule changes previously published for comment and contains amendments relating to matters on which public comments already have been solicited extensively.[39]

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule changes, as amended, with the exception of those portions of the proposed rule changes concerning margin be, and hereby are, approved.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-37202 Filed 12-30-81; 8:45 am]

BILLING CODE 8010-01-M

[38] The proposed margin rules of Amex and CBOE are contained in their current Treasury options filings. See footnote 1, *supra*. The Commission has not fully completed its review of the margin proposals and accordingly, is not approving that aspect of the Amex's and CBOE's Treasury options filings at this time.

[39] The Commission also currently has pending a proposal by the NYSE to trade options on Treasury securities which is virtually identical in substance to the Amex and CBOE proposals. The NYSE's proposal was filed on February 5, 1981 and amended on September 22, 1981. Notice of the proposal and the amendments was given by Securities Exchange Act Release Nos. 17631 (March 16, 1981), 46 FR 17939, and 18222 (October 29, 1981), 46 FR 55465. Additional comments was solicited by Securities Exchange Act Release No. 17795 (May 11, 1981), 46 FR 27430. The NYSE Board of Directors, however, has not yet approved a final set of amendments to the proposal which would be similar in nature to the final amendments filed by Amex and CBOE. The Commission understands that Board approval is anticipated in January 1982. The Commission expects to be able to approve the NYSE proposal shortly thereafter.

[Release No. 12119; 812-4951]

Crestline Investment Co., Inc. and Hickory Hill Furniture Co., Inc.; Filing of Application

December 21, 1981.

In the matter of Crestline Investment Company, Inc., Post Office Box 69, 215 Main Street, East, Valdese, N.C. 28690 and Hickory Hill Furniture Company, Inc., Post Office Box 1389, Hickory, N.C. 28601 (812-4951). Notice is hereby given that Crestline Investment Company, Inc. ("Crestline"), a registered, diversified, closed-end, management investment company, and Hickory Hill Furniture Company, Inc. ("Hickory Hill," together with Crestline, "Applicants"), filed an application on August 19, 1981, for an order of the Commission pursuant to section 17(b) of the Investment Company Act of 1940 ("Act"), granting an exemption from Section 17(a) of the Act to permit Hickory Hill to purchase a warrant and debenture from Crestline. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that Crestline is a North Carolina corporation that invests primarily in long-term securities issued by state and municipal governments and also holds a small amount of short-term securities and a debenture and a warrant issued by Hickory Hill. According to the application, Crestline had operated as a furniture manufacturer under the corporate name of Crestline Furniture Company, Inc., until March 1978, when Hickory Hill purchased all of its operating assets. According to the application, the purchase price included (a) $4,400,000 in cash, (b) the assumption by Hickory Hill of all of the liabilities of Crestline Furniture Company, Inc., and (c) a subordinated debenture (The "Debenture") issued by Hickory Hill in the principal amount of $750,000, due March 10, 1988, with interest payable at the rate of 10 percent per annum, with a detachable warrant (the "Warrant") for the purchase of securities of Hickory Hill.

According to the application, the Warrant entitled Crestline to acquire, upon the exercise of the Warrant, shares of Hickory Hill constituting a 22.5 percent ownership interest in Hickory Hill. The Warrant, when issued, entitled Crestline to acquire 5,885 shares of Hickory Hill's Class A common stock for $123.42 per share and 192 shares of Hickory Hill's Class B common stock, also for $123.42 per share. In order to ensure that Crestline would be entitled to no less than a 22.5 percent ownership interest in Hickory Hill upon exercise of the Warrant, the Warrant also provided that a subsequent issuance of shares of Hickory Hill would give Crestline the right to acquire additional shares pursuant to the Warrant at an exercise price reflecting the terms on which such newly-issued shares were issued. Applicants state that Hickory Hill did issue additional shares of Class B common stock (which were later redeemed) and issued shares of a new class of preferred stock having a $100, per share liquidation preference and a six dollars per share non-cumulative annual dividend preference (which preferred shares were also later redeemed). As a result of the issuance of these shares, Crestline became entitled, pursuant to the Warrant, to purchase 5,885 shares of Hickory Hill's Class A common stock at $123.42 per share, 320 shares of Class B common stock at $82.472 per share and 1,234 shares of preferred stock at $100 per share. The Warrant was exercisable by Crestline within a 90 day period, ending no later than March 10, 1988, to be designated by Hickory Hill and it provided that the exercise price was payable either by certified check or by surrender of the debenture, which would be valued for that purpose at its face amount.

Applicant states that as of January 31, 1981, the Debenture was valued by Crestline on its financial statements at $579,975. On February 27, 1981, Wachovia Bank Trust Company, N.A. ("Wachovia"), Crestline's investment manager, in its analysis of the Hickory Hill offer for Crestline's board of directors, valued the Debenture at $537,466. Although Crestline did not assign any value to the Warrant in its financial statements of January 31, 1981, Wachovia valued the Warrant at $253,617 as of February 27, 1981.

According to the application, in late January, 1981, Hickory Hill designated the 90 day exercise period as March 1, 1981 through May 30, 1981, and at the same time offered to repurchase the Warrant for $250,000 and contingent on Crestline's acceptance of the offer to repurchase the Warrant, Hickory Hill also offered to purchase the Debenture for $650,000.

Applicants state that Crestline's board of directors reviewed the various alternatives available to Crestline, which included (1) selling the Warrant and the Debenture of $900,000, (2) exercising the right to purchase all the securities available under the Warrant, or (3) purchasing only a portion of the securities available under the Warrant. According to the application, the board

of directors voted to recommend to shareholdes that they approve the exercise of the Warrant to purchase 5,885 Class A securities and 320 Class B securities and to pay the exercise price of $752,718 by surrendering the Debenture and paying an additional $2,718 in cash. The board of directors also determined that if the shareholders rejected the board's proposal, Crestline would accept Hickory Hill's offer to repurchase both the Warrant and the Debenture for $900,000. At a special meeting held May 29, 1981, the shareholders rejected the board of director's recommendation, in effect voting to accept Hickory Hill's offer to purchase the Warrant and the Debenture.

Section 17(a) of the Act, in pertinent part, prohibits an affiliated person of a registered investment company, or any affiliated person of such person, acting as principal, from selling to or purchasing from such registered company any security or other property. Section 17(b) of the Act provides, in part, that the Commission, upon application, may exempt a transaction from the provisions of section 17(a) of the Act if evidence establishes that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act.

Applicants represent that Lee Corson is a director of and owns more than 5 percent of the outstanding shares of Crestline and that he is president and chairman of the board of directors of Hickory Hill. He also indirectly controls a majority of the issued and outstanding securities of Corson Furniture Industries, Inc., which in turn owns 97 percent of the issued and outstanding securities of Hickory Hill. Because Hickory Hill is an affiliated person of Lee Corson, who is in turn an affiliated person of Crestline, section 17(a) of the Act would prohibit the proposed purchase of the Warrant and the Debenture from Crestline by Hickory Hill. In addition, the proposed purchase would also be prohibited by section 17(a) of the Act if Hickory Hill were deemed to be an affilitate of Crestline by reason of Crestline's ownership of the Warrant which entitles it to purchase in excess of 5 percent of the voting stock of Hickory Hill.

Applicants contend that either of the two courses of action considered by the shareholders would have been consistent with Crestline's policies, as stated in its registration statement. According to the application, the Debenture and Warrant were accepted by the Crestline shareholders as part purchase price paid for the assets of Crestline Furniture Company, Inc., in 1978, and the possibility of eventually exercising the Warrant was contemplated when Crestline filed its registration statement. On the other hand, Applicants assert that the sale of the Warrant and Debenture for cash arguably would be more consistent with Crestline's general policy to date of investing in assets such as tax-exempt bonds than would the acquisition of a more risky investment such as the stock of Hickory Hill. Applicants further state that the terms of the proposed transaction itself, as well as its approval by a vote of the Crestline shareholders, show that the proposed transaction is fair and does not involve overreaching by any party.

Notice is further given that any interested person may, not later than January 15, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on an application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter order a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, Pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 18–37193 Filed 12–30–81; 8:45 am]

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[Release No. 12124; (811–2791)]

Federated Money Market, Inc.; Filing of Application for an Order Pursuant to Section 8(f) of the Act Declaring That Applicant Has Ceased To Be an Investment Company

December 22, 1981.

Notice is hereby given that Federated Money Market, Inc. ("Applicant"), 421 Seventh Avenue, Pittsburgh, Pennsylvania 15219, registered as an open-end, diversified, management investment company under the Investment Company Act of 1940 ("Act"), filed an application on October 20, 1980, and amendments thereto on January 19, 1981, and November 27, 1981, for an order of the Commission pursuant to section 8(f) of the Act, declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, pursuant to a merger agreement approved by the stockholders, Applicant was merged on May 16, 1980, into Money Market Management, Inc., an open-end, diversified, management investment company registered under the Act. Applicant represents that the merger was effected pursuant to Rule 17a–8 of the Act. In accordance with the laws of the State of Maryland and pursuant to the merger agreement, the Applicant's corporate status ceased as of May 16, 1980.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 18, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing)

upon the Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–37190 Filed 12–30–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 12123; 812–4833]

Hartford Variable Annuity Life Insurance Co.; Filing of Application

December 21, 1981.

Notice is hereby given that Hartford Variable Annuity Life Insurance Company ("HVA"), Hartford Variable Annuity Life Insurance Company NQ Variable Account ("HVA–NQ–VA"), Hartford Variable Annuity Life Insurance Company QP Variable Account ("HVA–QP–VA"), Hartford Variable Annuity Life Insurance Company DC Variable Account–I ("DC–I"), Hartford Variable Annuity Life Insurance Company DC Variable Account–II ("DC–II"), Hartford Fund, Incorporated ("Hartford Fund") and Hartford Variable Annuity Life Insurance Company Separate Account ("HVA Separate Account") (hereafter collectively "Applicants") (Hartford Plaza, Hartford, Connecticut 06115) filed an application on March 5, 1981, and amendments thereto on September 2, 1981 and December 21, 1981, pursuant to Section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting Applicants from the provisions of Section 17(a) of the Act to the extent necessary to permit certain purchases and sales of assets and securities among the Applicants. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

HVA is a stock life insurance company organized under the laws of the State of Connecticut. HVA is a wholly-owned subsidiary of Hartford Life Insurance Company. Hartford Life Insurance Company is ultimately owned by Hartford Fire Insurance Company which, in turn, is a subsidiary of International Telephone and Telegraph Corporation. HVA Separate Account was organized on December 4, 1967, by duly adopted Resolution of the Board of Directors of HVA. HVA Separate Account is registered as an open-end diversified management investment company under the Act. While new contracts are no longer being offered and sold with respect to HVA Separate Account, contract owners of outstanding group contracts continue to make contributions under their contracts for both existing and new contract participants. In addition, there are individual contracts that have been issued and are outstanding under which additional contributions are being made.

Over the past several years, HVA has created a number of new separate accounts. These separate accounts have been organized as unit investment trust type investment companies. Money received as purchase payments under the variable annuity contracts issued with respect to these separate accounts is invested at the direction of the contract owner in the shares of Hartford Fund. Hartford Fund is an open-end, diversified management investment company which presently offers three classes or series of shares: a Bond Series, a Stock Series and a Money Market Series. Contract owners may designate which of these Series that he wishes his purchase payments invested in.

As noted, no new contracts are now being issued with respect to HVA Separate Account. Further, as a result of an optional offer of exchange between HVA Separate Account and HVA–QP–VA, DC–I and DC–II—three other HVA separate accounts—a significant number of HVA Separate Account contract owners have already exchanged their contracts for HVA–QP–VA, DC–I and DC–II contracts. HVA–QP–VA is a separate account with respect to which contracts are issued in conjunction with tax-qualified pension and profit-sharing plans, tax-deferred annuity plans, deferred compensation plans for tax-exempt employer and state and local governments, HR–10 plans, and Individual Retirement Accounts. DC–I and DC–II are separate accounts with respect to which contracts are issued in conjunction with deferred compensation plans for tax-exempt employers, including state and other governmental employers. HVA–NQ–VA contracts will be issued in connection with non-tax qualified plans. Because of such exchanges and because of contract surrenders and for other reasons, the amount of HVA Separate Account net assets has decreased. Applicants expect the decrease to continue because sales of contracts have ceased and because of the exchanges referred to above.

Because of the ever diminishing size of HVA Separate Account which results in increased expenses and increased difficulties in managing a shrinking portfolio, the HVA Separate Account Committee and HVA's Board of Directors determined to terminate HVA Separate Account. In connection with their determination to terminate HVA Separate Account, the Separate Account Committee also considered the availability of an alternative and similar investment media in which the HVA Separate Account contract owners might continue to invest so that their respective investment programs would not be interrupted. The Committee determined that the Stock Series of Hartford Fund was an investment medium very similar in character to HVA Separate Account. The investment objective of the Stock Series is investment in equity-type securities with emphasis on obtaining long-term capital growth primarily through capital appreciation with income a secondary consideration. The investment objective of HVA Separate Account is that investments will be selected primarily for long-term accumulation of capital through appreciation and investment of income. Applicants assert that the investment policies and restrictions of the Hartford Fund Stock Series and HVA Separate Account while not identical are substantially the same.

The shares of Hartford Fund Stock Series now serve or will serve as one of the underlying investment media of HVA–QP–VA, DC–I, DC II, and HVA–NQ–VA. It is proposed that the HVA Separate Account reserves relating to the tax qualified contracts will be transferred to HVA–QP–VA; reserves relating to tax-exempt employer Deferred Compensation Plans will be transferred to DC–I and DC–II and reserves relating to the non-tax qualified contracts will be transferred to HVA–NQ–VA, (a newly created separate account) as hereinafter described. The transfer will be accomplished on or before December 31, 1982. The actual date will depend on the availability of administrative capabilities to handle the transfer. Applicants submit that: (1) This restructuring will simplify the administration of the contracts by

grouping reserves relating to similar types of contracts in the appropriate separate accounts; and (2) this restructuring proposal will be submitted to the HVA Separate Account contract owners for approval.

If the contract owners approve the proposal, HVA Separate Account assets will be exchanged for shares of Hartford Fund Stock Series. Such Hartford Fund Stock Series shares will then be transferred to the respective unit investment trust separate accounts—HVA–QP–VA, DC–I, DC II, and HVA–NQ–VA, as appropriate, in exchange for units of interest in such separate accounts. Applicants assert that the first such exchange will be on the basis of the market value of the HVA Separate Account portfolio assets (as adjusted by the liabilities relating to portfolio securities transactions existing at the time of the exchange) and the per share net asset value of the Stock Series shares and the second such exchange will be on the basis of the net asset value of the Stock Series shares and the Stock Series unit of interest values of HVA–QP–VA, DC–I, DC II, and HVA–NQ–VA (hereafter sometimes collectively referred to as the "Hartford Unit Trusts"). Applicants state that the costs of the merger will be borne by HVA.

Although owners of new contracts issued by HVA with respect to HVA–QP–VA, DC–I, DC II, and HVA–NQ–VA have the right to direct that their purchase payments may be invested in any of the Series shares of Hartford Fund or to exchange their investment in shares of one or more Series for shares of one or more other Series of Hartford Fund, HVA Separate Account contract owners will retain their existing contracts and will only be permitted to invest in shares of the Hartford Fund Stock Series as a consequence of this exchange.

HVA Separate Account contract owners will retain their existing contracts. Purchase payments under flexible payment Group and Individual Variable Annuity Contracts will continue to be subject to the same deductions and charges as those now being made under those contracts. The asset charge now being deducted for the provision of mortality and expense guarantees by HVA will be the same as is now being deducted.

Owners of HVA Separate Account contracts are now entitled to vote on changes in the Separate Account's investment objective and its fundamental policies and restrictions, approval of the investment advisory agreement, election of members of the Separate Account Committee and ratification of the selection of the Separate Account's independent public accountant. Because the contract reserves, as represented by shares of Hartford Fund Stock Series, will be held in HVA–QP–VA, DC–I, DC II, or HVA–NQ–VA, as appropriate, a contract owner will be entitled to vote as to the matters described above as they relate to Hartford Fund Stock Series by instructing the entity performing the custodial functions on behalf of HVA–QP–VA, DC–I, DC II, and HVA–NQ–VA, as appropriate, as to the manner in which the Hartford Fund Stock Series shares relating to the contract owner's account are to be voted. Notice of shareholders' meetings, proxy materials and a form of instruction by means of which the contract owner can give such instructions with respect to the voting of Hartford Fund shares held for the contract owner's account will be provided to the contract owner.

Hartford Fund is a series fund and owners of contracts whose investments will be represented by shares of Hartford Fund Stock Series shall be entitled to give voting instructions to HVA upon changes in investment policies and restrictions and upon approval of an investment advisory agreement only with respect to the Stock Series and not with respect to any of the other Hartford Fund Series. With respect to all other matters relating to Hartford Fund, the contract owner shall be entitled to instruct HVA with respect to the voting of the shares attributable to his account as to matters submitted to the Hartford Fund shareholders, generally. Every participant under an HVA Separate Account contract who has a 100% vested interest under a Group Contract will receive proxy materials and a form of instruction by means of which the participant may instruct the contract owner with respect to the number of votes attributable to his individual participation under a contract.

HVA Separate Account contract owners will continue to have the right to invest a portion of their contract payments to purchase fixed dollar annuity benefits in accordance and subject to the terms and conditions of their contracts relating to the acquisition of fixed benefits.

Applicants submit that, as part of the proposed changes, immediately upon transfer of the reserves and liabilities of HVA Separate Account to HVA–QP–VA, DC–I, DC II, or HVA–NQ–VA, as appropriate, an application will be filed for an order of the Commission terminating the registration of HVA Separate Account as a registered investment company. In addition, Applicants state that appropriate steps will be taken under the insurance laws of the State of Connecticut to terminate the existence of HVA Separate Account.

Section 17(a) of the Act provides, in pertinent part, that it is unlawful for any affiliated person of a registered investment company, or any affiliated person of such an affiliated person, acting as principal, knowingly to sell to or purchase from such investment company any security or other property. Applicants state that HVA Separate Account and Hartford Fund may each be deemed an affiliated person of the other (registered investment company) because the members of the HVA Separate Account Committee and the Hartford Fund Board of Directors are identical and because HVA provides administrative services to each. These factors may be said to render the two investment companies under common control. Applicants also state that the HVA Separate Account and the Hartford Unit Trusts might be deemed to be under common control and therefore affiliated persons of each other because HVA provides administrative services to HVA Separate Account as well being the depositor of the Hartford Unit Trusts. Applicants deny that any such common control exists.

As previously noted, the number of shares of Hartford Fund Stock Series to be issued to HVA Separate Account in exchange for the latter's assets will be determined by dividing the differnce between (i) the value of all of the HVA Separate Account portfolio assets transferred to Hartford Fund (such value to be determined as of the close of business of the New York Stock Exchange on the date that the Plan of Reorganization under this Agreement is implemented and (ii) the amount of those liabilities relating to HVA Separate Account portfolio transactions assumed by the Fund, by (iii) the net asset value of a share of Hartford Stock Series determined as of the close of business on the date on which the proposed merger is consummated. Applicants contend that no sales of any securities received from HVA Separate Account by Hartford Fund Stock Series are contemplated.

Applicants assert that shortly prior to the effective date of the merger, the Hartford Fund Stock Series will declare and pay a dividend consisting of substantially all of such investment company's then undistributed net income and will also distribute such investment company's then realized but undistributed net capital gains. Such dividends and distributions will be automatically reinvested in additional

Hartford Fund Stock Series shares. Applicants state that on December 15, 1981, Hartford Fund Stock Series had total assets of $38,387,889 and net unrealized capital gains of $3,206,555. According to the application, the transfer of the HVA Separate Account assets to Hartford Fund Stock Series will be handled as a taxable transaction so that the existing unrealized capital gains will be realized and, therefore, no unrealized capital gains will exist with respect to the HVA Separate Account assets.

Applicants allege that the terms of the proposed merger including the consideration to be paid and received are reasonable and fair and do not involve overreaching on the part of any concerned person; the proposed transaction is consistent with the policy of each registered investment company as recited in its registration statement and reports filed under the Act and the merger proposal is consistent with the general purposes of the Act. Applicants, accordingly, request that the Commission enter an order pursuant to Section 17(b) exempting the proposed merger from the provisions of Section 17(a) to the extent that such an order is deemed necessary.

Notice is further given that any interested person may, not later than January 15, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued, as of course, following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-37185 Filed 12-30-81; 8:45 am]

BILLING CODE 8010-01-M

[File Nos. 2-51111 (22-11444) 2-38164]

International Harvester Co.; Application and Opportunity for Hearing

December 23, 1981.

Notice is hereby given that International Harvester Company (the "Company") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission that the successor trusteeship of Commerce Union Bank, One Commerce Place, Nashville, Tennessee 37219, under two existing indentures of the Company which are qualified under the Act is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Commerce Union Bank from acting as trustee under either of such indentures.

I

The Company alleges that the Company has outstanding on the date hereof the following described securities issued under the following indenture between the Company and Harris Trust and Savings Bank ("Harris Trust"), which was qualified under the Act in connection with the registration under the Securities Act of 1933 of the securities issued thereunder, the file number of such Registration Statement being set forth in parentheses below:

$150,000,000 9% Sinking Fund Debentures Due 2004, under Indenture dated as of June 15, 1974 between the Company and Harris Trust, Trustee (File No. 2–51111).

II

The Company also has issued the following described securities issued under the following indenture between the Company and Morgan Guaranty Trust Company of New York ("Morgan Guaranty"), which was qualified under the Trust Indenture Act of 1939 in connection with the registration under the Securities Act of 1933 of the securities issued thereunder, the file number of the Registration Statement being set forth in parentheses below:

$100,000,000 8⅝% Sinking Fund Debentures Due 1995, under Indenture dated as of September 1, 1970 between the Company and Morgan Guaranty, Trustee (File No. 2–38164 (of which approximately $90,617,000 is outstanding as of November 18, 1981).

On May 1, 1981, the Company appointed Commerce Union Bank as successor trustee under the above-described indenture following Morgan Guaranty's resignation as trustee. Commerce Union Bank now serves as Successor trustee under the above-described indenture.

III

1. As has been publicly reported, the Company and its subsidiary, International Harvester Credit Corporation ("IHCC"), are each negotiating for a new loan agreement to replace current short-term borrowings of the Company and IHCC. The indebtedness of the Company under its new loan agreement and certain other obligations of the Company will be secured. As a result of its anticipated role in the restructuring of the indebtedness of the Company or for other reasons, Harris Trust has notified the Company of its resignation as trustee under the indenture listed in Part I under which it serves as trustee, such resignation to become effective upon acceptance by the successor trustee of appointment under such indenture. The Company therefore intends to appoint Commerce Union Bank as successor trustee under such indenture.

2. Each of the indentures referred to in Parts I and II above contains the provisions required by section 310(b) of the Trust Indenture Act of 1939.

3. The securities issued under each of the indentures listed in Parts I and II above are wholly unsecured. All of such securities constitute senior indebtedness of the Company; the securities issued under each such indenture rank equally with the securities issued under each other such indenture.

4. Each of the indentures referred to in Parts I and II above provides that, with certain exceptions, the Company will not, and will not permit any Restricted Subsidiary[1] to create or assume any mortgage, security interest, pledge or lien of or upon any Principal Property,[2]

[1] Section 1.01 of each of the indentures listed in Parts I and II defines the term "Restricted Subsidiary" to mean "any Subsidiary (a) substantially all the business of which is carried on, within the United States of America, excluding its territories and possessions, and (b) which owns or leases a Principal Property."

[2] Section 1.01 of each of the indentures listed in Parts I and II defines the term "Principal Property" to mean "any plant used primarily for manufacturing purposes located within the United States of America, excluding its territories and

Continued

or shares of capital stock or indebtedness for borrowed money issued by any Restricted Subsidiary and owned by the Company or any Restricted Subsidiary, whether owned at the date of the indenture of thereafter acquired, without making effective provision, and the Company is such case will make or cause to be made effective provision, whereby the securities issued under the indenture shall be secured by such mortgage, security interest, pledge or lien equally and ratably with any and all other indebtedness or obligations thereby secured, so long as such indebtedness or obligations shall be so secured. Because the indebtedness of the Company under its loan agreement referred to in paragraph 1 above and certain other obligations of the Company will be secured, the securities outstanding under each of the indentures referred to in Parts I and II will, when the Company enters into the new loan agreement, become equally and ratably secured by any Collateral consisting of any Principal Property, or shares of capital stock of indebtedness for borrowed money issued by any Restricted Subsidiary and owned by the Company or any Restricted Subsidiary, and will remain so secured so long as any indebtedness of the Company under its new loan agreement or any such other obligation of the Company is secured such collateral; thereafter such securities will again become wholly unsecured.

5. At such time as the indebtedness of the Company under its new loan agreement and certain other obligations of the Company become secured by any collateral consisting of any Principal Property, or shares of capital stock or indebtedness for borrowed money issued by any Restricted Subsidiary and owned by the Company or any Restricted Subsidiary, the issue of securities outstanding under each of the indentures referred to in Parts I and II above will become and be secured by the same such collateral, equally and ratably with such indebtedness and such other obligations, as well as with all other indebtedness of the Company to be secured by such collateral.

6. In order to secure the indebtedness and other obligations referred to in paragraph 5 above (the "Secured Obligations"), the Company expects to enter into an agreement (the "Trust Agreement") with Fidelity Union Bank to be appointed trustee with respect to the collateral (the "Trustee"). Under the terms of the Trust Agreement, if circumstances occur under which the Trustee takes action to realize on any collateral consisting of any Principal Property, or shares of capital stock or indebtedness for borrowed money issued by any Restricted Subsidiary and owned by the Company or any Restricted Subsidiary, all sums so realized will be held in trust by the Trustee and distributed, equally and ratably, to all holders of Secured Obligations (including for the purposes of any such distribution the trustee under each indenture of the Company under which Secured Obligations are outstanding). If the indebtedness outstanding under either of the indentures referred to in Parts I and II above is not paid when due, or if such indebtedness has been declared payable prior to its stated maturity pursuant to the terms of any such indenture, the trustee under either such indenture will be entitled to give notice to the Trustee requiring the Trustee to take action to realize on the collateral.

7. The effect of the Trust Agreement will be to insure that if any holder or group of holders of Secured Obligations becomes entitled to cause the Trustee to realize on any collateral consisting of any Principal Property, or shares of capital stock or indebtedness for borrowed money issued by any Restricted Subsidiary and owned by the Company or any Restricted Subsidiary, all holders of Secured Obligations, including the indebtedness outstanding under each of the indentures listed in Parts I and II above, will benefit ratably.

8. For the foregoing reasons, the Company believes that serving as trustee under either of the indentures listed in Parts I and II above, and continuing such trusteeship during such time as the indebtedness outstanding under each such indenture is secured and thereafter, when such indebtedness again becomes wholly unsecured, should in no way inhibit, discourage or otherwise influence Commerce Union Bank's actions as trustee under the other such indenture. Consequently, its trusteeship under both such indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Commerce Union Bank from acting as trustee under either of such indentures.

The Company waives notice of hearing and waives hearing and waives any and all rights to specify procedures under Rule 8(b) of the Commission's Rules of Practice with respect to the application.

For a more detailed account of the matters of fact and law asserted, all persons are referred to the application, which is a public document on file in the Office of the Commission at the Public Reference Room, 1100 L Street, N.W., Washington, D.C.

Notice is further given that any interested person may, not later than January 17, 1982, request in writing that a hearing on such matter be held stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-37199 Filed 12-30-81; 9:45 am]

BILLING CODE 8010-01-M

[Release No. 18367; (SR-NASD-81-22)]

National Association of Securities Dealers, Inc.; Filing of Proposed Rule Change and Order Approving Proposed Rule Change

December 22, 1981.

The National Association of Securities Dealers, Inc. ("NASD") 1735 K Street, N.W., Washington, D.C. 20006, submitted on December 11, 1981, copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to delete the monthly reporting requirement of certain uncovered short options positions by members.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change on or before January 20, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-NASD-81-22.

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possessing, of the Company or any Restricted Subsidiary except any such plant which the Board of Directors of the Company by resolution declares is not of material importance to the total business conducted by the Company and its Restricted Subsidiaries as an entity."

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room 1100 L Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available at the principal office of the above-mentioned self-regulatory organization.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities associations and in particular, the requirements of section 15A of the Act and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that substantially similar rule changes[1] submitted by the American Stock Exchange, Inc.,[2] the Chicago Board Options Exchange, Inc.,[3] the Pacific Stock Exchange, Inc.[4] and the Philadelphia Stock Exchange, Inc.[5] have been published for comment and approved by the Commission.[6] The Commission did not receive any public comments relating to those substantially similar rule changes.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is, approved.

[1] The NASD's proposal differs from those of the above-referenced exchanges principally in that it deletes from the NASD Rules of Fair Practice and specific reference to the filing of the required report. The exchange proposals replaced the requirement that a member file reports monthly with a requirement that such reports be submitted upon an exchange's request. The NASD has represented that such a requirement is not needed because Article IV, Section 5 of its Rules of Fair Practice, and a Resolution of its Board of Governors issued thereunder, gives the NASD the authority to require a member, upon request, to furnish it with any information it deems necessary. In view of this, the Commission concludes that the NASD's rule change is not substantively different from the exchange rule changes previously approved.

[2] *See* File No. SR–Amex–80–31.

[3] *See* File No. SR–CBOE–80–24.

[4] *See* File No. SR–PSE–80–25.

[5] *See* File No. SR–Phlx–81–13.

[6] *See* Securities Exchange Act Release Nos. 17244 (October 24, 1980); 17326 (November 12, 1980); 17382 (December 10, 1980); and 18078 (September 3, 1981).

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–37197 Filed 12–30–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 18357; (SR–NYSE–81–27)]

New York Stock Exchange, Inc.; Filing of Proposed Rule Change and Order Approving Proposed Rule Change

December 21, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 16, 1981, the New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, New York 10005, filed with the Commission copies of a proposed rule change which would amend paragraph .40 of the NYSE's Rule 103A, the "sunset" provision, to extend the rule's effectiveness from January 15, 1982 to January 15, 1983.[1] Rule 103A provides for the evaluation of specialist performance and establishes a non-disciplinary procedure for the reallocation of stocks due to substandard specialist performance.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change on or before January 20, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR–NYSE–81–27.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the requirements of section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that the two-year pilot program under Rule 103A expires on January 15, 1982, unless extended. The Commission believes that it is appropriate to continue the program on a pilot basis.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–37200 Filed 12–30–81; 8:45 am]

BILLING CODE 8010–01–M

[1] Rule 103A was approved by the Commission as a two-year pilot program, terminating on May 15, 1981. Securities Exchange Act Release No. 15827 (May 15, 1979), 44 FR 100 (May 22, 1979). Most recently, on October 30, 1981, the Commission approved an amendment to Rule 103A (SR–NYSE–81–23) extending the rule's effectiveness to January 15, 1982. Securities Exchange Act Release No. 18223 (October 30, 1981) 46 FR 55039 (November 5, 1981).

[Release No. 18356; (SR–Phlx–81–21)]

Philadelphia Stock Exchange, Inc.; Filing of Proposed Rule Change and Order Approving Proposed Rule Change

December 21, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 18, 1981, the Philadelphia Stock Exchange, Inc. ("Phlx"), 1900 Market Street, Philadelphia, PA 19103, filed with the Commission a proposed rule change to adopt, on a temporary basis, Phlx Rule 933 concerning the sale and subordination of a membership subject to a lease agreement. Such a membership is considered under the lease agreement to be an asset of the member for purposes of Article XV of the Phlx by-laws. The proposed rule would provide the exchange with the right to sell the membership upon transfer or to resort to other forms of security for purposes of Article XV.

Interested persons are invited to submit written data, views and arguments concerning the submission on or before January 20, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549. Reference should be made to File No. SR–Phlx–81–21.

Copies of the submission, all subsequent amendments, all written

statements with respect to the proposed rule change which are filed with the Commission, and of all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the requirements of section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that the proposed rule would put into place a necessary means to assure the financial responsibility of members with leased seats and to enforce a Phlx by-law relating to a contractual right to which members with leased seats have agreed. Accelerated approval also would avoid any delay in implementing this safeguard with respect to new members who utilize leased seats.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-37201 Filed 12-30-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12126; 812-4973]

Scudder Government Money Fund; Filing of Application

December 22, 1981.

In the matter of Scudder Government Money Fund (formerly Scudder Cash Investment Trust II), 175 Federal Street, Boston, Massachusetts 02110 (812-4973).

Notice is hereby given that Scudder Government Money Fund ("Applicant"), a no-load, open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on September 17, 1981, and an amendment thereto on November 23, 1981, requesting an order of the Commission, pursuant to section 6(c) of the Act, exempting Applicant from the provisions of section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to value its portfolio securities according to the amortized cost valuation method, and from the provisions of section 10(b)(2) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a Massachusetts business trust organized on April 4, 1980. It is asserted that Applicant, originally named Scudder Cash Investment Trust II, was created as a "clone" of Scudder Cash Investment Trust ("SCIT"). The application states that, on August 4, 1980, all of the outstanding shares of Applicant, except those shares representing a portion of the initial capital supplied by Scudder, Stevens & Clark, Incorporated, an affiliate of Applicant's investment adviser, Scudder, Stevens & Clark ("SS & C"), were exchanged for shares of SCIT. Also on August 4, 1980, SCIT redeemed all of the shares of Applicant it then held, receiving therefore all of Applicant's assets except unamortized organization expenses.

The application states that on September 14, 1981, Applicant's Trustees and then sole shareholder approved various amendments to its Declaration of Trust, investment objectives and policies, and fundamental policies. Applicant asserts that its investment objectives are to provide safety and liquidity and stability of capital and consistent therewith to provide current income. Applicant represents that it will limit its investments to securities issued or guaranteed by the U.S. Government and repurchase agreements with respect to such obligations. It is further asserted that all of the Fund's "Government Securities" (meaning, for the purposes of this application, securities issued or guaranteed as to principal or interest by the U.S. Government, its agencies or instrumentalities, and repurchase agreements with respect to such securities) will have a stated maturity date of not more than one year from the date of purchase, and that the average dollar-weighted maturity of the Fund's portfolio will vary up to a maximum of 120 days according to management's appraisal of money market conditions. Applicant asserts that it intends to commence operations prior to the issuance of the requested order of exemption. Until such time as the order of exemption is granted, Applicant maintains that it will purchase only instruments having a maturity of sixty days or less, in order that it may use the amoritzed cost method of valuing its investments prior to such issuance.

The application states that Government Securities are generally offered on the basis of a quoted yield to maturity and the market price reflects an adjustment of the obligation's face value so that it will return the quoted rate to the purchaser. Applicant represents that it intends to declare its net income as a dividend to its shareholders on a daily basis and pay it monthly ("net income" for this purpose consisting of all interest income accrued on the portfolio assets of Applicant, less all expenses of Applicant). Applicant further assets that if it values its securities on an amortized cost basis there will be no calculation of unrealized capital gains or losses and because it will declare a daily dividend equal to the daily net income, Applicant's per share net asset value will normally remain at a constant $1.00 amount.

As here pertinent, section 2(a)(41) of the Act defines value to mean (1) with respect to securities for which market quotations are readily available, the market value of such securities, (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefore issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" fund to value its portfolio instruments on an amortized cost basis (Investment

Company Act Release No. 9786, May 31, 1977). In view of the foregoing, Applicant requests an exemption from section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to value its portfolio securities at cost, adjusted for amortization of premium or accretion of discount, subject to the conditions enumerated below.

Applicant represents that it has been management's experience, in connection with other investment companies which it manages, that a significant portion of the investors who are likely to invest in a short-term governmental obligation investment company require a stable net asset value (preferably at $1.00 per share sale, repurchase and redemption price, while at the same time providing shareholders with a steady flow of investment income through daily dividends which reflect Applicant's net income as earned.

The application states that the management of Applicant believes that with respect to Government Securities maturing in 120 days or less there is normally a modest discrepancy between market value and the amortized cost of such securities. Applicant asserts that it therefore believes that the valuation of its portfolio securities on the amortized cost basis will enable it to more effectively maintain its $1.00 price per share while providing shareholders with the opportunity to receive a flow of investment income less subject to fluctuation than under procedures where its daily dividend would be adjusted by all realized and unrealized gains and losses. Finally, Applicant asserts that its Trustees have determined in good faith that, in light of the characteristics of Applicant and, subject to compliance with certain conditions, as stated below, absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable for Applicant and reflects the fair value of such securities.

Applicant represents that if the requested exemptions are granted by the Commission, it agrees to adhere to the following conditions:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's Trustees undertake—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purposes of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the Trustees shall be the following:

(a) Review by the Trustees, as they deem appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and maintenance of records of such review.[1]

(b) In the event such deviation from the Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the Trustees will promptly consider what action, if any, should be initiated by them.

(c) Where the Trustees believe that the extent of any deviation from the Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, they shall take such action as they deem appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redemption or shares in kind; the sale of portfolio securities prior to maturity to realize capital gains or losses or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will include in the minutes of Trustees' meetings and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Trustees' considerations as set forth above. The documents preserved pursuant to this condition shall be set forth above. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under section 31(a) of the Act.

5. The Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which the Trustees determine present minimal credit risks, and which are of "high-quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Trustees.

6. The Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and the circumstances of such action.

The application states that Applicant has entered into a contract with Scudder Fund Distributors, Inc. ("Distributors"), a wholly-owned subsidiary of SS & C and a registered broker-dealer under the Securities Exchange Act of 1934, subject to and in compliance with the applicable provisions of sections 15(b) and (c) of the Act, whereby Distributors will act as the principal underwriter of Applicant in the public offering of its shares of beneficial interest. Such underwriting contract provides, in substance, that no sales load (as defined in section 2(a)(35) of the Act) shall be charged to investors in connection with such distribution.

Applicant seeks an exemption pursuant to section 6(c) of the Act from section 10(b)(2) of the Act which provides in part that no registered investment company shall use as a principal underwriter of securities issued by it any director, officer, or employee of such registered company or any person of which any such director, officer, or employee is an interested person, unless a majority of the board of directors of such registered company shall be persons who are not such principal underwriters or interested

[1] Applicant represents that to fulfill this condition, it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its Trustees in the exercise of their discretion and believed by them to be appropriate indicators of value. In addition, Applicant states that the quotations or estimates utilized may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of government securities published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

persons of any such principal underwriters.

Applicant represents that presently forty percent of its Trustees are interested persons of SS & C. It is asserted, nonetheless, that it is intended that Applicant and SS & C shall comply with all provisions of clauses (1) to (8), inclusive, of section 10(d) of the Act, insofar as those provisions are applicable to a registered investment company and to its investment adviser. The application states that Applicant desires that it be permitted to have up to all but one of its Trustees interested persons of its principal underwriter. To that end, Applicant desires an appropriate exemption from section 10(b)(2).

Applicant asserts that it desires to establish a method for wide distribution of its shares and believes that this can best be accomplished through a principal underwriter. Applicant states that it does not want to charge a sales load. It is asserted that Applicant wishes to have the option to be a section 10(d) company and as such would be strictly limited as to sales expenses by section 10(d)(5) of the Act. Applicant represents that under these circumstances only SS & C or a company wholly-owned by SS & C or its partners could afford to undertake the expense of acting as principal underwriter. It is asserted that if the underwriting agreement were made directly between Applicant and SS & C, it is Applicant's understanding that under section 10(d) of the Act no change in the composition of its Trustees would be required notwithstanding the provisions of subsection (a) and subsection (b)(2) of section 10. Applicant maintains that SS & C, for reasons incident to the conduct of its own business, of which its relationship with Applicant is only a part, does not wish to become a principal underwriter.

Applicant anticipates that all of its Trustees who are interested persons of SS & C will also be interested persons of the underwriter, Distributors. Notwithstanding the provisions of section 10(d), it may be that the provisions of section 10(b)(2) would prevent Distributors from acting as principal underwriter of Applicant if less than a majority of the Trustees were interested persons of Distributors and of SS & C, and this application is filed in order that this obstacle may be removed by an exemption under section 6(c) of the Act. Applicant submits that the reasons for permitting an investment company which meets the requirements of section 10(d) to have only one director (trustee) completely independent of the investment adviser are equally persuasive for allowing it to have only one director (trustee) who is not an interested person of a principal underwriter which is wholly-owned by the investment adviser or its partners.

Section 6(c) of the Act provides, in part, that the Commission may upon application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any of the provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 15, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on an application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter order a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–37196 Filed 12–30–81; 8:45 am]

BILLING CODE 8010–01–M

[Release Nos. 33–6371; 34–18359; AS–303]

Form S–8—Requirements for Signatures and Accountants' Consents

AGENCY: Securities and Exchange Commission.

ACTION: Discussion of Requirements For Signatures and Accountants' Consents With Regard to Form S–8.

SUMMARY: The Securities and Exchange Commission today issued a release reminding issuers utilizing Form S–8 of the requirements of that form concerning: (1) The filing of written consents by experts (particularly accountants whose opinions are incorporated from Form 10–K); (2) the signatures of certain specified individuals; and (3) certain representations concerning the eligibility of the registrant to use Form S–8.

DATE: December 23, 1981.

FOR FURTHER INFORMATION CONTACT: Registrants should contact the Branch directly responsible for reviewing the documents they file with the Commission, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: In an effort to reduce reporting burdens on registrants without reducing the quality of disclosure made to investors, and to reduce staff workload, the Commission in 1980 adopted two series of amendments to Form S–8 (17 CFR 239.16b), the form for registration under the Securities Act of 1933 [15 U.S.C. 77a et seq.] of securities to be offered to employees pursuant to certain plans. The first of these series of amendments was adopted on February 22, 1980 [1] and provided a means whereby all filings on Form S–8 would become effective automatically without affirmative action on the part of the Commission or its staff. While this release did not alter the existing signature requirements of Form S–8,[2] it did add the requirement for a certification by all signatories concerning the issuer's eligibility to use the form. On April 2, 1980, the Commission adopted the second series

[1] Release No. 33–6190 (February 22, 1980) [45 FR 13438] (hereinafter the "February 1980 Release").

[2] The instruction presently provides, as it did prior to February 22, 1980, that the registration statement shall be signed by the issuer (and where interests in the plan are being registered, by the plan), their respective principal executive officers, principal financial officers, controllers or principal accounting officers, and by at least the majority of the respective boards of directors or persons performing similar functions.

of amendments to Form S–8[3] which made the disclosure and updating features of Form S–16 (17 CFR 239.27) available to many issuers using Form S–8. More specifically, the amendments allowed updating of the Form S–8 to be accomplished by means of periodic reports, such as Forms 10–K, 11–K, 8–K and 10–Q filed under the Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. 78a et seq.], thereby eliminating, in many instances, the necessity of filing a post-effective amendment. A critical element to a registrant's ability to use Exchange Act reports is contained in Item 12 of Form S–8 (Incorporation of Certain Documents by Reference). If any accountant, engineer or other "expert" is named as having prepared or certified any part of the material incorporated by reference, Item 12 requires the written consent of such person to be included in the registration statement (or amendment thereto) unless an express consent to the incorporation by reference is contained in the material incorporated by reference.

In the February 1980 Release, the Commission announced that, while regular staff review of Form S–8's is being eliminated, there will be monitoring of compliance with disclosure requirements, on an audit basis, both prior to and after such filings become effective

The staff of the Division of Corporation Finance has recently completed its first such monitoring effort. The results of such review show a failure of a significant number of registrants filing Form S–8's to comply with the requirements of the form in three distinct areas: (1) Failure to supply the requisite signatures, such as those of officers and a majority of the board of directors; (2) failure to include, as part of the signature sections, the required certifications that the issuer meets all of the requirements for filing on Form S–8; and (3) failure, in subsequent years, to include the requisite written accountants' consent in either an amendment to the registration statement or in the filing being incorporated by reference, such as in the Form 10–K. The Commission considers these to be serious deficiencies and reminds registrants of their statutory obligation to fully comply with the requirements of any form they utilize, whether or not staff review is accorded such forms. Moreover, the Commission notes that the viability of many of its new programs designed to reduce the burdens on registrants depends upon the careful and complete preparation of filed documents by such registrants and their counsel.

By the Commission.

George A. Fitzsimmons,

Secretary.

December 23, 1981.

[FR Doc. 81-37304 Filed 12-30-81; 8:45 am]

BILLING CODE 8010-01-M

[3]Release No. 33–6202 (April 2, 1980) [45 FR 23653].

[Release No. 34–18370; File No. SR–MSRB–81–18]

Self-Regulatory Organizations; Proposed Rule Change by Municipal Securities Rulemaking Board Relating to Uniform Practice

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 17, 1981, the Municipal Securities Rulemaking Board filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

(a) The Municipal Securities Rulemaking Board ("Board") is filing herewith an amendment (the "proposed amendment") to the proposed rule change to rule G–12 relating to uniform practice contained in File No. SR–MSRB–81–18 (the "proposed rule change"). The proposed rule change, as modified by the proposed amendment, is as follows:

Rule G–12.[1] Uniform Practice

(a) through (d) No change.

(e) Delivery of securities. The following provisions shall, unless otherwise agreed by the parties, govern the delivery of securities:

(i) No change.

(ii) Securities Delivered. All securities delivered on a transaction shall be identical as to the information set forth in subparagraph (E) of paragraph (c)(v) and, to the extent applicable, the information set forth in subparagraphs (A) and (C) of pragraph (c)(vi). All securities delivered shall also be identical as to the ["in whole"] call provisions of such securities.

(iii) through (xvi) No change.

(f) through (l) No change.

[1][Brackets] indicate deletions.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.

(a) On November 4, 1981, the Board filed the proposed rule change, which incorporated into the "good delivery" section of the rule certain requirements governing the fungibility for delivery purposes of different issues of municipal securities. The proposed rule change specified that all securities delivered on a transaction had to be identical with respect to certain aspects of the securities description, including the "in whole" call provisions. The purpose of the proposed amendment is to expand this provision to require that the securities delivered must be identical with respect to any applicable call provision, including "in part" calls such as "sinking fund" provisions or extraordinary redemption features.

(b) The proposed amendment and the proposed rule change are adopted pursuant to section 15B(b)(2)(C) of the Securities Exchange Act of 1934, as amended, which requires and empowers the Board to adopt rules

> designed * * * to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in * * * clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest * * *.

The Board believes that the proposed rule change will facilitate clearance and settlement of transactions and help to protect investors by clarifying the standards of good delivery to be used by the municipal securities industry and ensuring that the securities delivered are those contracted for. The Board also believes that the proposed rule change will further the development of automated and book-entry clearance systems for municipal securities transactions, consistent with the objectives of Section 17A of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition.

The Board believes that the proposed rule change will not impose any burden on competition, inasmuch as it explicitly provides in the rule for standards which are applicable to all inter-dealer deliveries of municipal securities, and which affect all municipal securities dealers equally. To the extent that the proposed rule change fosters the

development of more efficient mechanisms for the processing and clearance of municipal securities transactions, the Board is of the view that it will enhance competition between municipal securities brokers and dealers.

C. Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received from Members, Participants, or Others.

The Board neither solicited nor received comments on the proposed rule change from members, participants or others.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 20, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 23, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-37209 Filed 12-30-81; 8:45 am]

BILLING CODE 8010-01-M

Privacy Act of 1974; Systems of Records; Annual Publication

Pursuant to 5 U.S.C. 552(a)(E)(4), the Securities and Exchange Commission hereby republishes its notice of the existence and character of the systems of records which it maintains under the Privacy Act of 1974. The last complete publication of the systems of records of the Securities and Exchange Commission can be found at 41 FR 41550 (September 22, 1976). Since that publication, the following additions and modifications to the systems of records maintained by the Securities and Exchange Commission have been published in the **Federal Register:**

Additional Systems of Records

SEC–100. Automated Personnel Information System—SEC. Published on May 19, 1978 (43 FR 21769).

SEC–101. Matter Under Inquiry (MUI)—SEC. Published on September 2, 1981 (46 FR 44114).

Modifications to Existing Systems of Records

SEC–1 through 46 and 53 through 99. Published on July 14, 1977 (42 FR 36333).

SEC–42. Name-Relationship Index System—SEC. Published on May 19, 1978 (43 FR 21771).

SEC–16. Complaint Processing System (CMP)—SEC. Published on August 17, 1978 (43 FR 36536).

SEC–36. Investigatory files—SEC. Published on August 17, 1978 (43 FR 3653B).

SEC–4. Beneficial Ownership, Acquisition, Tender Offer and Solicitation Records Filed under the Securities Exchange Act of 1934—SEC. Published on November 30, 1978 (43 FR 56119).

SEC–40. Staff Time and Activity Tracking System (STATS)—SEC. Published on February 5, 1979 (44 FR 7002).

SEC–42. Name-Relationship Index System (NRS)—SEC. Published on April 15, 1981 (46 FR 22091).

SEC–100. Automated Personnel Information System—SEC. Published on June 12, 1981 (46 FR 31128).

SEC–42. Name-Relationship Index System (NRS)—SEC. Published on September 2, 1981 (46 FR 44112).

SEC–3. Notification and Exemption from Registration under the Securities Act of 1933—SEC. Published on September 3, 1981 (46 FR 44328).

Members of the public may review all existing systems of records maintained by the Securities and Exchange Commission by referring to the September 22, 1976 annual publication found at 41 FR 41550 and to the additions and modifications found at the **Federal Register** citations set forth above. The systems of records maintained by the Securities and Exchange Commission are found in the latest compilation, "Privacy Act Issuances, 1980 Compilation," at Volume V, page 462. The **Federal Register** and Privacy Act Issuances Compilation may be examined free of charge at Regional Depository Libraries and General Services Administration Federal Information Centers located throughout the country.

For further information contact: Ruth E. Eisenberg, (202) 272–2454.

Dated: December 23, 1981.
By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-37205 Filed 12-30-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34–18373 File No. SR–DTC–81–6]

Depository Trust Co.; Self-Regulatory Organizations; Proposed Rule Change

Relating to the inclusion of Trans Canada Options as a Pledgee in The Depository Trust Company. Comments requested on or before January 25, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 15, 1981, The Depository Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change authorizes Trans Canada Options Inc. ("TCO") to become a Pledgee in The Depository Trust Company ("DTC"). The proposed rule change would enable a DTC Participant to satisfy its obligations to a TCO Clearing Member by effecting a book-entry movement of securities on deposit with DTC from the Participant's

General or Interim account to the TCO Pledgee account.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

The proposed rule change modifies the administration of DTC's options service to enable segregation of securities by book-entry with TCO, which is to become a Pledgee in the DTC system, to satisfy TCO requirements. Participant Operating Procedures are attached as Exhibit 2 to DTC's filing on form 19b–4A, File No. SR–DTC–81–6.

The proposed change carries out the purposes of Section 17A of the Securities Exchange Act of 1934 by enabling securities to be segregated by book-entry in connection with TCO requirements without physical movement of securities.

(B) *Self-Regulatory Organization's Statement on Burden on Competition*

DTC perceives no impact on competition by reason of the proposed rule change.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others*

Comments were not and are not to be solicited from Participants. All Participants have been notified of the proposed rule change by DTC Important Notice, a copy of which is attached (Exhibit 3).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L. Street, N.W. Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before January 21, 1982.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 24, 1981.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81–37302 Filed 12–30–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–18358; File No. SR–NSCC–81–17]

National Securities Clearing Corp.; Self-Regulatory Organizations; Proposed Rule Change

Relating to National Securities Clearing Corporation's ("NSCC") Signature Distribution Service. Comments requested on or before January 21, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 8, 1981, NSCC filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

In response to the request of the Commission, NSCC is submitting the following information pertaining to its Signature Distribution Service:

(1) The procedures concerning NSCC's Signature Distribution Service not described in Exhibit III to NSCC's SR–NSCC–80–32 filing are contained in Exhibit 3A.

(2) Two documents filed separately.

(3) The service, which is a signature card distribution service rather than a signature guarantee program, will begin on January 4, 1982.

(4) NSCC Participants using the Signature Distribution Service will be charged the same fee as New York Stock Exchange, Inc. ("NYSE") members using the NYSE's Authorized Signature Service. The fee for this service is $125 for one authorized signature filed with NSCC and $75 each additional signature filed at the same time. The fee for additional copies of the signature cards is $60 for 100 cards.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

(a) The proposed rule change is to provide the Commission with the details of the implementation of the Signature Distribution Service.

(b) The proposed rule change is consistent with the provisions of the Securities Exchange Act of 1934, as amended, in that it facilitates the prompt and accurate clearance and settlement of securities transactions for which NSCC is responsible by providing a vehicle to assist Members in meeting turnaround times.

(B) *Self-Regulatory Organization's Statement on Burden on Competition*

Inasmuch as the proposed rule change is administrative in nature, NSCC does not perceive it will impose any burden on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others*

No comments on the proposed rule change have been solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before January 21, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 21, 1981.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-37303 Filed 12-30-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18375; File No. SR-SCCP 81-7]

Stock Clearing Corporation of Philadelphia; Self-Regulatory Organizations; Proposed Rule Change

Relating to Buy-In Rule With Extension Provisions of up to 14 days. Comments requested on or before January 21, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 2, 1981, Stock Clearing Corporation of Philadelphia filed with the Securities and Exchange Commission the proposed rule change as described in items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Stock Clearing Corporation of Philadelphia (SCCP) proposes to amend its Rule 14, Buy In, as follows (new material italicized, deleted material in brackets):

Rule 14. Stock Clearing Corporation *of Philadelphia (SCCP) or a participant of SCCP* may demand delivery from [any clearing member] *each other* of any security which [such clearing member is failing to deliver to Stock Clearing Corportion] *is not delivered on or after settlement date,* and if such demand to deliver is not complied with, Stock Clearing Corporation *or the participant* shall have the right to buy in said security. [for the account of the clearing member.]

In the event Stock Clearing Corporation receives a notice of Intention to Buy-In in the form prescribed in the SCCP Procedures, SCCP will have the right to take a seven (7) calendar day extension due to transit or transfer. Upon request, SCCP will furnish certificate numbers to the originator of the buy-in. If the securities are in transfer and due from the transfer agent, and transfer is delayed, SCCP may take an additional seven (7) calendar days.

Should the buy-in received by SCCP be retransmitted to a member who is short the stock to SCCP, SCCP may grant an extension to the member. The member will be required to deliver the physical shares to SCCP in sufficient time prior to execution of the buy-in to permit SCCP to re-deliver the securities to the originator of the buy-in by the final execution date.

The remainder of Rule 14 (Sell Out) is unchanged.

II. Self-Regulatory Organization's Statement of Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

SCCP's existing buy-in rule is limited to the execution of buy-ins against its participants which fail to deliver securities to SCCP. It does not address the situation of SCCP owing securities to its participants or to other clearing corporations through an interface. Since the continuous-net-settlement and depository book entry systems, along with stock loan, have virtually eliminated buy-ins for listed securities, the problems generally occur with Over-the-Counter (OTC) issues in which physical availability is sometimes limited.

Buy-in notices are often received by SCCP against positions that are still outstanding with selling brokers. Under the existing arrangement, SCCP has 24 hours to retransmit the buy-in to the failing participant, obtain the security, and transport it to the originator (most often a clearing corporation with which SCCP maintains an interface). If the security cannot be delivered in the allotted time, and an extension is not granted by the originator, then the selling participant and/or SCCP may suffer a financial loss.

The proposed Buy-In rule provides for an extension of the buy-in execution date for up to a maximum of 14 days. The extension of time would give SCCP and its participants the necessary time to make delivery of securities against buy-ins without incurring a loss.

The proposed rule change is consistent with the requirements of

Section 17A(b)(3)(F) of the Securities Exchange Act of 1934 (the Act) in promoting the prompt and accurate clearance and settlement of securities transactions for which SCCP is responsible, and in fostering cooperation and coordination with persons engaged in the clearance and settlement of securities transactions.

B. *Self-Regulatory Organization's Statement on Burden on Competition*

SCCP does not perceive any impact on competition, negative or positive, resulting from the proposed rule change.

C. *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change*

Comments on the proposed rule change have been neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before February 4, 1982, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before January 21, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 24, 1981.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-37304 Filed 12-30-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Paperwork Reduction Act of 1980, Notice of Existing Recordkeeping Requirements

AGENCY: Small Business Administration.

ACTION: List of existing recordkeeping requirements.

SUMMARY: The Office of Management and Budget (OMB) has advised all Executive Branch agencies to publish a list of present recordkeeping requirements which are included in their regulations. SBA is hereby complying with that request.

DATE: Comments on this list must be received by February 28, 1982.

ADDRESS: Send comments to Elizabeth M. Zaic, Chief, Paperwork Management Branch, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, telephone (202) 653-8538.

SUPPLEMENTARY INFORMATION: The information collection requirements contained in the regulatory sections listed below have been or will be submitted to the Office of Management and Budget under the provisions of the Paperwork Reduction Act (Pub. L. 96-511). After OMB control numbers have been received, the applicable regulations will be amended to include them.

The following is a listing of recordkeeping requirements contained in SBA's regulations. Noted with each requirement is its Code of Federal Regulations citation, a brief description and its OMB identification number, if any exits.

Requirement	CFR cite	Description	OMB No.
SBIC recordkeeping	13 CFR 107.1102	Requires small business investment companies to maintain general business books and records.	Proposed.
Nonbank lender	13 CFR 120.5(b)(6), (b)(7)	Requires nonbank lenders to maintain general business books and records.	Proposed.
Civil Rights compliance	13 CFR 112.9(b), (c), (d)	Requires recipients of SBA assistance to keep records showing compliance with Civil Rights laws.	Proposed.
Civil Rights compliance	13 CFR 113.5(b), (c), (d)	Requires recipients of SBA assistance to keep records showing compliance with Civil Rights laws.	None.
Tort claims	13 CFR 114.105	Requires parties who file tort claims with SBA to maintain certain records and documentation.	None.
Nonbank lender recordkeeping	13 CFR 120.6	Requires nonbank lenders to report various financial conditions, and litigation to SBA.	None.

Dated: December 24, 1981.

Donald R. Templeman,

Acting Administrator, SBA.

[FR Doc. 81-37130 Filed 12-30-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular for Airplane System Design Analysis; Extension of Comment Period for Draft Advisory Circular 25.1309XX

AGENCY: Federal Aviation Administration, DOT.

ACTION: Draft Advisory Circular and request for comments.

SUMMARY: This extension is provided to accommodate several requests received from commenters who will be unable to comply with the January 5, 1982, due date.

DATES: Commenters must identify file AC 25.1309–XX number and comments must be received on or before March 15, 1982.

ADDRESS: Send all comments on the draft Advisory Circular to: Federal Aviation Administration, Attention: Systems Branch (AWS–130), 800 Independence Avenue SW., Washington, D.C. 20591. Comments received on the draft Advisory Circular may be inspected at Room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue SW., Washington, D.C. 20591, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Frank C. Rock, Chief Systems Branch, (AWS–130), Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone (202) 426–8395.

SUPPLEMENTARY INFORMATION:

Comments Invited

All comments regarding the original draft of AC 25.1309–X were carefully reviewed. Following an evaluation of all comments, the circular was extensively revised. Due to the extensive revision of the draft AC 25.1309–X, it is being reissued as draft AC 25.1309–XX to invite comment before final publication. A copy of the draft advisory circular may be obtained by contacting the person identified under "For Further Information Contact."

Issued in Washington, D.C., on December 23, 1981.

Joseph A. Pontecorvo,

Acting Director, Office of Airworthiness.

[AC 25.1309–XX]

Advisory Circular

FAR Guidance Material

Subject: Airplane System Design Analysis

1. *Purpose.* This advisory circular provides guidance material for acceptable means, but not the only means, of demonstrating compliance with the requirements of Part 25 of the Federal Aviation Regulations which includes probabilistic terms, as introduced by Amendment 25–23, for airplane equipment, systems, and installations.

2. *Reference Regulation.* Section 25.1309 of the Federal Aviation Regulations, as amended through Amendment 25–41.

3. *Background.* a. For a number of years, aircraft systems were evaluated by the Federal Aviation Administration to the "single fault" criteria contained in § 4b.606 of the Civil Air Regulations, recodified and later amended as § 25.1309 of the Federal Aviation Regulations. The term "single fault" was a misnomer because additional cases of the hidden fault and the consequential fault also had to be considered (§ 4b.606–1 of the Civil Aeronautics Manual). With the development of more complex systems and the increasing criticality of those systems, the Federal Aviation Administration revised the rules in 1970 to require consideration of single and multiple faults in the system under study. The consequences of faults in separate systems which perform different functions are also to be considered if the simultaneous loss of functions performed by these systems creates a hazard to the airplane. Because of the growth in airplane system complexity, it is difficult in certain cases to make a responsible engineering judgment regarding the effects of certain system failures based on conventional analysis, tests, and historical data. However, the need for making a valid judgment has increased with the increasing criticality of certain systems.

b. To better understand the effects of complex airplane system failures, it may be desirable to use analytical techniques which can assist in identifying failure conditions and their potential consequences. This advisory circular outlines various methods of analysis, both qualitative and quantitative, which may be used to assist airplane manufacturers and FAA personnel in determining compliance with the referenced regulation and provide guidance for determining when, or if, a particular analysis should be conducted. Numerical values are assigned to the probabilistic terms included in the referenced regulation for use in those cases where the effects of system faults are examined by quantitative methods of analysis.

A finding of compliance with the requirements of FAR 25.1309 is based on the technical judgment of FAA pilots and engineers. The structured methods of analysis described by this advisory circular are intended to assist FAA personnel in finding compliance with the requirements in those cases where a design review cannot readily determine the impact of failures on the safety of the airplane. These analytical tools are intended to supplement, but not replace, the judgment of the FAA certification personnel.

4. *Discussion.* a. Section 25.1309 of Part 25 of the Federal Aviation Regulations, subsequent to Amendment 25–23, requires substantiation by analysis, and where necessary, by appropriate ground, flight, or simulator tests, that the probability of a failure condition is expected to remain within limits which are related to the consequence of the failure. The requirements in the referenced regulation are intended to assure an orderly and thorough evaluation of single and multiple failures involving one or more systems.

b. Systems should be considered separately and in relation to other systems, and be designed so that the probability of the occurrence of a hazardous failure condition is low. Those failure conditions, including combinations of failures which would prevent the continued safe flight and landing of the airplane, must be shown to be extremely improbable. The occurrence of any failure condition or combination of failure conditions which would reduce the capability of the crew to cope with adverse operating conditions must be shown to be improbable.

c. The probability of the occurrence of a failure condition may be considered within three subdivisions; probable, improbable, and extremely improbable. These subdivisions are considered to overlap due to the inexact nature of probabilities. These three subdivisions may be related to the loss of airplane functions which have increasingly more severe impact on the continued safe flight and landing of the airplane.

Airplane functions may be divided in the following manner:

1. *Non-Essential*—Functions which could not significantly degrade the capability of the airplane or the ability of the flight crew to cope with adverse operating conditions if accomplished improperly or lost. Failure conditions which result in improper accomplishment or loss of non-essential functions may be probable.

2. *Essential.* Functions which would reduce the capability of the airplane or the ability of the flight crew to cope with adverse operating conditions if accomplished improperly or lost. Failure conditions which result in improper accomplishment or loss of essential functions must be improbable.

3. *Critical.* Functions which would prevent the continued safe flight and landing of the airplane if not properly accomplished. Failure conditions which result in improper accomplishment or loss of critical functions must be extremely improbable.

d. In order to show compliance with FAR 25.1309(b), FAR 25.1309(d) requires an analysis which should consider:

1. Possible modes of failure, including malfunctions and damage from external sources.

2. The probability of multiple failures and undetected faults.

3. The resulting effects on the airplane and occupants, considering the stage of flight and operating conditions, and

4. The crew warning cues, corrective action required, and the capability of detecting faults.

An analysis may be qualitative or quantitative and may range from a simple report which interprets test results or presents a comparison between two similar systems to a fault/failure analysis which may (or may not) include numerical probability data. An analysis may make use of previous service experience from comparable installations in other airplanes.

The depth of this analysis will vary, depending on the design complexity and type of functions performed by the system being analyzed. Section 6 of this advisory circular provides an outline of various analytical techniques and guidelines for determining when each must be used.

5. *Terms.* For the purpose of conducting or evaluating an analysis, the following terms and numerical values should apply:

a. *Component. The term "component" is used in this advisory circular to denote any level of hardware assembly; i.e., system, subsystem, unit or part.*

b. *Continued Safe Flight and Landing.* This phase is used in the regulation to require that an airplane be capable of continued controlled flight, possibly using emergency procedures and without exceptional pilot skill or strength, after any failure condition which has not been shown to be extremely improbable. There may be failure conditions which are not extremely improbable for which it is necessary to assure that continued safe flight and landing is possible. For these failure conditions a flight demonstration by the applicant in an airplane or satisfactory flight simulator of the worst case failure conditions identified by the analysis may be necessary. After the demonstration of controlled flight for an indefinite period which is long enough to insure that all of the consequences of the failure condition have been experienced, the capability of accomplishing a safe landing on an airport must be demonstrated.

c. *Deductive.* The term used to describe those analytical approaches involving the reasoning from a defined unwanted event or premise to the causative factors of that event or premise by means of a logical methodology (the "top-down" or "how could it happen" approach). A deductive approach will assume the system has failed in a certain way and attempt to determine what failure modes of components will contribute to this failure.

d. *Error.* A mistake, which when present in a system design, causes the system to function in a manner different from what the user reasonably expects it to do.

e. *Event.* An occurrence which causes a change of state.

f. *Exposure Time.* The period (in clock time or cycles) during which a system, subsystem, unit or part is exposed to failure, measured from when it was last verified functioning to when it is verified again.

g. *Failure.* The inability of a system, subsystem, unit or part to perform within previously specified limits. Note that some failures may have no effect on the capability of the airplane and therefore are not failure conditions.

h. *Failure Analysis.* The logical, systematic examination of a system, subsystem, unit or part, to identify and analyze the probability, causes, and consequences of potential and real failures.

i. *Failure Condition.* Any combination of events, faults, errors, or expected environmental conditions that result in a reduction in the capability of the airplane, a reduction in the ability of the crew to cope with adverse operating conditions, or which would prevent continued safe flight and landing.

j. *Failure Effect(s).* The consequence(s) of a failure mode on the system, subsystem, unit or part's operation, function, or status.

k. *Failure Mode.* The manner in which a system, subsystem, unit, part or function can fail.

l. *Fault.* An undesired anomaly in the functional operation of a system, subsystem, unit or part.

m. *Fault Tree.* A fault tree is a graphic representation of the various parallel and series combinations of subsystem and component failures which can result in a specified system fault. The fault tree, when fully developed, may be mathematically evaluated to establish the probability of the ultimate undesired event occurring as a function of the estimated probabilities of identifiable contributory events.

n. *Flight Time.* The time from the moment the aircraft first moves under its own power for the purpose of flight until the moment it comes to rest at the next point of landing.

o. *Frequency of Occurrence.* The probability expressed as a fraction from zero (event never occurs) to one (event always occurs), that a particular event will occur within a specified period. Three probability classifications are given below and are defined in quantitative as well as qualitative terms for use with the various types of analytical techniques listed in Section 6 of this advisory circular:

1. *Probable.* A frequency of occurrence in an order of 1.0×10^{-5} or greater per hour of flight time. Probable events may be expected during the operational life of each airplane.

2. *Improbable.* A frequency of occurrence in the range from approximately 1.0×10^{-5} to 1.0×10^{-9} per hour of flight time. Improbable events are not expected to occur during the total operational life of a single airplane of a particular type, but are expected to occur during the total operational life of all airplanes of a particular type.

3. *Extremely Improbable.* A frequency of occurrence on the order of 1.0×10^{-9} or less per hour of flight time. Extremely improbable events are so unlikely that for the purpose of analysis they need not be considered, unless engineering judgment would require their consideration.

Notes.—(a) If appropriate, the calculation of probabilities of failure conditions for systems which are used only at specific times during flight such as takeoff or landing should be done on an event basis; i.e., per takeoff or per landing. However, the quantitative analysis of equipment which is required for a particular type of flight condition for which the airplane is approved may not take credit

for the fact that the flight condition does not always exist. For example, the analysis of airplanes approved for flight at night may not take credit for the fact that hours of darkness are only experienced 50 percent of the time. The probability of the existence of the particular flight condition for which the airplane is approved should be assumed to be one for purposes of quantitative analysis. (b) The three probability terms defined in paragraph 5o above are intended to relate to the effects on the airplane resulting from the loss of a function or functions. These terms do not define the reliability of specific components or systems. (c) The range of numerical values assigned to each of the terms is intended to minimize differences in the interpretation of what these terms mean when used in § 25.1309 of the Federal Aviation Regulations. It is important to realize that these terms and others such as "reliable," "unlikely," and "remote" are used throughout the Federal Aviation Regulations. In many cases, these other terms were used prior to Amendment 25–23. Careful judgment is necessary when interpreting the intent of any regulation using such terms. In all cases, the effect of the given failure conditions should be considered.

p. *Function.* Each special purpose performed by a system, subsystem, unit or part.

q. *Inductive.* The term used to describe those analytical approaches involving the systematic evaluation of the defined parts or elements of a given system or subsystem to determine specific characteristics of interest (the "bottom-up," or "what happens if" approach). An inductive approach will assume a component condition or initiating event and attempt to determine the corresponding effect on the overall system.

r. *Latent Failure.* A failure that is not inherently revealed at the time it occurs.

s. *Qualitative.* The term used to describe those analytical approaches which are oriented toward relative, nonmeasurable and subjective values.

t. *Quantitative.* The term used to describe those analytical approaches which are oriented toward the use of numbers or symbols used to express a measurable quantity.

u. *Redundancy.* The existence of more than one means of accomplishing a given function where all means must fail before there is an overall failure of the function.

v. *Reliability.* The probability that a system, subsystem, unit or part will perform its intended function for a specified interval under stated operational and environmental conditions.

6. *Analytical Techniques.* a. The first step in determining compliance with FAR 25.1309(b) should be to determine the criticality of the system or installation to be certificated. This analysis may be conducted using service experience, engineering, or operational judgment, or by using a top-down deductive qualitative analysis which examines each function performed by the system. The analysis should determine the criticality of each system function, i.e., either non-essential, essential, or critical. Each system function should be analyzed with respect to functions performed by other aircraft systems. This is necessary because the loss of different but related functions provided by separate systems may affect the criticality category assigned to a particular system.

This type of analysis, variously referred to as a preliminary hazard analysis, criticality categorization, or criticality assessment may contain a high level of detail in some cases, such as for an integrated electronic flight instrument system. However, many installations may only need an informal review of the system design by the applicant for the benefit of the FAA certification personnel to determine the criticality of the functions performed by the system. For example, passenger entertainment systems usually will be categorized as performing non-essential functions with little or no formal evaluation of the system design.

The purpose of the preliminary hazard analysis is to identify the critical and essential functions and the systems which must operate properly to accomplish these functions. Once the criticality of a system has been established, the additional analytical techniques which might be useful in determining compliance with FAR 25.1309(b) are more easily identified.

b. Analysis of systems which perform non-essential functions. Although a preliminary hazard analysis has been accomplished, and it has been determined that a particular system performs only non-essential functions, this is not sufficient for demonstrating compliance with the requirements of FAR 25.1309(b). It is also necessary to determine if failures of the system could adversely affect the accomplishment of any essential or critical function.

In general, the installation of a non-essential system should be accomplished in a manner which insures its independence and siolation from other systems in the airplane which perform critical or essential functions. If a review of the design based on good engineering judgment determines that system faults cannot affect essential or critical functions, then no further analysis is necessary. If the installation does not have satisfactory isolation from systems which perform essential or critical functions, or if the system complexity is such that a design review alone cannot adequately establish that such isolation has been achieved, then the system may have to be analyzed using more rigorous methods, some of which are described in paragraphs 6c and 6d, below.

Special care must be taken with systems that perform non-essential functions which provide information for use by the flight crew, such as engine performance data systems. Systems of this type, which are not required by regulation and also are non-essential, may have hazardous failure modes which provide misleading information to the flight crew without warning. These systems may have to be analyzed as a system which performs an essential function.

Typically, systems such as galleys, position lights, public address systems, and interior cabin lights, to name a few, should be certificated based on a design review alone without the need of a formal failure analysis. Note that some systems required by regulation may be found to perform non-essential functions using the criteria of this advisory circular.

c. Analysis of systems which perform essential functions. The analysis necessary for systems which perform essential functions, as determined from the preliminary hazard analysis, is a variable controlled by the dependence of other systems on the system under analysis. If there is little or no interdependence, it is only necessary to show that the failure of the system to satisfactorily perform its function is improbable. Satisfactory service history of the equipment under analysis or similar units will be acceptable for showing compliance. Compliance may also be shown by a quantitative reliability analysis using MIL–STD–217C or component failure rate data gathered by the equipment manufacturer. For quantitative analysis, improbable is taken to be in range from 1.0×10^{-5} to 1.0×10^{-9} occurrences per hour of flight time. An acceptable frequency of occurrence should be agreed upon with the FAA for a particular system.

Many units which perform essential functions have dual or greater redundancy. It is essential that redundant systems meet the required frequency of occurrence criteria. For example, if the criteria for a dual redundant system is a frequency of occurrence of 1×10^{-6} per hour of flight, then the acceptable frequency of occurrence for each system should be 1×10^{-3} or less. If redundancy exists and there is some evidence to indicate satisfactory reliability of the components of the system, no further

analysis is necessary. An example of an essential system which would not require additional analysis is a dual compass system whose components have demonstrated acceptable reliability. For complex systems, a failure modes and effects analysis may be necessary to verify that the redundancy actually exists, and to show that the failure modes of the system do not have an adverse effect on other essential or critical functions. A complete quantitative safety analysis will not usually be necessary.

If failure modes are found to exist which can adversely affect essential or critical functions, these failure modes should be shown to be improbable or extremely improbable, as appropriate, using the safety analysis technique described by paragraph 6d below. However, single failure modes will not usually be accepted as being extremely improbable.

d. Analysis for systems which perform critical functions. A quantitative safety analysis will generally be necessary for each critical function identified by the preliminary hazard analysis. Inability to satisfactorily perform critical functions should be extremely improbable. For purposes of quantitative analysis, extremely improbable is taken to mean frequencies of occurrence on the order of 1.0×10^{-9} per hour of flight and less. This safety analysis may consist of the following:

1. *Fault Tree.* A top down deductive analysis identifying the conditions necessary to cause the loss of the critical function.

2. *Failure Modes and Effects Analysis.* An inductive bottom up analysis which determines what happens to the system upon single failures of its individual components. These failure modes are used as the bottom level events of the fault tree.

3. *Reliability Study.* Determines the probability of the single faults used as bottom level events of the fault tree from component failure rate data and exposure times to both active and latent failures. The probability of all event conditions in the fault tree will then be calculated from this data. The fact that maintenance of flight crew checks will be performed throughout the life of the system is relevant to quantitative analysis. When exposure times relevant to failure probability calculations are affected by flight crew checks or inspection intervals, these time intervals should be clearly specified in appropriate documents.

The U.S. Nuclear Regulatory Commission published NUREG–0492 in January 1981 titled "Fault Tree Handbook." This document describes in detail the procedures necessary to construct a fault tree and analyze the reliability of a complex system in a quantitative manner. The format of quantitative analyses which use NUREG–0492 as a guide will be acceptable to the FAA. Copies of this document can be obtained from the National Technical Information Service, or from:

GPO Sales, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

The most often encountered difficulty with quantitative analyses presented to the FAA has been the improper treatment of events which are not mutually independent. The probability of occurrence of two events which are mutually independent may be multiplied to obtain the probability that both events occur using the formula:

$$P(A \text{ and } B) = P(A)P(B).$$

This multiplication will produce an incorrect solution if A and B are not mutually independent. Often a quantitative analysis will be defective because a single failure will be included as a primary event at more than one location and then improperly combined with itself in computing the probability of the top event of a fault tree. This problem and others which are typically encountered in a quantitative analysis based on a fault tree are clearly explained in NUREG–0492.

For very simple installations, it may be possible to successfully analyze a critical function without using the detailed formal procedures outlined above. In general, the simultaneous failure of two reliable independent systems, each of which has dual redundancy, is expected to be extremely improbable. However, the difficulty is to establish that the two systems are actually independent. Systems may have common failure modes such as loss of electrical power or cooling air which would cause their simultaneous failure.

Some systems which perform critical functions that have been identified on various transport category airplanes are listed below. This list is only to provide a guide as to the types of functions which may be critical. Each airplane model must be examined to determine what functions are critical.

Examples of systems which perform critical functions:

1. The primary flight control system.

2. Hydraulic power for airplanes with powered flight control systems and no manual revision.

3. Secondary flight control systems if failure of these systems can result in uncontrolled flight.

4. Engine control system elements that affect all engines simultaneously.

5. Critical digital systems which are used separately, but which have identical firmware/software, where a common design error could lead to simultaneous failure conditions.

6. For airplanes certificated for flight in IFR conditions, the total systems and displays which provide the flight crew with any of the following:

(a) Attitude Information

(b) Altitude Information

(c) Airspeed Information

7. Automatic landing system for use in low visibility landings.

e. The analytical techniques outlined in this section have been used successfully in determining compliance with the requirements of FAR 25.1309(b). Other comparable techniques exist and may be proposed by an applicant for use in any certification program. However, these methods should be proposed to the FAA certificating office early in the program. Early agreement between the applicant and the Federal Aviation Administration should be reached on the methods of analysis to be used, identification of critical functions, and assumptions to be used in the acceptance of the proposed analysis.

f. The analysis should be clearly documented. All assumptions, sources of reliability data, failure rates, system functional type (critical, non-essential, essential), etc. should be concisely documented for ease of review. To the extent feasible, the analysis should be self-contained.

7. *Recommendation.* The purpose and intent of this advisory circular is to provide guidance. Terms and methods of analysis which may be utilized in demonstrating compliance with FAR § 25.1309 are included. If additional explanation or discussion is desired, contact the Office of Airworthiness, Aircraft Engineering Division, Systems Branch, AWS–130, 800 Independence Avenue SW., Washington, D.C. 20591, or phone 202–426–8395.

[FR Doc. 81–37141 Filed 12–30–81; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular, Public Debt Series—No. 39–81]

Interest Rate on Notes of Series K–1985

December 23, 1981.

The Secretary announced on December 22, 1981, that the interest rate on the notes designated Series K–1985, described in Department Circular—Public Debt Series—No. 39–81 dated December 10, 1981, will be 14-⅛ percent. Interest on the notes will be payable at the rate of 14-⅛ percent per annum.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplement Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81–37234 Filed 12–30–81; 8:45 am]

BILLING CODE 4810–40–M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 251
Thursday, December 31, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Commodity Futures Trading Commission	1
Federal Maritime Commission	2
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Securities and Exchange Commission	4

1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 A.M., Friday, January 8, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–1943–81 Filed 12–29–81; 9:02 am]

BILLING CODE 6351–01–M

2

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9:00 a.m., January 6, 1982.

PLACE: Hearing Room One, 1100 L Street, N.W.,-Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Monthly Report of the Managing Director of Actions Pursuant to Delegated Authority.
2. Agreement No. 2744–46: Modification of the Atlantic & Gulf/West Coast of South America Conference Agreement to limit membership to vessel operating common carriers.
3. Agreement No. 10424: Establishment of the United States Atlantic & Gulf/Jamaica and Hispaniola Conference Agreement.
4. Agreements Nos. T–3453 and T–3453–A: Terminal use agreements between the Puerto Rico Ports Authority and Puerto Rico Maritime Shipping Authority at San Juan, Puerto Rico.
5. Report on terminal handling charges of conferences serving the U.S. East and Gulf Coast trades.

Portion closed to the public:

1. Docket No. 81–11: "50 Mile Container Rules"—Consideration of draft report.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S–1946–81 Filed 12–29–81; 2:52 pm]

BILLING CODE 6730–01–M

3

INTERNATIONAL TRADE COMMISSION

[USITC SE–81–41A]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCMENT: 46 FR 62990, December 29, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., Monday, January 4, 1982.

CHANGES IN THE MEETING: Emergency action to close a portion of the meeting originally announced as open to the public.

Pursuant to the specific exemptions of 5 U.S.C. 552b(c)(4) and in conformity with 19 CFR 201.36(b)(4), Commissioners Alberger, Calhoun, Stern, Eckes, and Frank voted by action jacket INV–81–191 to hold a portion of the discussion with respect to item No. 6 [Investigation 731–TA–52 [Preliminary] (Sheet Piling from Canada)—briefing and vote] in closed session.

Commissioners Alberger, Calhoun, Stern, Eckes, and Frank determined, pursuant to 19 CFR 201.37(b) that Commission business requires the change in the determination of the Commission to open or close this portion of the meeting and directed the issuance of this notices at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–1945–81 Filed 12–29–81; 11:32 am]

BILLING CODE 7020–02–M

4

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of January 4, 1982, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Tuesday, January 5, 1982, at 10:00 a.m.

An open meeting will be held on Thurday, January 7, 1982, 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Shad and Commissioners Loomis, Evans, Thomas, and Longstreth voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, January 5, 1982, at 10:00 a.m., will be:

Formal orders of investigation.
Settlement of administrative proceeding of an enforcement nature.
Dismissal of injunctive action.
Institution of injunctive actions.
Regulatory matter bearing enforcement implications.
Access to investigative files by Federal, State, or Self-Regulatory authorities.
Freedom of Information Act appeal.

The subject matter of the open meeting shceduled for Thursday, January 7, 1982, at 10:00 a.m., will be:

1. Consideration of whether to grant the request of Stradley, Ronon, Stevens & Young for a waiver of imputed disqualification pursuant to Rule 8(d) of the Coommission's Conduct Regulation. For further information, please contact Myrna Siegel at (202) 272–2430.
2. Consideration of whether to issue a release rescinding Rule 15b2B–1 under tho Securities Exchange Act of 1934. For further information, please contact Thomas G. Lovett at (202) 272–2415.
3. Consideration of whether to (i) adopt amendments to Rule 11Aa2–1 ("Rule") under the Securities Exchange Act, including both technical amendments and amendments that would increase the number of securities eligible for national market system ("NMS") designation; and (ii) postpone the effective date of the Rule so that the designation of the first NMS securities will become effective March 1, 1982, rather than February 1, 1982. For futher information, please contact William W. Uchimoto at (202) 272–2906.
4. Consideration of whether to adopt an amendment to Securities Exchange Act Rule 15b–9 (the self-underwriting rule for SECO broker-dealers) that provides a conditional

exception to that rule for SECO broker-dealers that limit their business to participating in the offer and sale of securities isued by an affiliate that is not a broker-dealer. For further information, please contact Colleen Curran Harvey at (202) 272-2828.

5. Consideration of whether to adopt certain proposed amendments to Rule 465 under the Securities Act of 1933 regarding automatic effectiveness of post-effective amendments filed by certain investment companies which would facilitate the process by which open-end management investment companies may send prospectuses in lieu of otherwise required annual reports to shareholders. For further information, please contact Susan P. Hart at (202) 272-2098.

6. Consideration of whether to publish for comment (1) Rule 466 under the Securities Act of 1933 providing for automatic effectiveness of post-effective amendments filed by insurance company separate accounts; (2) an amendment to Rule 465 under the 1933 Act permitting registrants to designate an effective date for post-effective amendments filed pursuant to paragraph (a); and (3) related amendments to registration statement forms under the 1933 Act and 1940 Act. For further information, please contact Susan P. Hart at (202) 272-2098.

7. Consideration of whether to propose a revision of Article 6 of Regulation S-X which is applicable to financial statements filed by registered investment companies. The revisions to Article 6 being considered are intended to (1) eliminate rules which are duplicative of generally accepted accounting principles, (2) effect changes which recognize current industry practices, and (3) integrate and simplify the rules to improve financial reporting. The Commission will also consider similar revisions to financial statement requirements for employee stock purchase, savings and similar plans. For further information, please contact Clarence M. Staubs at (202) 272-2133.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Jerry Marlatt at (202) 272-2092.

December 28, 1981.

[S-1944-81 Filed 12-29-81; 11:12 am]

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federal register

Thursday
December 31, 1981

Part II

Office of the Federal Register

Incorporations by Reference; Approval in Titles 7 through 16 and Corrections to Title 46

Title 7 Chapters I and IX—Agricultural Marketing Service, Department of Agriculture
Chapter III—Animal and Plant Health Inspection Service, Department of Agriculture
Chapter XVII—Rural Electrification Administration, Department of Agriculture

Title 9 Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture
Chapter III—Food Safety and Inspection Service, Department of Agriculture

Title 10 Chapter I—Nuclear Regulatory Commission
Chapter II—Department of Energy

Title 12 Chapter VIII—National Credit Union Administration

Title 13 Chapter I—Small Business Administration

Title 14 Chapter I—Federal Aviation Administration, Department of Transportation

Title 16 Chapter II—Consumer Product Safety Commission

Title 46 Subchapters D, H, O, Q, R, T, U, and V—Coast Guard, Department of Transportation

OFFICE OF THE FEDERAL REGISTER

1 CFR Part 51 and CFR Titles 7, 9, 10, 12, 13, 14, 16, and 46

Approval of Incorporations by Reference

AGENCY: Office of the Federal Register.

ACTION: Approval of incorporations by reference and corrections.

SUMMARY: The Office of the Federal Register publishes a document listing materials that have been approved by the Director for incorporation by reference. The document also corrects a previously published listing.These references appear in Titles 7 through 16 and 46 of the *Code of Federal Regulations* (CFR). This document is published to inform the public of materials that have the Director's approval and have the same legal status as if they were published in full text in the **Federal Register.**

EFFECTIVE DATE: The Director approves the following incorporations by reference for one year effective January 1, 1982, unless otherwise noted.

ADDRESSES: For specific addresses where materials are available, see table. Materials are also on file at the Office of the Federal Register, 1100 L Street, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Joan F. Montgomery, (202) 523–4534.

SUPPLEMENTARY INFORMATION:

Background. Each agency that wishes material incorporated by reference to remain effective must annually submit to the Director a list of that material and the date of its last revision (1 CFR 51.13). The materials included on the table below are incorporated by reference under 5 U.S.C. 552(a) and 1 CFR Part 51. These procedures provide that material approved for incorporation by reference by the Director of the Federal Register has the same legal status as if it were published in full text in the **Federal Register.**

Availability. Before an agency may incorporate by reference any material, it must make the material reasonably available to the class of persons affected by it. Agencies have listed addresses where you can obtain each item included in the table. The materials approved for incorporation by reference are also available for inspection and copying at the Office of the Federal Register, Room 8401, 1100 L St., NW, Washington, DC, phone (202) 523–5240.

Amendments. If the agency wishes to amend material before the annual approval expires, the agency shall publish a notice which announces the amendment and states where the material may be obtained. The agency shall also assure that the material and its amendments are available to the public and on file at the Office of the Federal Register. Unless the agency follows these procedures, the amendments are not approved.

Quarterly Publication. The titles of the CFR are generally revised according to the following schedule:

Title 1 through Title 16—as of January 1.

Title 17 through Title 27—as of April 1.

Title 28 through Title 41—as of July 1.

Title 42 through Title 50—as of October 1.

Every quarter, the Office of the Federal Register publishes a document on incorporation by reference. This quarterly document contains the following information on incorporation by reference. First, it contains a table of materials in the applicable titles that have been reapproved for incorporation by reference under 1 CFR 51.13. Second, the document contains a listing of any materials which were granted extensions under 1 CFR 51.13 review in the last quarter and have since received final approval by the Director of the Federal Register. And third, the document may contain corrections to previously published incorporation by reference approval documents.

Material which is approved in a timely fashion during the quarterly review process is also listed in the appropriate *Code of Federal Regulations* volume(s).

How the Table is Arranged. The table is arranged first by headings indicating the CFR title and chapter and the name of the agency incorporating the material. Under each of these headings are listed the name of the standards producing organization, a description of the material being incorporated and where it is available, and the CFR part or section where the material is referenced.

Problems. If you have any problems obtaining the material, notify the agency. If you find the material is not available, notify the Director of the Federal Register (NARS), Washington, DC 20408 or call (202) 523–4534.

John E. Byrne,

Director of the Federal Register.

46 CFR CH. I–COAST GUARD, DOT–CORRECTION

In FR Doc. 81–27948, appearing at page 47938 in the issue for Wednesday, September 30, 1981, make the following changes:

1. On pages 47943, 47947, 47952 and 47953, the entry beneath Underwriters Laboratories which presently reads "UL 19–Woven–Jacketed Rubber Lined Fire Hose, 1971" should be changed to read "UL 19–Woven–Jacketed Rubber Lined Fire Hose, 1978" wherever it appears.

2. On page 47948, the entry beneath American National Standards Institute which presently reads "ANSI B16.5–1979–Steel Pipe Flanges and Pipe Fittings" should be changed to read "ANSI B16.5–1977–Steel Pipe Flanges and Pipe Fittings"

3.On page 47950:

a. The entry beneath Naval Publications Forms Center which reads "L–P–406 Plastic, organic, General Specification (Test Methods) , B, Amdt. 1.....161.010–1" should be removed.

b. In the entry beneath Naval Publications Forms Center which presently reads "QQ–B–611–Brass, Commercial; Bars, plates, rods shapes, Sheets and Strip, A, and Amdt. 4", the reference to Amdt. 4 should be removed.

c. Before the final entry on the page, the following entry should be added:"No. 370–Instrumental Photometric Measurements of Retroflective Materials and Retroreflective Devices, 1977,.....164.018–1".

4. On page 47951, the entry beneath Underwriters Laboratories which presently reads "UL 198B–Class H Fuses, 1975" should be changed to read "UL 198B–Class H Fuses, 1981"

5. On page 47953, beneath 46 CFR Subchapter V, American National Standards Institute, add the following entry after the existing entry: "ANSI/ ASME PVHO 1 Safety Standard for Pressure Vessels for Human Occupancy, 1981....197.204; 197.205; 197.300; 197.328".

7 CFR CHAPTERS I AND IX (PARTS 0 TO 45, 46 TO 51, 53 TO 209, AND 900 TO 999)
AGRICULTURAL MARKETING SERVICE, DEPARTMENT OF AGRICULTURE

	7 CFR
American Society for Testing and Materials 1916 Race St., Philadelphia, PA 19103	
ASTM D 584–72 Standard Method of Test for Wool Content of Raw Wool	31.204(a)(5)(i)
ASTM D 1060–71 Standard Method of Core Sampling of Raw Wool in Packages for Determination of Percentages of Clean Wool Fiber Present.	32.204(a)(5)(i); 32.204(b)(4)(i)
ASTM D 2255–79 Standards for Appearance Grade Yarn on Bobbins	28.956 (Item 16.1)
Association of Official Seed Analysts Secretary Treasurer, AOSA, c/o U.S. Department of Agiculture, Seed Standardization Branch, Rm. 213, Bldg. 306, Agricultural Research Center, Beltsville, MD 20705	
Contribution No. 26, Microbiological Assay of Fungicide—Treated Seeds, AOSA Handbook on Seed Testing, revised May 1964.	201.58c
Contribution No. 28, A Standardized Phenol Method for Testing Wheat Seed for Varietal Purity, AOSA Handbook on Seed Testing, revised June 1965.	201.58a(c)
Federal-State Inspection Service Oregon Department of Agriculture, Agriculture Bldg., Salem, OR 97310.	
Oregon Grade Standards Filberts in Shell (August 25, 1975, Edition)	982.45; 982.51; 982.453
Oregon Grade Standards for Filberts (Hazelnut) Kernels (July 20, 1976, Edition)	982.50; 982.101
Munsell Color Company 2411 North Calvert St., Baltimore, MD 21218	
USDA Walnut Color Chart: (Shelled Walnuts), (Walnuts in the Shell)	51.2276; 51.2946

7 CFR CHAPTER III (PARTS 300 TO 399)
ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

	7 CFR
Agriculture Department Regulatory Support Staff, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, USDA, Room 635, Federal Bldg., Hyattsville, MD 20782	
NOTE: The Japanese Beetle Program Manual is approved for incorporation by reference until Oct. 1, 1982.	
Japanese Beetle Program Manual–APHIS M–301–48 (June 1979)	301.48–1
Plant Protection & Quarantine Programs Treatment Manual–Jan. 1976 (revised as of Dec. 1980)	331.7(a)

7 CFR CHAPTER XVII (PARTS 1700 TO 1799)
RURAL ELECTRIFICATION ADMINISTRATION, DEPARTMENT OF AGRICULTURE

Copies of Appendix A Bulletins will be available upon request in person or by mail to the Management Service Division, Room 4024–S, Washington, D.C. 20250.

Rural Electrification Administration

	7 CFR
40–7 National Electrical Safety Code-ANSI C2, 1981 Edition 5/81	Part 1701
43–5 List of Materials Acceptable for Use on Systems of REA Electrification Borrowers 7/78 with/all supplements to 4/79.	Part 1701
44–2 Specification for Wood Poles, Stubs and Anchor Logs, and for Preservative Treatment of These Materials to be Purchased by REA Borrowers, Electric and telephone 11/78 with/all supplements to 11/77.	Part 1701
44–3 Specification for Wood Crossarms, Solid and Laminated Transmission Timbers, to be Purchased by REA Borrowers, Electric and Telephone 1/72 with/all supplements to 12/75.	Part 1701
44–4 Quality Control and Inspection of Timber Products 11/76	Part 1701
61–10 Powerline Contacts by Eagles and Other Large Birds 3/79	Part 1701
62–1 Transmission Line Manual 8/80 with/all supplements to 7/78	Part 1701
63–1 Adequate Grounding of Primary Distribution Lines 3/77	Part 1701
344–2 List of Materials Acceptable for Use on Telephone Systems of REA Borrowers 1/79, with all supplements to 9/80	Part 1701
345–4 Specification for Wood Crossarms, Construction Lumber, and Pole Keys, and for the Preservative Treatment of These Materials to be Purchased by REA Borrowers (PE–16) 1/72, with all supplements to 12/75.	Part 1701
345–6 REA Standard for Splicing Plastic-Insulated Cables (PC–2) 1/78	Part 1701
345–7 REA Standard for Splicing Plastic-Insulated Cables to Paper-Insulated Cables (PC–3) 7/66	Part 1701
345–8 Splicing Standard for Joining Paper or Pulp-Insulated, Lead-Sheathed Cables to Paper or Pulp-Insulated Cables, Lead-Sheathed Cables (PC–1) 7/66.	Part 1701
345–13 REA Specification for Aerial and Underground Telephone Cable (PE–22) 6/78, with all supplements to 4/79	Part 1701
345–14 REA Specifications Telephone Cables (Air Core) for Direct Burial (PE–23) 7/78, with all supplements to 4/79	Part 1701
345–16 REA Specification for Reinforced Heavy Duty Point Type Transportation Brackets (PE–18) 9/62	Part 1701
345–18 REA Specification for Plastic-Insulated, Plastic-Jacketed Station Wire (PE–20) 3/73	Part 1701
345–20 REA Specification for Figure 8 Multipair Distribution Wire (PE–28) 7/68	Part 1701
345–21 REA Specification for Polyethylene Raw Material (PE–200) 5/80, with all supplements to 9/80	Part 1701

7 CFR CHAPTER XVII (PARTS 1700 TO 1799)—Continued
RURAL ELECTRIFICATION ADMINISTRATION, DEPARTMENT OF AGRICULTURE—Continued

	7 CFR
345–22 REA Specification for Voice Frequency Loading Coils (PE–20) 10/78	Part 1701
345–24 REA Specification for Spindle-Threaded, Steel Communication Insulator Pins and Associated Plastic Bushing (PE–34) 9/62.	Part 1701
345–25 REA Specification for Deadend Clevis Assembly for use with Open Wire Telephone Conductors (PE–36) 12/62	Part 1701
345–27 REA Specification for D–66/H–88 Junction Impedance Compensators (PE–31) 2/74	Part 1701
345–30 REA Specification for Ringing Generator Equipment (PE–40) 2/71, with all supplements to 2/73	Part 1701
345–38 REA Specification for Wood Crossarms Brace (PE–13) 11/63	Part 1701
345–42 REA Specification for Low Loss Buried Distribution Wire (PE–44) 3/71	Part 1701
345–46 REA Specification for Clamps to Support Figure 8 Distribution Wire (PE–48) 7/68	Part 1701
345–50 REA Specification for Trunk Carrier Systems (PE–60) 9/80	Part 1701
345–51 REA Specification for Crystalline Propylene/Ethylene Copolymer Raw Material (PE–210) 4/67	Part 1701
345–52 REA Standard for Service Entrance and Station Protector Installations 1/80	Part 1701
345–53 REA Specification for Encapsulations, Splice Closure, and Pressure Blocks (PE–70) 3/71	Part 1701
345–54 REA Specification for Telephone Cable Splicing Connectors (PE–52) 12/71	Part 1701
345–55 REA Specification for Central Office Loop Extenders & Loop Extender voice Frequency Repeater Combinations (PE–61) 12/73.	Part 1701
345–58 REA Specification for Flexible and Semirigid Polyvinyl Chloride Raw Material (PE–220) 7/6[illegible]	Part 1701
345–59 REA Specification for Inside Wiring Cable (PE–71) 3/71, with all supplements to 3/78	Part 1701
345–60 REA Specification for Coaxial Drop Cable for ETV and Other Wide Band Applications (PE–73) 10/69	Part 1701
345–61 REA Specification for Switchboard Cable (PE–72) 3/71, with all supplements to 3/78	Part 1701
345–63 REA Standard PC–4 for Acceptance Tests and Measurements of Telephone Plant 5/76	Part 1701
345–64 REA Specification for Ringers (PE–47) 4/7	Part 1701
345–65 REA Specification for Cable Shield Bonding Connectors (PE–33) 6/78	Part 1701
345–66 REA Specification for Subscriber Carrier Systems (PE–64) 9/79 with all supplements to 8/80	Part 1701
345–67 REA Specification for Filled Telephone Cables (PE–39) 11/76, with all supplements to 4/79	Part 1701
345–69 REA Specification for Two-Wire Voice Frequency Repeater Equipment (PE–29) 1/76	Part 1701
345–70 REA Specification for Filled Buried Wire (PE–54) 8/74, with all supplements to 3/80	Part 1701
345–72 REA Specification for Filled Splice Cases (PE–74) 5/75	Part 1701
345–75 REA Specification for Electronic Trunk Circuits (PE–65) 1/77	Part 1701
345–77 REA Specification for Serving Area Interface Housings (PE–79) 1/78	Part 1701
345–78 REA Specification for Carbon Arrestor Assemblies for Use in Protectors (PE–78) 2/80 with all supplements to 7/80.	Part 1701
345–80 REA Specification for Flat Oval Telephone Cords (PE–75) 7/78	Part 1701
345–82 REA Specification for Wood Telephone Pedestal Stubs (PE–82) 6/80	Part 1701
345–84 REA Specification for Expanded Dielectric Coaxial Cable (PE–84) 9/80	Part 1701

NOTE: The following publications are approved for incorporation by reference until Mar. 1, 1982

1–7 General Funds 12/77 with/all supplements to 3/79	Part 1701
2–1 Guiding Statement of REA Policy Concerning Its Relationship with Borrowers 8/60	Part 1701
5–1 Joint Use of REA Borrowers' Facilities by Electric and Telephone Systems 3/54 with/all supplements to 2/72	Part 1701
20–2 Electric Loan Policies and Application Procedures 6/77 with/all supplements to 4/79	Part 1701
20–3 Obtaining Adequate Right-of-Way and Submission of Title Evidence by Electric Borrowers 7/56 with/all supplements to 10/76.	Part 1701
	Part 1701
20–5 Extensions of Payments of Principal and Interest 5/72	Part 1701
20–6 Loans for Generation and Transmission 5/69	Part 1701
	Part 1701
20–8 Purchase of Real Estate by Electric Borrowers 7/63	Part 1701
20–9 Notes, Interest Computation, Payments, and Loan Account Statements 10/76 with/all supplements to 1/78	Part 1701
20–14 Supplemental Financing for Loans Considered Under Section 4 of the Rural Electrification Act 2/71 with/all supplements to 8/78.	Part 1701
20–15 Equal Employment Opportunity in Construction Financed with REA Loans 7/70	Part 1701
20–19 Nondiscrimination Among Beneficiaries of REA Programs 7/70	Part 1701
20–20 Deferment of Principal Repayments for Investment in Supplemental Lending Institutions 1/71	Part 1701
20–21 Environmental Policies and Procedures 1/80	Part 1701
20–22 Guarantee of Loans for Bulk Power Supply Facilities 4/77	Part 1701
20–23 Section 12 Extensions for Energy Resources Conservation Loans 12/80	Part 1701
24–1 Electric Loan Policy for Section 5 Loans 3/69	Part 1701
26–1 Budgetary Control and Advance of Loan Funds 5/71 with/all supplements to 10/79	Part 1701
40–1 Payments to Architects, Engineers, Contractors, and Suppliers 3/69	Part 1701
40–2 Insurance Coverage for Borrower's Contractors, Engineers, and Architects and Bond Requirements for Borrowers' Contractors 4/76 with/all supplements to 6/79.	Part 1701
40–5 Common Use of Poles for Distribution and Transmission Lines 1/70	Part 1701

7 CFR CHAPTER XVII (PARTS 1700 TO 1799)—Continued
RURAL ELECTRIFICATION ADMINISTRATION, DEPARTMENT OF AGRICULTURE—Continued

	7 CFR
40–6 Construction Methods and the Purchase of Materials and Equipment 8/70 with/all supplements to 4/79	Part 1701
40–8 Construction Specifications, Drawings, and Contract Forms for Distribution, Transmission, and Generation Facilities 5/73 with/all supplements to 10/77.	Part 1701
41–1 Engineering Services for Electric Borrowers 5/67 with/all supplements to 11/78	Part 1701
42–1 Architectural Services for Electric Borrowers 8/69	Part 1701
43–6 Selection and Inspection of Materials and Equipment, Electrification Borrowers 12/76	Part 1701
43–9 "Buy American" Requirement 7/55	Part 1701
44–1 Specifications and Standards for Materials and Equipment 10/78	Part 1701
44–5 List of Authorized Independent Inspection Agencies (Timber Products) 6/76	Part 1701
44–7 Acceptance of Standards, Standard Specifications, Drawings, Materials, and Equipment for the Electric and Telephone Programs 4/71.	Part 1701
60–1 Circuit Diagrams, Electrical Data Sheets and Other Drawings for Systems of Electric Borrowers 8/55	Part 1701
60–10 Construction Work Plans, Electric Distribution Systems 12/67	Part 1701
60–11 Reports of Progress of Construction and Engineering Services 5/77	Part 1701
81–6 Close-Out Procedures and Documents for Contract Construction of Distribution and Transmission Facilities 7/77	Part 1701
81–7 Changes or Corrections in Line Construction 11/58	Part 1701
81–9 Preparation of Plans and Specifications for Distribution and Transmission Facilities 7/74	Part 1701
85–1 Closeout Procedure and Documents for the Contract Construction of Generating Facilities and Associated Buildings 8/78.	Part 1701
86–1 Closeout Procedure and Documents for the Construction of Buildings Other Than Generating Plants 12/78	Part 1701
86–2 Pre-Construction Activities for Headquarters Facilities for Electric Borrowers 5/72	Part 1701
86–3 Headquarters Facilities for Electric Borrowers 4/72	Part 1701
100–1 Selection of an Attorney by an REA Borrower 4/60	Part 1701
100–2 Minutes of the Meetings of Boards of Directors, Members or Stockholders 3/60	Part 1701
100–4 Financial Security of REA Distribution Borrowers 4/72 with/all supplements to 2/75	Part 1701
101–1 Constitution and Operations of the Board of Directors of a Power Supply Cooperative Borrower 8/77	Part 1701
102–2 Waiver of Security Instrument Provisions Relating to Certain Retirements of Capital by Distribution Borrowers 7/71.	Part 1701
103–2 Use and Approval of General Funds in Extensions and Additions to Plant 6/71	Part 1701
103–9 5 Percent Treasury Certificates of Indebtedness—REA Series and 2 Percent Treasury Bonds—REA series 10/77	Part 1701
105–5 Financial Forecast—Electric Distribution Systems 11/73 with/all supplements to 1/75	Part 1701
107–1 Data Processing Systems 2/79	Part 1701
108–1 Electric Distribution Borrowers' Financial and Statistical Reports 12/79	Part 1701
108–2 Operating Reports—Power Supply Borrowers and Distribution Borrowers with Generating Facilities 12/79	Part 1701
109–4 Selecting a Qualified Manager 6/70	Part 1701
111–1 Wholesale Contracts for Purchase and Sale of Electric Equipment 4/69; Supplement 3/70	Part 1701
111–3 Power Supply Surveys 4/78	Part 1701
111–4 Electric Wholesale Rates—Power Supply Borrowers 3/72	Part 1701
112–2 Electric Retail Rates 4/71	Part 1701
112–3 Area Coverage Service 9/58	Part 1701
112–6 Large Power Rates and Contracts, and Sales for Resale 9/72	Part 1701
114–2 Minimum Insurance and Fidelity Coverages for Electric and Telephone Borrowers 4/73 with/all supplements to 2/70.	Part 1701
115–1 Sales of Capital Assets by Electric Borrowers 12/72	Part 1701
115–2 Merger and Consolidation of Electric Distribution Borrowers 11/72	Part 1701
115–3 Removal or Relocation of Electric Facilities Resulting from the Exercise of Rights by Government Agencies 2/58	Part 1701
120–1 Estimates of KWH Consumption and Power Requirements 3/74 with/all supplements to 1/78	Part 1701
140–1 Load Management Program 1/77	Part 1701
145–1 Development, Approval, and Use of Irrigation Studies 1/77	Part 1701
161–5 Electric System Review and Evaluation 10/78	Part 1701
180–2 Manual for Preservation of Borrowers' Records (Electric) 6/72	Part 1701
180–6 Selection of Depositories for Funds of REA Borrowers 4/71	Part 1701
181–1 Uniform System of Accounts 3/78 with/all supplements to 1/79	Part 1701
181–2 Standard List of Retirement Units 5/68	Part 1701
181–3 Accounting Interpretations for Rural Electric Borrowers 2/72; Interpretations 113 and 617 9/73	Part 1701
182–1 Evaluation and Enforcement of Internal Control of Borrowers' Enterprises 1/65	Part 1701
183–1 Depreciation Rates and Procedures 10/77	Part 1701
184–2 Suggested Work Order Procedure for Electric Borrowers of the Rural Electrification Administration 9/73 with/all supplements to 3/78.	Part 1701
184–3 Guide for Establishing Continuing Property Records 9/61	Part 1701
185–1 Audit of REA Borrowers' Accounting Records 1/72	Part 1701
300–7 Member Service Program—Telephone 5/65	Part 1701
301–1 Guiding Statement of REA Policy Concerning Its Relationship with Borrowers 8/69	Part 1701
305–1 Joint Use of Facilities for Telephone and Electric Service 3/54, with all supplements to 2/72	Part 1701

7 CFR CHAPTER XVII (PARTS 1700 TO 1799)—Continued
RURAL ELECTRIFICATION ADMINISTRATION, DEPARTMENT OF AGRICULTURE—Continued

	7 CFR
320–2 Extension of Payments of Principal and Interest 5/72	Part 1701
320–3 Working Capital in Loans to Telephone Borrowers 1/50	Part 1701
320–4 Preloan Procedures for Telephone Loan Applicants 6/62	Part 1701
320–5 Headquarters Facilities for Telephone Borrowers 5/72	Part 1701
320–9 Organization and Capital Structure of Telephone Borrowers 3/65	Part 1701
320–12 Notes, Interest Computation, Payments and Loan Account Statement 10/70, with all supplements to 7/70	Part 1701
320–13 Loans for Switched Facilities 2/60	Part 1701
320–14 Loans for Telephone System Improvements and Extensions 5/71, with all supplements to 5/77	Part 1701
320–15 Equal Employment Opportunity in Construction Financed with REA Loans 7/70	Part 1701
320–19 Nondiscrimination Among Beneficiaries of REA Programs 7/78	Part 1701
320–21 Environmental Policies and Procedures 1/80	Part 1701
320–22 Guarantee of Loans for Telephone Facilities 2/75, with all supplements to 9/75	Part 1701
320–23 Construction Certification Procedures for Designated Telephone Borrowers 12/77	Part 1701
321–2 Loan Security Requirements for Telephone Loans 9/75	Part 1701
322–1 Area Coverage Survey 5/71	Part 1701
322–2 Rural Area Coverage—Telephone Loans 4/67	Part 1701
323–1 Determination by Administrator with Respect to Non-Duplication of Lines, Facilities, or Systems 10/54	Part 1701
324–1 Loans for Refinancing Outstanding Indebtedness of Telephone Borrowers 10/60	Part 1701
325–1 Financing Lines, Facilities, or Systems Outside of Rural Areas 11/60	Part 1701
326–1 Acquisitions of Telephone Facilities and Systems 5/69	Part 1701
327–1 Advance of Telephone Loan Funds 6/72, with all supplements to 7/75	Part 1701
328–1 CATV Financing Under the Consolidated Farm and Rural Development Act 6/79	Part 1701
340–1 Final Payments to Contractors, Engineers, and Architects—Telephone Program 8/63	Part 1701
340–2 Payments to Architects, Engineers, and Suppliers 3/60	Part 1701
340–3 Coordination of Borrowers' Activities with those of Connecting Systems 2/72	Part 1701
340–5 Insurance Coverage for Borrowers' Contractors, Engineers, and Architects and Bond Requirements for Borrowers' Contractors 4/70.	Part 1701
341–1 Final Statement of Engineering Fee and Certificate of Engineer, Telephone Engineering Service Contract 12/71	Part 1701
341–3 Engineering Services for Telephone Borrowers 12/75, with all supplements to 7/77	Part 1701
342–1 Architectural Services for Telephone Borrowers 7/67	Part 1701
344–1 Methods of Purchasing Materials and Equipment for Use on System of Telephone Borrowers 1/58, with all supplements to 4/78.	Part 1701
344–3 "Buy American" Requirement 7/55	Part 1701
345–1 Specifications for Wood Poles, Stubs, and Anchor Logs, and for Preservative Treatment of These Materials to be Purchased by REA Borrowers (PE–9) 1/77, with all supplements to 11/77.	Part 1701
345–2 List of Authorized Independent Inspection Agencies (Timber Products) 6/70	Part 1701
345–3 Acceptance of Standards, Standard Specifications, Drawings, Materials, and Equipment for the Electric and Telephone Programs 10/61.	Part 1701
345–5 Defective and Non-Standard Materials and Equipment 9/58	Part 1701
345–9 Quality Control and Inspection of Timber Products 1/77	Part 1701
345–10 REA Standard on Acceptance Testing Procedures for Cable Television Systems 4/81	Part 1701
345–19 REA Specification for Figure 8 One-Pair Distribution Wire (PE–27) 3/66	Part 1701
345–23 REA Specification for Building-Out Capacitors (PE–30) 10/73	Part 1701
345–26 REA Specification for Buried Plant Housings (PE–35) 7/76	Part 1701
345–28 REA Specification for Seven Wire Galvanized Steel Strand (PE–37) 1/63	Part 1701
345–31 REA Specification for Polyethylene-Insulated Bridle Wire (PE–19) 2/65	Part 1701
345–36 REA Specification for Parallel Conductor Drop Wire (PE–7) 11/66	Part 1701
345–39 REA Specification for Telephone Station Protectors (PE–42) 5/80	Part 1701
345–44 REA Specification for Figure 8 Drop Wire (PE–46) 3/64	Part 1701
345–45 Field Trails of Telephone Construction Materials and Equipment 10/70, with all supplements to 2/79	Part 1701
345–47 REA Specification for Seven Wire Aluminum Clad Steel Strand (PE–49) 4/66	Part 1701
345–57 REA Specification for Microwave Radio Equipment (PE–63) 6/69	Part 1701
345–73 REA Specification for All-Weather Pressure-Sensitive Vinyl Tape (PE–68) 11/70	Part 1701
345–74 REA Specification for Improved 500 Type Telephone Sets (PE–41) 7/70, with all supplements to 12/79	Part 1701
345–76 REA Specification for Spring Action Bonding Connectors Within Buried Plant Housing (PE–57) 5/77	Part 1701
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360–3 Weekly Progress Report of Telephone Constr. & Engr. Service 7/63, with all supplements to 2/64	Part 1701
361–1 Tabulation of Bids for Contract Construction of Telephone Outside Plant Facilities 5/64	Part 1701
361–2 Telephone System Construction Contract, Labor and Material, REA Form 515 2/80	Part 1701
361–4 Closeout Documents, Telephone Construction Contract, Labor and Materials (Outside Plant) 10/63	Part 1701

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361–8 Contract Construction, Telephone Borrowers' Initial System Outside Plant Facilities 9/63, with all supplements to 7/77.	Part 1701
361–9 Amendments to Contracts for Construction or Installment of Telephone Borrowers' Facilities 8/53	Part 1701
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383–1 Preparation of Plans and Specifications for Construction of Outside Plant 5/67, with all supplements to 6/77	Part 1701
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384–1 Purchasing and Installing Central Office Equipment 5/77	Part 1701
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385–3 Closeout Documents for Special Equipment Contracts 4/64	Part 1701
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387–3 Final Documents Required to Closeout Construction of Buildings, Telephone Program 3/61.	Part 1701
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403–3 Minutes of Meetings of Directors, Stockholders, of Members (Telephone) 10/59, with all supplements to 9/77	Part 1701
403–4 5 Percent Treasury Certificates of Indebtedness—REA Series and 2 Percent Treasury Bonds—REA Series 10/77.	Part 1701
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460–2 Selection of Depositories for Funds of REA Borrowers 4/71.	Part 1701
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464–1 Accounting for Damages Resulting from Delayed Completion of Construction 2/59.	Part 1701
464–2 Accounting and Reporting Procedures Covering Large Investments in Special Communications Facilities 6/65.	Part 1701
465–1 Audit of REA Borrowers' Accounting Records 1/72.	Part 1701
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1111 N. 19th St., Suite 210, Arlington, VA 22209	
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F.S. HH–I–524B Insulation Board, Thermal (Polystyrene)	Part 440, Appendix A
F.S. HH–I–526C Insulation Board, Thermal (Mineral Fiber)	Part 440, Appendix A
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F.S. HH–I–558B Insulation, Blocks, Boards, Blankets, Felts, Sleeving (Pipe & Tube Covering), & Pipe Fitting Covering, Thermal (Mineral Fiber Industrial Type (1–9–73)).	Part 440, Appendix A
F.S. HH–I–573B Insulation, Thermal (Flexible Unicellular Sheet & Pine Covering	Part 440, Appendix A
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HH–I–530A (1971 and Interim Amendment 3, 5/76) Insulation, Board, Thermal (Polyurethane and Polyiscocynurate)	456.809
HH–I–558B (1971 and Interim Amendment 3, 5/76) Insulation Blocks, Boards, Blankets, Felts, Sleeving, and Pipe Fitting Coverings.	456.812
HH–I–573B (1968 and Interim Amendment, 1976) Insulation Thermal, (Flexible Unicellular Sheet and Pipe Covering)	456.812
HH–I–574B (1974 and Interim Amendment 1, 9/76) Insulation, Thermal (Perlite)	456.807
TT–S–00227E (1969 and Amendment 3, 10/70) Sealing Compound, Elastomeric Type, Multi-Component (for Caulking, Sealing, and Glazing in Buildings and Other Structures).	456.812
TT–S–001657 (COM-NBS) (1970) Sealing Compound, Single Component Butyl Rubber Base, Solvent Release Type (for Buildings and Other Types of Construction).	456.812
TT–S–00230C (COM-NBS) (1970 and Amendment 2, 10/70) Sealing Compound, Elastomeric Type, Single-Component, (for Caulking, Sealing, and Glazing in Buildings and Other Structures).	456.812
Housing and Urban Development Department Office of Technical and Credit Standards, Room 6156, 451 Seventh St., SW., Washington, DC 20410	
HUD Intermediate MPS Supplement 4930.2–1977 Solar Heating and Domestic Hot Water Systems	456.702; 456.703; 456.704
Use of Materials Bulletin No. 39 (Sept. 15, 1984) Labels of Independent Programs for Certifying Aluminum Windows and Sliding Glass Doors.	456.813
Use of Material Bulletin No. 59a (July 16, 1974) Labels Identifying Independent Certification of Wood Windows	456.813
National Fire Protection Administration 470 Atlantic Ave., Boston, MA 02210	
NFPA–31–1978 1978-National Fire Code, Standard for the Installation of Oil and Burning Equipment	456.905; 456.906; 456.907; 456.909; 456.913
NFPA–54/ANSI Z223.1–1–1974 National Fuel Gas Code, Part I, Installation of Gas Piping and Gas Equipment on Non-Industrial Premises.	456.905; 456.906; 456.907; 456.909; 456.914
NFPA–70–1978 National Electric Code, 1978	456.914; 456.705

10 CFR CHAPTER II (PARTS 420 TO 999)—Continued
DEPARTMENT OF ENERGY—Continued

	10 CFR
NFPA–211–1977 National Fire Code Standard for Chimneys, Fireplaces, and Vents	456.905; 456.906; 456.907; 456.909; 456.912
Sandia Laboratory Environmental Research Division–5333, Albuquerque, NM 87185	
SAND 77–1375–1978 Sandia Laboratories Report, Performance Evaluation of Wind Energy Conversion Systems Using the Method of Bins.	456.705
Underwriters Laboratories Inc. Publication Stock, 333 Pfingsten Road, Northbrook, IL 60062	
UL 559, 3rd Ed.–1975, Amendments through 1978 Standard for Heat Pumps	456.814
Part 474 Electronic and Hybrid Vehicle research, development, and demonstration program; equivalent petroleum based fuel economy calculation	
Society of Automotive Engineers 400 Commonwealth Dr., Warrendale, PA 15096	
SAE J227a, as revised Feb. 1976, Electric Vehicle Test Procedure	474.3
Part 475 Electric and hybrid vehicle research, development, and demonstration project	
Society of Automotive Engineers 400 Commonwealth Dr., Warrendale, PA 15096	
SAE J227a, as revised Feb. 1976, Electric Vehicle Test Procedure	475.3; 475.10; 475.11

12 CFR CHAPTER VII (PARTS 700 TO 799)
NATIONAL CREDIT UNION ADMINISTRATION

National Credit Union Administration
1776 G St., NW., Washington, D.C. 20456

NOTE: The following publications are approved for incorporation by reference until July 1, 1982.

	12 CFR
NCUA 8001–Federal Credit Union Bylaws (August 1972 & December 1977, July 1978, and August 1980 changes)	701.2(d)(2)
NCUA 8009–Data Processing Guidelines for Federal Credit Unions (September 1972)	701.2(d)(3)
NCUA 8022–Accounting Manual For Federal Credit Unions (Jan. 1975, and Oct. 1975 and June 1976 changes)	701.2(d)(1)

These documents are also available from:

NCUA Region I
441 Stuart St., 6th Floor, Boston, MA 02116
NCUA Region II
New Federal Building, 228 Walnut St., Box 926, Harrisburg, PA 17108
NCUA Region III
1365 Peachtree St., N.E., Suite 500, Atlanta, GA 30367
NCUA Region IV
Federal Office Building, Room 704, 234 N. Summit St., Toledo, OH 43604
NCUA Region V
515 Congress Ave., Suite 1400, Austin, TX 78701
NCUA Region VI
Two Embarcadero Center, Suite 1030, San Francisco, CA 94111

13 CFR CHAPTER I (PARTS 100 TO 199)
SMALL BUSINESS ADMINISTRATION

	13 CFR
American National Standards Institute 1430 Broadway, New York, NY 10018	
ANSI A117.1–1980 American National Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped.	113.3–3(c)

14 CFR CHAPTER I (PARTS 1 TO 59)
FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

	14 CFR
American National Standards Institute 1430 Broadway, New York, NY 10018	
IEC Publication No. 179 Precision Sound Level Meters, (1973)	
Part 936, Appendix A, Section A36.3	
IEC Publication No. 225 Octave, Half-Octave, Third-Octave Band Filters Intended for the Analysis of Sounds and Vibrations, (1966)..	
Part 936, Appendix A, Sec. A36.3	
Federal Aviation Administration 800 Independence Ave., SW., Washington, DC 20590	

14 CFR CHAPTER I (PARTS 1 TO 59)—Continued
FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION—Continued

	14 CFR
TSO–C77, Gas Turbine Auxiliary Power Units (May 20, 1963)	25.1522; 29.1522
TSO–C91, Emergency Locator Transmitters (Oct. 21, 1971)	25.1415; 29.1415
Pratt & Whitney Aircraft Co. 400 East Main St., East Hartford, CT 06108	
Engineering Change No. 197707	Part 11, SFAR 27, Sec. 14(b).
Service Bulletin 2417	Part 11, SFAR 27, Sec. 14(b).
Service Bulletin 2531	Part 11, SFAR 27, Sec. 14(b).
Society of Automotive Engineers, Inc. 400 Commonwealth Dr., Warrenton, PA 15096	
SAE ARP 866A Standard Values at Atmospheric Absorption as a Function of Temperature and Humidity for Use in Evaluating Aircraft Flyôver Noise. (March 15, 1975).	Part 36, Appendix A, Sec A36.9
U.S. Government Printing Office Superintendent of Documents, Washington, D.C. 20402	
ANC–18 Bulletin Design of Wood Aircraft Structures (June 1951, Second Edition)	23.613; 25.613; 27.613; 29.613.
Military Handbook MIL–HDBK–5C, Vol 1 & Vol 2 Metallic Materials and Elements for Flight Vehicle Structures, (September 15, 1976, as amended through December 15, 1978).	23.613; 23.615; 25.603; 27.613; 29.613; 29.605.
Military Handbook MIL–HDBK–17A Plastics for Aerospace Vehicles (January, 1971)	23.613; 25.613; 27.613; 29.613.
Military Handbook MIL–HDBK–23A Structural Sandwich Composites (December 30, 1968)	23.613; 25.613; 27.613; 29.613.

14 CFR CHAPTER I (PARTS 60 TO 199)
FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

	14 CFR
American National Standards Institute 1430 Broadway, New York, NY 10018	
International Electrotechnical Commission Publication No. 179, Precision Sound Level Meters	Part 150, A150.9
Federal Aviation Administration National Flight Data Center, 800 Independence Ave. SW., Washington, D.C. 20590	
Federal Aviation Administration Advisory Circulars:	
Copies of FAA Advisory Circulars are available from the addresses listed at the end of this table.	
150/5100–12 Electron Navigational Aids Approved for Funding Under the Airport Development Aid Program (ADAP) (1976).	152.11
150/5190–3A Model Airport Hazard Zoning Ordinance (1972)	152.11
150/5210–7A Aircraft Fire and Rescue Communications (1972)	152.11
150/5210–10 Airport Fire and Rescue Equipment Building Guide (1967)	152.11
150/5300–2C Airport Design Standards—Site Requirements for Terminal Navigational Facilities (Through change 1, 1976).	152.11
150/5300–4B Utility Airports—Air Access to National Transportation (Through change 1, 1976)	152.11
150/5300–6 Airport Design Standards—General Aviation Airports—Basic and General Transport (Through change 2, 1969).	152.11
150/5300–8 Planning and Design Criteria for Metropolitan STOL Ports (1970)	152.11
150/5320–5B Airport Drainage (1970)	152.11
150/5320–6B Airport Pavement Design and Evaluation (Through change 1, 1974)	152.11
150/5320–10 Environmental Enhancement at Airports—Industrial Waste Treatment (1974)	152.11
150/5320–12 Methods for the Design, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces (1975)	152.11
150/5325–2C Airport Design Standards—Airports Served by Air Carriers—Surface Gradient and Line-of-Sight (Through change 1, 1975).	152.11
150/5325–4 Runway Length Requirements for Airport Design (1977)	152.11
150/5325–6A Airport Design Standards—Effect and Treatment of Jet Blast (1972)	152.11
150/5325–8 Compass Calibration Pad (1969)	152.11
150/5335–1A Airport Design Standards—Airports Served by Air Carriers—Taxiways (1970, through change 2, 1976)	152.11
150/5335–2 Airport Aprons (1965)	152.11
150/5335–3 Airport Design Standards—Airports Served by Air Carriers—Bridges and Tunnels on Airports (1971)	152.11
150/5335–4 Airport Design Standards—Airports Served by Air Carriers—Runway Geometrics (Through change 1, 1976)	152.11
150/5340–1D Marking of Paved Areas on Airports (1973)	152.11

14 CFR CHAPTER I (PARTS 60 TO 199)—Continued
FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION—Continued

	14 CFR
150/5340-4C Installation Details for Runway Centerline and Touchdown Zone Lighting Systems (Through change 1, 1975).	152.11
150/5340-5A Segmented Circle Airport Marker System (1971)	152.11
150/5340-6 Airport 51-foot Tubular Beacon Tower (1964)	152.11
150/5340-14B Economy Approach Lighting Aids (Through change 2, 1975)	152.11
150/5340-17A Standby Power for Non-FAA Airport Lighting System (1971)	152.11
150/5340-18 Taxiway Guidance Sign System (1968)	152.11
150/5340-19 Taxiway Centerline Lighting System (1968)	152.11
150/5340-20 Installation Details and Maintenance Standards for Reflective Markers for Airport Runway and Taxiway Centerlines (1969).	152.11
150/5340-21 Airport Miscellaneous Lighting Visual Aids (1971)	152.11
150/5340-22 Maintenance Guide for Determining Degradation and Cleaning of Centerline and Touchdown Zone Lights (1971, change 1, 1976).	152.11
150/5340-23A Supplemental Wind Cones (1975)	152.11
150/5340-24 Runway and Taxiway Edge Lighting System (1975)	152.11
150/5340-25 Visual Approach Slope Indicator (VASI) Systems (Through change 1, 1977)	152.11
150/5345-1E Approved Airport Lighting Equipment (Through change 1, 1977)	152.11
150/5345-2 Specifications for L-810 Obstruction Light (through change 1, 1963)	152.11
150/5345-3C Specification for L-821 Panels for Remote Control of Airport Lighting (1977)	152.11
150/5345-4 Specification for L-829 Internally Lighted Airport Taxi Guidance Sign (Through change 1, 1967)	152.11
150/5345-5 Specification for L-847 Circuit Selector Switch, 5,000 Volt 20 Ampere (1963)	152.11
150/5345-7C Specification for L-824 Underground Electrical Cable for Airport Lighting Circuits (1976)	152.11
150/5345-10C Specification for L-828 Constant Current Regulators (1971)	152.11
150/5345-11 Specification for L-812 Static Indoor Type Constant Current Regulator Assembly; 4 KW and 7½ KW, With Brightness Control for Remote Operation (1964).	152.11
150/5345-12A Specification for L-801 Beacon (Through change 1, 1974)	152.11
150/5345-13 Specification for L-841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits (1964).	152.11
150/5345-18 Specification for L-811 Static Indoor Type Constant Current Regulator Assembly, 4 KW; With Brightness Control and Runway Selection for Direct Operation (Through change 1, 1975).	152.11
150/5345-21 Specification for L-813 Static Indoor Type Constant Current Regulator Assembly; 4 KW and 7½ KW; for Remote Operation of Taxiway Lights (1964).	152.11
150/5345-26A Specification for L-823 Plug and Receptacle, Cable Connectors (Through change 1, 1971)	152.11
150/5345-27A Specification for L-807 Eight-foot and Twelve-foot Unlighted or Externally Lighted Wind Cone Assemblies (1969).	152.11
150/5345-28C Specification L-851 Visual Approach Slope Indicators and Accessories (1977)	152.11
150/5345-30 Specification for L-806 Lighted Wind Tee (1965)	152.11
150/5345-39A FAA Specification for L-853, Runway and Taxiway Retroreflective Markers (1971)	152.11
150/5345-42A FAA Specification L-857, Airport Light Bases, Transformer Housings, and Junction Boxes (Through change 1, 1975).	152.11
150/5345-43B FAA/DOD Specification L-850, High Intensity Obstruction Lighting Systems (1973)	152.11
150/5345-44A Specification for L-858 Retroreflective Taxiway Guidance Sign (1971)	152.11
150/5345-45 Lightweight Approach Light Structure (1973)	152.11
150/5345-46 Specification for Semiflush Airport Lights (Through change 1, 1975)	152.11
150/5345-47 Isolation Transformers for Airport Lighting Systems (1975)	152.11
150/5345-48 Specification for Runway and Taxiway Edge Lights (Thorugh change 1, 1976)	152.11
150/5360-6 Airport Terminal Building Development with Federal Participation (1976)	152.11
150/5360-7 Planning and Design Considerations for Airport Terminal Building Development (1976)	152.11
150/5370-7 Airport Construction Controls to Prevent Air Water Pollution (1971)	152.11
150/5370-9 Slip-Form Paving—Portland Cement Concrete (1973)	152.11
150/5370-10 Standards for Specifying Construction of Airports (1974)	152.11
150/5370-11 Use of Nondestructive Testing Devices in the Evaluation of Airport Pavements (1976)	152.11
150/5390-1A Heliport Design Guide (1969)	152.11
36-3B Estimated Airplane Noise Levels in A-Weighted Decibels (1961)	150.40

Address Table for Federal Aviation Administration Advisory Circulars:

FAA Distribution Unit, M-443.1, Department of Transportation Warehouse, 1725 15th St. NE., Washington, D.C. 20002
Airports Division, ANE-600, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803
Airports Division, AEA-600, Federal Aviation Administration, Federal Building, Room 329, John F. Kennedy International Airport, Jamaica, NY 11430
Airports District Office, ADO-NYC, Federal Aviation Administration, Colonial Building, 181 S. Franklin Ave., Valley Stream, NY 11581
Airports District Office, ADO-HAR, Federal Aviation Administration, Terminal Building, Capital City Airport, New Cumberland, PA 17070
Airports District Office, ADO-WASH, Federal Aviation Administration, 900 South Washington St., Falls Church, VA 22046

14 CFR CHAPTER I (PARTS 60 TO 199)—Continued

Airports Field Office, Federal Aviation Administration, Route 9—Box 31–C, Beaver, WV 25813
Airports Division, ASO–600, Federal Aviation Administration, 3400 Whipple St., East Point, GA 30344
Airports District Office, ADO–ATL, Federal Aviation Administration, Suite C, Room 116, 1568 Willingham Drive, College Park, GA 30337
Airports District Office, ADO–MIA, Federal Aviation Administration, FAA/NWS Building, Miami International Airport, Miami, FL 33159
Airports District Office, ADO–MEM, Federal Aviation Administration, 3973 Knight Arnold Rd., Suite 103, Memphis, TN 38118
Airports District Office, ADO–JAN, Federal Aviation Administration, FAA Building—Municipal Airport, Jackson, MS 39208
Airports Division, AGL–600, Federal Aviation Administration, 2300 East Devon Ave., Des Plaines, IL 60018
Airports District Office, CHI–ADO, Federal Aviation Administration, 2300 East Devon Ave., Des Plaines, IL 60018
Airports District Office, DET–ADO, Federal Aviation Administration, Building 358, Detroit Metropolitan Airport, Detroit, MI 48242
Airports District Office, MSP–ADO, Federal Aviation Administration, 6301 34th Ave. South, Minneapolis, MN 55450
Airports Division, ACE–600, Federal Aviation Administration, Federal Building, 601 East 12th St., Kansas City, MO 64106
Airports Division, ASW–600, Federal Aviation Administration, 4400 Blue Mound Rd., Fort Worth, TX 76131
Airports District Office, ASW–HOU–ABO, Federal Aviation Administration, Wm. P. Hobby Airport, 8800 Paul B. Koonce Dr., Houston, TX 77061
Airports District Office, ASW–ABQ–ADO, Federal Aviation Administration, NWS/FAA Building, Albuquerque International Airport, P.O. Box 9253, Albuquerque, NM 87119
Airports District Office, ASW–OKC–ADO, Federal Aviation Administration, FAA Building, Room 204, Wiley Post Airport, Bethany, OK 73008
Airports Division, ARM–600, Federal Aviation Administration, 10455 East 25th Ave., Aurora, CO 80010
Airports Field Office, BIS–662, Federal Aviation Administration, 2000 Airport Rd., Bismarck, ND 58501
Airports Field Office, HLN–662, Federal Aviation Administration, FAA Building, Room 2, Helena County Airport, Helena, MT 59601
Airports Division, ANW–600, Federal Aviation Administration, FAA Building, Boeing Field, King County International Airport, Seattle, WA 98108
Airports Division, AWE–600, Federal Aviation Administration, 15000 Aviation Blvd., Lawndale, CA 90261
Airports Field Office, AWE–680, Federal Aviation Administration, 15000 Aviation Blvd., Lawndale, CA 90261
Airports Field Office, SFO–680, Federal Aviation Administration, 831 Mitten Rd., Burlingame, CA 94010
Airports Division, AAL–600, Federal Aviation Administration, Anchorage Federal Office Building, P.O. Box 14, 701 C. St., Anchorage, AL 99513
Airports Division, APC–600, Federal Aviation Administration, Prince Jonah Kuhio Kalanianaole Bldg., 300 Ala Moana Blvd., Honolulu, HI 96813

Standard Instrument Approach Procedures (SIAPS)	Part 97
Technical Standard Orders:	
TSO–C10b, Aircraft Altimeter, Pressure, Activated, Sensitive Type (Sept. 1, 1959)	91.36; 127.103
TSO–C74, Airborne ATC Transponder Equipment (Feb. 20, 1973)	91.24; 121.345; 127.123; 135.145
TSO–C88, Automatic Pressure Altitude Digitizer Equipment (Feb. 10, 1967)	91.36; 127.103
TSO–C91, Emergency Locator Transmitters (Oct. 21, 1971)	91.52; 121.339; 121.353; 135.167
TSO–92B, Ground Proximity Warning–Glede Slope Deviation Alerting Equipment (Aug. 19, 1976)	121.360
United States Flight Inspection Manual (3d Edition, May, 1963)	171.71
United States Standard for Technical Instrument Procedures (3d Edition, July, 1976)	171.71
International Civil Aviation Organization Attention: Distribution Officer, P.O. Box 400, Succursale: Place de l'Aviation Internationale, 1000 Sherbrooke St. West, Montreal, Quebec, Canada, H3A 2R2	
Annex 2 to the Convention on International Civil Aviation, Rules of the Air, 6th Edition (1970), with amendments through Amendment 20 (Aug. 1976).	91.1 and 135.3(b)
Annex 10 to the Convention on International Civil Aviation (2d Edition, Vol. I, Apr. 1968)	171.71
Pratt & Whitney Aircraft Co. 400 East Main St., East Hartford, CT 06108	
Engineering Change No. 197707	Part 91, SFAR 27, Sec. 14(b).
Service Bulletin 2417	Part 91, SFAR 27, Sec. 14(b).
Service Bulletin 2531	Part 91, SFAR 27, Sec. 14(b).
Radio Technical Commission for Aeronautics (RTCA) 2000 K St., NW., Washington, D.C. 20006	
RTCA Paper 23-63/DO–117 (March 14, 1963) Standard Adjustment Criteria for Airborne Localizer and Glide Slope Receivers.	91, Appendix A, Para 3(a)

16 CFR CHAPTER II (PARTS 1000 TO END)
CONSUMER PRODUCT SAFETY COMMISSION

	16 CFR
American Association of Textile Chemists and Colorists (AATCC) P. O. Box 12215, Research Triangle Park, NC 27709	
AATCC Test Method 124–1969, Appearance of Durable Press Fabrics After Repeated Home Laundering	1615.4(a)(4); 1616.5(c)(4); 1632.5(b)(1)
American National Standards Institute 1430 Broadway, New York, NY 10018	
ANSI C96.1–1964 American Standard for Temperature Measurement Thermocouples, approved June 9, 1964	1505.6(g)(5)
ANSI C101.1–1971 American National Standard for Leakage Current for Applicances	1505.6(e)(3)(iv)
ANSI Z53.1–1971 Safety Color Code for Marking Physical Hazards	1402.4(a)(1)(i)
ANSI Z97.1–1972 or 1975 Performance Specifications and Methods of Test for Safety Glazing Material Used in Buildings.	1201.7(b)(1)
American Society for Testing and Materials 1916 Race St., Philadelphia, PA 19103	
ASTM D 756–56 (1971) Test of Resistance of Plastics to Accelerated Service Conditioning, Procedure A, issued Sept. 10, 1956.	1201.4(d)(2)(iii)
ASTM D 785–65 (1970) Standard Method of Test for Rockwell Hardness of Plastics and Electrical Insulating Materials, August 31, 1965.	1201.4(e)(1)(iii)(B)
ASTM D 790–71 Standard Method of Test for Flexural Properties of Plastics, October 29, 1971	1201.4(e)(1)(iii)(A)
ASTM D 1535–68 Specifying Color by the Munsell System	1402.4(a)(1)(i)
ASTM D 2565–70 Standard Recommended Practice for Operating Xenon-Arc Type (Water Cooled) Light- and Water Exposure Apparatus for Exposure of Plastics, Procedure B, June 12, 1970.	1201.4(b)(3)(ii)
ASTM G 26–70 Standard Recommended Practice for Light- and Water Exposure Apparatus (Xenon-Arc Type) for Exposure of Nonmetallic Materials, April 13, 1970.	1201.4(b)(3)(ii)
National Fire Protection Association Batterymarch Park, Quincy, MA 02269	
NFPA No. 70–1978, 1978 Edition of National Electrical Code, Article 400, Flexible Cords and Cables, pp. 70–230 through 70–241.	1505.5(e)(5)
NFPA No. 70–1971, 1971 National Electrical Code, Article 400, Flexible Cords and Cables, pp. 70–184 through 70–194	1505.5(h)(2)

[FR Doc. 81–37169 Filed 12–30–81; 8:45 am]
BILLING CODE 1505–02–M

federal register

Thursday
December 31, 1981

Part III

Department of Commerce

Office of the Secretary

Privacy Act of 1974; Amendment to Appendices; Annual Publication

DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 4b

Amendments to Appendices of Privacy Act Rules

AGENCY: Office of the Secretary, Commerce.

ACTION: Final rule.

SUMMARY: The Department of Commerce revised Appendices A and B to its Privacy Act Rules (15 CFR 4b.14) which lists Department officials to whom individuals should address requests and appeals.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Marilyn S. McLennan, U.S. Department of Commerce, Office of Organization and Management Systems, Washington, D.C. 20230, telephone 202–377–4217.

SUPPLEMENTARY INFORMATION: Appendix A is revised to reflect organizational changes such as the position title of a Departmental official, and the transfer of the Maritime Administration from the Department of Commerce to the Department of Transportation pursuant to the Maritime Act of 1981 (Pub. L. 97–31). The only revision to Appendix B is the elimination of reference to the Maritime Administration. Appendix A entitled "Officials to Receive Inquiries, Requests for Access and Requests for Correction or Amendment,":

i. Changes the title of the Privacy Officer for the Bureau of Economic Analysis from "Chief, Planning and Evaluation Officer" to "Chief, Management and Organization Branch."

ii. Changes the title of the Privacy Officer for National Bureau of Standards from "Deputy Director for Information Services" to "Deputy Director of Administration."

iii. Changes the designated Privacy Officer of the Patent and Trademark Office from "Assistant Commissioner for Administration" to "Solicitor."

The Maritime Administration, formerly a component of the Department of Commerce, is now part of the Department of Transportation, and its Privacy Act records are controlled by the Department of Transportation. Accordingly, the reference to the Maritime Administration Privacy Officer is deleted in Appendix A. In Appendix B, "Officials to Receive Appeals from Adverse Determination on Correction or Amendment," the reference to the Maritime Administration Privacy Appeals Officer is deleted for the reasons given above.

There are no other changes to Appendix B.

PART 4b—PRIVACY ACT

The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date do not apply since these revisions of Appendices A and B pertain solely to internal agency management. This regulation is not significant under Executive Order 12291, "Federal Regulations." Accordingly, Appendices A and B to Part 4b of Title 15 of the Code of Federal Regulations are revised to read as follows:

Appendix A—Officials To Receive Inquiries, Requests for Access and Requests for Correction or Amendment [1]

For records in systems of records located [2]
Privacy Officer

The Office of the Secretary and all Departmental staff offices—Director, Office of Organization and Management Systems, Main Commerce Building, Washington, D.C. 20230

Office of the Inspector General—Assistant Inspector General for Investigations, Office of the Inspector General, 1325 G Street, N.W., Room 1060, Washington, D.C. 20006

Bureau of Economic Analysis—Chief, Management and Organization Branch, Bureau of Economic Analysis, Tower Building, 1401 K Street, N.W., Washington, D.C. 20230

Bureau of the Census—Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20230

Bureau of Industrial Economics—Administrative Officer, Room 4845, Main Commerce Building, Washington, D.C. 20230

Economic Development Administration—Director, Office of Public Affairs, Economic Development Administration, Main Commerce Building, Washington, D.C. 20230

International Trade Administration—Privacy Act Officer, Office of Management and Systems, International Trade Administration, Room 3102, Main Commerce Building, Washington, D.C. 20230

Minority Business Development Agency—Privacy Officer, Office of Chief Counsel, Minority Business Development Agency, Main Commerce Building, Washington, D.C. 20230

National Bureau of Standards—Deputy Director of Administration, National Bureau of Standards, Room A1105, Administration Building, Washington, D.C. 20234.

National Oceanic and Atmospheric Administration:

Inquiries Only:

All NOAA except NOAA Corps—Assistant Administrator for Management and Budget, National Oceanic and Atmospheric Administration, 6010 Executive Blvd., Rockville, Maryland 20852

NOAA Corps—Director, National Oceanic and Atmospheric Administration Corps, 6010 Executive Boulevard, Rockville, Maryland 20852

Requests:

All NOAA including NOAA Corps—Assistant Administrator for Management and Budget, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852

National Telecommunication & Information Administration—Director of Administration, National Telecommunications & Information Service, U.S. Department of Commerce, Washington, D.C. 20504

National Technical Information Service—Associate Director for Financial and Administrative Management, National Technical Information Service, Springfield, Virginia 22161

Patent and Trademark Office—Solicitor, Patent and Trademark Office, Washington, D.C. 20231

United States Travel Service—Director, Office of Management and Administration, United States Travel Service, Main Commerce Building, Washington, D.C. 20230

Appendix B—Officials To Receive Appeals From Adverse Determination on Correction or Amendment

For records in systems of records located in—
Privacy Appeals Officer

The Office of the Secretary and all Departmental staff office—Assistant Secretary for Administration, Main Commerce Building, Washington, D.C. 20230

Office of the Inspector General—Inspector General, Main Commerce Building, Washington D.C. 20230

Bureau of Economic Analysis—Director, Bureau of Economic Analysis, Tower Building, 1401 K Street, N.W., Washington, D.C. 20230

Bureau of the Census—Director, Bureau of the Census, Federal Building 3, Washington, D.C. 20233

Bureau of Industrial Economics—Director, Bureau of Industrial Economics, Main Commerce Building, Washington, D.C. 20230

Economic Development Administration—Assistant Secretary for Economic Development, Main Commerce Building, Washington, D.C. 20230

International Trade Administration—Under Secretary for International Trade, Main Commerce Building, Washington, D.C. 20230

Minority Business Development Agency—Director, Minority Business Development Agency, Main Commerce Building, Washington, D.C. 20230

National Bureau of Standards—Director, National Bureau of Standards,

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[1] National Oceanic and Atmospheric Administration subject to division of responsibilities noted below.

[2] If the location of the records within the Department is unknown, address the inquiry to the Privacy Officer for the Office of the Secretary.

Administration Building, Washington, D.C. 20234

National Oceanic and Atmospheric Administration—Administrator, National Oceanic and Atmospheric Administration, Main Commerce Building, Washington, D.C. 20230

National Telecommunications & Information Administration—Assistant Secretary for Communications and Information, 1800 G Street, N.W., Washington, D.C. 20504

National Technical Information Service—Director, National Technical Information Service, Springfield, Virginia 22161

Patent and Trademark Office—Commissioner, Patent and Trademark Office, Washington, D.C. 20231

United States Travel Service—Assistant Secretary for Tourism, Main Commerce Building, Washington, D.C. 20230

Authority: 5 U.S.C. 552a.

Dated: November 18, 1981.

Arlene Triplett,

Assistant Secretary for Administration.

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DEPARTMENT OF COMMERCE

Privacy Act Issuances; Annual Republication of Systems of Records

AGENCY: Office of the Secretary of Commerce.

ACTION: Annual notice of systems of records; proposal to revise three existing systems and to establish a new system.

SUMMARY: Federal agencies are required by the Privacy Act of 1974 to give notice of certain records they maintain. The purpose of this document is to fulfill the annual notice requirement by:

(a) Listing all the Privacy Act systems of records maintained by the Department of Commerce; and

(b) Publishing the full text of all Privacy Act systems of records.

This document also contains a proposal to establish a new system of records COMMERCE/DEPT–11, Candidates for Membership, Members, and Former Members of Department of Commerce Advisory Committees and a proposal to revise three existing systems: COMMERCE/DEPT–1, Attendance, Leave and Payroll Records of Employees and Certain Other Persons, COMMERCE/DEPT–18, Employees Personnel Files Not Covered By Notices of Other Agencies; and NTIS–1, Individuals Interested in NTIS Publications, Shipped Order Addresses, Customer Account Records, and Subscriber Files.

DATES: This document fulfills the annual notice requirements of the Privacy Act. Comments on the proposal to establish the new system of records and to amend the NTIS–1 system are due March 1, 1982. Comments on the revision of COMMERCE/DEPT–1 and COMMERCE/DEPT–18 systems are due February 1, 1982. New System Reports for the new COMMERCE/DEPT–11 system and the amended NTIS–1 system, were submitted to the Congress and to the Office of Management and Budget simultaneously with the publication of this notice. The new system COMMERCE/DEPT–11 and the amended NTIS–1 will become effective 60 days from the date of the new System Report, and proposed revisions of DEPT–1 and DEPT–18, 30 days from the date of this publication, unless the Department notices to the contrary.

FOR FURTHER INFORMATION CONTACT:

Marilyn S. McLennan, U.S. Department of Commerce, Office of Organization & Management Systems, Washington, D.C. 20230, telephone 202–377–4217.

SUPPLEMENTARY INFORMATION:

Explanation of Annual Notice Document

To make it easier for the public to understand the Commerce Department's Privacy Act Implementation, several appendices have been included in this notice which explain revisions and changes to these systems:

(1) Appendix I contains an explanation of the proposed new system of records COMMERCE/DEPT–11, Candidates for Membership, Members and Former Members of Department of Commerce Advisory Committees for which public comments are invited, as well as explanations of revisions to three Department systems which also require public comment—COMMERCE/DEPT–1, Attendance, Leave, and Payroll Records of Employees and Certain Other Persons; COMMERCE/DEPT–18, Employee Personnel Files Not Covered by Notices of Other Agencies; and COMMERCE/NTIS–1, Individuals Interested in NTIS Publications, Shipped Order Addresses, Customer Account Records, and Subscriber Records.

(2) Appendix II contains an explanation of changes to Department systems which do not require public comment.

(3) Appendix III contains changes made to systems of records noticed in the **Federal Register**, since the Department's last republication on December 12, 1980.

(4) This document also contains the complete text of all systems. The text includes a Table of Contents and incorporates material mentioned in 1, 2, and 3, above.

For the items in Appendix I the public is invited to submit written comments to the Assistant Secretary for Administration (Attention: Information Policy Division, Room 5319), U.S. Department of Commerce, Washington, D.C. 20230, (202–377–4217) any time on or before 30 days from the date of this publication for proposed revisions to COMMERCE/DEPT–1 and COMMERCE/DEPT–18 and 60 days for the new systems notice for COMMERCE/DEPT–11 and the amended NTIS–1. These changes will become final unless the Department notices to the contrary.

The comments received will be available for public inspection at the above address between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except holidays.

Simultaneously with this 1981 annual notice document, notice has been submitted for publication in the Rules section of the **Federal Register** (included in this Part III) to indicate changes in the designation of officials authorized to act on Privacy Act requests and appeals, Appendices A and B to the Department Rules at 15 CFR PART 4b. Information about the systems and rules is available by writing or telephoning Marilyn S. McLennan, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377–4217.

(5 U.S.C. 552a.)

Dated: November 13, 1981.

Arlene Triplett,

Assistant Secretary for Administration.

Appendix I—Proposed Changes to Commerce Department Systems of Records for Which Public Comment Is Invited

Simultaneous with the republication of Commerce Department systems of records, the Department submitted to the **Federal Register**, a proposed new system of records, and a proposed revision of three existing systems of records. These proposed revisions are listed below to help the reader in identifying the material on which public comment is invited. These revisions have been incorporated in the text of the republished systems.

1. Add a system of records entitled COMMERCE/DEPT—11, Candidates for Membership, Members and Former Members of Department of Commerce Advisory Committees.

The proposed new system describes records maintained on persons recommended for membership, members, and former members of the Department's advisory committees. The purpose of the system is to enable the Department to more effectively select qualified candidates for membership on these advisory committees and fill vacant memberships in a timely manner. Advisory committees are established to obtain advice or recommendations for the Department from members of the public who have expertise in certain topics or represent various points of view on matters of policy.

As required by the Privacy Act, the Department of Commerce has simultaneously submitted a New System Report to the Congress and the Office of Management and Budget. This system of records will become effective 60 days from the date of the New Systems Report unless the Department notices to the contrary.

The proposed new system is as follows:

COMMERCE/DEPT—11

System Name:

Candidates for Membership, Members, and Former Members of Department of Commerce Advisory Committees.

System Location:

Office of the Secretary, Room 5716, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of Individuals Covered by the System:

Individuals recommended for membership on advisory committees, current members and former members of advisory committees.

Categories of records in the system:

Résumé information: name, home address, business address, educational and employment histories, awards and honors received, age, date of birth, and other biographical information; records of appointment, expiration of the appointment, and correspondence including letters of recommendation.

Authority for maintenance of the system:

5 U.S.C. 301, Pub. L. 92-463.

Routine uses of records maintained in the system including categories of users and the purposes of such uses:

See general routine uses 1, 2, 3, 5, and 9 of the Prefatory statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper hard copy, diskettes for use on word processing equipment.

Retrievability:

Data is filed by committee. An alphabetical card file index of candidates, members, and former members' names is used to retrieve data. This index is also on diskette to retrieve information on word processing equipment.

Safeguards:

Records are located in a locked office. Paper records and diskettes are in locked file cabinets. Access to data on the word processor is by password.

Retention and disposal:

Records will be maintained indefinitely.

System manager(s) and address:

Confidential Assistant, Office of the Secretary, Room 5716, U.S. Department of Commerce, Washington, D.C. 20230.

Notification Procedure:

Information may be obtained from: Director, Office of Organization and Management Systems, O/S, U.S. Department of Commerce, Washington, D.C. 20230. Requestor should provide name and address, pursuant to the Department's rules which appear in 15 CFR Part 4b.

Record access procedures:

Requests from individuals should be addressed to: the address listed in the notification section above.

Contesting records procedures:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual appear in 15 CFR Part 4b. Use the address given in the notification section above.

Record source categories:

Individual candidate or member, persons recommending candidates and those authorized by the individual to provide information.

2. Revise COMMERCE/DEPT–1, Attendance, Leave, and Payroll Records of Employees and Certain Other Persons, to include:

(a) Type of account information (checking or savings) that employees are required to supply when requesting direct deposits of pay to financial institutions. This change is to comply with a Treasury Department memorandum of July 29, 1979, concerning electronic fund transfers. The additional information is needed to assure that pay is deposited to the appropriate account.

(b) Revision is also made to the routine uses paragraph of the system to allow allotment of pay for the purposes of making alimony and child support payments. This change is required by 5 CFR 550.371.

A minor revision is also made to the reference to the Prefatory Statement of General Routine Uses; the reference to routine use concerning disclosure of medical records to an employee's physician is deleted since the files do not contain medical information. The new text is shown is solid capitals.

(a) Categories of records in the system: Name, date of birth, social security number and employee number, service computation date, grade, step, and salary, organization (code) retirement or FICA data as applicable; Federal, state and local tax deductions, as appropriate; IRS tax lien data; savings bond and charity deductions; regular and optional Government life insurance deduction(s), health insurance deduction and plan or code; cash award data; jury duty data; military leave data; pay differentials; union dues deductions; allotments, by type and amount; financial institution code and employee account number; TYPE OF ACCOUNT; leave status and leave data of all types (including annual, compensatory, jury duty, maternity, military, retirement disability, sick, transferred, absence without leave, and without pay); time and attendance records, including number of regular, overtime, holiday, Sunday, and other hours worked; pay period number and ending date; cost of living allowances; mailing address; co-owner and/or beneficiary of bonds, marital status and number of dependents; and "Notification of Personnel Action". The individual records listed herein are included only as pertinent or applicable to the individual employee.

(b) Routine uses of records maintained in the system, including categories of users and the purpose of such uses: Transmittal of data to U.S. Treasury and employee-designated financial institutions to effect issuance of paycheck to employees and distribution of pay according to employee directions for savings bonds, allotments, ALIMONY, CHILD SUPPORT, and other authorized purposes.

3. Revise the categories of records and routine use sections of the COMMERCE/DEPT–18 system, Employees Personnel Files Not Covered by Notices of Other Agencies.

In the categories of records paragraph the changes are to show Department of State and the Department of Labor as agencies which influence personnel management in the Department. The Department of State is added as a result of the Foreign Service Act of 1980 which makes the Commerce Department an agency with responsibilities for Foreign Service Personnel. The Department of Labor is added because its systems do not cover the preliminary files on work-related injuries and illness claims prepared and maintained by the Commerce Department before submission to the Department of Labor. The proposed change to the routine use paragraph provides for submission of information to the Department of State as a result of the Foreign Service Act of 1980 and Department of Commerce compliance with State Department regulations concerning Foreign Service Personnel and submission of work-related injury or illness claims to the Department of Labor. A reference to retirement records is added for the purpose of clarity.

The categories of records section would read (new text in solid capitals):

Categories of records in the system: All personnel records in the Department which are subject to the Privacy Act but are not covered in the notices of systems of records published by OTHER AGENCIES WITH INFLUENCE UPON PERSONNEL MANAGEMENT IN THE DEPARTMENT, SUCH AS THE OFFICE OF PERSONNEL MANAGEMENT, MERIT SYSTEMS PROTECTION BOARD, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, DEPARTMENT OF STATE OR DEPARTMENT OF LABOR. The records of this system may include, but are not limited to: Employee Development; Incentive Awards; Employee Relations; Grievance Records; Medical; WORK-RELATED INJURY OR ILLNESS

CLAIMS; grievance records; medical; Career Management Program; Ship Personnel; Employee Overseas Assignments; Minority Group Statistics Program; Work Performance and Appraisal Records; including supervisory records which have been disclosed; Re-Employment and Priority Placement Programs; Executive Assignments and Merit Pay Actions; Merit Assignment Programs; RETIREMENTS; Within-Grade Denials (Reconsideration File); and, Automated Employee Information System.

The routine use section would read (new text in solid capitals): Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "* * *"

c. To disclose information to officials of the Office of Personnel Management, Merit Systems Protection Board, including the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel, or the Equal Employment Opportunity Commission, AND THE DEPARTMENT OF STATE OR THE DEPARTMENT OF LABOR, when requested in performance of their authorized duties.

4. Revise the COMMERCE/NTIS–1 system, Individuals Interested in NTIS Publications, Shipped Order Addresses, Customer Account Records, and Subscriber Files. The proposed amendment reflects a change in the computer system used to maintain automated records in this system.

The change reflects the use of in-house computer terminals to access information existing in automated files. This information has been available previously only in computer printout reports to the staff of NTIS. Terminals enable the staff to maintain information on new orders, status of deposit accounts, and other order information on a more timely and accurate basis. The use of the terminals is restricted to employees who have need to access the information for the performance of their duties, and does not give access to information to any other agency or component of the Department. There is no change in the nature of personal data maintained in the system nor any increase in the routine uses of the records. The number of routine uses has been reduced as part of an effort to limit routine uses to those which are most relevant to the information being maintained.

The new safeguards section will read as follows (new text in solid capitals):

Safeguards: Records are located in lockable metal file cabinets or in metal tape vaults in secured rooms or premises with access limited to those whose official duties require access. THE DATA CAN ALSO BE OBTAINED AT IN-HOUSE COMPUTER TERMINALS USED BY THOSE WHOSE OFFICIAL NTIS DUTIES REQUIRE ACCESS. Also see general routine uses #4, #5, and #9 AND #13 of the Prefatory Statement.

Although this change may not technically warrant a new systems report as defined by the Office of Management and Budget Circular No. A–108, it was felt that because the change reflects an increased access to the records a report should be submitted simultaneously with the republication of Commerce Department systems of records. The revised system of records will become effective 60 days from the date of the new system report unless the Department advises to the contrary.

Minor changes are also made to the categories of individuals section to improve clarity, to the routine use section to delete inappropriate routine uses, and to the systems location and system manager's sections to reflect a reorganization.

Appendix II—Changes to Department of Commerce Systems of Records Not Requiring Public Comment.

(1) The Maritime Administration, pursuant to the Maritime Act of 1981 (Pub. L. 97–31), has been transferred to the Department of Transportation. Control of the Privacy Act records of the Maritime Administration which were referenced in the December 12, 1980 republication are no longer Department of Commerce systems of records.

(2) Changes have been made to the routine use sections of most systems of records. References to the Prefatory Statement of General Routine Uses are now made to the specific numbered paragraphs of the Prefatory Statement which relate to the types of information in the system. In no instance has the application of the General Routine Uses been expanded. The changes are made only to clarify which uses are applicable to the records in the system.

(3) Minor changes are made throughout the document to reflect changes in position titles, addresses, and to update or correct executive order and statutory authority citations.

(4) To clarify responsibility for systems management, the Office of Information Management (OIM) has been deleted as a systems location for

COMMERCE/DEPT–1, Attendance, Leave and Payroll Records of Employees and Certain Other Persons
COMMERCE/DEPT–2, Accounts Receivable
COMMERCE/DEPT–9, Travel Records (Domestic and Foreign) of Employees and Certain Other Persons
COMMERCE/DEPT–17, Records of Cash Receipts

This office is a service organization which maintains automated records. It acts on the instructions of the system manager in performing records maintenance functions. Its deletion as a systems location does not affect the ability of the public to have access to the records as OIM has not been referenced as a system manager nor as a place for the public to obtain notification information. Its location is the same as the location for manual records—the Main Commerce Building, 14th and Constitution Avenue, Washington, D.C. 20230.

(5) COMMERCE/DEPT–5 system, Freedom of Information and Privacy Act Request Records have been revised by expanding coverage to the Economic Development Administration. Request records in this Department component are now retrievable by name.

(6) The COMMERCE/DEPT–11 system, Work Schedule Study Interview Records, is deleted as all individually identifiable records have been destroyed. Raw data which does not contain any individual identifiers has been donated by the study contractor to the Henry A. Murray Research Center of Radcliffe College in Cambridge, Massachusetts. The number, COMMERCE/DEPT–11, is reassigned to a proposed new system, Candidates for Membership, Members, and Former Members of Department of Commerce Advisory Committees.

(7) COMMERCE/DEPT–13 system, Investigative and Security Records, revision has been made to the categories of individuals sections of the system to indicate that only records prior to May 9, 1980 are maintained for principal officers and some employees of organizations, firms, or institutitons which received or applied for grants, loans, or loan guarantees from the Department. Prior to that date the Office of Investigations and Security had performed name checks on these individuals. This function was transferred to the Office of the Inspector General as part of that office's responsibility under the Inspector General Act of 1978, for promoting economy and efficiency in the Department's programs and preventing and detecting fraud and abuse. The existing system COMMERCE/DEPT–12, Investigative and Inspection Records contains language which covers this category of individuals.

(8) The storage section of COMMERCE/DEPT–16 system, Property Accountability Files, has been revised to add reference to machine-readable

records which was omitted in last year's republication. The change was noticed in 44 FR 76665, and a New System Report was submitted to Congress and the Office of Management and Budget.

(9) The categories of individuals section of COMMERCE/CENSUS–3 system, Individual and Household Statistical Surveys and Special Studies Records is revised for clarification.

(10) COMMERCE/ITA–5 system, Executive Reserve Personnel Folders, is revised to show the use of word processing equipment to store and retrieve information.

(11) Revisions are made to the system, COMMERCE/ITA–6, Foreign Service Officers Evaluations, to clarify the categories of individuals, routine uses, and retention and disposal sections of this system, and to reflect increased Department responsibilities concerning Foreign Service personnel as a result of the Foreign Service Act of 1980.

(12) The storage section of the COMMERCE/NBS–4 system, Employees External Radiation Exposure Records, is revised. The Health Physics Branch of the Occupational Health and Safety Division of the National Bureau of Standards is planning to use the existing minicomputer capabilities in the Branch to maintain current records of employees who may be exposed to radiation on the job. This plan concerns only the Health Physics Branch Records. The minicomputer does not have a telecommunications capability which could increase the risk of unauthorized access. The minicomputer is not connected to terminals in other components of NBS, the Department, or other agencies. Access to the computer is by password and is restricted to the personnel of the Health Physics Branch. This change to automated storage does not meet the criteria for submission of a New Systems Report.

(13) COMMERCE/NOAA–11, NOAA Mailing Lists, has been revised by adding the National Earth Satellite Service as a systems location.

(14) COMMERCE/NOAA–12, Marine Mammals, Endangered and Threatened Species, Permits and Exemptions Applicants, has been revised to indicate that permit or exemption numbers are used to retrieve information.

(15) The storage section of COMMERCE/NTIA–1 system, Radio Spectrum Management Career Development Program, is revised to delete a reference to machine-readable magnetic discs.

(16) In the COMMERCE/NTIS–2 system, Employee Daily Time and Productivity Records, revision is made deleting routine uses. Use of the records is limited to internal financial accounting purposes.

(17) Revision is made to COMMERCE/PAT–TM–7 system, Patent Application Files to clarify the routine use section: no changes of substance are made.

(18) COMMERCE/PAT–TM–9 system, Patent Assignment Records has been revised to show patent number as an item used to retrieve a record.

Appendix III—Changes to Systems of Records Noticed in the Federal Register Since December 12, 1980 and Prior to the Date of This Notice and Federal Register Citation of Previously Issued Rules and Systems

1. March 24, 1981 Federal Register, page 18327–8 Final Notice of COMMERCE/MBDA–1 system, Descriptive Data Questionnaire.

2. The Department last published its systems notices and revisions to Appendices to its Privacy Act rules, 15 CFR Part 4b, December 12, 1980, 45 FR 82101–82149. Department of Commerce Privacy rules may be found in 15 CFR Part 4b.

Systems of Records

The identification of the unit or units within the Department to which the particular system of records pertains appears as "COMMERCE/" followed by a designating abbreviation. The abbreviations and their meanings are as follows:

CENSUS—Bureau of the Census
DEPT—Overall Department of Commerce (or at least multiple operating units presently, and a potential for more)
ITA—International Trade Administration
IATC—Interagency Auditor Training Center
MBDA—Minority Business Development Agency
NBS—National Bureau of Standards
NOAA—National Oceanic and Atmospheric Administration
NTIA—National Telecommunications and Information Administration
NTIS—National Technical Information Service
PAT-TM—Patent and Trademark Office
WBO—Interagency Task Force on Women Business Owners

Other abbreviations appearing in the notices are as follows:

ARC—The Appalachian Regional Commission
BEA—Bureau of Economic Analysis
BIE—Bureau of Industrial Economics
EDA—Economic Development Administration
Office of Federal Cochairmen—Office(s) of Federal Cochairmen of the Regional Action Planning Commissions and The Appalachian Regional Commission
RAPCS—Regional Action Planning Commissions
USTS—United States Travel Service

Prefatory Statement of General Routine Uses

The following routine uses apply to, and are incorporated by reference into, each system of records set forth below.

1. In the event that a system or records maintained by the Department to carry out its functions indicates a violation or poential violation of law or contract, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute or contract, or rule, regulation, or order issued pursuant thereto, or the necessity to protect an interest of the Department, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or contract, or rule, regulation or order issued pursuant thereto, or protecting the interest of the Department.

2. A record from this system of records may be disclosed, as a routine use, to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a Department decision concerning the assignment, hiring or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a Federal, state, local, or international agency, in response to its request, in connection with the assignment, hiring or retention of an individual, the issuance of a security clearance, the reporting of an investigation of an individual, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to

opposing counsel in the course of settlement negotiations.

5. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual when the individual has requested assistance from the Member with respect to the subject matter of the record.

6. A record in this system of records which contains medical information may be disclosed, as a routine use, to the medical advisor of any individual submitting a request for access to the record under the Act and 15 CFR Part 4b if, in the sole judgment of the Department, disclosure could have an adverse effect upon the individual, under the provision of 5 U.S.C. 552a(f)(3) and implementing regulations at 15 CFR 4b.6.

7. (Deleted; Reserved)

8. A record in this system of records may be disclosed, as a routine use, to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

9. A record in this system of records may be disclosed, as a routine use, to the Department of Justice in connection with determining whether disclosure thereof is required by the Freedom of Information Act (5 U.S.C. 552).

10. A record in this system of records may be disclosed, as a routine use, to a contractor of the Department having need for the information in the performance of the cntract, but not operating a system of records within the meaning of 5 U.S.C. 552a(m).

11. (Deleted; Reserved)

12. A record in this system may be transferred, as a routine use, to the Office of Personnel Management: for personnel research purposes; as a data source for management information; for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained; or for related manpower studies.

13. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e. GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

National Defense and Foreign Policy Exemption

Some systems of records under the Act which are maintained by the Department contain, from time-to-time, material subject to the specific exemption authorized by 5 U.S.C. 552a(k)(1), relating to national defense and foreign policy materials. The systems of records noticed below, and also listed in 15 CFR 4b.14(a) of the regulations published in the **Federal Register**, which are subject to this determination of specific exemption under 5 U.S.C. 552a(k)(1) are:

COMMERCE/ITA–1
COMMERCE/ITA–2
COMMERCE/NOAA–5
COMMERCE/PAT–TM–4
COMMERCE/PAT–TM–6
COMMERCE/PAT–TM–7
COMMERCE/PAT–TM–8
COMMERCE/PAT–TM–9
COMMERCE/DEPT–12
COMMERCE/DEPT–13
COMMERCE/DEPT–14

The Department hereby asserts a claim to exemption of such materials wherever they might appear in such systems of records, or any systems of records, at present or in the future. The materials would be exempt from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). The reason therefore is to protect the material required by Executive Order to be kept secret in the interest of the national defense and foreign policy.

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NBS—3 Research Associates
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NBS—5 Nuclear Reactor Operator Licensees File
NBS—6 Participants in Experiments, Studies, and Surveys
NBS—7 NBS Emergency Locator System
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NOAA—4 Commissioned Officers Retired Payroll
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WBO—1 Talent and Experience File of Women's Business Experts

COMMERCE/DEPT-1

SYSTEM NAME:

Attendance, Leave, and Payroll Records of Employees and Certain Other Persons—COMMERCE/DEPT-1

SYSTEM LOCATION:

a. For employees of Departmental Offices, BEA, BIE, EDA, ITA, MBDA, USTS, Offices of Federal Cochairmen, RAPCs, and ARC: Office of Financial Operations, OS, U.S. Department of Commerce, 14th & Constitution Avenue, N.W., Washington, D.C. 20230.

b. For employees of NBS, NTIS, and NTIA: National Bureau of Standards, Office of the Comptroller, (Payroll Office), Administration Building, Washington, D.C. 20234. NTIA records dating prior to March 26, 1978, relating to employees of the former Office of Telecommunications Policy, Executive Office of the President, are located at General Services Administration Region 3 Office, 7th & D Streets, N.W., Washington, D.C. 20407.

c. For employees of NOAA: National Oceanic and Atomospheric Administration, Office of Finance, Personal Service Accounting Division, 11420 Rockville Pike, Rockville, Maryland 20852.

d. For employees of PAT–TM: Office of Finance (Employee Accounts Division), U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

e. For employees of CENSUS: Finance Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233, and the following Census Regional Offices: 1365 Peachtree Street, NE., Atlanta, Georgia 30309; 441 Stuart Street, Boston, Massachusetts 02116; 230 South Tryon Street, Charlotte, North Carolina 28202; 55 East Jackson Boulevard, Chicago, Illinois 60604; 1100 Commerce Street, Dallas, Texas 75242; 575 Union Boulevard (P.O. Box 25207), Denver, Colorado 80225; 231 W. Lafayette, Detroit, Michigan 48226; One Gateway Center, 4th and State Streets, Kansas City, Kansas 66101; 11777 San Vicente Boulevard, Los Angeles, California 90049; 26 Federal Plaza, New York City, New York 10278; 600 Arch Street, Philadelphia, Pennsylvania 19106; and 1700 Westlake Avenue, Seattle, Washington 98109.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Commerce Department employees and certain other persons as categorized by organizational component in a. through f. above.

CATERGORIES OF RECORDS IN THE SYSTEM:

Name, date of birth, social security number and employee number, service computation date, grade, step, and salary; organization (code), retirement or FICA data as applicable; Federal, state, and local tax deductions, as appropriate; IRS tax lien data; savings bond and charity deductions; regular and optional Government life insurance deduction(s), health insurance deduction and plan or code; cash award data; jury duty data; military leave data; pay differentials; union dues deductions; allotments, by type and amount; financial institution code and employee account number, type of account; leave status and leave data of all types (including annual, compensatory, jury duty, maternity, military, retirement disability, sick, transferred, absence without leave, and without pay); time and attendance records, including number of regular, overtime, holiday, Sunday, and other hours worked; pay period number and ending date; cost of living allowances; mailing address; co-owner and/or beneficiary of bonds, marital status and number of dependents; and "Notification of Personnel Action". The individual records listed herein are included only as pertinent or applicable to the individual employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Title 31 U.S.C. 66a, 492, Title 44 U.S.C. 3101, 3309.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Transmittal of data to U.S. Treasury and employee-designated financial institutions to effect issuance of paycheck to employees and distribution of pay according to employee directions for savings bonds, allotments, alimony, child support, and other authorized purposes.

Reporting: tax withholding to Internal Revenue Service and appropriate State and local taxing authorities; FICA deductions to the Social Security Administration; dues deductions to labor unions; withholdings for health and life insurance to the insurance carriers and the U.S. Office of Personnel Management; charity contribution deductions to agents of charitable institutions; annual W–2 statements to taxing authorities and the individual; wage, employment, and separation information to state unemployment compensation agencies, to the Department of Labor to determine eligibility for unemployment

compensation, and to housing authorities for low-cost housing applications; and NOAA Corps data to U.S. Office of Personnel Management for preparation of statistical materials. Also, see routine use paragraphs 1–5 and 8–13 of Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Both manual and machine-readable.

RETRIEVABILITY:

By name and/or employee or social security number.

SAFEGUARDS:

Physical, technical and administrative security is maintained, with all storage equipment and/or rooms locked when not in use. Admittance, when open, is restricted to authorized personnel only. All payroll personnel and computer operators and programmers are instructed and cautioned on the confidentiality of the records.

RETENTION AND DISPOSAL:

Retained on site until after GAO audit, then disposed of, or transferred either to Federal Records Storage Centers in accordance with the fiscal records program approval by GAO, as appropriate, or general Record Schedules of GSA.

SYSTEM MANAGER(S) AND ADDRESS:

For records at location a.: Director, Office of Financial Operations, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b: Comptroller, Office of the Comptroller, National Bureau of Standards, Administration Building, Washington, D.C. 20234.

For records at location c.: Chief Personnel Service Accounting Division, Office of Finance, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852;

For records at location d.: Director, Office of Finance, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location e.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233, and the Director of the particular Regional Office listed above.

NOTIFICATION PROCEDURE:

For BEA records at location a., information may be obtained from: Chief, Management and Organization Branch, , BEA, Tower Building, 1401 K Street, N.W., Washington, D.C. 20230.

For BIE records at location a., information may be obtained from: Administrative Officer, BIE, Room 4845, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

For ITA records at location a., information may be obtained from: Director, Office of Management and Systems, ITA, U.S. Department of Commerce, Washington, D.C. 20230.

For EDA records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230.

For MBDA records at location a., information may be obtained from: Privacy Officer, Office of Chief Counsel, MBDA, U.S. Department of Commerce, Washington, D.C. 20230.

For USTS records at location a., information may be obtained from: Director, Office of Administration, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For NBS and NTIS records at location b., information may be obtained from: Deputy Director for Information Systems, Room A1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234.

For NTIA records at location b., information may be obtained from: Privacy Officer, NTIA, U.S. Department of Commerce, Washington, D.C. 20504;

For records at location c., information may be obtained from: Assistant Administrator for Management and Budget, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852;

For records at location d., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231; and

For records at location e., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Requester should provide name, social security number, and time or organization unit of employment pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address of the desired location as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address for desired location.

RECORD SOURCE CATEGORIES:

Subject individuals, those authorized by the individual to furnish information, supervisors, timekeepers, official personnel records, and IRS.

COMMERCE/DEPT-2

SYSTEM NAME:

Accounts Receivable—COMMERCE/DEPT–2.

SYSTEM LOCATION:

a. For Departmental offices, BEA, BIE, ITA, USTS, MBDA, Offices of Federal Cochairmen, RAPCs, and ARC: Office of Financial Operations, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

b. For NBS and NTIA: National Bureau of Standards, Office of the Comptroller, Administration Building, Washington, D.C. 20234.

c. For NOAA: Office of Finance, National Oceanic and Atmospheric Administration, 11420 Rockville Pike, Rockville, Maryland 20852.

d. For PAT–TM: Office of Finance, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

e. For CENSUS: Finance Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

f. For NTIS: Accounting Division, National Technical Information Service, Springfield, Virginia 22161.

g. For EDA: Accounting Division, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Debtors owing money to organizational components identified in a through g including employees, former employees, business firms, general public, and institutions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address; amount owed, and service, overpayment or other accounting therefor, invoice number, if any.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5701–09; 31 U.S.C. 951–953, 4 CFR Sec. 102.4, FPMR 101–7; Treasury Fiscal Requirements Manual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Billing debtors, reporting delinquent debts to credit bureaus, reporting to Office of Personnel Management for liquidating debts from retirement and other benefits, and routine uses 1–5 and 8–13 of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Both manual and machine-readable records.

RETRIEVABILITY:

By name, and invoice number as appropriate.

SAFEGUARDS:

Physical security, handling by authorized personnel only.

RETENTION AND DISPOSAL:

Retained until payment is received and account is audited, then disposed of in accordance with Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

For records at location a.: Director, Office of Financial Operations, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b.: Comptroller, Office of the Comptroller, National Bureau of Standards, Administration Building, Washington, D.C. 20234.

For records at location c.: Director, Office of Finance, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852.

For records at location e.: Director, Office of Finance, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location e.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location f.: Chief, Accounting Division, National Technical Information Service, Springfield, Virginia 22161.

For records at location g.: Chief, Accounting Division, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

For BIE records at location a., information may be obtained from: Administrative Officer, BIE, Room 4845, 14th and Constitution Avenue, N.W., Washington, D.C. 20230;

For ITA records at location a., information may be obtained from: Director, Office of Management and Systems, ITA, U.S. Department of Commerce, Washington, D.C. 20230;

For USTS records at location a., information may be obtained from: Director, Office of Administration, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For NBS records at location b., information may be obtained from: Deputy Director of Administration, Room A1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234;

For NTIA records at location b., information may be obtained from: Privacy Officer, NTIA, U.S. Department of Commerce, Washington, D.C. 20504;

For records at location c., information may be obtained from: Assistant Administrator for Management and Budget, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852.

For records at location d., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231; and

For records at location e., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location f., information may be obtained from: Associate Director for Financial and Administrative Management, National Technical Information Service, Springfield, Virginia 22161.

For records at location g., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230.

Requester should provide name and address, and invoice number as appropriate, pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual, those authorized by the individual to furnish information, contracting officer as appropriate, accounting records.

COMMERCE/DEPT-3

SYSTEM NAME:

Conflict of Interest Records, Appointed Officials—COMMERCE/DEPT-3.

SYSTEM LOCATION:

Office of General Counsel, Room 5870, U.S. Department of Commerce, Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, past and present, appointed by the President to Commerce Department offices and other senior level officers of the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

Statements of personal and family shareholdings and other interests in business enterprises; copies of blind trust and other agreements pertaining to such interests; correspondence as to insulation of control of such interests; opinions of counsel; and confirmation materials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 18 U.S.C. 208, 28 U.S.C. 533–535, 44 U.S.C. 3101, E.O. 10450, and E.O. 11222.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs of Prefatory Statement, except paragraphs 6, 8, and 10.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Disposed of 2 years after separation of employee.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy General Counsel, Room 5870, U.S. Department of Commerce, Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

Information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and date of appointment pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

The subject individual, financial institutions involved, counsel, and those authorized by the individual to furnish information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a (k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k)(5) is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine suitability for employment.

COMMERCE/DEPT-4

SYSTEM NAME:

Congressional Files—COMMERCE/DEPT-4.

SYSTEM LOCATION:

a. Office of the Assistant Secretary for Congressional Affairs, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

b. Office of the Director of Congressional and Public Affairs, National Telecommunications and Information Administration, 1800 G Street, NW., Washington, D.C. 20504.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of Congress.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical information from sources such as the Congressional Quarterly, Almanac of American Politics, Congressional Directory, biographies provided by Members' Offices, extracts from the Congressional Record, and correspondence between the Members and the Department.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1–5, 8, 10, and 12 of Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in paper form only.

RETRIEVABILITY:

Indexed by name of Member or State or Congressional District.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

The records are retained in accordance with the Office's Record Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

For records at location a.: Assistant Secretary for Congressional Affairs, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

For records at location b.: Director of Congressional and Public Affairs, National Telecommunications and Information Administration, U.S. Department of Commerce, 1800 G Street, NW., Washington, D.C. 20504.

NOTIFICATION PROCEDURE:

For records at location a.: Information may be obtained from: Departmental Office of Organization and Management Systems, OS, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

For records at location b.: Information may be obtained from: Privacy Officer, National Telecommunications and Information Administration, U.S. Department of Commerce, 1800 G Street, NW., Washington, D.C. 20504. Requester should provide name of Member pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Published Congressional reference materials and the Member, himself or herself.

COMMERCE/DEPT-5.

SYSTEM NAME:

Freedom of Information and Privacy Request Records—COMMERCE/DEPT-5.

SYSTEM LOCATION:

a. For FOIA request records of CENSUS: Planning and Security Office, Bureau of the Census, Federal Building 3, Suitland, Md. 20233.

b. For FOIA and PA request records of ITA: Office of Management and Systems, ITA, Room 3102, U.S. Department of Commerce, Washington, D.C. 20230.

c. For FOIA and PA requests for EDA Office of Public Affairs, U.S. Department of Commerce, Washington, D.C. 20230.

For FOIA request records of NOAA: Freedom of Information Request Control Desk, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Md. 20852.

e. For FOIA request records of NTIA: Freedom of Information Request Control Desk, National Telecommunications and Information Administration, 1800 G Street, N.W., Washington, D.C. 20504.

f. For PA request records of the Office of the Secretary: Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have requested records under the Freedom of Information and/or Privacy Acts contained in files maintained by the organizational units shown in the System Location paragraph above.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incoming requests; correspondence developed during processing of requests; initial and final determination letters;

records summarizing pertinent facts about requests and action taken; copy or description of records released; description of records denied (copies of records denied are not kept with these files).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 5 U.S.C. 552, 5 U.S.C. 552a and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Department management and legal personnel to assure that each request receives an appropriate reply and to compile data for the required annual reports on activities under the Acts. General routine uses of the 1–5, 9, 12, and 13 of the Prefatory Statement also apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

At all locations: Paper records in file folders or loose-leaf binders.

RETRIEVABILITY:

At location b.: By control number assigned to each request based on date of receipt.

At all other locations: Alphabetically by name of requester.

SAFEGUARDS:

At all locations: Privacy Act request records are stored in file cabinets in secured premises with access limited to those whose official duties require access. Freedom of Information request records are generally available to the public.

RETENTION AND DISPOSAL:

Records are disposed of in accordance with the appropriate records disposition authorization approved by the Archivist of the United States.

SYSTEM MANGER(S) AND ADDRESS:

For records at location a.: Associate Director for Administration, Bureau of the Census.

For records at location b.: Privacy Act Officer, ITA.

For records at location c.: Director, Office of Public Affairs, EDA.

For records at location d.: Assistant administrator for Management and Budget, NOAA.

For records at location e.: Director, Office of Administration, NTIA.

For records at location f.: Director, Office of Organization and Management Systems, U.S. Department of Commerce.

For each system manager, use the same address as shown for that unit in the System Location section above.

NOTIFICATION PROCEDURE:

For records at locations a., b., c., d., and f.: Same individual and address for each as shown in System Manager section above.

For records at location e.: Privacy Officer, NTIA, same address as shown in System Manager section above.

Requestor should provide name and address pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

The individual making the request, and records derived from the processing of Freedom of Information and Privacy Act requests.

COMMERCE/DEPT–6.

SYSTEM NAME:

Visitor Logs and Permits for Facilities Under Department Control—COMMERCE/DEPT–6.

SYSTEM LOCATION:

National Bureau of Standards: Security Office, Administration Building, Washington, D.C. 20234; and Physical Security Office, Radio Building, NBS, Boulder, Colorado 80302.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Non-Federal visitors, Federal personnel entering facilities after duty hours, and employees seeking parking and firearm permits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, place of birth, citizenship, physical characteristics, type and number of firearms and amount of ammunition, purpose of visit, affiliation, time in and time out, license numbers, and records of violations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1–5 and 8–13 of Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

RETRIEVABILITY:

Filed alphabetically by name, or date and time.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retained on site for five years, then disposed of in accordance with unit's Record Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, National Bureau of Standards, Washington, D.C. 20234.

NOTIFICATION PROCEDURE:

Information may be obtained from Deputy Director of Administration, Room A1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234.

Requesters should provide name and address, date of visit or type of permit, as appropriate, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual, those authorized by the individual to furnish information, and employers.

COMMERCE/DEPT–7

SYSTEM NAME:

Employee Accident Reports—COMMERCE/DEPT–7.

SYSTEM LOCATION:

a. For employees of Departmental Offices, BEA, BIE, and USTS: Office of Administrative Services, U.S. Department of Commerce, Washington, D.C. 20230.

b. For employees of ITA: Office of Administrative Support, International Trade Administration, Washington, D.C. 20230.

c. For employees of EDA: Office Service Division, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

d. For employees of MBDA: Office of Planning, Budget and Evaluation, Minority Business Development Agency, Washington, D.C. 20230.

e. For employees of NBS: Occupational Health and Safety Division, Supply and Plant Building, NBS, Washington, D.C. 20234.

f. For employees of NOAA: Office of Administrative Operations, National Oceanic and Atomospheric Administration, 6010 Executive Blvd., Rockville, Md. 20852.

g. For employees of NTIS: Facilities Management Division, National Technical Information Service, Springfield. Va. 22161.

h. For employees of PAT–TM: Office of General Services, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

i. For employees of CENSUS: Administrative Service Division, Bureau of the Census, Building 4, Washington, D.C. 20233.

j. For employees of NTIA: Office of Administration, National Telecommunications and Information Administration, 1800 G Street, NW., Washington, D.C. 20504.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Department employees as categorized by organization component in a through j above, who have sustained occupational injury/illness or who have been involved in a motor vehicle accident while on official Government business,

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; address; home telephone number; date and place of birth; sex; social security number; occupation; grade; location and description of accident or injury; driving permit or license data; physical condition at time of incident; insurance information; vehicle ownership and licensing data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 651–78, 28 U.S.C. 2671–2680, Executive Order 12196.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs of Prefatory Statement. Also, accident reports involving Government vehicles are disclosed to the General Services Administration, the custodian of Government vehicles; accident information may also be disclosed to insurance carriers during resolution of claims.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are located in lockable metal file cabinets with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Disposed after 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

For records at location a: Coordinator for Occupational Safety and Health and Motor Management, Departmental Office of Administrative Services, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b.: Director, Office of Administrative Support, International Trade Administration, Washington, D.C. 20230.

For records at location c.: Chief, Office Service Division, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

d. For records at location: Assistant Director, Office of Planning, Budget, and Evaluation, Minority Business Development Agency, Washington, D.C. 20230.

e. For records at location: Safety and Health Manager, Supply and Plant Building, NBS, Washington, D.C. 20234.

f. For records at location: Safety Engineer, Office of Administrative Operations, National Oceanic and Atmospheric Administration, Rockville, Md. 20852.

g. For records at location: Chief, Facilities Management Division, National Technical Information Service, Springfield, Va. 22161.

h. For records at location: Director, Office of General Services, U.S. Patent and Trademark Office, Washington, D.C. 20231.

i. For records at location: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

j. For records at location: Safety Officer, Office of Administration, National Telecommunications and Information Administration, 1800 G Street, NW., U.S. Department of Commerce, Washington, D.C. 20504.

NOTIFICATION PROCEDURE:

For Departmental office records at location a., information may be obtained from: Director, Office of Organization and Management Systems, OS, U.S. Department of Commerce, Washington D.C. 20230;

For BEA records at location a., information may be obtained from: Chief, Management and Organization Branch of Administration, BEA, Tower Building, 1401 K Street, NW., Washington D.C. 20230;

For BIE records at location a., information may be obtained from: Administrative Officer, BIE Room 4845, 14th & Constitution Avenue, NW., Washington D.C. 20230;

For USTS records at location a., information may be obtain from: Director, Office of Administration, United States Travel Service, Washington D.C. 20230.

For records at location b., information may be obtain from: Privacy Act Officer, Office of Management and Systems, International Trade Administration, Room 3102, U.S. Department of Commerce, Washington D.C. 20230;

For records at location c., information may be obtain from: Director, Office of Public Affairs, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington D.C. 20230.

For records at location d., information may be obtain from: Privacy Officer, Office of Chief Counsel, Minority Business Development Agency, Washington D.C. 20230;

For records at location e., information may be obtain from: Deputy Director of Administration Room A1105, Administration Building, National Bureau of Standards, Washington D.C. 20234;

For records at location f., information may be obtain from: Assistant Administrator for Management and Budget, National Oceanic and Atomspheric Administration, Rockville, Md. 20852;

For records at location g., information may be obtain from: Associate Director for Financial and Administrative Management, National Technical Information Service, Springfield, VA 22161;

For records at location h., information may be obtain from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington D.C. 20231;

For records at location i., information may be obtain from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington D.C. 20233;

For records at location j., information may be obtain from: Privacy Officer, National Telecommunications and Information Administration, 1800 G Street, NW., U.S. Department of Commerce, Washington D.C. 20504.

Requester should provide name and approximate date of accident pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address of the desired location as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address for desired location.

RECORD SOURCE CATEGORIES:

Subject individual, those authorized by the individual to furnish information; others involved in accident; witnesses; employee's supervisor; and, the safety officer.

COMMERCE/DEPT-8.

SYSTEM NAME:

Employee Applications for Motor Vehicle Operator's Card—COMMERCE/DEPT–8.

SYSTEM LOCATION:

a. For employees of Departmental offices, BEA, BIE, MBDA, NTIA, offices of Federal Cochairmen, and USTS: Office of Administrative Services, U.S. Department of Commerce, Washington, D.C. 20230

b. For employees of ITA: Office of Administrative Support, International Trade Administration, Washington, D.C. 20230.

c. For employees of EDA: Office Service Division, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

d. For employees of NBS and NTIS: Occupational Health and Safety Division, Supply and Plant Building, Washington, D.C. 20234; and Staff Services Office, Radio Building, NBS, Boulder, Colorado 80302.

e. For employees of NOAA: Office of Administrative Operations, National Oceanic and Atmospheric Administration, Rockville, Md. 20852.

f. For employees of PAT–TM: Office of General Services, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

g. For employees of CENSUS: Administrative Service Division, Bureau of the Census, Federal Building 4, Washington, D.C. 20233; and the following Census Regional Offices: 1365 Peachtree Street, NE., Atlanta, Georgia 30309; 441 Stuart Street, Boston, Massachusetts 02116; 230 South Tryon Street, Charlotte, North Carolina 28202; 55 East Jackson Boulevard, Chicago, Illinois 60604; 1100 Commerce Street, Dallas, Texas 75242; 575 Union Boulevard (P.O. Box 25207), Denver, Colorado 80225; 231 W. Lafayette, Detroit, Michigan 48226; One Gateway Center, 4th and State Streets, Kansas City, Kansas 66101; 11777 San Vicente Boulevard, Los Angeles, California 90049; 26 Federal Plaza, New York City, New York 10278, 600 Arch Street, Philadelphia, Pennsylvania 19106; and 1700 Westlake Avenue, Seattle, Washington 98109.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Department employees as categorized by organizational components in a through g above, who are seeking or holding a Federal vehicle operator permit.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; position title; date and place of birth; physical characteristics; social security number, summary of driving record, including all arrests, traffic citations and accidents for the past five years; hearing and visual acuity examination report; road test results; and medical history.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 471; E.O. 9397.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1–6 and 9–13 in the Prefatory Statement. Also, information is transmitted to the Department of Transportation with request for suitability check.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are located in lockable metal file cabinets with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Disposed of when re-issued at the end of three years or upon employee's termination of employment.

SYSTEM MANAGER(S) AND ADDRESS:

For records at location a.: Coordinator for Occupational Safety and Health and Motor Management, Departmental Office of Administrative Services, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b.: Director, Office of Administrative Support, International Trade Administration, Washington, D.C. 20230.

For records at location c.: Chief, Office Service Division, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

For records at location d.: Safety and Health Manager, Supply and Plant Building, National Bureau of Standards, Washington, D.C. 20234; and Safety Engineer, Radio Building, NBS, Boulder, Colorado 80302.

For records at location e.: Motor Fleet Manager, Office of Administrative Operations, National Oceanic and Atmospheric Administration, Rockville, Md. 20852.

For records at location f.: Director, Office of General Services, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location g.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

NOTIFICATION PROCEDURE:

For BEA records at location a., information may be obtained from: Chief, Management and Organization Branch BEA, Tower Building, 1401 K Street, N.W., Washington, D.C. 20230;

For BIE records at location a., information may be obtained from: Administrative Officer, BIE, Room 4845, 14th & Constitution Avenue, N.W., Washington, D.C. 20230;

For MBDA records at location a., information may be obtained from: Privacy Officer, Office of Chief Counsel MBDA, U.S. Department of Commerce, Washington, D.C. 20230;

For NTIA records at location a., information may be obtained from:

Privacy Officer, NTIA, U.S. Department of Commerce, Washington, D.C. 20504;

For USTS records at location a., information may be obtained from: Director, Office of Administration, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Privacy Act Officer, Office of Management and Systems, International Trade Administration, Room 3102, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location c., information may be obtained from: Director, Office of Public Affairs, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

For records at location d., information may be obtained from: Deputy Director of Administration, Room A1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234.

For records at location e., information may be obtained from: Assistant Administrator for Management and Budget, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852.

For records at location f., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location g., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Requester should provide name, organizational unit, and approximate date of employment pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address of the desired location as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual, those authorized by the individual to furnish information, motor vehicle departments in individual's state, and National Driver Register of the Department of Transportation.

COMMERCE/DEPT-9

SYSTEM NAME:

Travel Records (Domestic and Foreign) of Employees and Certain Other Persons—COMMERCE/DEPT-9.

SYSTEM LOCATION:

a. For employees of Departmental Offices, BEA, BIE, ITA, MBDA, USTS, Offices of Federal Cochairmen, and RAPCs; members of DOC Advisory Committees; employees and certain other persons associated with ARC; and private citizens invited to visit the Department:

Office of Financial Operations, OS, Main Commerce Building, Washington, D.C. 20230.

b. For employees of NBS and NTIA: Office of the Comptroller, National Bureau of Standards, Administration Building, Washington, D.C. 20234.

c. For employees of NOAA: Chief, Travel and Transportation Management Branch, Property and Logistics Support Division, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852 and the following Field Finance Offices: Research Building 3, 3100 Marine Street, Boulder, Colo. 80302; Room 1760, 601 E. 12th Street, Kansas City, Mo. 64106; 75 Virginia Beach Drive, Building 2, Miami, Fla. 33149; and, North Bethesda Office Center, 11420 Rockville Pike, Rockville, Maryland 20852.

d. For employees of PAT-TM: Office of General Services, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

e. For employees of CENSUS: Finance Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and the following Regional Offices for intermittent CENSUS employees: 1365 Peachtree Street, N.E., Atlanta, Georgia 30309; 441 Stuart Street, Boston, Massachusetts 02116; 230 South Tryon Street, Charlotte, North Carolina 28202; 55 East Jackson Boulevard, Chicago, Illinois 60604; 1100 Commerce Street, Dallas, Texas 75242; 575 Union Boulevard (P.O. Box 25207), Denver, Colorado 80225; 231 W. Lafayette, Detroit, Michigan 48226; One Gateway Center, 4th and State Streets, Kansas City, Kansas 66101; 11777 San Vicente Boulevard, Los Angeles, California 90049; 26 Federal Plaza, New York City, New York 10278; 600 Arch Street, Philadelphia, Pennsylvania 19106; and 1700 Westlake Avenue, Seattle, Washington 98109.

f. For employees of EDA: Accounting Division, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, Advisory Committee Members, State Representatives of ARC, and official guests of the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, social security number; destination, itinerary, mode and purpose of travel; dates; expenses including amounts advanced (if any), amounts claimed, and amounts reimbursed; travel orders, travel vouchers, receipts, and passport record card.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Budget and Accounting Act of 1921; Accounting and Auditing Act of 1950; and Federal Claim Collection Act of 1960.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Transmittal to U.S. Treasury for payment, to State Department for passports, and see paragraphs 1–5 and 9–13 of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual and machine-readable.

RETRIEVABILITY:

Filed by name, social security number, or travel order number.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retained according to GSA Federal Travel Regulations, and then disposed of according to unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

For records at location a., Director, Office of Financial Operations, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b. Comptroller, Office of the Comptroller, National

Bureau of Standards, Administration Building, Washington, D.C. 20234.

For records at location c. Chief, Travel and Transportation Division, Office of Administrative Operations, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852 and the Chief of the particular Field Finance Office listed above.

For records at location d. Director, Office of General Services, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location e. Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and the Director of the particular Regional Office listed above.

For records at location f. Chief, Accounting Division, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

For BEA records at location a., information may be obtained from: Chief, Management and Organization Branch, BEA, Tower Building, 1401 K Street, N.W., Washington, D.C. 20230;

For BIE records at location a., information may be obtained from: Administrative Officer, BIE, Room 4845, 14th & Constitution Avenue, N.W., Washington, D.C. 20230;

For ITA records at location a., information may be obtained from: Director, Office of Management and Systems, ITA, U.S. Department of Commerce, Washington, D.C. 20230;

For MBDA records at location a., information may be obtained from: Privacy Officer, Office of Chief Counsel, MBDA, U.S. Department of Commerce, Washington, D.C. 20230;

For USTS records at location a., information may be obtained from: Director, Office of Administration, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For NBS records at location b. information can be obtained from: Deputy Director of Administration, Room A1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234.

For NTIA records at location b. information may be obtained from: Privacy Officer, NTIA, U.S. Department of Commerce, Washington, D.C. 20504.

For records at location c. information can be obtained from: Assistant Administrator for Management and Budget, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852.

For records at location d. information can be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C.20231.

For records at location e. information can be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location f. information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Requester should provide name, travel order number, if known, and date of travel, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual, those authorized by the individual to furnish information, supervisors, and finance (or accounting) office standard references.

COMMERCE/DEPT-10

SYSTEM NAME:

Executive Correspondence Files—COMMERCE/DEPT–10.

SYSTEM LOCATION:

a. For Office of the Secretary correspondence: Executive Secretariat and Office of Information Management (Computer Services Division); U.S. Department of Commerce; 14th & Constitution Avenue, N.W., Washington, D.C. 20230.

b. For EDA correspondence: Executive Secretariat, EDA, Room 7227, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

c. For MBDA correspondence: MBDA Secretariat., Room 5083, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

d. For NOAA correspondence: Executive Secretariat, Office of the Administrator, NOAA, Room 5807, 14th and Constitution Avenue, N.W., Washington, D.C. 20230. Records on magnetic tape are also temporarily located at the contractor's installation: Dialcom Inc., 1104 Spring Street, Silver Spring, Md. 20910.

e. For PAT–TM correspondence: Office of the Commissioner of Patents and Trademarks, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Individuals who correspond with the Secretary of Commerce, Deputy Secretary, or Assistant Secretary for Congressional Affairs, and individuals whose correspondence has been referred by the White House, other Executive agencies or Members of Congress to the Secretary or Deputy Secretary for response. (b) Individuals who correspond with top level officials in EDA, MBDA, NOAA, and PAT–TM. In these categories the individuals include only those who express views or seek information or assistance. Freedom of Information Act or Privacy Act requests are not indexed in this system (See Freedom of Information and Privacy Request Records—COMMERCE/DEPT–5).

CATEGORIES OF RECORDS IN THE SYSTEM:

The system may include the name and address or correspondent, summary of subject matter, original correspondence, official response, referral letters, memoranda or notes concerning the subject of the correspondence, or copies of any enclosures. The records in the system are arranged numerically by control number assigned to each item of correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by personnel in the Office of the Secretary, Executive Secretarit, and administrative offices of each operating unit of the Department to assure that each request receives an appropriate and timely reply and to prepare statistical reports for management on correspondence volume or topics of public interest.

Information from or copies of the records may be provided to the original addressee of the original correspondence. General routine uses of the Prefatory Statement also apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in paper form and on diskettes and magnetic tape.

RETRIEVABILITY:

By control number, by correspondent's name, by subject, by addressee, by category of writer (e.g., Member of Congress, White House staff, Cabinet member, mayor, citizen) by category of correspondence, by Executive Secretariat analysts' identification code, by type of priority for response time, by date, or possibly by city and state of correspondent's address.

SAFEGUARDS:

Paper records and magnetic tape are stored in file cabinets on secured premises with access limited to personnel whose official duties require access.

RETENTION AND DISPOSAL:

Records are disposed in accord with the appropriate records disposition schedule approved by the Archivist of the United States.

SYSTEM MANAGER(S) AND ADDRESS:

For records at location a.: Director, Executive Secretariat, Office of the Secretary, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b.: Chief, Executive Secretariat, EDA, Room 7227, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

For records at location c.: Chief, MBDA Secretariat, Room 5063, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

For records at location d.: Director, Executive Secretariat, Office of Administrator, National Oceanic and Atmospheric Administration, Washington, D.C. 20230.

For records at location e.: Commissioner of Patents and Trademarks, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

NOTIFICATION PROCEDURE:

For records at location a., information may be obtained from Director, Office of Organization and Managment Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location c., information may be obtained from Privacy Officer, Office of Chief Counsel, MBDA, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location d., information may be obtained from the Assistant Administrator for Management and Budget, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852.

For records at location e., information may be obtained from Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. All requests for information should provide the correspondent's name as included in original correspondence, or provide any items listed under the retrievability section above pursuant to the inquiry provisions of the Department's rules that appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Request for access and disclosures should be addressed to the same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and for appealing initial determination by the individual concerned appear in 15 CFR Part 4b. Requests for correction should be addressed to manager as shown above.

RECORD SOURCE CATEGORIES:

The correspondent, referral source, Department employees involved in processing the correspondence, and other individuals, as required to prepare an appropriate response.

COMMERCE/DEPT-11

SYSTEM NAME:

Candidates for Membership, Members, and Former Members of Department of Commerce Advisory Committees.

SYSTEM LOCATION:

Office of the Secretary, Room 5716, U.S. Department of Commerce, Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals recommended for membership on advisory committees, current members and former members of advisory committees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Resume information: name, home address, business address, educational and employment histories, awards and honors received, age, date of birth, and other biographical information; records of appointment, expiration of the appointment, and correspondence including letters of recommendation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, P.L. 92–463.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine uses 1, 2, 3, 5, and 9 of the Prefatory statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper hard copy, diskettes for use on word processing equipment.

RETRIEVABILITY:

Data is filed by committee. An alphabetical card file index of candidates, members, and former members' names is used to retrieve data. This index is also on diskette to retrieve information on word processing equipment.

SAFEGUARDS:

Records are located in a locked office. Paper records and diskettes are in locked file cabinets. Access to data on the word processor is by password.

RETENTION AND DISPOSAL:

Records will be maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Confidential Assistant, Office of the Secretary, Room 5716, U.S. Department of Commerce, Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

Information may be obtained from: Director, Office of Organization and Management Systems, O/S, U.S. Department of Commerce, Washington, D.C. 20230. Requestor should provide name and address, pursuant to the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: the address listed in the notification section above.

CONTESTING RECORDS PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual appear in 15 CFR Part 4b. Use the address given in the notification section above.

RECORD SOURCE CATEGORIES:

Individual candidate or member, persons recommending candidates and those authorized by the individual to provide information.

COMMERCE/DEPT-12.

SYSTEM NAME:

Investigative and Inspection Records—COMMERCE/DEPT-12.

SYSTEM LOCATION:

Office of Inspector General, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

a. Current and former employees of the Department of Commerce and such other persons whose association with the Department relates to the alleged violations of the Department's rules of conduct, the Civil Service merit system, or any other criminal or civil misconduct, which affects the integrity or facilities of the Department of Commerce. The names of individuals and the files in their names may be: 1) received by referral; or 2) initiated at the discretion of the Inspector General in the conduct of assigned duties.

b. Individuals who are: witnesses; complainants; confidential or non-confidential informants; suspects; defendants; parties who have been identified by the Office of the Inspector General or by other agencies, constituent units of the Department of Commerce and members of the general public in connection with the authorized functions of the Inspector General.

c. Current and former Commerce officials who are the subject of investigations initiated and conducted by the Office of the Inspector General.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters, memoranda, and other documents citing complaints of alleged criminal or administrative misconduct. Investigative files which includes: reports of investigations to resolve allegations of misconduct or violations of law with related exhibits, statements, affidavits or records obtained during investigations; prior criminal or non-criminal records of individuals as they relate to the investigations; reports of actions taken by management personnel regarding misconduct; and reports from or to other law enforcement bodies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978 (Public Law 95–462); Executive Orders 12065 and 10450; 44 U.S.C. 3101; 28 U.S.C. 535; 18 U.S.C. including Sections 201, 203, 205, 207, 208, 209, 210, 211, 219, 285, 287, 508, 595, 600, 602, 603, 604, 607, 608, 641, 643, 653, 654, 798, 1001, 1719, 1905, 1913, 1917, 1918, 2071, 2073; 5 U.S.C. including Sections 301, 2302, 7311, 7324, 7352; 15 U.S.C. 1512; 31 U.S.C. 638(a)(c).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine use for law enforcement purposes will include disclosure to the appropriate agency, whether Federal, State, local, foreign, or international, charged with the responsibility for investigating or prosecuting a violation of any law, rule, regulation or order or of enforcing or implementing any law, rule, regulation or order. Routine use for law enforcement purposes will also include disclosure to individuals or to agencies, whether Federal, State, local, foreign or international, when necessary to further the ends of an investigations. See routine use paragraphs 1–5 and 8–13 in Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; and automated storage media.

RETRIEVABILITY:

Indices are alphabetical, cross referenced to file number.

SAFEGUARDS:

Locked cabinets in secured rooms or in guarded building, and used only by authorized screened personnel.

RETENTION AND DISPOSAL:

When cases are closed records are disposed of in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Investigations, Office of the Inspector General, 1325 G Street, N.W., Room 1060, Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Inspector General for Investigations, Office of the Inspector General, 1325 G Street, N.W., Room 1060, Washington, D.C. 20230. Requester should provide name and association with the Department, if any, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals: Office of Personnel Management, FBI and other Federal, state, local, foreign and international agencies; individuals and organizations that have pertinent knowledge about the subject; and those authorized by the individual to furnish information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under 5 U.S.C. 552a(j)(2), the head of any agency may exempt any system of records within the agency from certain provisions of the Privacy Act of 1974, if the agency or component that maintains the system performs as its principal function any activities pertaining to the enforcement of criminal laws. The Inspector General Act of 1978, Public Law 95–462, mandates the Inspector General to recommend policies for, and to conduct, supervise and coordinate activities in the Department and between the Department and other Federal, State and local governmental agencies with respect to all matters relating to the prevention and detection of fraud in programs and operations administered or financed by the Department, and to the identification and prosecution of participants in such fraud. Under the Act, whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law the Inspector General must report the matter expeditiously to the Attorney General. In addition to these principal functions pertaining to the enforcement of criminal laws, the Inspector General may receive and investigate complaints on information from various sources concerning the possible existence of activities constituting violations of law, rules or regulations, or mismanagement, gross waste of funds, abuses of authority or substantial and specific danger to the public health and safety.

The provisions of the Privacy Act of 1974 from which exemptions are claimed under 5 U.S.C. 552a(j)(2) are as follows;

5 U.S.C. 552a(c)(3) and (4)
5 U.S.C. 552a(d)
5 U.S.C. 552a(e)(1)(2) and (3)
5 U.S.C. 552a(e)(4)(G), (H), and (I)
5 U.S.C. 552a(e)(5) and (8)
5 U.S.C. 552a(f)
5 U.S.C. 552a(g)

To the extent that the exemption under 5 U.S.C. 552a(j)(2) is held to be invalid, then the exemptions under 5 U.S.C. 552a(k)(1), (k)(2), and (k)(5) are

claimed for all material which meets the criteria of these three subsections.

Provisions of the Privacy Act of 1974 from which exemptions are claimed under 5 U.S.C. 552a(k)(1), (k)(2) and (k)(5) are as follows:

5 U.S.C. 552a(c)(3)
5 U.S.C. 552a(d)
5 U.S.C. 552a(e)(1)
5 U.S.C. 552a(e)(4)(G), (H), and (I)
5 U.S.C. 552a(f)

Reasons for exemptions: In general, the exemption of this information and material is necessary in order to accomplish the law enforcement function of the Office of Inspector General, to prevent disclosure of classified information as required by Executive Order 12065, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of sources, to maintain access to sources of information, and to avoid endangering these sources and law enforcement personnel. Detailed reasons follow:

Reasons for exemptions under 5 U.S.C. 552a(j)(2) and (k)(2):

1) 5 U.S.C. 552a(c)(3) requires that upon request, an agency must give an individual named in a record an accounting which reflects the disclosure of the record to other persons or agencies. This accounting must state the date, nature and purpose of each disclosure of the record and the name and address of the recipient. The application of this provision would alert subjects of an investigation to the existence of the investigation and that such persons are subjects of that investigation. Since release of such information to subjects of an investigation would provide the subjects with significant information concerning the nature of the investigation, it could result in the alerting or destruction of documentary evidence, improper influencing of witnesses, and other activities that could impede or compromise the investigation.

2) 5 U.S.C. 552a(c)(4), (d), (e)(4)(G) and (H), (f) and (g) relate to an individual's right to be notified of the existence of records pertaining to such individual; requirements for identifying an individual who requests access to records; the agency procedures relating to access to records and the contest of information contained in such records; and the civil remedies available to the individual in the event of adverse determinations by an agency concerning access to or amendment of information contained in record systems. This system is exempt from the foregoing provisions for the following reasons: To notify an individual at the individual's request of the existence of records in an investigative file pertaining to such individual or to grant access to an investigative file could interfere with investigative and enforcement proceedings, deprive co-defendants of a right to a fair trial or other impartial adjudication, constitute an unwarranted invasion of personal privacy of others, disclose the identity of confidential sources and reveal confidential information supplied by these sources and disclose investigative techniques and procedures.

3) 5 U.S.C. 552a(e)(4)(I) requires the publication of the categories of sources of records in each system of records. The application of this provision could disclose investigative techniques and procedures and cause sources to refrain from giving such information because of fear of reprisal, or fear of breach of promises of anonymity and confidentiality. This would compromise the ability to conduct investigations, and to identify, detect, and apprehend violators.

4) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual that is relevant and necessary to accomplish a purpose of the agency required by statute or Executive Order. An exemption from the foregoing is needed:

a. Because it is not possible to detect relevance or necessity of specific information in the early stages of a criminal or other investigation.

b. Relevance and necessity are questions of judgment and timing. What appears relevant and necessary when collected may ultimately be determined to be unnecessary. It is only after the information is evaluated that the relevance and necessity of such information can be established.

c. In any investigation the Inspector General may obtain information concerning the violations of laws other than those within the scope of his jurisdiction. In the interest of effective law enforcement, the Inspector General should retain this information as it may aid in establishing patterns of criminal activity, and provide leads for those law enforcement agencies charged with enforcing other segments of criminal or civil law.

d. In interviewing persons, or obtaining other forms of evidence during an investigation, information may be supplied to the investigator which relate to matters incidental to the main purpose of the investigation but which may relate to matters under the investigative jurisdiction of another agency. Such information cannot readily be segregated.

5) 5 U.S.C. 552(e)(2) requires an agency to collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privilege under Federal programs. The application of the provision would impair investigations of illegal acts, violations of the rules of conduct, merit system and any other misconduct for the following reasons:

a. In certain instances the subject of an investigation cannot be required to supply information to investigators. In those instances, information relating to a subject's illegal acts, violations of rules of conduct, or any other misconduct, etc., must be obtained form other sources.

b. Most information collected about an individual under investigation is obtained from third parties such as witnesses and informers. It is not feasible to rely upon the subject of the investigation as a source for information regarding his activities.

c. The subject of an investigation will be alerted to the existence of an investigation if any attempt is made to obtain information from subject. This could afford the individual the opportunity to conceal any criminal activities to avoid apprehension.

d. In any investigation it is necessary to obtain evidence from a variety of sources other than the subject of the investigation in order to verify the evidence necessary for successful litigation.

6) 5 U.S.C. 552a(e)(3) requires that an agency must inform the subject of an investigation who is asked to supply information of:

a. the authority under which the information is sought and whether disclosure of the information is mandatory or voluntary,

b. the purposes for which the information is intended to be used,

c. the routine uses which may be made of the information, and

d. the effects on the subject, if any, of not providing the requested information. The reasons for exempting this system of records from the foregoing provision are as follows:

(i) The disclosure to the subject of the investigation as stated in (b) above would provide the subject with substantial information relating to the nature of the investigation and could impede or compromise the investigation.

(ii) If the subject were informed of the information required by this provision, it could seriously interfere with

undercover activities requiring disclosure of undercover agents' identity and impairing their safety, as well as impairing the successful conclusion of the investigation.

(iii) Individuals may be contacted during preliminary information-gathering in investigations before any individual is identified as the subject of an investigation. Informing the individual of the matters required by this provision would hinder or adversely affect any present or subsequent investigations.

7) 5 U.S.C. 552a(e)(5) requires that records be maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in making any determination about an individual. Since the law defines "maintain" to include the collection of information complying with this provision would prevent the collection of any data not shown to be accurate, relevant, timely, and complete at the moment of its collection. In gathering information during the course of an investigation it is not possible to determine this prior to collection of the information. Facts are first gathered and then placed into a logical order which objectively proves or disproves criminal behavior on the part of the suspect. Material which may seem unrelated, irrelevant, incomplete, untimely, etc., may take on added meaning as an investigation progresses. The restrictions in this provision could interfere with the preparation of a complete investigative report.

8) 5 U.S.C. 552a(e)(8) requires an agency to make reasonable efforts to serve notice on an individual when any record of such individual is made available to any person under compulsory legal process when such process becomes a matter of public record. The notice requirement of this provision could prematurely reveal an ongoing criminal investigation to the subject of the investigation.

Reasons for exemptions under 5 U.S.C. 522a(k)(1):

1) 5 U.S.C. 552a(c)(3) requires that an agency make accountings of disclosures of records available to individuals named in the records at their request. These accountings must state the date, nature and purpose of each disclosure of the record and the name and address of the recipient. The application of this provision would alert subjects of an investigation to the existence of the investigation and that such persons are subjects of that investigation, information which if known might cause damage to national security.

2) 5 U.S.C. 552a(d), (e)(4) (G) and (H), and (f) relate to an individual's right to be notified of the existence of records pertaining to such individual; requirements for identifying an individual who requests access to records; and the agency procedures relating to access to records and the contest of information contained in such records. This system is exempt from the foregoing provisions for the following reasons: To notify an individual at the individual's request of the existence of records in an investigative file pertaining to such individual or to grant access to an investigative file could interfere with investigations undertaken in connection with national security; or could disclose the identity of sources kept secret to protect national security or reveal confidential information supplied by these sources.

3) 5 U.S.C. 552a(e)(4)(I) requires the publication of the categories of sources of records in each system of records. The application of this provision could disclose the identity of sources kept secret to protect national security.

4) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual that is relevant and necessary to accomplish a purpose of the agency required by statute or Executive Order. An exemption from the foregoing is needed: a. Because it is not possible to detect relevance or necessity of specific information in the early stages of an investigation involving national security matters.

b. Relevance and necessity are questions of judgment and timing. What appears relevant and necessary when collected may ultimately be determined to be unnecessary. It is only after the information is evaluated that the relevance and necessity of such information can be established.

c. In any investigation the Inspector General may obtain information concerning the violators of laws other than those within the scope of his jurisdiction. In the interests of effective law enforcement, the Inspector General should retain this information as it may aid in establishing patterns of criminal activity, and provide leads for those law enforcement agencies charged with enforcing other segments of criminal or civil law.

d. In interviewing persons, or obtaining other forms of evidence during an investigation, information may be supplied to the investigator which relate to matters incidental to the main purpose of the investigation but which may relate to matters under the investigative jurisdiction of another agency. Such information cannot readily be segregated.

Reasons for exemptions under 5 U.S.C. 552a(k)(5):

1) 5 U.S.C. 552a(c)(3) requires that an agency make accountings of disclosures of records available to individuals named in the records at their request. These accountings must state the date, nature and purpose of each disclosure of the record and the name and address of the recipient. The application of this provision would alert subjects of an investigation to the existence of the investigation and that such persons are subjects of that investigation. Since release of such information to subjects of an investigation would provide the subjects with significant information concerning the nature of the investigation, it could result in the altering or destruction of documentary evidence, improper influencing of witnesses, and other activities that could impede or compromise the investigation.

2) 5 U.S.C. 552a(d), (e)(4) (G) and (H), and (f) relate to an individual's right to be notified of the existence of records pertaining to such individual; requirements for identifying an individual who requests access to records; and the agency procedures relating to access to records and the contest of information contained in such records. This sytem is exempt from the foregoing provisions for the following reasons: To notify an individual at the individual's request of the existence of records in an investigative file pertaining to such individual or to grant access to an investigative file could interfer with investigative and enforcement proceedings; co-defendants of a right to a fair trial; constitute an unwarranted invasion of personal privacy of others; disclose the identity of confidential sources and reveal confidential information supplied by these sources; and disclose investigative techniques and procedures.

3) 5 U.S.C. 552a(e)(4)(I) requires the publication of the categories of sources of records in each system of records. The application of this provision could disclose investigative techniques and procedures and cause sources to refrain from giving such information because of fear of reprisal, or fear of breach of promises of anonymity and confidentiality. This would compromise the ability to conduct investigations, and to make fair and objective decisions on questions of suitability for Federal employment and related issues.

4) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual

that is relevant and necessary to accomplish a purpose of the agency required by statute or Executive Order. An exemption from the foregoing is needed:

a. Because it is not possible to detect relevance or necessity of specific information in the early stages of an investigation.

b. Relevance and necessity are questions of judgment and timing. What appears relevant and necessary when collected may ultimately be determined to be unnecessary. It is only after the information is evaluated that the relevance and necessity of such information can be established.

c. In any investigation the Inspector General may obtain information concerning the violations of laws other than those within the scope of his jurisdiction. In the interest of effective law enforcement, the Inspector General should retain this information as it may aid in establishing patterns of criminal activity, and provide leads for those law enforcement agencies charged with enforcing other segments of criminal or civil law.

d. In interviewing persons, or obtaining other forms of evidence during an investigation, information may be supplied to the investigator which relate to matters incidental to the main purpose of the investigation but which may relate to matters under the investigative jurisdiction of another agency. Such information cannot readily be segregated.

COMMERCE/DEPT-13

SYSTEM NAME:

Investigative and Security Records—COMMERCE/DEPT-13.

SYSTEM LOCATION:

Departmental Office of Investigations and Security, OS, Main Commerce Bldg., Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Nominees, members, and former members of public advisory committees, trade missions, and export councils; employees, former employees, and prospective employees; research associates; and guest workers. Employees of contractors used, or which may be used, by the Department on national security classified projects. Principal officers of some contractors used, or which may be used by the Department. Principal officers and some employees of organizations, firms, or institutions which were recipients or beneficiaries, or prospective recipients or beneficiaries, of grants, loans, or loan guarantee programs of the Department prior to May 9, 1980.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; address; date and place of birth; Social Security Number; citizenship; physical characteristics; employment and military service history; credit references and credit records; education; medical history; arrest records; Federal employee relatives; dates and purpose of visits to foreign countries; passport numbers; names of spouses, relatives, references, and personal associates; activities; and security, and suitability materials. This system does not include records of EEO investigations. Such records are covered in a government-wide system noticed by the then Office of Personnel Management and now the responsibility of the Equal Employment Opportunity Commission. For assistance contact the Privacy Officer for the Office of the Secretary.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Orders 10450, 11478, 12065, 5 U.S.C. 301 and 7531–332; 15 U.S.C. 1501 et. seq.; 28 U.S.C. 533–535; 44 U.S.C. 3101; and Equal Employment Act of 1972.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information concerning nominees, members and former members of public advisory committees may be disclosed: (a) to OMB in connection with its committee management responsibilities; (b) to other Federal agencies which have joint responsibility for advisory committees or which receive or utilize advice of the committees; and (c) to a Federal, state or local agency, private organization or individual as necessary to obtain information in connection with a decision concerning appointment or reappointment of an individual to committee membership.

Information concerning (1) nominees, members, and former members of trade missions and export councils; (2) current employees, former employees, and prospective employees; (3) research associates; (4) guest workers; (5) employees of contractors used, or which may be used, by the Department on national security classified projects; (6) principal officers of some contractors used, or which may be used, by the Department; and (7) principal officers and some employees of organizations, firms or institutions which are recipients or beneficiaries or prospective recipients or beneficiaries of grants, loans, guarantee or other assistance programs of the Department;—may be disclosed to a private organization or individual as necessary to obtain information in connection with a decision concerning the assignment, hiring, or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. See routine use paragraphs in Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Locked cabinets in secure rooms in guarded buildings, and used only by authorized screened personnel.

RETENTION AND DISPOSAL:

When cases are closed, records are disposed of in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Investigations and Security, OS, Main Commerce Building, Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

Information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and association with the Department, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURE:

Requests from individuals should be addressed to: same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals; OPM, FBI and other Federal, state, and local agencies; individuals and organizations that have pertinent knowledge about the subject; and, those authorized by the individual to furnish information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a (k)(1), (k)(2) and (k)(5), all information and material

in the record which meets the criteria of these subsections are exempted from the notice, access, and contest requirements under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the agency regulations because of the necessity to exempt this information and material in order to accomplish this law enforcement function of the agency, to prevent disclosure of classified information as required by Executive Order 12065, to assure the protection of the President, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of information, and to avoid endangering these sources and law enforcement personnel.

COMMERCE/DEPT-14

SYSTEM NAME:

Litigation, Claims, and Administrative Proceeding Records—COMMERCE/DEPT-14.

SYSTEM LOCATION:

a. For matters involving CENSUS: Office of the Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233. Some records may be duplicated in the offices of Census Bureau division chiefs. A complete address list of division chiefs is available upon request from the individual designated in the Notification section below.

b. For matters involving ITA tort and personal property claims: Office of Administrative Support, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

c. For matters involving EDA: Office of Chief Counsel, EDA, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

d. For matters involving NBS other than personal property loss claims and violations of traffic and grounds regulation: National Bureau of Standards, Office, of the Legal Adviser, Administration Building, Washington, D.C. 20234. For matters involving personal property loss claims, Office Management Division, National Bureau of Standards Supply and Plant Building, Washington, D.C. 20234. For matters involving violations of traffic and grounds regulations at Gaithersburg, Maryland, Security Office, Administration Building, Washington, D.C. 20234 and for violations of those regulations at Boulder or Fort Collins, Colorado, Physical Security Office, NBS, Radio Building, Boulder Colorado, 80302.

e. For matters including NOAA—see location i.

f. For matters involving NTIS: Office of the Associate Director for Financial and Administrative Management, National Technical Information Service, Springfield, Va. 22161.

g. For matters involving NTIA: Office of the Chief Counsel, National Telecommunications and Information Administration, 1800 G Street, N.W., Washington, D.C. 20504; or Office of Administration, National Telecommunications and Information Administration, 1800 G Street, N.W., Washington, D.C. 20504.

h. For matters involving PAT–TM: Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington Virginia 22202.

i. For all other matters: Office of the General Counsel, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230. Some of the records at location a through h may be duplicated at location i. Also, the records at locations a through h may be duplicated in part or in whole in other Department of Commerce systems of records, or in Government-wide systems, at other locations. For assistance in this regard, information may be obtained from the individual identified in the appropriate Notification procedure section below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals the subject of any litigation in which the Department is involved; individuals who make administrative claims or appeals against the Department; individuals the subject of claims and administrative actions brought by the Department. Individuals cited for violation of traffic and grounds regulations. Individuals who may have provided statements or other evidence with respect to any of the above. "Department" means the U.S. Department of Commerce or any component thereof , or any officer or employee thereof.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, addresses, social security account numbers, statements of claims and analyses thereof, investigatory reports, opinions of law, and pleadings, motions, depositions, rulings, opinions, citation particulars (description of vehicle, date of birth, physical characteristics, driving permit or license data, vehicle license data, etc.), and other litigation and claims documentation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. Section 31101; 42 U.S.C. 3211; 31 U.S.C. 240; 28 U.S.C. 533–535 and 1346(b); 15 U.S.C. 277 and 278e(b); E.O. 10450; and all other authorities of the Department.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are disposed of according to unit's Record Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

For records at location a.: Associate Director for Administration Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location b.: Director, Officer of Administrative Support, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location c.: Chief Counsel, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

For records at location d.: For matters involving NBS other than personal property loss claims and violations of traffic and grounds regulations: Legal Adviser, National Bureau of Standards, Washington, D.C. 20234. For matters involving violations of traffic and grounds regulations; Chief, Facilities Services Division, National Bureau of Standards, Supply and Plant Building, Washington, D.G. 20234. For matters involving personal property loss claims: Staff Officer, Office Management Division, National Bureau of Standards Washington, D.C. 20234.

For records at location f.: Associate Director for Financial and Administrative Management, National Technical Information Service Springfield, Va. 22161.

For records at location g.: Chief Counsel and Director of Administration (for their respective portions), National Telecommunications and Information Administration, U.S. Department of Commerce, 1800 G Street, N.W., Washington, D.C. 20504.

For records at location h.: Solicitor, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location e, f and i.: General Counsel, U.S. Department of Commerce, Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

For records at location a.: information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location b., information may be obtained from: Privacy Act Office, Office of Management and Systems, ITA, Room 3102, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location c., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location d.: information may be obtained from: Deputy Director of Administration, Room A1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234;

For records at location e.: information may be obtained from: Assistant Administrator for Management and Budget, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852.

For records at location f.: information may be obtained from: Associate Director for Financial and Administrative Management, National Technical Information Service, Springfield, Va. 22161.

For records at location g.: information may be obtained from: Privacy Officer, National Telecommunications and Information Administration, U.S. Department of Commerce, 1800 G Street, N.W., Washington, D.C. 20504.

For records at location h.: information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location i.: information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

Requester should provide name, address, social security number, case number, date of claim, organization unit in which employed, as appropriate, pursuant to the inquiry provisions which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject claimant or plaintiff; those authorized by the foregoing to furnish information; and, whatever sources pertinent to the nature of the case.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a (k)(1), (k)(2) and (k)(5), all investigatory material and material subject to the provisions of 5 U.S.C. 552(b)(1) in the record which meets the criteria of these sub-sections is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations because of the necessity to exempt this information and material in order to prevent disclosure of classified information as required by Executive Order 12065 in the interest of the national defense and foreign policy and in order for the Department's legal staff to properly perform its functions.

COMMERCE/DEPT-15

SYSTEM NAME:

Private Legislation Claimants-Central Legislative Files—COMMERCE/DEPT-15.

SYSTEM LOCATION:

Office of the General Counsel, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual claimants against the government seeking remedy through private relief bills in patent, contract, employee compensation, and other similar areas which involve the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

Draft and formal relief bills, statements, and information as to the basis and validity of the claim, and correspondence with the claimant and the sponsor of the legislation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Act of February 4, 1903, 32 Stat. 825.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are located in lockabled metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained according to the Office's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant General Counsel, Legislation, U.S. Department of Commerce, Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

Information may be obtained from: Director, Office of Organization and Management Systems, OS, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name, social security number, date of claim, and name of bill, if any, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURE:

Requests from individuals should be addressed to: same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject claimant and those authorized by the claimant to furnish information; records of units of the Department primarily involved in the transaction; service or application on which the claim is founded; and the sponsoring Member of Congress.

COMMERCE/DEPT-16

SYSTEM NAME:

Property Accountability Files—COMMERCE/DEPT–16.

SYSTEM LOCATION:

a. For all libraries of the Department. For listing, see Directory of Libraries in the United States Department of Commerce, 1972, Department of Commerce, Washington, D.C.; or American Library Directory, biennial, R.R. Bowker Company, New York City.

b. For employees of CENSUS: Administrative Service Division, Bureau of the Census, Federal Building 4, Washington, D.C. 20233, and the following Census Regional Offices: 1365 Peachtree Street, NE., Atlanta, Georgia 30309; 441 Stuart Street, Boston, Massachusetts 02116; 230 South Tryon Street, Charlotte, North Carolina 28202; 55 East Jackson Boulevard, Chicago, Illinois 60604; 1100 Commerce Street, Dallas, Texas 75242; 575 Union Boulevard (P.O. Box 25207), Denver, Colorado 80225; 231 W. Lafayette, Detroit, Michigan 48226; One Gateway Center, 4th and State Streets, Kansas City, Kansas 66101; 11777 San Vicente Boulevard, Los Angeles, California 90049; 26 Federal Plaza, New York City, New York 10278; 600 Arch Street, Philadelphia, Pennsylvania 19106; and 1700 Westlake Avenue, Seattle, Washington 98109.

c. For employees of NBS: Security Office, National Bureau of Standards, Administration Building, Washington, D.C. 20234. Instrument Shops Division, Shops Building, NBS, Washington, D.C. 20234; and Security Office, Radio Building, NBS, Boulder, Colorado 80302.

d. For employees of PAT-TM: Users Services Section, Scientific Library, U.S. Patent and Trademark Office, Washington, D.C. 20231.

e. For NTIA: Office of Administration, National Telecommunications and Information Administration, 1800 G Street, NW., Washington, D.C. 20504.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, general public, institutions, and anyone who charges out or signs for books or other materials.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; telephone number; title of book; identification of property or equipment; home and business address; employee I.D. number; position; job title; grade; organization; explanations for items not accounted for, correspondence; clearances; and, key number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; 40 U.S.C. 481–92; 15 U.S.C. 1518.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1–5 and 9–13 of Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper copy in file folders and trays and machine-readable media.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are located in lockable metal file cabinets, or lockable desks, or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retained until property is accounted for, then disposed of in accordance with unit's Record Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

For records at location a.: The head of the respective library.

For records at location b.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233, and the Director of the particular Regional Office listed above.

For records at location c.: Security Officer, National Bureau of Standards, Administration Building, Washington, D.C. 20234.

For records at location d.: Program Manager, Scientific Library, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location e.: Director of Administration, National Telecommunications and Information Administration, U.S. Department of Commerce, 1800 G Street, NW., Washington, D.C. 20504.

NOTIFICATION PROCEDURE:

For records at location a.: Address communication to the library's parent organization (e.g., National Bureau of Standards) Attention: Privacy Officer, or use the Privacy Officer's Official position title and address as listed in Appendix B to the Department's rules which appear in 15 CFR Part 4b.

For records at location b.: Information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location c.: Information may be obtained from: Deputy Director of Administration, Room A1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234.

For records at location d.: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231.

For records at location e.: Information may be obtained from: Privacy Officer, National Telecommunications and Information Administration, U.S. Department of Commerce, 1800 G Street, NW., Washington, D.C. 20504.

Requester should provide name and address pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual, those authorized by the individual to furnish information, book cards, and supply person providing the equipment.

COMMERCE/DEPT-17

SYSTEM NAME:

Records of Cash Receipts—COMMERCE/DEPT–17.

SYSTEM LOCATION:

a. For Departmental offices, BEA, BIE, ITA, MBDA, USTS, Offices of Federal Cochairmen, RAPCs, and ARC: Office Financial Operations, OS, U.S. Department of Commerce, 14th and Constitution Ave,, N.W., Washington, D.C. 20230.

b. For NTIS: Accounting Division, National Technical Information Service, Springfield, Virginia 22161.

c. For PAT–TM: Office of Finance, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

d. For Census: Finance Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

e. For NTIA: Office of Administration, National Telecommunications and

Information Administration, 1800 G Street, N.W., Washington, D.C. 20504.

f. For EDA: Accounting Division, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals paying for goods or services, reimbursing overpayments, or otherwise delivering cash to the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, the goods or service purchased, amount, date, check number, division or office, bank deposit, treasury deposit number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 66(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1–5 and 9–13 of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual and machine-readable.

RETRIEVABILITY:

Name and/or account or case number.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Permanently maintained.

SYSTEM MANAGER(S) AND ADDRESS:

For records at location a.: Director, Office of Financial Operations, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b.: Chief, Accounting Division, National Technical Information Service, Springfield, Virginia 22161.

For records at location c.: Director, Office of Finance, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location d.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location e.: Director of Administration, National Telecommunications and Information Administration, 1800 G Street, N.W., Washington, D.C. 20504.

For records at location f.: Chief, Accounting Division, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

For BEA records at location a., information may be obtained from: Chief, Management and Organization Branch, BEA, Tower Building, 1401 K Street, N.W., Washington, D.C. 20230;

For BIE records at location a., information may be obtained from: Administrative Officer, BIE, Room 4845, 14th and Constitution Avenue, N.W., Washington, D.C. 20230;

For ITA records at location a., information may be obtained from: Director, Office of Management and Systems, ITA, U.S. Department of Commerce, Washington, D.C. 20230;

For MBDA records at location a., information may be obtained from: Privacy Officer, Office of Chief Counsel, MBDA, U.S. Department of Commerce, Washington, D.C. 20230;

For USTS record at location a., information may be obtained from: Director, Office of Administration, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230, and

For all other records at location a., information may be obtained from: Director, Office of Organization and Managment Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Associate Director for Financial and Administrative Management, National Technical Information Service, Springfield, Virginia 22161.

For records at location c., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location d., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location e., information may be obtained from: Privacy Officer, National Telecommunications and Information Administration, U.S. Department of Commerce, Washington, D.C. 20504.

For records at location f., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230.

Requester should provide name, address, date of receipt, and check number or case number pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURE:

Requests from individuals should be addressed to: same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual and those authorized by the individual to furnish information.

COMMERCE/DEPT–18

SYSTEM NAME:

Employees Personnel Files Not Covered By Notices of Other Agencies—COMMERCE/DEPT–18.

SYSTEM LOCATION:

a. For all Departmental employees: Departmental Office of Personnel, Room 5001, U.S. Department of Commerce, Washington, D.C. 20230 (for automated records and for selected records relating to Senior Executive Service and Departmental Honor Awards).

b. For employees of Departmental Offices, Offices of Federal Cochairmen, RAPC's, ARC, BEA, BIE, NTIA, NTIS, MBDA, and USTS: Departmental Office of Personnel Operations, Room 5008, U.S. Department of Commerce, Washington, D.C. 20230;

c. For employees of CENSUS: Office of Personnel, Bureau of Census, Federal Building 3, Room 3260, Washington, D.C. 20233;

d. For employees of ITA: Office of Personnel, International Trade Administration, Room 3512, U.S. Department of Commerce, Washington, D.C. 20230;

e. For employees of NBS: Office of Personnel, National Bureau of Standards, Administration Building, Room A123, Washington, D.C. 20234;

f. For employees of NOAA: Office of Personnel, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852;

g. For employees of PAT–TM: Office of Personnel, U.S. Patent and Trademark Office, U.S. Department of Commerce,

Room 9C06, Crystal Plaza 2, Arlington, Virginia 22202;

h. For employees of EDA: Personnel Management Division, Economic Development Administration, Room 7089, U.S. Department of Commerce, Washington, D.C. 20230; and

i. For any Department employee: The immediate office of an employee's supervisor(s), for records which have been disclosed to someone else.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

All personnel records in the Department which are subject to the Privacy Act but are not covered in the notices of systems of records published by other agencies with influence upon personnel management in the Department, such as the Office of Personnel Management, Merit System Protection Board, Equal Employment Opportunity Commission, Department of State or Department of Labor. The records of this system may include, but are not limited to: Employee Development; Incentive Awards; Employee Relations; Grievance Records; Medical; Work-related Injury or Illness Claims; Grievance Records; Medical; Career Management Program; Ship Personnel; Employee Overseas Assignments; Minority Group Statistics Program; Work Performance and Appraisal Records; including supervisory records which have been disclosed; Re-Employment and Priority Placement Programs; Executive Assignments and Merit Pay Actions; Merit Assignment Programs; Retirements; Within-Grade Denials (Reconsideration File); and, Automated Employee Information System.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; 5 U.S.C. 4101 et seq.; 5 U.S.C. 1302, 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp. p218, E.O. 12107, 3 CFR 1978 Comp. p264; and Federal Personnel Manual and related directives of the agencies cited above.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Information concerning current or former employees may be disclosed to a private organization or individual as necessary to obtain information in connection with a decision concerning the assignment, hiring, or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

b. To disclose information to any source from which additional information is requested in the course of processing a grievance to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

c. To disclose information to officials of the Office of Personnel Management, Merit Systems Protection Board, including the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel, or the Equal Employment Opportunity Commission, the Department of State, or the Department of Labor when requested in performance of their authorized duties.

d. To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

e. To provide information to officials or labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

f. See routine uses paragraphs in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual and machine-readable.

RETRIEVABILITY:

Filed by name and/or social security number.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retained according to Unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

For records at location a.: Director, Office of Personnel, Room 5001, U.S. Department of Commerce, Washington, D.C. 20230;

For records at location b.: Director, Office of Personnel Operations, Room 5008, U.S. Department of Commerce, Washington, D.C. 20230;

For records at location c.: Chief of Personnel, Bureau of the Census, Federal Building 3, Room 3280, Washington, D.C. 20233;

For records at location d.: Director, Office of Personnel, International Trade Administration, U.S. Department of Commerce; Room 3512, Washington, D.C. 20230;

For records at location e.: Chief Personnel Division, National Bureau of Standards, Administration Building, Room A123, Washington, D.C. 20234;

For records at location f.: Director, Office of Personnel, National Oceanic and Atmospheric Administration, NBOC2, Rockville, Maryland 20852;

For records at location g.: Personnel Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Room 9C06, Crystal Plaza 2, Arlington, Virginia 22202;

For records at location h.: Personnel Management Division, Economic Development Administration, Room 7089, Washington, D.C. 20230; and

For records at location i.: Employee's supervisor(s).

NOTIFICATION PROCEDURE:

For BEA records at locations a. and b., information may be obtained from: Chief, Management and Organization Branch, BEA, Tower Building, 1401 K Street, N.W., Washington, D.C. 20230;

For BIE records at locations a. and b., information may be obtained from: Administrative Officer, BIE, Room 4845, 14th & Constitution Avenue, N.W., Washington, D.C. 20230;

For NTIA records at locations a. and b., information may be obtained from: Privacy Officer, NTIA, U.S. Department of Commerce, Washington, D.C. 20504;

For NTIS records at locations a. and b., information may be obtained from: Privacy Officer, NTIS, U.S. Department of Commerce, Washington, D.C. 20230;

For MBDA records at locations a. and b., information may be obtained from: Privacy Officer, Office of Chief Counsel, MBDA, U.S. Department of Commerce, Washington, D.C. 20230;

For USTS records at locations a. and b., information may be obtained from: Director, Office of Administration, USTS, U.S. Department of Commerce, Washington, D.C. 20230.

For all other records at locations a. and b., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location c., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233;

For records at location d., information may be obtained from: Privacy Act Officer, Office of Management and

Systems, International Trade Administration, Room 3102, U.S. Department of Commerce, Washington, D.C. 20230;

For records at location e. information may be obtained from: Deputy Director of Administration, Room A1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234;

For records at location f., information may be obtained from: Assistant Administrator for Management and Budget, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852;

For records at location g., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231;

For records at location h., information may be obtained from: Personnel Management Division, Economic Development Administration, Room 7089, U.S. Department of Commerce, Washington, D.C. 20230; and

For records at location i., information may be obtained from: Privacy office for employee's unit.

Requester should provide name, social security number, and time or organization unit of employment pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual and those authorized by the individual to furnish information; others involved in references of the individual; physicians; employee's supervisor; for grievance records information is also provided by the testimony of witnesses, by agency officials, and from related correspondence from organizations or persons.

COMMERCE/DEPT-19

SYSTEM NAME:

Department Mailing Lists—COMMERCE/DEPT-19.

SYSTEM LOCATION:

a. Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

b. Minority Business Development Agency, U.S. Department of Commerce, Washington, D.C. 20230.

c. Office of General Services, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

d. For carpool locator records of NBS: Facilities Services Division, National Bureau of Standards, Administration Building, Washington, D.C. 20234.

e. Office of Administrative Services, U.S. Department of Commerce, 14th & Constitution Avenue, N.W., Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

At location a.: 1. Persons employed in the Suitland Federal Center who have voluntarily submitted an application to be included in the carpool locator system and be listed as a possible carpool member, and 2. Subscribers to Bureau of the Census publications.

At location b.: Subscribers to MBDA publications and/or representatives of the media who receive MBDA material at their home addresses.

At location c.: Former employees of the Patent and Trademark Office who have requested that their names be included on a newsletter mailing list.

At location d.: Individuals who have voluntarily submitted an application to be included in the carpool locator system and to be listed as a potential carpool member.

At location e.: Individuals who communicated with the 1978 White House Conference on Balanced National Growth and Economic Development, including individuals who received Conference literature.

CATEGORIES OF RECORDS IN THE SYSTEM:

At location a.: 1. Carpool records include name, address, work week, hours of work, work location, work phone number, willingness to join in a carpool, willingness to participate as a driver or rider in a carpool, zip code. 2. Subscriber lists include name and home address.

At location b.: Name and home address.

At location c.: Name and home address.

At location d.: Carpool locator records include applicant's name, home address, zip code, work hours, work location, office telephone number.

AT location e.: Name, home and/or business address; home and/or business telephone number; place of employment or interest group; type of organization; nature of relationship to the Conference (participant, guest, observer, etc.); source of name; and subject area(s) of interest.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 15 U.S.C. 1512, 2205, 2208, and 44 U.S.C. 3101.

For records at location e.: Public Works and Economic Development Act of 1976, P.L. 94-487, Title II, 90 Stat. 2339, 42 U.S.C. 3121 note.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For all locations, see general routine uses 4, 5, 9, 10, 12, and 13 of the Prefatory Statement.

For records at location a.: Carpool records are disseminated to other persons working at the Suitland Federal Center who have voluntarily listed themselves to form carpools; home address is suppressed.

For records at location d.: Carpool locator records are disseminated to individuals working at or near the NBS site, who request information on carpools. (Home addresses are withheld.)

For records at location e.: Information may be provided Federal, State, local or international agencies in response to a written request indicating likelihood that individuals on the mailing list would benefit by or be interested in material to be sent by the requesting agency.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper copy in file folders, computer tape, mailing labels.

For records at location e.: Index cards and computer print-outs.

RETRIEVABILITY:

Alphabetically by name, and for records at location a., by zip code.

For records at location e.: Alphabetically, by name, by geographical area (state, city), by type of organization with which affiliated if any, by nature of relationship to the Conference, by source of name, and by subject area(s) of interest.

SAFEGUARDS:

Records are located in locked cabinets or in secured rooms or premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained in accordance with each unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

For records at location a.: Associate Director for Administation, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location b.: Chief of Information, Office of Public Affairs, MBDA, Washington, D.C. 20230.

For records at location c.: Director, Office of General Services, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location d.: Chief, Facilities Services Division, National Bureau of Standards, Administration Building, Room A705, Washington, D.C. 20234.

For records at location e.: Director, Office of Administrative Services, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

For records at location a.: Information may be obtained from: Associate Director for Administration, Federal Building 3, Bureau of the Census, Washington, D.C. 20233.

For records at location b.: Privacy Officer, Office of Chief Counsel, Minority Business Development Agency, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location c.: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location d.: Information may be obtained from Deputy Director of Administration, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requests should provide applicant's name and address in accord with the inquiry provisions of the Department's rules that appear in 15 CFR Part 4b.

For records at location e.: Information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Same address of the desired location as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address for desired location.

RECORD SOURCE CATEGORIES:

Subject individuals, and those authorized by subject individual.

For records at location e.: Subject individual; those authorized by the individual to furnish information; public reference sources (press articles, Who's Who, etc.); government, private and public interest organizations.

COMMERCE/DEPT-20

SYSTEM NAME:

Biographical Files—COMMERCE/DEPT–20.

SYSTEM LOCATION:

a. For Secretarial Officers, senior-level officials, and employees of the Office of the Secretary: Office of Public Affairs, U.S. Department of Commerce, Washington, D.C. 20230.

b. For Secretarial Officers and senior-level officials included in Biographical Resumes of Key Officials: Offices of the Director of Personnel, and Assistant Secretary for Administration; all Office of the Secretary, U.S. Department of Commerce, Washington, D.C. 20230.

c. For employees of CENSUS: Public Information Office, Federal Building #3, Bureau of the Census, Washington, D.C. 20230.

d. For employees of ITA: Office of Public Affairs, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20233.

e. For employees of EDA: Office of Public Affairs, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

f. For employees of MARAD: Office of Public Affairs, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230.

g. For members of the Advisory Board to the U.S Merchant Marine Academy: Office of Assistant Secretary for Maritime Affairs, U.S. Department of Commerce, Washington, D.C. 20230.

h. For employees of NBS and for participants in the Commerce Science and Technology Fellowship Program: Public Information Division, Administration Building, National Bureau of Standards, Washington, D.C. 20234.

i. For employees of NBS' Boulder Laboratories: Program Information Office, National Bureau of Standards, Radio Building, Boulder, Colorado 80303.

j. For members of the National Advisory Committee on Oceans and Atmosphere: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, N.W. (PG #1, Room 438), Washington, D.C. 20235.

k. For employees of NOAA: NOAA headquarters locations: Office of Public Affairs, National Oceanic and Atmospheric Administration, 11420 Rockville Pike, Rockville, Maryland 20852, and/or NOAA field installations, the principal addresses of which are:

NOAA's National Ocean Survey, 6001 Executive Boulevard, Rockville, Maryland 20850.

NOAA's National Weather Service, 8060 13th Street, Silver Spring, Maryland 20910.

NOAA's Office of Coastal Zone Management, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235.

NOAA's Office of Sea Grant, 6010 Executive Boulevard, Rockville, Maryland 20852.

NOAA's Environmental Research Laboratories, 3100 Marine Street, RB3, Boulder, Colorado 80302, and Environmental Research Laboratories at 9 locations in the United States.

NOAA's National Marine Fisheries Service, 3300 Whitehaven Street, Washington, D.C. 20235.

A complete list of all field installations is available upon request from individual designated in Notification section below.

l. For employees of MBDA: Public Affairs Office, Minority Business Development Agency, U.S. Department of Commerce, Washington, D.C. 20230.

m. For employees of PAT–TM: Office of Information Services, Patent and Trademark Office, Washington, D.C. 20231.

n. For employees of the Office of Science and Technology and Productivity, Technology and Innovation and organizational components reporting to the Assistant Secretary; for members of the Commerce Technical Advisory Board and its subcommittees; and for participants in the Commerce Science and Tech-Productivity, Technology and Innovation, U.S. Department of Commerce, Washington, D.C. 20230.

o. For employees of NTIA's Institute for Telecommunication Sciences: Institute for Telecommunication Sciences, NTIA, Boulder, Colorado 80302. For other NTIA employees: Office of the Director of Congressional and Public Affairs, NTIA, 1800 G Street, N.W., Washington, D.C. 20504.

The information in this sytem may be duplicated in other Privacy Act systems of the Commerce Department, in the systems maintained by the Office of Personnel Management, or in the immediate office of the individual to whom the biographical record pertains.

For assistance in this regard, contact the Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former Department personnel, and members of advisory committees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical information which typically includes date and place of birth; education; military service; present position; employment history; field of research; publications; inventions and patents; awards and honors; memberships and affiliations; present and past residences; telephone number; names, ages, and addresses of family members; hobbies and outside interests; and photograph of individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 1512, 44 U.S.C. 3101 and Reorganization Plan No. 5 of 1950.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Distributed to the press, other government agencies, and the general public for use in connection with written articles, oral interviews, speaking engagements, retirement and obituary notices, and other purposes of public information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders or notebooks.

RETRIEVABILITY:

By name alphabetically or by position or work unit.

SAFEGUARDS:

Records are located in locked metal file cabinets or locked rooms during non-business hours.

RETENTION AND DISPOSAL:

Records retention and disposal is in accord with each operating unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

For records at location a.: Information Assistant, Office of Communications.

For records at location b.: Director of Personnel, U.S. Department of Commerce.

For records at location c.: Director, Bureau of the Census.

For records at location d.: Director, Office of Public Affairs, International Trade Administration.

For records at location e.: Director, Office of Public Affairs, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

For records at location f.: Chief, Public Information Division, National Bureau of Standards.

For records at location g.: Chief, Program Information Office, National Bureau of Standards.

For records at location h.: Executive Director, National Advisory Committee on Oceans and Atmosphere.

For records at location i.: Director, Office of Public Affairs, National Oceanic and Atmospheric Administration.

For records at location j.: Information Officer, Minority Business Development Agency.

For records at location k.: Director, Office of Information Services, Patent and Trademark Office.

For records at location l.: Special Assistant to the Assistant Secretary for Productivity, Technology, and Innovation, Office of Productivity, Technology, and Innovation, U.S. Department of Commerce.

For records at location m.: Director of Congressional and Public Affairs, National Telecommunications and Information Administration.

For each system manager, use same address as shown in applicable System Location section above.

NOTIFICATION PROCEDURE:

For records at locations a. b. h., and for Office of the Secretary records at location l. Information may be obtained from: Director Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at the locations listed below, information may be obtained from the individual designated. Use same address for each as shown in appropriate System Location section above.

c.: Associate Director for Administration, Bureau of the Census.

d.: Privacy Act Officer, Office of Management and Systems, International Trade Administration, Room 3102, U.S. Department of Commerce, Washington, D.C. 20230.

e.: Director, Office of Public Affairs, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

f. and g. and NBS records at location l. Deputy Director of Administration, National Bureau of Standards.

k.: Assistant Administrator for Management and Budget, National Oceanic and Atmospheric Administration.

l.: Privacy Officer, Office of Chief Counsel, Minority Business Development Agency.

m.: and PTA–TM records at location l. Assistant Commissioner for Administration, Patent and Trademark Office.

n: Privacy Officer, National Telecommunications and Information Administration.

For NTIS records at location l. Assistant Director for Administration, National Technical Information Service, Sills Building, Springfield, Virginia 22161.

BEA records are included in locations a. and b. above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address of the desired location as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address for desired location.

RECORD SOURCE CATEGORIES:

All locations, subject individuals. Also, for records at locations b. and f, the individual's Official Personnel File; for records at location i. supervisors of subject individuals; for records at locations h. and i., personnel offices; and for records at locations f., g., and l., other sources such as news releases, articles and publications relating to the subject individual.

COMMERCE/CENSUS-1

SYSTEM NAME:

Agriculture Census Records for 1974 and 1978—COMMERCE/CENSUS–1

SYSTEM LOCATION:

Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and Bureau of the Census, 1201 East 10th Street, Jeffersonville, Indiana 47103.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Farm operators.

CATEGORIES OF RECORDS IN THE SYSTEM:

Age, race, residence, ethnic groups off-farm employment, income.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

13 U.S.C. 142.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These data maintained by the Bureau of the Census are used solely for statistical purposes and are confidential under 13 U.S.C. 8 and 9. Publications of the Bureau do not contain data that could identify any particular establishment or individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape, microform, paper hard copy.

RETRIEVABILITY:

Retrieved by unique serial identification numbers internal to the Bureau.

SAFEGUARDS:

All employees are subject to the restrictions penalties, and prohibitions of Title 13, U.S.C. Employees are also regularly advised of the regulations issued pursuant to Title 13, governing the confidentiality of the data.

RETENTION AND DISPOSAL:

Retention and disposal practices are in accordance with approved General Services Administration schedules. Generally, records are retained for periods of 5 to 11 years, unless a longer period is necessary for statistical purposes or for permanent archival retention.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C., 552 a(k)(4), this record is exempted from the notification, access and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is applicable as the data are maintained by the Bureau of the Census solely as statistical records as required under Title 13 U.S.C. and are not used in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance with agency rules published in 15 CFR Part 4b.

COMMERCE/CENSUS–2

SYSTEM NAME:

Employee Productivity Measurement Records—COMMERCE/CENSUS–2.

SYSTEM LOCATION:

Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and Bureau of the Census, 1201 East 10th Street, Jeffersonville, Indiana 47103 and Bureau of the Census, Personal Census Service Branch, Pittsburg, Kansas 66762. Also at the following Census Regional Offices: 1365 Peachtree Street NE., Atlanta, Georgia 30309; 441 Stuart Street, Boston, Massachusetts 02116; 230 S. Tryon Street, Charlotte, North Carolina 28202; 55 E. Jackson Boulevard, Suite 1304, Chicago, Illinois 60604; 1100 Commerce Street, Dallas, Texas 75242; 575 Union Boulevard, P.O. Box 25207, Denver, Colorado 80225; 231 W. Lafayette, RM 565, Detroit, Michigan 48226; One Gateway Center, 4th and State Streets, Kansas City, Kansas 66101; 11777 San Vicente Boulevard, Los Angeles, California 90049; 26 Federal Plaza, New York, New York 10278; 600 Arch Street, Philadelphia, Pennsylvania 19106; 1700 Westlake Avenue, Seattle, Washington, 98109. Also at the following processing offices: Bureau of the Census, Laguna Niguel Processing Office, Chet Holifield Building, 24000 Avila Road, Laguna Niguel, California 92677 and Bureau of the Census, New Orleans Processing Office, Michoud Assembly Facility, Building 350–2W, 13800 Old Gentilly Road, New Orleans, Louisiana 70129.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Census employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, employee number, rate of pay, supervisor, organization unit, location, type of work performed, time work accomplished, work units processed, production standard and percent performance, number and types of errors and error rates, work units accepted and rejected, and similar information on employee and work group productivity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1–5 and 8–13 in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape, paper copy, microform.

RETRIEVABILITY:

Retrieved by name or employee number and/or program or interviewer code.

SAFEGUARDS:

Tape under ADP security, sensitive material is held in locked file cabinets.

RETENTION AND DISPOSAL:

Records retained for 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

NOTIFICATION PROCEDURE:

Information may be obtained from: same address as stated in the system manager section above. Requester should provide name, employee number and/or program or interviewer code, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals, timekeepers, supervisors, managers, and those authorized by the individuals to furnish information.

COMMERCE/CENSUS–3

SYSTEM NAME:

Individual and Household Statistical Surveys and Special Studies Records—COMMERCE/CENSUS–3.

SYSTEM LOCATION:

Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and Bureau of the Census, 1201 East 10th Street, Jeffersonville, Indiana 47103 and National Archives and Records Service, Washington National Records Center, Washington, D.C. 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals designated for statistical sample surveys and special studies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Age, sex, race, education, marital status, residence, family income, birth expectations, employment, ethnic origin, relationship to head of household, mobility status, and similar social, economic, and demographic characteristics of individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 17012–1, 2(f) and 2(g); 13 U.S.C. 6, 8, 9, 41, 89, 101, 141, 181, 195, and 301; 15 U.S.C. 772; 16 U.S.C. 742d(4) and (5); 23 U.S.C. 134, 307, and 307a; 29 U.S.C. 1 and 9; 31 U.S.C. 686; 42 U.S.C. 242c, 242k, 282(5), 902, 1395 11(a), 1862, 2825, and 3732; and 49 U.S.C. 1605.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Identifiable data from records not protected by 13 U.S.C. 9, received from State and local units of government responsible for administering Comprehensive Employment and Training Act funds and from individual respondents pursuant to the Longitudinal Manpower Survey authorized by 29 U.S.C. 881(c) and 883, may be furnished to the Social Security Administration solely for the purpose of obtaining further identifiable data for statistical use in the Survey. The data provided are: social security number, name, month and year of birth, race and sex. No determinations affecting individual respondents are made as a result of this routine use. (2) Publications resulting from the use of the records in this system do not contain data that could identify any particular establishment or individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper copy, punch card, magnetic tape, and microfilm.

RETRIEVABILITY:

Unique serial identification numbers internal to the Bureau of the Census.

SAFEGUARDS:

All employees are subject to the restrictions, penalties, and prohibitions of Title 13, U.S.C. Employees are also regularly advised of the regulations issued pursuant to Title 13, U.S.C. governing the confidentiality of the data.

RETENTION AND DISPOSAL:

Retention and disposal practices are in accordance with approved GSA schedules. Generally, records are retained for periods of 5 to 7 years, unless a longer period is necessary for statistical purposes or for permanent archival retention.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C., 552a(k)(4), this record is exempted from the notification, access and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is applicable as the data are maintained by the Bureau of the Census solely as statistical records as required under Title 13 U.S.C. and are not used in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance to agency rules published in the rules section of this **Federal Register**.

COMMERCE/CENSUS–4

SYSTEM NAME:

Minority-Owned Business Enterprises Survey Records—COMMERCE/CENSUS–4.

SYSTEM LOCATION:

National Archives and Records Service, Washington National Records Center, Washington, D.C. 20409 and General Services Administration, Federal Records Center, Suitland, Maryland 20233 and Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Female and minority persons who are sole proprietors, partners, or shareholders of small business corporations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, social security number, sex, race, whether Spanish surname, receipts of business, geographic area, legal form of business. Name and social security number are deleted from partners and stockholders once other data are coded. Data include number, geographic dispersion, and economic characteristics of minority business enterprises.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

13 U.S.C. 131 and 132.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These data maintained by the Bureau of the Census are used solely for statistical purposes. Publications do not contain data that could identify any particular establishment or individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper copy and magnetic tape.

RETRIEVABILITY:

Filed by name and social security number.

SAFEGUARDS:

All employees are subject to the restrictions, penalties, and prohibitions of Title 13, U.S.C. Employees are also regularly advised of the regulations issued pursuant to Title 13, U.S.C. governing the confidentiality of the data.

RETENTION AND DISPOSAL:

Records are retained in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(4), this record is exempted from the notification, access and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is applicable as the data are maintained by the Bureau of the Census solely as statistical records as required under Title 13 U.S.C. and are not used in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance to agency rules published in the rules section of this **Federal Register**.

COMMERCE/CENSUS–5

SYSTEM NAME:

Population and Housing Census Records of the 1960 and subsequent Censuses—COMMERCE/CENSUS–5.

SYSTEM LOCATION:

Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and Bureau of the Census 1201 East 10th Street, Jeffersonville, Indiana 47103.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons counted during the Censuses of Population and Housing taken in 1960 and later.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain population information on age; sex; race or color; Marital status and family relationships; citzenship and ethnic origin; education and veteran status, income, occupation and employment; and housing information on occupancy, vacancy, utilization, plumbing, structural and fianancial characteristics and equipment, fuels and appliances, and similar social, economic, and demographic characteristics.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

13 U.S.C. 141.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are maintained and used solely for statistical purposes and are confidential under 13 U.S.C. 8 and 9. Publications do not contain data that could identify any particular establishment or individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Microform, paper copy, magnetic tape, punch cards.

RETRIEVABILITY:

Information is retrieved by the use of unique serial identification numbers internal to the Bureau of the Census.

SAFEGUARDS:

All employees are subject to the restrictions, penalties, and prohibitions of Title 13, U.S.C. employees are also regularly advised of the regulations issued pursuant to title 13, U.S.C. governing the confidentiality of the data.

RETENTION AND DISPOSAL:

Records are retained in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C., 552a(k)(4), this record is exempted from the notification, access and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is applicable as data are maintained by the Bureau of the Census solely as statistical records as required under title 13 U.S.C. and are not used in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance to agency rules published in the rules section of this **Federal Register**.

COMMERCE/CENSUS–6

SYSTEM NAME:

Population Census Personal Service Records for 1900 and All Subsequent Decennial Censuses—COMMERCE/CENSUS–6.

SYSTEM LOCATION:

Bureau of the Census, Personal Census Services Branch, Pittsburg, Kansas 66762.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons ever counted during decennial censuses of population (1900–1970).

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, relationship to head of household, date of birth, marital status, occupation and education data, race of household members, and other similar characteristics as reported in each census.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

13 U.S.C. 8.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be considered as statistical records pursuant to 5 U.S.C. 552(a), as they were originally collected for statistical purposes, and are now maintained to perform searches at the request of subject individual under procedures published in the 15 CFR Part 60 and in accordance with 13 U.S.C. 8 to provide proof of age, citizenship, proof of relationship, and limited use for genealogical purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Microform.

RETRIEVABILITY:

Indexed by numerical coding of surname on SOUNDEX system and by township, county, and state.

SAFEGUARDS:

All employees are subject to the restrictions, penalties, and prohibitions of Title 13, U.S.C. Employees are also regularly advised of the regulations issued pursuant to Title 13, U.S.C. governing the confidentiality of the data.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(4) this record is exempt from the notification access and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is applicable as data are maintained by the Bureau of the Census as statistical records as required by Title 13, U.S. Code and are not used by the Bureau in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance with the Department's rules which appear in 15 CFR Part 4b.

COMMERCE/CENSUS–7

SYSTEM NAME:

Special Censuses of Population Conducted for State and Local Government—COMMERCE/CENSUS–7.

SYSTEM LOCATION:

Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and Bureau of the Census, 1201 East 10th Street, Jeffersonville, Indiana 47103.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Residents counted in the area requesting a census.

CATEGORIES OF RECORDS IN THE SYSTEM:

Address, name, age, race, sex, relationship to head of household, and occasionally other related social, economic, and demographic characteristics.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

13 U.S.C. 8.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These data maintained by the Bureau of the Census are used solely for statistical purposes. Publications do not contain data that could identify any particular establishment or individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape, paper copy.

RETRIEVABILITY:

Records are retrieved by name and address.

SAFEGUARDS:

All employees are subject to the restrictions, penalties, and prohibitions of Title 13, U.S.C. Employees are also regularly advised of the regulations issued pursuant to Title 13, U.S.C. governing the confidentiality of the data.

RETENTION AND DISPOSAL:

Tapes retained for 90 days after processing, then erased, paper copy is retained for 2 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552(a)(k)(4) this record is exempt from the notification access and contest requirements of the agency procedures (under 5 U.S.C. 552(a)(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is applicable as the data are maintained by the Bureau of the Census solely as statistical records as required under Title 13 U.S.C. and are not used in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance to agency rules published in the rules section of this **Federal Register**.

COMMERCE/ITA-1

SYSTEM NAME:

Individuals Identified in Export Transactions—COMMERCE/ITA–1.

SYSTEM LOCATION:

Office of Export Administration, ITA, U.S. Department of Commerce, 14th St. and Constitution Ave., NW., Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

a. Individuals involved in export transactions. Information is maintained on domestic and foreign companies and business officials, and includes U.S. citizens involved with or working for firms abroad. b. Individuals identified in an export administration compliance proceeding or investigation. Individuals alleged to have violated the Export Administration regulations; established violators of the regulations; certain other individuals identified by the FBI or other investigating agency or individual in the investigative process such as those involved in organized crime; and individuals who have received warning letters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports and cables from U.S. foreign service posts. Reports from F.B.I., other law enforcement or investigative agencies, investigators, or informants; investigative and intelligence data; documented violations; warning letters. Includes any information on alleged or proven violators of the Export Administration Act.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Export Administration Act of 1979 (Public Law 96–72, 50 U.S.C. App. et seq.). 5 U.S.C. 301, 28 U.S.C. 533–535, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1–5 and 8–13 of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Information filed by case or subject file. All names are cross-referenced by name card file.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retained for a reasonable period of time. Disposition is recorded.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Compliance Division, Office of Export Administration ITA, U.S. Department of Commerce, Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

Information may be obtained from: Privacy Officer, Office of Management and Systems, ITA, Room 3102, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name, address, and case or subject, if known, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing intial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Individual exporters, those authorized by the individual exporters to furnish information, trade sources, investigative agencies, intelligence, investigative and other personnel of the Office of Export Administration, informants, CIA, FBI, Justice Department, Defense Department, Energy Department, and State Department.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(j)(2), all information about an individual in the record which meets the criteria stated in 5 U.S.C. 552a(j)(2) are exempted from the notice, access and contest requirements of the agency regulations and from all parts of 5 U.S.C. 552a except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i), and pursuant to 5 U.S.C. 552a(k)(1) and (k)(2) on condition that the 5 U.S.C. 552a(j)(2) exemption is held to be invalid, all investigatory material in the record which meets the criteria stated in 5 U.S.C. 552a (k)(1) and (k)(2) are exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations because of the necessity to exempt this information and material in order to accomplish this law enforcement function of the agency, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of sources, to maintain access to sources of information, and to avoid endangering these sources and law enforcement personnel. Section 12(c) of the Export Administration Act of 1979 also protects certain of this information and material related to export licenses from disclosure.

COMMERCE/ITA–2

SYSTEM NAME:

Individuals Involved in International Business Trade Complaints—COMMERCE/ITA–2.

SYSTEM LOCATION:

Office of Export Marketing Assistance, ITA, U.S. Department of Commerce, 14th St. and Constitution Ave., NW., Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing trade complaints (business disputes) against foreign firms, or against whom foreign firms file complaints through U.S. Embassies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complaint and supporting documentation, record of the handling and disposition of the complaint, and third party information (bank references, information obtained from other parties to the transaction, and commercial contacts of the individual).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 1512.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1–5, 9 and 13 of the Prefatory Statement. Also foreign governments obtain information on the disputants in order to check reliability of the firms involved, and foreign firms involved in the dispute obtain information. This information is supplied to the foreign governments and foreign firms through the Department of State. The Department of State also uses information to check the credibility of the foreign firms involved in a dispute. Information is released to other executive branch agencies, e.g., SBA, USDA, when a party to the dispute falls within their area of jurisdiction in an attempt to solve the dispute.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Name of American party to the dispute.

SAFEGUARDS:

Metal cabinets with bar and combination lock.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Export Marketing Assistance, ITA, U.S. Department of Commerce, Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

Information may be obtained from: Privacy Act Officer, Office of Management and Systems, ITA, Room 3102, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of individual and name of American party to the dispute pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual, those authorized by the individual to furnish information, the complainant, banks, commercial contracts, and other parties to the transaction.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(1), material which is classified is exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f), to prevent disclosures detrimental to national defense or foreign policy.

COMMERCE/ITA-3

SYSTEM NAME:

Mission Directors/Seminar Chairpersons/Industry Tecnical Representatives—COMMERCE/ITA–3.

SYSTEM LOCATION:

Office of Export Promotion, ITA, 14th St. and Constitution Ave. NW., U.S. Department of Commerce, Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are Directors of Department of Commerce U.S. Trade Missions, Chairpersons of U.S. Government Seminar Missions, and Industry Technical Representatives of Department of Commerce Catalog Exhibitions and Video/Catalog Exhibitions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Home address, date and place of birth, photographs, brief career history, citizenship, and passport numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delegation of Authority, dated June 25,1962 from United States Information Agency under Section 5(e) of Executive Order 11034 of June 25, 1962, as amended by Executive Order 11380 of November 8, 1967, insofar as said delegation pertains to U.S. Participation in trade missions abroad under the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

General routine uses 1–5, 9 and 13 apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By promotion theme of trade event, location of trade event and individual's name.

SAFEGUARDS:

Records are locked in lockable metal file cabinets or in metal file cabinets in secured rooms or premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

File is retained for three years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Special Promotions Division, Office of Export Promotion, ITA, U.S. Department of Commerce, Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

Information may be obtained from: Privacy Act Officer, Office of Management and Systems, ITA, Room 3102, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and location of trade mission and individual's name pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual

concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual, and individual's company, and those authorized by the individual to furnish information.

COMMERCE/ITA-4.

SYSTEM NAME:

Membership Information: District Export Councils—COMMERCE/ITA-4.

SYSTEM LOCATION:

U.S. Commercial Service, ITA, 14th St. and Constitution Ave. NW., U.S. Department of Commerce, Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present, former and potential members of the District Export Councils.

CATEGORIES OF RECORDS IN THE SYSTEM:

Address, date and place of birth, brief career history, education, special qualifications for appointment, and record of appointment. Miscellaneous material such as photographs, press releases and resumes are maintained on some members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 1512.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1–5 and 9, 12, and 13 of Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed by council and name of individual.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal cabinets in secured rooms or premises with access limited to those whose Official duties require access.

RETENTION AND DISPOSAL:

Retained for active councils. Retired when councils terminate or when individuals leave councils.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Secretary for the U.S. Commercial Service, ITA, U.S. Department of Commerce, Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

Information may be obtained from: Privacy Act officer, Office of Management and Systems, ITA, Room 3102, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of individual and council pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual, individual's company, and persons nominating the individual for council membership.

COMMERCE/ITA-5

SYSTEM NAME:

National Defense Executive Reserve Personnel Folders—COMMERCE/ITA-5.

SYSTEM LOCATION:

Office of Industrial Mobilization and Office of Export Administration, ITA, 14th and Constitution Ave., N.W., U.S. Department of Commerce, Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals from the business community selected to assume responsibility for industrial production, construction, and distribution in the event of national emergencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; home address; photograph; brief career history; names of close relatives; marital status; previous government experience; previous residences; current and recent past employment and approximate earnings; citizenship; social security number; business and residence telephone numbers; security clearance; statement of understanding; request for appointment; secrecy agreement; sex; date and place of birth; military and civil defense obligations; education; and professional and other memberships.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 11179 of September 22, 1964.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1–5, 9, 12, and 13 of Prefatory Statement. Transferring data to the Federal Emergency Management Agency pursuant to E.O. 11179.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper forms, index cards, word processor diskettes, and magnetic tape.

RETRIEVABILITY:

Paper forms and index cards are filed alphabetically by individual's name. Data on magnetic tape is retrieved by serial number. Data on word processor diskettes also retrieved alphabetically by individual's name.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in secured rooms or premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retained until two years after individual's resignation or death and then discarded.

SYSTEM MANAGER(S) AND ADDRESS:

. Director, Office of Industrial Mobilization, ITA, U.S. Department of Commerce, Washington, D.C. 20230.

Emergency Planning Officer, Office of Export Administration, ITA, U.S. Department of Commerce, Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

Information may be obtained from: Privacy Act Officer, Office of Management and Systems, ITA, Room 3102, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of individual pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORED PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual and those authorized by the individual to furnish information.

COMMERCE/ITA-6.

SYSTEM NAME:

Foreign Service Officer Evaluations—COMMERCE/ITA–6.

SYSTEM LOCATION:

Foreign Commerce Service, ITA, U.S. Department of Commerce, 14th and Constitution Ave., N.W., Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the Foreign Commercial Service of the United States and Foreign Service Officers of the United States (State Department) serving abroad in commercial and/or economic positions or serving domestically in the United States Government.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Memorandums, cables, letters and other documents used in the preparation of Foreign Service Commercial Officer Evaluation Reports; and (2) other documents relating to officer performance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Foreign Service Act of 1980 (P.L. 96–465)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record in this system may be disclosed as a routine use to the Department of State in connection with the evaluation of the performance of a Foreign Service Officer. See also paragraphs 1–5 of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by individual FSO's name.

SAFEGUARDS:

Records are located in lockable metal file cabinets in premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Documents relating to officer performance are retained until retirement, resignation, or death of the individual and then retired or destroyed, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Director General of the Foreign Commercial Service, ITA, U.S. Department of Commerce, Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

Information may be obtained from: Privacy Act Officer, Office of Management and Systems, ITA, Room 3102, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide his name pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual, and supervisors of those individuals.

COMMERCE/IATC–1.

SYSTEM NAME:

Auditor Trainee Registrants—COMMERCE/IATC–1.

SYSTEM LOCATION:

Office of Administrative Services, Records Management Division, U.S. Department of Commerce, Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who had registered as an enrollee at the Interagency Auditor Training Center.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; date of birth; social security number; phone; address; occupation; position; grade level; and education.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Government Employees Training Act of 1958; Executive Order 11348, April 20, 1976; and Intergovernmental Cooperation Act of 1968 (P.L. 90–557).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1–5 and 9–13 of Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Indexed by name and year of attendance.

SAFEGUARDS:

Records are located in secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records will be disposed of in accordance with the Office's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Administrative Services, U.S. Department of Commerce, Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

Information may be obtained from: address same as above. Requester should provide name and dates of attendance pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Director, Office of Organization and Management Systems, OS, Department of Commerce, Washington, D.C. 20230.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals and those authorized by the individual to furnish information.

COMMERCE/MBDA–1

SYSTEM NAME:

Descriptive Data Questionnaire—COMMERCE/MBDA–1

SYSTEM LOCATION:

James H. Lowry and Associates, Suite 1340, 303 East Wacker Drive, Chicago, Illinois 60601.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students and business managers and entrepreneurs surveyed on a voluntary basis as part of the study of business

management development needs of minorities.

CATERGORIES OF RECORDS IN THE SYSTEM:

Age, sex, ethnic origin, education, company data, assessment of career and goals, organizational affiliation(s), personal performance evaluation, opinions of career opportunities/impediments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11625.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The James H. Lowry Associates, specifically the Project Manager and an administrative staffer, will use this information to identify those areas which MBDA's business management development program should address.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper copy in file folders for 60 days; then converted to magnetic tape.

RETRIEVABILITY:

By site code.

SAFEGUARDS:

Records are located in company vault with access limited to those whose official duties require access. Only two James H. Lowry and Associates employees will have access.

RETENTION AND DISPOSAL:

Survey information will be destroyed September 30, 1982.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director for Planning, Budget and Evaluation, MBDA, U.S. Department of Commerce, Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

Information may be obtained from Deputy Chief Counsel, MBDA, U.S. Department of Commerce, Washington, D.C. 20230.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual and those authorized by the individual to furnish information.

COMMERCE/NBS-1.

SYSTEM NAME:

NBS Guest Workers—COMMERCE/NBS–1

SYSTEM LOCATION:

Personnel Division, National Bureau of Standards, U.S. Department of Commerce, Washington, D.C. 20234.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Guest workers pursuing individual scientific or technical projects.

CATEGORIES OF RECORDS IN THE SYSTEM:

Agreement between NBS and guest worker; name; citizenship; social security number; supervisor; arrival and departure dates; date of security assurance; conditions; and facilities to be made available.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

27 Stat. 395 and 31 Stat. 1039.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1–10 and 13 in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are located in lockable metal file cabinets with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

The records are disposed 5 years after guest worker terminates.

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Officer, Administration Building, National Bureau of Standards, Washington, D.C. 20234.

NOTIFICATION PROCEDURE:

Information may be obtained from: Deputy Director of Administration, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name and approximate date of affiliation, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual, those authorized by the individual to furnish information, and operating officials making the facilities available.

COMMERCE/NBS–2

SYSTEM NAME:

Inventors of Energy-Related Processes and Devices—COMMERCE/NBS–2

SYSTEM LOCATION:

Office of Energy-Related Inventions, National Engineering Laboratory, National Bureau of Standards, Washington, D.C. 20234.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Inventors submitting ideas for evaluation by NBS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, and telephone number of the persons submitting ideas or inventions for evaluation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

88 Stat. 1894.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the routine use paragraphs 1–10 and 13 in the Prefatory Statement, the information is used in correspondence with the inventor or person submitting the invention for evaluation and submitter-designated interested third parties, in the evaluation of technical and commercial feasibility, in reports to the Department of Energy, and in development of statistical and analytical data.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual and machine-readable.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are located in lockable metal file cabinets; access to all files is restricted to those persons requiring access for evaluation or administrative purposes and who have permission pursuant to a written contract or agreement with NBS, or have written authorization of the legal advisor; an exception to this would be a valid request made under the Freedom of Information Act for information that is not 1) a trade secret or 2) commercial or financial information that is privileged or confidential and therefore falling within the exemption set out in the Act, 5 U.S.C. 552(b)(4).

RETENTION AND DISPOSAL:

Currently all records are retained indifinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Energy-Related Inventions, National Engineering Laboratory, National Bureau of Standards, Washington, D.C. 20234.

NOTIFICATION PROCEDURE:

Information may be obtained from: Deputy Director of Administration, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name and additional factual data as appropriate, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals and those authorized by the individual to furnish information.

COMMERCE/NBS-3

SYSTEM NAME:

Research Associates—COMMERCE/ NBS–3.

SYSTEM LOCATION:

Office of the Director, Administration Building, National Bureau of Standards, U.S. Department of Commerce, Washington, D.C. 20234.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Research Associates.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal history statement, conflict of interest statement.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

27 Stat. 395 and 31 Stat. 1039.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1–5, 9, and 13 of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are located in lockable file cabinets with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are transferred from an active to terminated section of the files at conclusion of individual's service as a research associate and are retained in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Industrial Liaison Officer, Office of the Director, Administration Building, National Bureau of Standards, Washington, D.C. 20234.

NOTIFICATION PROCEDURE:

Information may be obtained from: Deputy Director of Administration, Room 1105, Administration Bldg., National Bureau of Standards, Washington, D.C. 20234. Requester should provide name and approximate date of affiliation, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual and those authorized by the individual to furnish information.

COMMERCE/NBS–4

SYSTEM NAME:

Employees External Radiation Exposure Records—COMMERCE/ NBS–4.

SYSTEM LOCATION:

Health Physics, Occupational Health and Safety Division, National Bureau of Standards, Washington, D.C. 20234.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals working with radioactive materials and machines who may be exposed to ionizing radiation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, social security number, date of birth, organizational unit, and amount of radiation received.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2201 and 68 Stat. 950.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1, 3, 4, 5, 6, and 9 in the Prefatory Statement. Also, film from badges is sent monthly to the U.S. Army for determination of amount of radiation exposure.

Information involving exposure levels, incidents, and amounts of overexposure is required to be submitted to the Nuclear Regulatory Commission. In the event of serious overexposure, information would be disclosed to the Bethesda (Maryland) Naval Medical Center, employee's family physician, and other appropriate medical authorities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, film, and/or machine-readable.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Manual records are located in lockable metal file cabinets with access limited to those whose official duties require access. Machine-readable records are accessible only with terminals under the administrative control of the Health Physics Unit of the

Occupational Health and Safety Division.

RETENTION AND DISPOSAL:

Currently, records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Health Physics, Occupational Health and Safety Division, National Bureau of Standards, Washington, D.C. 20234.

NOTIFICATION PROCEDURE:

Information may be obtained from: Deputy Director, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name, social security number, and date of employment, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rule for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals and U.S. Army.

COMMERCE/NBS-5

SYSTEM NAME:

Nuclear Reactor Operator Licensees File—COMMERCE/NBS-5.

SYSTEM LOCATION:

Reactor Radiation Division, National Measurement Laboratory, National Bureau of Standards, Washington, D.C. 20234.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NBS employees who are licensed as Nuclear Reactor Operators, those whose applications for licenses are being processed, and those whose licenses have expired.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information relating to the application for a Nuclear Reactor Operator's license, certification of competency, certification of medical history, results of medical examination and related correspondence, reactor operator examination and examination results, records of training, and license or denial letter.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 107, 161(i), Atomic Energy Act of 1954 as amended, 42 U.S.C. 2137, and 2021(i), 15 U.S.C. 272.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be disclosed: To the Nuclear Regulatory Commission for the purpose of conducting audits of the qualifications of reactor operators. Also see routine use paragraphs 1–6 and 9–13 of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are maintained in a locked filing cabinet in a limited access building.

RETENTION AND DISPOSAL:

All records relating to an individual's license and documentation for license including requalification requirements will be retained as long as is required by the Reactor License and will thereafter either be turned over to the individual concerned or destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Reactor Radiation Division, National Measurement Laboratory, National Bureau of Standards, Washington, D.C. 20234.

NOTIFICATION PROCEDURE:

Information may be obtained from: Deputy Director of Administration, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name and additional factual data as appropriate, pursuant to the inquiry provisions of the Department's rules, which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be adressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual, licensed physician, employees of the Reactor Radiation Division, and those authorized by the subject individual to supply information.

COMMERCE/NBS-6

SYSTEM NAME:

Participants in Experiments, Studies, and Surveys—COMMERCE/NBS-6.

SYSTEM LOCATION:

Portions of the system may be located with contractors involved in the experiments, studies, or surveys, or in any one of the following locations:

National Measurement Laboratory, Room B364, Materials Bldg., NBS, Washington, D.C. 20234; Room R4011, NBS, Boulder, CO 80302;

National Engineering Laboratory, Room B117, Technology Bldg., NBS, Washington, D.C. 20234.

Institute for Computer Sciences and Technology, Room A200, Administration Bldg., NBS, Washington, D.C. 20234.

For those portions located with contractors, a complete list of contractors and addresses is available from the Deputy Director for Information Systems, Room A1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have voluntarily applied to serve or who have served as participants in socio-economic, technical, or psychological experiments, studies and surveys undertaken in furtherance of authorized research activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, age, birth date, place of birth, sex, race, home address and telephone number, business address and telephone number, education, income, occupation, family size and composition, patterns of product use, drug sensitivity data, medical, dental and physical history information, and such other information as is necessary, to be determined by the subject matter and purpose of the experiment, study or survey, including data derived from participants' responses during the course of the authorized research.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 271 et. seq.; 29 U.S.C. 651 et. seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in the system may, on occasion, be disclosed to Federal agencies and other outside organizations which have sponsored the research in connection with which the data were obtained. General routine use paragraphs 5, 9, and 13 of the Prefatory Statement also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, electromagnetic storage material and microform.

RETRIEVABILITY:

Filed alphabetically by name, or control number or other code identifier.

SAFEGUARDS:

During business hours the records at NBS sites are maintained in a secured building with access limited to those whose official duties require access; during non-business hours, the records are in secured rooms with access controlled by security guards. Any records maintained by contractors will be maintained in similar fashion in accordance with contractual specifications.

RETENTION AND DISPOSAL:

Retained in accord with NBS's records control schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Engineering Laboratory, Room B117, Technology Bldg., NBS, Washington, D.C. 20234.

NOTIFICATION PROCEDURE:

Information may be obtained from: Deputy Director of Administration, Room A1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name, approximate date, and title of experiment, study or survey pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and for appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals and those authorized by the individual to furnish information.

COMMERCE/NBS-7

SYSTEM NAME:

NBS Emergency Locator System—COMMERCE/NBS-7

SYSTEM LOCATION:

National Bureau of Standards, Gaithersburg, Maryland: Physical Security Office, Fire Protection Service Office, Health Physics Unit Office; National Bureau of Standards, Boulder, Colorado: Guard Office, Deputy Security Office, homes of Department of Commerce management officials having overall responsibility for the protection of personnel, buildings, and equipment.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NBS employees and other individuals utilizing NBS facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names and home telephone numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 278e, 40 U.S.C. 490(d).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Home telephone numbers will be used by the Department of Commerce staff to contact NBS employees or individuals using NBS facilities in the case of an emergency (e.g., fire, explosion, power outage, heavy snow). Those contacted will typically be scientists or engineers whose experiments might be affected by such an emergency or other employees who will be required to deal with the emergency.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual and machine-readable.

RETRIEVABILITY:

Building and room number; organizational code.

SAFEGUARDS:

Paper records will be kept in lockable file cabinets with limited access; machine-readable records will have limited access with security key required.

RETENTION AND DISPOSAL:

Records will be updated every 6 months or more frequently.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Facilities Services Division, Office of the Director of Administrative and Information Systems, NBS, Washington, D.C. 20234; Staff Services Officer, Boulder Executive Office, Radio Building, Room 4011, NBS, Boulder, Colorado 80303.

NOTIFICATION PROCEDURE:

Information may be obtained from: Deputy Director of Administration, Room A1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name and building location or organizational unit.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and for appealing initial determinations by the individual concerned appear at 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals and those authorized by the individual to furnish information.

COMMERCE/NOAA-1

SYSTEM NAME:

Applicants for the NOAA Corps—Commerce/NOAA-1.

SYSTEM LOCATION:

Office of the Director, NOAA Corps, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for appointment in the NOAA Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, social security number, letters of reference, physical examinations, college transcripts, statements of prior military service, recruiting officer's appraisal, personal resumes, and similar data necessary to be considered for a commission in the NOAA Corps.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

33 U.S.C. 853i; 853j; 853j-1; 853t; 854; 854a-1.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs of Prefatory Statement. General routine use #12 does not apply. Also to respond to the applicant, Members of Congress, or others with a valid interest who may inquire as to the status of the application or who may request reconsideration of a rejected application.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are maintained in secured room. Access only on the authority of the Director, NOAA Corps or the Chief/Deputy Chief, Commissioned Personnel Division.

RETENTION AND DISPOSAL:

Destroyed after approximately six months if rejected, unless applicant indicates a desire for reconsideration.

SYSTEM MANAGER(S) AND ADDRESS:

Director, NOAA Corps, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Administrator for Management and Budget, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name, address, social securirty number, and date of birth, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals, personal references, the NOAA Corps officer who recruited the individual, and those authorized by the individual to furnish information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k)(5) is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine applicant's suitability for employment in the NOAA Corps.

COMMERCE/NOAA-2

SYSTEM NAME:

Commissioned Officers Official Travel Orders Folders—COMMERCE/NOAA-2.

SYSTEM AND LOCATION:

Office of the Director, NOAA Corps, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commissioned officers of the NOAA Corps (active, retired, and deceased) and former officers separated within previous six months.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, grade, social security number, estimated travel cost, dates of transfer, assignment locations, and type of duty.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 U.S.C.; 33 U.S.C. 857–5, 857a, 855

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs of the Prefactory Statement. General Routine uses #6 and #12 do not apply. Also the record is sent to the organization to which officer is assigned such as branches of the U.S. Military service, branches of foreign military services, World Weather Organization, etc., to authorize travel and travel allowances and to effect assignments and assignment changes for commissioned officers.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are maintained in a locked space. Access only on the authority of the Director, NOAA Corps, or the Chief/Deputy Chief, Commissioned Personnel Division.

RETENTION AND DISPOSAL:

Retained as separate file on all active duty officers. Incorporated into the Official Personnel File of retired and deceased officers and retained. Incorporated into the Official Personnel File of separated officers and after six months transferred to the National Personnel Records Center, St. Louis, Missouri 63118.

SYSTEM MANAGER(S) AND ADDRESS:

Director, NOAA Corps, see above address.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Administrator for Management and Budget, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide full name, social security number, date of birth, and dates of service, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual's Official Personnel Record and from the approved recommendations of the Officer Assignment Board.

COMMERCE/NOAA-3

SYSTEM NAME:

Commissioned Officer Official Personnel Folders—COMMERCE/NOAA-3.

SYSTEM LOCATION:

Office of the Director, NOAA Corps (NC), National Oceanic and Atmospheric Administration, Rockville, Maryland 20852.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commissioned Officers of the NOAA Corps (active, retired, and deceased) and former commissioned officers separated within previous six months.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, social security number; selective service number; promotion history; history of assignments; performance evaluations; date of birth; education; prior employment history; prior uniformed service; pay and allowance data; relatives; references; commendations; discipline; insurance; medical evaluations; and similar personal information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

33 U.S.C. 853a–t, 854a–a–2, 855, 856, 857, 857–1–5, 857a, 858, 864, 865, 872, 873, 874, 875, 876; 5 U.S.C. 301; 28 U.S.C. 533–535; 44 U.S.C. 3101; and, E.O. 10450.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs of the Prefactory Statement. Users are Selective Service System, Veterans Administration, Federal Housing Administration, Social Security Administration, Public Health Service, Department of Defense elements, Taxing authorities (Federal, State and local), unemployment compensation authorities, and the organization to which officer is assigned such as branches of U.S. Military Service, branches of foreign military services, World Weather Organizations, etc. Selected information is disseminated to determined eligibility for retention, promotion, retirement, separation, and other personnel actions; physical fitness; entitlement to pay and various allowances; report taxes withheld; entitlement to social security benefits, Veterans benefits, unemployment compensation, waivers for repayment of student loans, death benefits, survivor benefits, and FHA in-service loans; assignments; and selective service status.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING , AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, (selected data elements in this system are duplicated on word processing equipment for ease of retrieval).

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are maintained in secured area. Access only on the authority of the Director, NOAA corps or the Chief/ Deputy Chief, Commissioned Personnel Division.

RETENTION AND DISPOSAL:

Records retained indefinitely on active, retired, and deceased officers; discharged officer's records are retained for approximately 6 months, then transferred to the National Personnel Records Center St. Louis, Missouri 63118.

SYSTEM MANAGER(S) AND ADDRESS:

Director, NOAA Corps, see above address.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Administrator for Management and Budget, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name, address, social security number. and date of birth pursuant to the inquire provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individuals concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual, official correspondence and forms generated by routine personnel actions, previous employers, prior military service, Selective Service System, Federal Housing Administration, Social Security Administration, and similar sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k)(5), is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine employee's suitability for employment in the NOAA Corps.

COMMERCE/NOAA–4

SYSTEM NAME:

Commissioned Officers Retired Payroll—COMMERCE/NOAA–4.

SYSTEM LOCATION:

Office of the Director, NOAA Corps. NOAA, Rockville, Md. 20852.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commissioned officers of the NOAA Corps who are entitled to retired pay, and the survivors of deceased active duty and retired officers who are entitled to a survivor's annuity.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, social security number; amount of gross retired pay or survival annuity; amount of federal income tax withheld: amount of VA reduction; amount of survivor benefit cost deducted; miscellaneous deductions; and net retired pay or annuity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

33 U.S.C. 853a–h; 853j–1–t; 854a–2; 856; 857–2; 857–5; 872; 873. Authorities for Payroll Records: 5 U.S.C. 301; 552; Chap. 55; 31 U.S.C. 550; 628; 31 U.S.C. 52; 15 U.S.C. 1511; 37 U.S.C. 201 (Pay for Commissioned Officers); 5 App. Reorg. Plan No. 4 of 1970.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs of Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual, flat-paper computer print-out.

RETRIEVABILITY:

Filed by month and year.

SAFEGUARDS:

Records are maintained in a secured area. Access only by authority of the Director, NOAA Corps or the Chief, Program Planning, Liaison and Training Division.

RETENTION AND DISPOSAL:

Retained 3 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, NOAA Corps, see above address.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Administrator for Management and Budget, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide full name, grade, social security number and branch of service pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Information is a print-out from the computerized retired pay system maintained by the Commanding Officer, U.S. Navy Finance Center, 240 East Ninth Street, Cleveland, Ohio 44199, who maintains, under contract, the pay accounts of retired NOAA Corps officers and their annuitants.

COMMERCE/NOAA-5

SYSTEM NAME:

Fisheries Law Enforcement Case Files—COMMERCE/NOAA-5

SYSTEM LOCATION:

Enforcement Division, NMFS, 3300 Whitehaven Street NW., National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington D.C. 20235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Violators and alleged violators of the criminal and/or civil provisions of certain laws (listed in the Authority section of this notice) and the regulations issued thereunder, within the responsibility of the Secretary of Commerce.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Information compiled for the purpose of identifying individual criminal and/or civil offenders and alleged offenders and consisting of identifying data and notations of arrests, the nature and disposition of criminal or civil charges, sentencing, confinement, release, parole and probation status, and fines and penalties assessed;

2. Information compiled for the purpose of a criminal or civil investigation, including reports of informants and investigators, and associated with an identifiable individual;

3. Reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal and civil laws from arrest or indictment through release from supervision, and the imposition of civil sanctions through administrative and/or judicial process; and

4. Investigatory material compiled for law enforcement purposes other than the material covered above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Reorganization Plan No. 4 of 1970; 5 U.S.C. 301; 28 U.S.C. 533–535; 44 U.S.C. 3101; E.O. 10450; Certain sections of Titles 15, 16, 18, and 22 of the United States Code; and relevant treaty, international convention, and/or agreements of which there are approximately 20. (Example: International Convention for the Regulation of Whaling (TIAS 1849) cf. 16 U.S.C. 916).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1–5, 8–10, and 13 of the Prefatory Statement. Also, information is given to the Marine Mammal Commission for their use in making recommendations on the issuance of permits and the award of grants under the Marine Mammal Protection Act of 1972.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Both manual and machine-readable, and computer output records in file folders.

RETRIEVABILITY:

Filed alphabetically by individual's name and is also given an identifying case number at its initiation.

SAFEGUARDS:

Employees are informed of the Departmental rule of conduct regarding unauthorized disclosure of information contained in official records. All Special Agents receive a security clearance, granted by the Department of Commerce, after an investigation. The files of the Law Enforcement Division which relate to information concerning an identifiable individual are maintained in locked, metal file cabinets. Automated records are maintained in premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

All records of this Division are subject to the retention and disposal procedures set forth in NOAA Directives Manual 62–10, et seq.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Enforcement Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 3300 Whitehaven Street, NW., Page Building 2, Suite 426, Washington, D.C. 20235.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Administrator for Management and Budget, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name, address, and case number pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual and those authorized by the individual to furnish information; NMFS investigators; Federal and state law enforcement personnel; foreign governments; special interest organizations, members of the general public, and all information sources that are open to the public-at-large.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(j)(2), all information about an individual in the record which meets the criteria stated in 5 U.S.C. 552a(j)(2) are exempted from the notice, access and contest requirements of the agency regulations and from all parts of 5 U.S.C. 552a except subsections (b), (c)(1) and (2), (e)(4(A) through (F), (e)(6), (7), (9), (10), and (11), and (i), and pursuant to 5 U.S.C. 552a(k)(2), on condition that the 5 U.S.C. 552a(j)(2) exemption is held to be invalid, all investigatory material in the record which meet the criteria stated in 5 U.S.C. 552a(k)(2) are exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations because of the necessity to exempt this information and material in order to accomplish this law enforcement function of the agency, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of sources,

to maintain access to sources of information, and to avoid endangering these sources and law enforcement personnel. In addition, pursuant to 5 U.S.C. 552a(k)(1), all materials qualifying for this exemption are exempt from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) in order to prevent disclosure of classified information as required by Executive Order 12065 in the interest of the national defense and foreign policy.

COMMERCE/NOAA-6

SYSTEM NAME:

Fishermen's Statistical Data—COMMERCE/NOAA–6.

SYSTEM LOCATION:

Data Management and Information Systems Division, NMFS, NOAA, U.S. Department of Commerce, 3300 Whitehaven Street, NW., Washington, D.C. 20235; and the following field locations of the National Marine Fisheries Services:

Northeast Fisheries Center, Woods Hole, Massachusetts 02543
Southeast Fisheries Center, 75 Virginia Beach Drive, Miama, Florida 33149
Southwest Fisheries Center, P.O. Box 271, LaJolla, California 92038
Northwest and Alaska Fisheries Center, 2725 Montlake Boulevard, East, Seattle, Washington 98112
Northeast Regional Office, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930
Southeast Regional Office, 9450 Gandy Boulevard, St. Petersburg, Florida 33702
Southwest Regional Office, 300 South Ferry Street, Terminal Island, California 90731
Northwest Regional Office, 1700 Westlake Avenue, North, Seattle, Washington 98105
Alaska Regional Office, P.O. Box 1668, Juneau, Alaska 99802

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Marine recreational and commercial fishermen, owners/operators of registered/documented boats and vessels.

CATEGORIES OF RECORDS IN THE SYSTEM:

a. Marine recreational fishermen catches by species, length, weight, area of capture, disposition of catch, and expenses and other trip records.

b. Fishery Management Plan data consist of such data as: Individual's name, address, telephone number, sex, age group, and income group, obtained in fishing censuses. Other data contain boat and vessel registration information, including owner and operator, vessel characteristics, gear types, and area fished.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. Fish and Wildlife Act as amended (16 U.S.C. 742 et seq.). b. Fishery Conservation and Management Act of 1976 as amended (16 U.S.C. 1852).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. See routine use paragraphs 1–5, 9, and 12 of the Prefatory Statement.

b. Data in the system are required for the development and monitoring of fishery management plans.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper copy, punch cards, mag-tape, and disc files.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Personnel indoctrination and screening; secured offices; and entrance into the computer system to obtain individual records would require detailed knowledge of in-house ADP procedures by a skilled computer programer.

RETENTION AND DISPOSAL:

Records are permanently maintained.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, National Marine Fisheries Service, 3300 Whitehaven Street, Washington, D.C. 20235.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Administrator for Management and Budget, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals.

COMMERCE/NOAA-7

SYSTEM NAME:

Guest Workers at National Geophysical and Solar-Terrestrial Data Center—COMMERCE/NOAA–7.

SYSTEM LOCATION:

National Geophysical and Solar-Terrestrial Data Center, EDS/NOAA, RB3, Room A123, Boulder, Colorado 80302.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

People that are visiting NGSDC as Guest Workers to use the data files.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; address; length of visit; type of work they are doing; and education.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 44 U.S.C. 3301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1–5, 9, and 12 of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are located in metal file cabinets which are locked after hours. Access is limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained for 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, NGSDC, see above address.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Administrator for Management and Budget, NOAA, 6010 Executive Blvd., Rockville, Maryland 20852. Requester should provide name pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual and those authorized by the individual to furnish information.

COMMERCE/NOAA-8

SYSTEM NAME:

Individuals Engaged in Weather Modification Activities—COMMERCE/NOAA–8.

SYSTEM LOCATION:

Assistant Administrator for Research and Development, NOAA, U.S. Department of Commerce, 6010 Executive Blvd., Rockville, Md. 20852.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and associations involved in weather modification operations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name and address; type of weather modification activity; location and duration of project; and equipment used.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

P.L. 92–205; 15 CFR Part 908.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs in the Prefatory Statement. Also information is made available to anyone who so requests.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed sequentially by chronology.

SAFEGUARDS:

Records are located in cabinets with full public access upon request.

RETENTION AND DISPOSAL:

Records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Director, Office of Weather Modification, see above address.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Administrator for Management and Budget, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide—name, address, date(s) of project etc., pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual or association involved and those authorized by the foregoing to furnish information.

COMMERCE/NOAA-9

SYSTEM NAME:

Scientist-Researchers in GATE (Global Atmospheric Research Program Atlantic Tropical Experiment)—COMMERCE/NOAA–9.

SYSTEM LOCATION:

Assistant Administrator for Research and Development, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Research meteorologists and ocean scientists participating in the Global Atmospheric Research Program Atlantic Tropical Experiment (GATE).

CATEGORIES OF RECORDS IN THE SYSTEM:

Names of individual scientists; their research institutions and research programs; and their addresses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Ministerial requirement necessitated by NOAA's appointment, as lead agency for the U.S. participation in "GATE"; Presidential memorandum dated July 5, 1968 to DOC; 5 U.S.C. 301; and 44 U.S.C 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1–5, 9, 12, and 13 of the Prefatory Statement. Data is also used to summarize and evaluate the U.S. GATE Research Program for the World Meteorological Organization in cooperation into the International summary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Indexed by name of principal scientist.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secure premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, GATE Project Office, see above address.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Administrator for Management and Budget, NOAA, 6010 Executive Blvd., Rockville, Maryland 20852. Requester should provide—name and address, etc., pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual and those authorized by the individual to furnish information.

COMMERCE/NOAA-10

SYSTEM NAME:

NOAA Diving Program File—COMMERCE/NOAA–10.

SYSTEM LOCATION:

a. NOAA Diving Office, 11400 Rockville Pike, Rockville, Maryland 20852.

b. For Atlantic Marine Center personnel, duplicate records are maintained at the Atlantic Marine Center, 439 West York Street, Norfolk, Virginia 23510.

c. For Pacific Marine Center personnel, duplicate records are maintained at the Pacific Marine Center,

1801 Fairview Avenue, East, Seattle, Washington 98102.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for the diving program and NOAA employees who are NOAA certified Divers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Diving physical examinations, verification of completed scuba instruction, NOAA scuba diving written examination, diver resume, diver evaluations, letters of certification and/or appointment, monthly diving logs, individual correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; 16 U.S.C. 1432; 33 U.S.C. 1441, 1442.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs numbered 1 through 6, 8 through 10, and 12 of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual and machine readable.

RETRIEVABILITY:

Alphabetically by surname.

SAFEGUARDS:

Records are located in locked metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Five years after termination of diver.

SYSTEM MANAGER(S) AND ADDRESS:

For records at location a.: NOAA Diving Coordinator, 6001 Executive Boulevard, Rockville, Maryland 20852.

For records at location b.: CAM Diving Officer, Atlantic Marine Center, 439 W. York Street, Norfolk, Virginia 23510.

For records at location c.: Budget and Finance Officer, Pacific Marine Center, 1801 Fairview Avenue, East, Seattle, Washington 98102.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Administrator for Management and Budget, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard Rockville, Maryland 20852. Requestor should provide name and address pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual, the Unit Diving Officer, training officers and NOAA Diving Medical Review Board.

COMMERCE/NOAA-11

SYSTEM NAME:

NOAA Mailing Lists—COMMERCE/NOAA-11

SYSTEM LOCATION:

Mailing lists are maintained at numerous NOAA installations throughout the United States. Addresses of major installations where there are mailing lists are:

Office of Publications, Main Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

Headquarters:

Assistant Administrator for Management and Budget, 6010 Executive Boulevard, Rockville, Maryland 20852.

Director, Office of Finance, North Bethesda Office Center, 11420 Rockville Pike, Rockville, Maryland 20852.

Assistant Administrator for Fisheries:

Assistant Administrator for Fisheries, Office of Fisheries, 3300 Whitehaven Street, NW., Washington, D.C. 20235.

Director, Northwest Region, National Marine Fisheries Service, NOAA, 1700 Westlake Avenue North, Seattle, Washington, 98109.

Director, Southeast Region, National Marine Fisheries Service, NOAA, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Director, Northeast Region, National Marine Fisheries Service, NOAA, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Director, Southwest Region, National Marine Fisheries Service, NOAA, 300 South Ferry Street, Terminal Island, California 90731.

Director, Alaska Region, National Marine Fisheries Service, NOAA, P.O. Box 1668, Juneau, Alaska 99802.

Chief, Resource Statistics Division, National Marine Fisheries Service, NOAA, 3300 Whitehaven Street, NW., Washington, D.C. 20235.

Chief, Scientific Publications Office, National Marine Fisheries Service, NOAA, 1107 Northeast 45th Street, Seattle, Washington 98105.

Director, Northeast Fisheries Center, NOAA, Woods Hole, Massachusetts 02543.

Director, Southwest Fisheries Center, NOAA, P.O. Box 271, LaJolla, California 92038.

Director, Charleston Laboratory, NOAA, P.O. Box 12607, Charleston, S.C. 29412.

Director, Southeast Fisheries Center, NOAA, 75 Virginia Beach Drive, Miami, Florida 33149.

Director, Beaufort Laboratory, NOAA, P.O. Box 570, Beaufort, North Carolina 28516.

National Ocean Survey:

Director, National Ocean Survey, 6001 Executive Boulevard, Rockville, Maryland 20852.

Chief, Distribution Division, NOAA, Riverdale Building, 6501 Lafayette Avenue, Riverdale, Maryland 20840.

Environmental Data and Information Service:

Director, Environmental Data and Information Service, 3300 Whitehaven Street, NW., Washington, D.C. 20235.

Director, National Climatic Center, Environmental Data and Information Service, Federal Building, Ashville, North Carolina 28801.

Director, National Geophysical and Solar Terrestrial Center, Research Building 3, NOAA, 3100 Marine Street, Boulder, Colorado 80302.

National Earth Satellite Service:

National Earth Satellite Service, National Oceanic and Atmospheric Administration, Federal Building 4, Suitland, Maryland 20233.

A roster of each mailing list covered by the Privacy Act and its specific location is maintained by the system manager, address below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of NOAA publications and/or other publicly available programmatic information.

CATEGORIES OF RECORDS IN THE SYSTEM:

All of the lists contain names and addresses. Some of the lists contain telephone numbers, subscription information, addressee's product and its country of origin.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 15 U.S.C. 1512.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs numbered 4, 5, and 9–13 in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual and machine readable.

RETRIEVABILITY:

Alphabetically by name.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained indefinitely; however, individuals are advised of the existence of the mailing list annually and at their request, names will be deleted or addresses corrected.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Administrator for Management and Budget, 6010 Executive Boulevard, Rockville, Maryland 20852.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Administrator for Management and Budget, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name and address pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual.

COMMERCE/NOAA-12

SYSTEM NAME:

Marine Mammals, Endangered and Threatened Species, Permits and Exemptions Applicants—COMMERCE/NOAA–12

SYSTEM LOCATION:

Office of Marine Mammal and Endangered Species, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235.

Duplicate portions of the system may be located in the Regional Offices of the National Marine Fisheries Service at:

Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

300 South Ferry Street, Terminal Island, California 90731.

Lake Union Building, 1700 Westlake Avenue North, Seattle, Washington 98109.

P.O. Box 1668, Juneau, Alaska 99801.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for permits to take, import, transport or sell in interstate or foreign commerce endangered species or marine mammals either for scientific research or public display purposes; for enhancement of propagation or enhancement of survival. Applicants for exemptions from the provisions of the Marine Mammal Protection Act of 1972, on the basis of undue economic hardship. Applicants for permits to engage in activities involving threatened species.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address; professional or business affiliation; educational and professional background; other qualifications of the individuals; the activities conducted by an individual as authorized by exemption or by permit; and economic and financial information indicating the degree of anticipated economic hardship.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Endangered Species Act of 1973; 16 U.S.C. 1531–1543 10(a), 10(b), 11(f); Marine Mammal Protection Act of 1972; 16 U.S.C. 1361–1407, and regulations (50 CFR 216.31) promulgated thereunder.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1–5 and 9–13 of Prefatory Statement. Information from the applications is published in the Federal Register and made available to the public to comply with the statutes under which the application is made.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Both manual and machine-readable, and computer output records in file folders.

RETRIEVABILITY:

Filed by file number and cross-referenced alphabetically by applicant names and permit or exemption number.

SAFEGUARDS:

Records are located in cabinets with full public access upon request.

RETENTION AND DISPOSAL:

Records are maintained indefinitely.

SYSTEM MANGAER(S) AND ADDRESS:

Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235

NOTIFICATION PROCEDURE:

Information may be obtained from the Assistant Administrator for for Management and Budget, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name and address pursuant to to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification procedure section above.

CONTESTING RECORD PROCEDURES:

The rules for access, for contesting contents and appealing initial determination by the individuals concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual applicants; public comments on an application; reviews by NMFS Offices and, in the case of marine mammals, the Marine Mammal Commission; reports from Federal agents and observers on activities conducted under permit authority; and those authorized by the individual to provide the information.

COMMERCE/NOAA-13

SYSTEM NAME:

Personnel, Payroll, Travel, and Attendance Records of the Regional

Fishery Management Councils—COMMERCE NOAA–13.

SYSTEM LOCATION:

New England Fishery Management Council, Office of the Executive Director, Suntaug Office Park, Five Broadway—Route One, Saugus, Massachusetts 01906.
Mid-Atlantic Fishery Management Council, Office of the Executive Director, Federal Building, Room 2115, North and New Streets, Dover, Delaware 19901.
South Atlantic Fishery Management Council, Office of the Executive Director, Southpark Building, Suite 306, 1 Southpark Circle, Charleston, South Carolina 29407.
Caribbean Fishery Management Council, Office of the Executive Director, Suite 806, Banco de Ponce Building, (Postal Address), P.O. Box 1001, Hato Rey, Puerto Rico.
Gulf of Mexico Fishery Management Council, Office fo the Executive Director, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609.
Pacific Fishery Management Council, Office of the Executive Director, 528 S.W. Mill Street, Portland, Oregon 97201.
North Pacific Fishery Management Council, Office of the Executive Director, Suite 32, 333 West Fourth Avenue, (Postal Address), P.O. Box 3136DT, Anchorage, Alaska 99501.
Western Pacific Fishery Management Council, Office of the Executive Director, Room 1506, 1164 Bishop Street, Honolulu, Hawaii 96813.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of each Regional Fishery Management Council, members of each Council's Scientific and Statistical Committee, members of each Council's Advisory Panel; each Council's staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

a. Personnel information including but not limited to name, birthdate, social security number, employment history, education and training, personnel actions and performance appraisals, records relating to life insurance, health benefits, and designation of beneficiary, medical records.

b. Payroll information including but not limited to marital status, mailing address, number of dependents, allotments and deductions for income tax withholding, savings bonds, charity contributions, and insurance premiums.

c. Travel orders and vouchers including data such as destination, itinerary, mode and purpose of travel, expense incurred.

d. Time and attendance data including number of regular, overtime holiday, Sunday, and other hours worked; number of hours on leave (sick, annual, holiday, etc.).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Fishery Conservation and Management Act of 1976 (P.L. 94–265; 16 U.S.C. 1852).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used as indicated below:

a. See routine use paragraphs in Prefatory Statement 1–5, 9, 12 and 13 in Prefatory Statement.

b. When an individual to whom a record pertains dies, information in the individual's record may be disclosed to the person appointed as representative of the estate, to the person designated by the representative, or to a designated bedeficiary. When a representative of the estate has not been appointed, the next of kin may be recognized as the representative of the estate.

c. Information may be disclosed to authorize payroll deductions for allotments, savings bonds, charitable contributions, union dues, health benefits and life insurance; collect indebtedness for overpayment of salary and unpaid internal revenue taxes; pay income tax obligations to the Internal Revenue Service and state and local tax authorities, as appropriate; authorize mailing or holding salary checks or savings bonds; authorize issuing of salary checks by the Treasury Department; obtain reimbursement of travel expenses for official business; report gross wages and separation information for unemployment compensation; pay any uncollected compensation due a deceased employee;and provide for a summary of employees payroll data and retirement contributions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and magnetic storage media.

RETRIEVABILITY:

Alphabetically by name, or by social security number.

SAFEGUARDS:

Physical, technical, and administrative sedcurity is maintained, with all storage equipment and/or rooms locked when not in use. Admittance is restricted to authorized personnel only. All payroll personnel, computer operators and programmers are instructed and cautioned on the confidentiality of the records.

RETENTION AND DISPOSAL:

Retained on site until after GAO audit, then either disposed of or transferred to Federal Records Storage Centers in accordance with the fiscal records program approval by GAO, as appropriate, or General Record Schedules of GSA.

SYSTEM MANAGER(S) AND ADDRESS:

The Executive Director of each Council; address as shown under system location above.

NOTIFICATION PROCEDURE:

Information may be obtained from: The Executive Director of the appropriate Regional Fishery Management Council or the Assistant Administrator for Management and Budget, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name and other identifying information pursuant to the inquiry provisions ofthe Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals, those authorized by the individual to furnish information; employee's supervior; timekeepers.

COMMERCE/NTIA–1

SYSTEM NAME:

Radio Spectrum Management Career Development Program—COMMERCE/NTIA–1.

SYSTEM LOCATION:

National Telecommunications and Information Administration, 1325 G Street, N.W., Washington, D.C. 20005 (paper); and 179 Admiral Cochrane Drive, Annapolis, Maryland 21401 (magnetic disc).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for spectrum management career training; persons trained or training in the program; persons

RECORD ACCESS PROCEDURES:

limited to those whose specific duties

character and fitness reports,

employed in the Federal spectrum management field, or seeking employment therein, who register with the program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee Career Appraisals; Career Program Qualification Records and Supplements thereto; Career Plans; Personal Qualification Statements; Federal Employment Application. These records contain information about an individual and his skills and qualifications for training which typically includes, but is not limited to, name, address, date of birth, Social Security Account Number, education, military experience, present position, employment history, performance evaluations, and career goals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

47 U.S.C. 305, Executive Order 12046 and Reorganization Plan No. 1 of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is disclosed to participating Federal agencies upon their request in connection with the selection of candidates for training, the evaluation of trainees, and in the administration of the training program. Information is disclosed to other Federal agencies upon their request in connection with the availability of trained spectrum managers for employment. Routine uses #1–5 and #8–13 of the Prefatory Statement also apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Stored alphabetically by name.

SAFEGUARDS:

Records are located in lockable metal file cabinets with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Unless updated, documents are disposed of after two years.

SYSTEM MANAGER(S) AND ADDRESS:

Coordinator, Radio Spectrum Management Career Development Program, National Telecommunications and Information Administration, U.S. Department of Commerce, Washington, D.C. 20504.

NOTIFICATION PROCEDURE:

Information may be obtained from: Privacy Officer, National Telecommunications and Information Administration, U.S. Department of Commerce, Washington, D.C. 20504. Requestor should provide his or her full name.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use address in Notification section, above.

RECORD SOURCE CATEGORIES:

Applicants for spectrum management career training; trainees in the program; instructors and other officials conducting the program; Federal government employees in the spectrum management field, and persons desiring such employment, who register with the program, their supervisors, and other officials of the agencies that employ them.

COMMERCE/NTIS–1

SYSTEM NAME:

Individuals Interested in NTIS Publications, Shipped Order Addresses, Customer Account Records, and Subscriber Files—COMMERCE/NTIS–1.

SYSTEM LOCATION:

(Automated Data Processing Division & Document Distribution and Reproduction Division,) OFFICE OF COMPUTER AND COMMUNICATIONS SERVICE AND DOCUMENT SERVICES DIVISION, NTIS, 5285 Port Royal Road, Springfield, Va. 22161.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who order and/or purchase products and services from NTIS and all individuals who have requested (that they be placed on the NTIS promotional mailing list) NTIS PROMOTIONAL LITERATURE.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; address; items ordered; items sent; amount of purchases, date order received; date order mailed; NTIS deposit account or customer code number; total charge to date; whether acount collectible or not; categories of publications ordered by each purchaser; when subscription expired; amount on deposit.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 1151–57; 41 U.S.C. 104, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records maintained in the system are disclosed to NTIS sales agents; and to individuals, organizations, Federal agencies, and State and local governments contributing publications to NTIS for their market research and sales accounting purposes, through the mechanism of providing them the names and addresses of individuals (and others) who have purchased their publications. Also see general routine uses (#1 through 6, #8 through 10, and #12 of Prefatory Statement noticed in the **Federal Register** on October 2, 1975 (40 FR 45635), and amended on November 7, 1975 (40 FR 52074) and August 17, 1976 (41 FR 34805), #4, #5, #9 and #13 OF PREFATORY STATEMENT.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, film files, magnetic tape and disc files.

RETRIEVABILITY:

Filed by individual identifier such as deposit account number or credit card account number.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal tape vaults in secured rooms or premises with access limited to those whose official duties require access. THE DATA CAN ALSO BE OBTAINED AT IN-HOUSE COMPUTER TERMINALS USED BY THOSE WHOSE OFFICIAL NTIS DUTIES REQUIRE ACCESS.

RETENTION AND DISPOSAL:

Records are updated regularly and maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, (Automated Data Processing Division) OFFICE OF COMPUTER AND COMMUNICATIONS SERVICES, NTIS, (5285 Port Royal Road,) Springfield, Va. 22161.

NOTIFICATION PROCEDURE:

Information may be obtained from: Associate Director for Financial and Administrative Management, NTIS, ((Sills Building,)) Springfield, Va. 22161. Requester should provide name and address in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals and NTIS transaction files.

COMMERCE/NTIS-2

SYSTEM NAME:

Employee Daily Time and Production Reports—COMMERCE/NTIS–2.

SYSTEM LOCATION:

Reports and Analysis Division, National Technical Information Service, Springfield, Va. 22161, and individual NTIS supervisors and managers with respect to employees supervised and programs managed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former NTIS employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; social security number; organization unit; duty hours and work units processed by day and accounting project; time in duty status; time on leave; work volumes completed by individuals and by work unit.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 1151–57, 1525–27, 31 U.S.C. 66a; 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system are not disclosed as a routine use to individuals or parties outside the U.S. Department of Commerce.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and magnetic tape and disc files.

RETRIEVABILITY:

By name and/or employee social security number.

SAFEGUARDS:

Records are located in lockable metal file cabinets, desks or secured in the Office of Computer and Communications Services with access limited to those whose specific duties require access.

RETENTION AND DISPOSAL:

Records held by individual managers and supervisors are destroyed after not more than one year; records at other system locations are retained until after GAO audit, or not longer than three years, and then transferred to GSA for disposal.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Reports and Analysis Division, National Technical Information Service, Springfield, Va. 22161.

NOTIFICATION PROCEDURES:

Information may be obtained from Associate Director for Financial and Administrative Management, National Technical Information Service, Springfield, Virginia 22161. Requester should provide name, social security number and time of employment pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURE:

Requests from individuals should be addressed to same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals; NTIS timekeeper, supervisors and managers.

COMMERCE/PAT-TM-1

SYSTEM NAME:

Attorneys and Agents Registered to Practice Before the Office—COMMERCE/PAT-TM-1.

SYSTEM LOCATION:

Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202, and Office of ADP Administration, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Attorneys and agents who are, or have been, registered to practice before the Patent and Trademark Office in patent cases, and applicants for such registration to practice.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical information, personal and professional qualifications, character and fitness reports, undertakings of former examiners, current address, and status information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 U.S.C. 1, 6, and 31.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine uses #1–5 and #8–13. Also, a public roster of the registered individuals is published periodically, and limited information is disseminated by Committee on Enrollment staff in response to inquiries from members of the public (e.g., potential clients), state bars, and courts.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and magnetic storage media.

RETRIEVABILITY:

Filed alphabetically by name or registration number.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Where information is retrievable by terminal, all safeguards appropriate to secure the ADP telecommunications system (hardware and software) are utilized.

RETENTION AND DISPOSAL:

Records retention and disposal is in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Chairman, Committee on Enrollment, U.S. Patent and Trademark Office, Washington, D.C. 20231.

NOTIFICATION PROCEDURE:

Information may be obtained from Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name, address, and date of application, if known, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b.

RECORD SOURCE CATEGORIES:

Subject individual, references, and those authorized by the individual to furnish information.

COMMERCE/PAT-TM-2

SYSTEM NAME:

Complaints, Investigations and Disciplinary Proceedings Relating to Registered Patent Attorneys and Agents—COMMERCE/PAT-TM-2.

SYSTEM LOCATION:

Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Attorneys and agents registered to practice before the Patent and Trademark Office in patent cases, and disbarred or suspended attorneys and agents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complaints and information obtained during investigations and quasi-judicial disciplinary proceedings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 U.S.C. 1, 6, and 32.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses #1–5, #8–10 and #13. Also, dissemination of information concerning the complaint, investigation, or disciplinary proceeding, by the Solicitor's staff, to the complainant, to persons who can reasonably be expected to provide information needed in connection with the complaint, investigation, or disciplinary proceeding, and, upon inquiry, to state bars and courts.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Records retention and disposal is in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Solicitor, U.S. Patent and Trademark Office, Washington, D.C. 20231.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and identification data pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals, clients of same, registered attorneys and agents, witnesses in disciplinary proceedings, court opinions, and those authorized by the individual to furnish information.

COMMERCE/PAT-TM-3

SYSTEM NAME:

Employee Production Records—COMMERCE/PAT-TM-3

SYSTEM LOCATION:

Office of Management and Organization, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202; and Office of ADP Administration, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Patent and Trademark Office.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee name and number, position and grade level, time in duty status, time on leave, duty hours distributed by task, receipt date of oldest item in processing queue, beginning and ending balances of work in process, work volumes compiled by organization and in some organizations by individuals, and comparative data on current production compared with earlier periods.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 35 U.S.C. 6.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefactory Statement of General Routine Uses #1–5 and #9–13.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folder, microfilm and magnetic storage media.

RETRIEVABILITY:

Filed by organizations; cross referenced for access by name.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Where information is retrievable by terminal, all safeguards appropriate to secure the ADP telecommunications system (hardware and software) are utilized.

RETENTION AND DISPOSAL:

Records retention and disposal is in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Management and Organization, U.S. Patent and Trademark Office, Washington, D.C. 20231.

NOTIFICATION PROCEDURE:

Information may be obtained from Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide employee name and number, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURE:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual, those authorized by the individual to furnish information, and the individual's supervisors.

COMMERCE/PAT-TM-4

SYSTEM NAME:

Government Employee Invention Rights—COMMERCE/PAT-TM-4.

SYSTEM LOCATION:

Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Government employees who are inventors or nongovernment employees who are joint inventors together with a government employee inventor.

CATEGORIES OF RECORDS IN THE SYSTEM:

Invention rights questionnaires including information as to the inventor's employment status and his official duties and responsibilities at the time the invention was made, title determinations, appeals to the Commissioner, and petitions for reconsideration.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 U.S.C. 1 and 6, and E.O. 10096, dated January 23, 1950.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See prefatory Statement of General Routine Uses #1–5 and #8–13. Also, information is transferred to various Government departments and agencies in connection with determinations made as to respective property rights (or the methods of protection thereof) of Government employees and such departments and agencies in and to inventions made by such employees.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name and case number.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Records retention and disposal is in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Office of Government Employee Inventions, Office of the Solicitor, U.S. Patent and Trademark Office, Washington, D.C. 20231.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name (and case number, if known) pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual and their employees, and those authorized by the individual to furnish information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(1), Government Employee Invention Rights records which relate to applications or inventions subject to a secrecy order pursuant to 35 U.S.C. 181 or are otherwise subject to security classification pursuant to E.O. 12065 or the Atomic Energy Act of 1954, are exempted from the notification, access, and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is made to prevent disclosure of information which might be detrimental to national security and in accordance to agency rules, which are published in the Rules Section of this **Federal Register.**

COMMERCE/PAT-TM-5

SYSTEM NAME:

Non-Registered Persons Rendering Assistance to Patent Applicants—COMMERCE/PAT-TM-5.

SYSTEM LOCATION:

Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons other than registered attorneys or agents who have offered or rendered, for payment, various services to inventors, patent applicants and patentees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Declarations of assistance received and other reports or complaints, including names and addresses, of persons rendering services, and information given and used for investigatory and law enforcement purposes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 U.S.C. 1, 6, and 33; 5 U.S.C. 301; 28 U.S.C. 533–535; 44 U.S.C. 3101; and E.O. 10450.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Providing notice to patent applicants, by Solicitor's staff, regarding whether or not the persons from whom assistance was received are registered to practice before the Office. Used by Solicitor's Staff for investigative purposes. Also, see Prefatory Statement of General Routine Uses #1–5, #8–10 and #13.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Records retention and disposal is in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Solicitor, U.S. Patent and Trademark Office, Washington, D.C. 20231.

NOTIFICATION PROCEDURE:

Information may be obtained from Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requesters should provide name and address, and name of patent applicants, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Patent applicants who have received and paid for services by the individuals on whom the records are maintained.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(2), all investigatory materials in the record which meet the criteria in 5 U.S.C. 552a(k)(2) are exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e), (1), (e)(4)(G), (H), and (I), and (f)), of the agency regulations because of the necessity to exempt this information and material in order to accomplish the law enforcement function of the agency, to prevent subjects of investigations from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of sources, to maintain access to sources of information, and to avoid endangering these sources and law enforcement personnel.

COMMERCE/PAT-TM-6

SYSTEM NAME:

Parties Involved in Patent Interference Proceedings—COMMERCE/PAT-TM-6.

SYSTEM LOCATION:

Board of Patent Interferences, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for patent and patentees who become involved in a conflict involving the question of priority of invention.

CATEGORIES OF RECORDS IN THE SYSTEM:

All records relating to the delcaration, conduct, and termination of interference proceedings, including, but not limited to: preliminary statements, motions, testimony and settlement agreements. The data contained in the records may include information relating to the applicant's or patentee's name, age, citizenship, residence, educational and work background, physical and mental health, activities relating to conception and reduction to practice of the contested subject matter, and other matters which may arise during the conduct of the interference proceeding or in connection with any agreements made by the parties relative to the interference proceeding.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 U.S.C. 1, 6, 23, 24, and 135.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records relating to interferences which involve a patent are open to public inspection after an award of priority by the Board of Patent Interferences as to all parties, or, if none, after termination of the interference. Records relating to interferences which do not involve a patent are open to public inspection after the interference has terminated and one of the applications involved has issued a patent. Otherwise, information concerning these records is provided outside the Office only upon authorization of the applicants or owners of the applications or patents involved, or when necessary to carry out the provisions of any act of Congress or in such special circumstances as may be determined by the Commissioner. Copies of settlement agreements filed under 35 USC 135(c) are kept separate from other interference records if the party filing them so requests, and are made available, as provided in the statute, only to Government agencies on written request or to any person on a showing of good cause. Also see routine use paragraphs of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed by Interference Number, cross-indexed to the names of the parties.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records retention and disposal is in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Chairman, Board of patent Interferences, U.S. Patent and Trademark Office, Washington, D.C. 20231.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requesters should provide name and address, and Interference Number, if known, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Applicants for patent and patentees, the patent attorneys or agents authorized by such persons to represent them, those authorized by the applicant to furnish information, and witnessess and other parties involved in the taking of testimony.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(1), Patent Interference Proceedings records which relate to applications subject to a secrecy order pursuant to 35 U.S.C. 181 or are otherwise subject to security classification pursuant to E.O. 12065 or the Atomic Energy Act of 1954, are exempted from the notification, access, and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is made to prevent disclosure of information which might be detrimental to national security and in accordance to agency rules, which appear in 15 CFR Part 4b.

COMMERCE-PAT-TM-7

SYSTEM NAME:

Patent Application Files—COMMERCE/PAT-TM-7 (Note: This notice is broken down, where indicated, into three subsystems relating to the status of the files: a. Pending; b. Abandoned; and c. Patented.)

SYSTEM LOCATION:

a. U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; National Underground Storage, Boyers, Pa. 16020; Office of ADP Administration, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va.

22202; and Customer Services Division, U.S. Department of Commerce, Washington, D.C. 20230; b. Abandoned Files Unit, Office Services Division, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; and Office of ADP Administration, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; c. Record Branch, Patent Search Division, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; and Office of ADP Administration, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; and Office of Automatic Data Processing Management, Computer Center, U.S. Department of Commerce, Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for patent, including inventors, legal representatives for deceased or incapacitated inventors, and other persons authorized by law to make applications for patent.

CATEGORIES OF RECORDS IN THE SYSTEM:

Oath or declaration of applicant including name, citizenship, residence, post office address and other information pertaining to the applicant's activities in connection with the invention for which a patent is sought. Statements containing various kind of information with respect to inventors who are deceased or incapacitated, or who are unavailable or unwilling to make application for patent.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 U.S.C. 1, 6, and 115; 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Information concerning these records is provided outside the Office only upon authorization of the applicant or owner of the application or when necessary to carry out the provisions of any act of Congress or in such special circumstances as may be determined by the Commissioner, e.g. files referred for secrecy order determination under 35 U.S.C. 181. b. Same as a., except where application is referred to in a U.S. Patent, in which case the record is open to public inspection. c. Records are open to public inspection.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

All three subsystems are also subject to the routine use paragraphs No. 1–5 and No. 8–13 of the Prefatory Statement.

STORAGE:

Paper records in file folders, microfilm and magnetic storage media.

RETRIEVABILITY:

Subsystems a. and b. filed by serial number, cross-indexed to name of applicant. Subsystem c. filed by patent number, cross-indexed to name of applicant.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Where information is retrievable by terminal, all safeguards appropriate to secure the ADP telecommunications system (hardware and software) are utilized.

RETENTION AND DISPOSAL:

Records retention and disposal is in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

a. Assistant Commissioner for Patents, U.S. Patent and Trademark Office, Washington, D.C. 20231; b. Director, Office of General Services, U.S. Patent and Trademark Office, Washington, D.C. 20231; c. Director, Office of Patent and Trademark Services, U.S. Patent and Trademark Office, Washington, D.C. 20231.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name of applicant or patentee and Serial Number or Patent Number, if known, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to; same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appears in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

The inventors or other persons who submit applications for patent and the patent attorneys or agents authorized by such inventor or other persons to represent them.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(1), Patent Applications, to the extent that they are subject to a secrecy order pursuant to 35 U.S.C. section 181 or are otherwise subject to security classification pursuant to E.O. 12065 or the Atomic Energy Act of 1954 are exempted from the notification, access and content requirements of the agency procedures (under 5 U.S.C. 552((c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is made to prevent disclosure of information which might be detrimental to national security and in accordance to agency rules which appear in 15 CFR Part 4b.

COMMERCE/PAT-TM-6

SYSTEM NAME:

Patent Application Secrecy Order Files—COMMERCE/PAT-TM-6.

SYSTEM LOCATION:

Patent Examining Operation, Group 220, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants including inventors, legal representatives for deceased or incapacitated inventors, and other persons authorized by law to make applications for patent.

CATEGORIES OF RECORDS IN THE SYSTEM:

Identification of patent application and applicant including application serial number, filing date, title of invention, applicant's or inventor's address and addresses of applicant's duly appointed representatives.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 U.S.C. 1, 6, and 181 through 183.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Referral to authorized Government agencies under 35 U.S.C. 181 for determination of the requirement for a secrecy order, and notification of the applicant or his duly appointed representative of such secrecy order. Also, see Prefatory Statement of General Routine Uses #1–5, #8–10, and #13.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed by application serial number, cross-indexed to name of applicant.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained, and stored in a locked vault.

RETENTION AND DISPOSAL:

Records retention and disposal is in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Patent Examining Group 220, U.S. Patent and Trademark Office, Washington, D.C. 20231.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and social security or Patent Number, if known, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject applicants or their representatives and authorized representatives of the Department of Energy, the Secretary of Defense, and the Chief Officer of any other department or agency of the Government designated by the President as a defense agency of the United States.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(1), these records, since they relate to determinations pertinent to secrecy orders pursuant to 35 U.S.C. 181 or to security classification pursuant to E.O. 12065 or the Atomic Energy Act of 1954 are exempted from the notification, access, and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is made to prevent disclosure of information which might be detrimental to national security and in accordance to agency rules which appear in 15 CFR Part 4b.

COMMERCE/PAT-TM-9

SYSTEM NAME:

Patent Assignment Records—COMMERCE/PAT-TM-9.

SYSTEM LOCATION:

Office of Patent and Trademark Services, Assignment Division, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202; Patent Examining Operation Group 220, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; and Office of ADP Administration, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have given or received property rights under an application for patent or a patent by means of a written instrument recorded in the Patent and Trademark Office. Deceased or incapacitated inventors and their legal representatives.

CATEGORIES OF RECORDS IN THE SYSTEM:

Assignments, grants, mortgages, liens, encumbrances, licenses, and other instruments affecting title. Letters testamentary and other court certificates and orders.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 U.S.C. 1, 6, and 261, and E.O. 9424.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses #1–5 and #8–13. Statement. Records open to the public are searched by users for the purpose of determining ownership for other property rights with respect to patents and trademarks. On the separate Government Register, records categorized as "Public" are available for public inspection; those records categorized as "Departmental" are used by duly authorized employees of Government agencies; and those records designated as "Secret" are disclosed only to persons having written authority from the head of the agency submitting the record. Assignment records relating to pending patent applications are maintained in confidence in accordance with 5 U.S.C. 122.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files, microfilm reels, index card files and magnetic storage media.

RETRIEVABILITY:

Filed by inventor's name, application serial number, assignee's name, assignor's name, and patent number.

SAFEGUARDS:

Building employs security guards. Records subject to confidence requirements are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Records in the Secret Portion of the Government Register are, additionally, stored in a locked vault. Where information is retrievable by terminal, all safeguards appropriate to secure the ADP telecommunications system (hardware and software) are utilized.

RETENTION AND DISPOSAL:

Records retention and disposal is in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Recording Officer, Assignment Division, U.S. Patent and Trademark Office, Washington, D.C. 20231.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requesters should provide assignee's or assignor's name(s) and application serial number, if known, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURE:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Persons who have submitted written instruments to the Patent and Trademark Office for recording.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(1), assignment records which are designated "Secret" and maintained in the Government Register pursuant to E.O. 9424 are exempted from the notification, access, and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is made to prevent disclosure of information which might be detrimental to national security and in accordance with agency rules which appear in 15 CFR Part 4b.

COMMERCE/PAT-TM-10

SYSTEM NAME:

Patent Deposit Accounts System—COMMERCE/PAT–TM–10.

SYSTEM LOCATION:

Receipts Control Division, Office of Finance, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; and Office of ADP Administration, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Registered patent attorneys and agents and other members of the public who maintain deposit accounts to pay the cost of services rendered by the Patent and Trademark Office.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, account number, and financial transactions with the Office.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 U.S.C. 1, 6, and 41.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses #1–5, #9–10 and #13.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Microfilm and magnetic storage media.

RETRIEVABILITY:

Filed by name, account number.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Where information is retrievable by terminal, all safeguards appropriate to secure the ADP telecommunications system (hardware and software) are utilized.

RETENTION AND DISPOSAL:

Records retention and disposal is in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Finance, U.S. Patent and Trademark Office, Washington, D.C. 20231.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requesters should provide name and account number in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURE:

Request from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals and those authorized by the individual to furnish information.

COMMERCE/PAT-TM-11

SYSTEM NAME:

Patent Examiner Testimony Files—COMMERCE/PAT–TM–11.

SYSTEM LOCATION:

Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and former employees who have testified in person or through deposition in court actions in regard to duties performed while employed by the Patent and Trademark Office, or who have been interviewed to determine whether such testimony will be taken.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, employment status, education, work experience, and other matters which might be raised in the course of a deposition or other testimony.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 U.S.C. 1 and 6; 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses #1–5 and #9–13.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper copy.

RETRIEVABILITY:

Filed alphabetically by name.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Records retention and disposal is in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Solicitor, U.S. Patent and Trademark Office, Washington, D.C. 20231.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and date(s) of testimony or interview, if known, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURE:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual, the individual's co-workers, and those authorized by the individual to furnish information.

COMMERCE/PAT-TM-12

SYSTEM NAME:

Patent Subscription Service System—COMMERCE/PAT–TM–12

SYSTEM LOCATION:

U.S. Patent and Trademark Office, Office of Patent and Trademark Services, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals subscribing to copies of patents, trademarks, designs, defensive publications, and related publications issued in certain classes or subclasses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of subscriber, Deposit Account Number, address, classes or subclasses subscribed to, total number of subclasses subscribed to; and initial payment per year. Weekly listings of patent, trademark, design, defensive publication, and related publication numbers for each subscription order.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 U.S.C. 41; 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses #4–5, #9–10 and #13.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

On magnetic tape and computer printout.

RETRIEVABILITY:

Subscriber's name and account number.

SAFEGUARDS:

Maintained in areas accessible only to authorized personnel in building protected by security guards nonbusiness hours.

RETENTION AND DISPOSAL:

Records retention and disposal is in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Office of Patent and Trademark Services U.S. Patent and Trademark Office, Washington, D.C. 20231.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and Deposit Account Number in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals and those authorized by the individual to furnish information.

COMMERCE/PAT-TM-13

SYSTEM NAME:

Petitioners for License to File for Foreign Patents—COMMERCE/PAT-TM-13.

SYSTEM LOCATION:

Patent Examining Operation, Group 220, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; and Office of ADP Administration, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Petitioners for license to file a patent application in any foreign country.

CATEGORIES OF RECORDS IN THE SYSTEM:

Petitioner's name, address, and description of subject matter, or, where a corresponding U.S. application has been filed, identification of applicant, application serial number, filing date, title to invention, applicant's address and addresses of applicant's duly appointed representatives.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 U.S.C. 1, 6, and 184.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses #1–5, #8–10 and #13.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper copy and magnetic storage media.

RETRIEVABILITY:

By number assigned called P number and by serial number related to P number when additional matter is submitted in connection with a corresponding U.S. application, cross-indexed to petitioner's name.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Where information is retrievable by terminal, all safeguards appropriate to secure the ADP telecommunications system (hardware and software) are utilized.

RETENTION AND DISPOSAL:

Records retention and disposal is in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Patent Examining Group 220, U.S. Patent and Trademark Office, Washington, D.C. 20231.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and serial number or P number, if known, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals or their duly appointed representatives.

COMMERCE/PAT-TM-14

SYSTEM NAME:

Users of Public Search Room of the Patent and Trademark Office—COMMERCE/PAT-TM-14.

SYSTEM LOCATION:

Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal employees other than employees of the Patent and Trademark Office; employees and other representatives of commercial firms offering patent search services to the public; registered agents before the Patent and Trademark Office; and any

member of the general public who uses the search room.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; home address; business firm or other organizations with which affiliated, as appropriate; user pass number; registration number, if a registered agent before the Patent and Trademark Office; violations of regulations governing use of the search room; and the signature of recipients of user passes, indicating that the recipient has read the regulations governing the use of the search room.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to law enforcement authorities, employers of violators of regulations governing use of the search room, and organizations with which recipients of user passes claim affiliation. Information such as home address or business affiliation, on individuals who have removed, with proper authority, patent documents from the search room but have failed to return such documents, may be used in retrieving such documents. Also, see Prefatory Statement of General Routine Uses #1–5 and #9–13.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by name and sequentially by user pass number.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retained pursuant to Records Control Schedule, with periodic updating or posting of information, when appropriate and necessary.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Patent and Trademark Services, U.S. Patent and Trademark Office, Washington, D.C. 20231.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requesters should provide name and address and date of visit to the search room, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual; employers; and those authorized by individual.

COMMERCE/WBO–1

SYSTEM NAME:

Talent and Experience File of Women's Business Experts—COMMERCE/WBO–1.

SYSTEM LOCATION:

Office of Administrative Services, U.S. Department of Commerce, 14th & E Streets and Constitution Avenue, N.W., Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals: with whom the Task Force communicated; having knowledge of women's business operations, problems and discriminations; or having special skills which would be of assistance to the Task Force.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal background data normally including name, age, address, telephone numbers, Social Security number, business and work experience, educational background, professional association memberships, publications and information on areas of expertise.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 15 U.S.C. 1512; 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is disclosed to other Federal agencies upon their request to provide names and addresses of individuals who possess special skills or expertise related to the problems of women business owners. General routine uses 4, 5, 9, and 13 in the Prefatory Statement also apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by individual's name.

SAFEGUARDS:

Records are on premises with access limited to individuals whose official duties require access.

RETENTION AND DISPOSAL:

Retained on site for five (5) years and then disposed of in accordance with the Office of the Secretary Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Under Secretary for Regional Affairs, Office of the Secretary, U.S. Department of Commerce, Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

Information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressedto: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and for appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Requests from individuals should be addressed as stated in the notification section above.

RECORD SOURCE CATEGORIES:

Subject individual; those authorized by the individual to furnish information; public reference sources; government, private and public interest organizations./*

[FR Doc 81–37275 Filed 12–30–81; 8:45 am]

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Documents nor publication on Federal holiday work day follow on this program

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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